



Compromised Relations of Legislation: Directive Principles vs. Democracy in ASEAN Perspective

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Abstract. This study critically examines the constitutional antinomy that has emerged within Indonesia's governance framework concerning the role and normative authority of state directive principles. These principles, which once provided a cohesive, long-term national trajectory through instruments such as the GBHN (*Garis-Garis Besar Haluan Negara*), have been constitutionally rendered inert following amendments to the 1945 Constitution. The subsequent shift of developmental authority to the political branches, specifically the executive, has introduced a profound structural tension. The analysis identifies two key jurisprudential disruptions stemming from this institutional recalibration. First, it posits a fundamental re-assignment of interpretive authority over core constitutional values from a constitutionally mandated body to a politically responsive executive, thereby displacing the formal mechanism for ensuring national coherence. Second, by eliminating the possibility of a binding, supra-presidential mandate, this paradigm shift has attenuated the normative force of long-term strategic commitments. This has effectively introduced a form of political constitutionalism into a legalistic framework, raising critical questions regarding institutional legitimacy, democratic accountability, and the very nature of constitutional authority. Employing a normative legal research methodology, this study draws upon constitutional texts and scholarly literature. It develops a theoretical framework to elucidate how this institutional re-engineering has reshaped the legal-political relationship and transformed the processes of constitutional meaning-making. Ultimately, this study contributes to a deeper understanding of the paradox of national governance in a system where democratic dynamism may conflict with strategic coherence, thereby contributing to broader academic discourse on constitutional design in emerging democracies.

Keywords: Constitutional Directive, Constitutional Interpretation, Directive Principles of State Policy.

1 Introduction

For the binding of the policy to be coercive, according to Jimly Asshiddiqie, it must be stated in a certain form of law as a means of pouring the direction of the state and government in question [1]. The need for state direction that guides and directs the constitutional system for the implementation of the functions of the state's government power. Therefore, the will of the people in the direction of the state with a certain legal form will apply bindingly to the administration of a country, and serves as a guide and direction in national development, in order to realise the goals of the state and nation [1].

In fact, it has been stated by Jimly Asshiddiqie, that countries with Constitutions that contain various state direction provisions, including ideological links and government systems, have become a trend in today's world [2]. The formulation of state direction clauses that incorporate constitutional values is called "constitutional direction" [3]. The formulation of values and principles as the material content of the state's direction weighs on its fundamental nature and can also be instrumental and operational. As Jimly Asshiddiqie said, that: *"In addition to providing work guidelines and guidelines for the preparation of work programs for the President in carrying out his duties, the outlines of the direction (of) the country are needed because the guidelines or directions of state policy specified in the 1945 Constitution are very or even too concise and simple."* [4]

In addition to the direction of the state as formulated in the Constitution, it still needs to be stated in clearer legal form outside the Constitution. Given the effective binding power of a regulatory nature as a constitutional norm.

The constitutional state direction model is set as the context for the administration of a country, guided and directed by the State Direction to achieve the goals of the nation and the state itself. This model tends to view the development of the latest constitutional system as a form of constitutional design innovation and a hierarchy of laws and regulations, as well as its relationship to the legislative function and the applicable government system. It was stated by Lael K. Weis:

"Directive principles are placed in the context of other recent developments in social values constitutionalism: in particular, the increasing trend to constitutionally entrench social values that were previously regarded as lying beyond the purview of constitutional law and belonging to the domain of ordinary legislation." [5]

Basically, the direction of the State and its model is not only formulated and manifested in a state institution. The direction of the State itself is also in tandem with the preparation of philosophical ideas of the existence of a state, along with its model as the implementation of a country's government and sustainable national development strategies as the aims and objectives of the nation and state, as stated in the Preamble to the State Constitution.

The implementation of these directive principles and their models, especially regarding their non-justiciability, creates a pervasive structural dilemma across the ASEAN region. Many developing democracies in Southeast Asia confront this constitutional antinomy: how to pursue long-term developmental goals enshrined in their supreme law when the primary enforcement mechanisms are political rather than judicial. This inherent tension creates a compromised relationship between legislative supremacy and constitutional fidelity, in which the authority to interpret core social values is systematically diverted from the judiciary to the more politically responsive branches.

To comprehensively analyse this regional phenomenon, the shifting of interpretative authority and the attenuation of normative force, the constitutional dynamics of Indonesia serve as a critical and illuminating case study. Indonesia's trajectory from the supra-presidential mandate of the GBHN to the current executive-dominated planning system provides an empirical laboratory for testing the thesis of the compromised relationship in the ASEAN context.

This study, therefore, employs a normative legal research methodology to analyse the precise mechanisms through which the Indonesian state seeks to resolve its constitutional antinomy, specifically through the proposed PPHN model. The findings will contribute to broader debates on enforceability, legitimacy, and constitutional pluralism within the ASEAN region, offering a jurisprudential model for how developing democracies can reconcile democratic dynamism with the imperative for strategic long-term coherence.

2 Comparative Analysis: The Directive Principles Model in the ASEAN Region

2.1 Constitutional Models of Directive Principles in Selected ASEAN States

While the ASEAN bloc comprises ten member states, this study focuses its comparative analysis on the most representative models to substantiate our thesis, namely, the structural dilemma inherent in the enforcement of Directive Principles. The selected models are categorised by the formality of their constitutional mandate and the nature of their legal enforceability, clearly demonstrating that the issue of "compromised relations" is a pervasive regional phenomenon that extends beyond Indonesia's unique history.

The inquiry identifies three dominant models. The Philippines, for instance, exemplifies the Explicit-Aspirational Model. Its 1986 Constitution explicitly dedicates Article II (Section 2) to the Declaration of Principles and State Policies, mandating adherence to national goals like social justice and economic independence. The Constitution was specifically designed as a transformative text, aiming to achieve fundamental change and establish a robust system of social and economic rights. However, these provisions, largely influenced by the Indian constitutional tradition,

are generally held by the courts to be non-justiciable. This means that while the principles guide interpretation, the Supreme Court rarely uses them as the sole basis for compelling executive action or for overturning legislation, demonstrating that formal articulation does not equate to legal enforceability.

Despite the transformative design and the expansion of judicial review powers following the transition to democracy, the Supreme Court's jurisprudence on these socio-economic provisions has often been described as "perfunctory and somewhat inchoate" [6]. This judicial reluctance to develop meaningful standards for social rights confirms the Compromised Relations thesis: even when the constitutional text demands distributive justice, the judiciary often chooses to maintain a cogent boundary between constitutional law and politics. Consequently, the implementation of these deeply aspirational directives is structurally deflected back to the political and legislative arenas, validating the displacement of judicial authority and the resulting weakness of normative enforcement.

In contrast, Vietnam reflects the Explicit-Mandatory Model. Under its 2013 Constitution, state directives on socio-economic development are highly explicit and inherently strong, operating within a system in which the National Assembly (Parliament) wields unified power. This design is rooted in Ho Chi Minh's philosophy, emphasising unified state power and political control exercised by the people, not through Western judicial mechanisms [7]. Consequently, the developmental mandate is rendered highly binding across the state apparatus, and the typical Western dilemma of judicial non-justiciability is less pertinent, as accountability for implementation is primarily political and centralised.

This framework is further underpinned by a Cognitive Constitutionalism that consciously reflects the political reality of the Communist Party's leadership and centralised authority [8]. Enforcement of these directives relies heavily on the National Assembly's political enforcement mechanisms, which use tools such as questioning and interpellations to compel executive accountability in policy execution [9]. However, this model is not immune to institutional friction. Analysis indicates that, despite their mandatory nature, the effectiveness of these political oversight mechanisms remains constrained and requires strategic improvement, suggesting that the Attenuation of Normative Force is an endemic regional challenge that persists even within centralised, Explicit-Mandatory constitutional structures.

Meanwhile, Malaysia operates under the Implicit-Policy Model. The country lacks a specific constitutional chapter titled 'Directive Principles.' Instead, long-term national development goals are realized through Acts of Parliament, such as Five-Year Plans (e.g., Malaysia Plans), and core policies like the National Economic Policy (NEP). In this system, the constitutional goal of development is fully delegated to ordinary legislation. This choice places the entire interpretive and implementative authority squarely within the political branches (Executive and Legislature), representing a pure form of political constitutionalism regarding developmental mandates [10].

This choice is structurally reinforced by two key factors. Firstly, the Executive's dominant control over Parliament (often controlling two-thirds or more of the seats in

the *Dewan Rakyat*) means that any part of the Constitution can be amended, even if it fundamentally alters the Constitution's basic structure. This reality confirms that the political branch reigns supreme, deliberately rejecting a strong judicial mechanism that might enforce constitutional limits on policy [10].

Secondly, the planning system itself is inherently centralized. The long-term policy mandates (such as the NEP) have historically been implemented successfully due to strong, high-level political commitment and the long-term political stability enjoyed by the ruling coalition [11]. However, this centralized reliance means that local governance bodies, such as the District Office, face severe limitations in financial resources and jurisdiction in development planning and implementation, functioning primarily as implementers of executive orders [12]. This demonstrates that while the Implicit-Policy Model has historically achieved high socioeconomic outcomes due to political stability, the normative force of its developmental agenda remains intrinsically vulnerable to shifts in political will and risks creating structural inefficiencies through excessive centralisation.

The following table summarises the key structural differences that inform our analysis of the compromised constitutional relationship across the region:

Table 1. Comparative Models of Directive Principles Enforcement in Selected ASEAN States

State	Primary Legal Basis for Directive Principles	Legal Enforceability Status
Indonesia	1945 Constitution (Relevant Articles); Previously GBHN (MPR Decrees).	Non-Justiciable.
Philippines	1987 Constitution (Article II: Declaration of Principles).	Non-Justiciable (Aspirational).
Malaysia	Implicit; Realized through Acts of Parliament and Five-Year Plans (not a Constitutional Chapter).	Justiciable (as ordinary law); Non-Justiciable (as a principle).
Vietnam	2013 Constitution.	Mandatory (Through State Apparatus); Lacks Western Separation of Powers.

2.2 The Regional Dilemma: Attenuation of Normative Force

The comparative analysis of diverse Directive Principles models across the ASEAN region confirms that the implementation challenge is not merely a singular anomaly but an endemic constitutional antinomy confronting developing democracies in Southeast Asia. This dilemma fundamentally stems from the non-justiciable status of Directive Principles, which structurally facilitates two interconnected jurisprudential disruptions within the governance framework.

The first disruption is the Reassignment of Interpretive Authority. Because directive principles are explicitly insulated from judicial enforcement, the arduous task of interpreting, prioritising, and executing these long-term developmental commitments falls squarely upon the political branches, namely, the Legislature and the Executive. This dynamic, in which socio-economic directives are effectively removed from the judiciary's oversight, aligns with the notion that these second-generation rights are ultimately governed by political will. This systemic displacement effectively substitutes the constitutional-legal mechanism for ensuring national coherence with a framework in which fundamental constitutional values are primarily subjected to majoritarian political logic, often fueled by the judiciary's reluctance to develop meaningful standards for social rights.

The second and direct consequence is the Attenuation of Normative Force. Lacking a supra-political enforcement mechanism, whether from an insulated constitutional body or the judiciary, the state's strategic commitments become inherently vulnerable. Each electoral cycle and every change in the head of government possesses the effective political authority to dramatically alter, dilute, or entirely disregard these long-term objectives in favour of immediate political expediency or short-term campaign pledges. This condition introduces a fundamental risk in which short-term democratic dynamism consistently overrides the imperative of long-term strategic coherence. The resulting reduction in the binding nature of these directives renders them mere political manifestos rather than authoritative constitutional norms. It is this attenuation that fuels the compromised relationship between legislative supremacy and constitutional fidelity, trapping regional states in cycles of discontinuous development. Consequently, Indonesia, with its institutional pivot from the GBHN to an executive-centric SPPN system, serves as the most critical case study illustrating the extreme failures of this non-justiciable mechanism.

3 Constitutional Antimony in Practice: The Indonesian Case Study (GBHN vs. SPPN)

3.1 Historicity and the Elimination of the GBHN

Historically, the State Direction in Indonesia, known as the GBHN (*Garis-Garis Besar Haluan Negara*), was formulated by the People's Consultative Assembly (MPR) as a supra-presidential mandate, inspired by the Directive Principles found in the 1937 Irish Constitution [1].

Over time, changes to the 1945 Constitution eliminated the existence of the State Direction in the Indonesian Constitution. Although the change presents a better constitutional life within the Indonesian constitutional system and democracy, it affirms the supremacy of the constitution and a state of law grounded in constitutional democratic principles [13]. The supremacy of the constitution with the principle of constitutional democracy arises from the awareness that the reasons for changes to the 1945 Constitution are the work of man (man-made) [14], the refinement is left to later generations [15]. In line with Tarunabh Khaitan who stated:

"Constitution-making in deeply divided societies poses a dilemma. ... The literature on accommodation of intransigent groups in such societies has largely focused on ethnocultural minority groups that fear being permanently locked out of power under a majoritarian democratic constitution."[16]

The abolition of the State Direction clause and its model in the Constitution of 1945 has caused dilemmas and prolonged philosophical debates, until now. Initially, the determination of the State Direction, with its model, was the authority of the People's Consultative Assembly, which could only amend and enact the Basic Law.

Another strong reason for changes to the 1945 Constitution, as a sign of the beginning of the reform era, is to balance the pendulum of power among the branches of government. The balance that arises tends to be uncertain with the ups and downs of the President-DPR relationship, from the nature of executive-heavy relations to legislative dominance [17]. This choice led to the amendment of the 1945 Constitution with a political agreement on efforts to purify and strengthen the presidential system of government [18]. Then, the 1945 Constitutional Amendment also had an impact on the state direction model in the Indonesian Constitution, by abolishing the position of the People's Consultative Assembly with the title of 'holder of people's sovereignty', as well as repositioning as the highest body of the state (supreme body of the state, or parliamentary supremacy),[13] until the loss of authority for state direction. Thus, it becomes important in formulating the material content of the direction of the state, and the model of its implementation refers to the highest source of law – the Constitution – in the exercise of state power.

Initially, the 1945 Constitution mandated the People's Consultative Assembly (MPR) to determine the State Direction, but this was later amended to eliminate the nomenclature of the State Direction as the authority of the People's Consultative Assembly. Recognition of the absence of a legal basis for the State Direction, as the rationale for the birth of the legal basis of the National Development Planning System (SPPN) through Law of the Republic of Indonesia Number 25 of 2004 concerning the National Development Planning System (hereinafter referred to as the SPPN Law) [19], so that it indicates a shift in the legal basis of the country's direction with its model.

The shift occurred as a result of the basic agreement before making changes to the 1945 Constitution, namely, strengthening the presidential system [20]. Also, it is set in the Presidential Election directly by handing over planning to the pair of candidates in accordance with the vision, mission, and program prepared before the general election (*Pemilu*) [21]. In addition, development management also occurred after the enactment of the Constitution of 1945, namely: "(i) strengthening the position of the legislative institution in the preparation of the State Budget (APBN); (ii) the abolition of GBHN as a preparation of national development plans; and (iii) strengthening Regional Autonomy and decentralization of government within the Unitary State of the Republic of Indonesia." [19]

Incoherence occurred between the state direction model originally set by the People's Consultative Assembly (vide Article 3 of the 1945 Constitution) and one of the reasons for the basic agreement before the 1945 Constitutional Amendment,

namely to strengthen the presidential system [22]. It also has an impact on the position of the People's Consultative Assembly (MPR) no longer as the highest state institution [23]. In addition, the President is not the MPR Mandataris because he is directly elected. Originally elected by the People's Consultative Assembly, the president was changed to a directly elected position. This is also revealed in the Explanation of the SPPN Law [19].

The explanation acknowledges the lack of continuity between direct elections and the state-directed model applied in Indonesia, GBHN, and also acknowledges the mandate of the Constitution to carry out development planning. Furthermore, the inconsistency of the state direction model is also evident in the SPPN Law, which delegates it to the national long- and medium-term development plan model (RPJPN and/or RPJMN). The regulation realises the vision, mission, and program of the President-elect as a national development strategy, with general policies, through priority programs, and compiles a macroeconomic framework that covers the overall economic picture, including the direction of fiscal policy in the work plan [19]. The provisions of the law indicate that affirming the presidential system does not go hand in hand with the collective will and effort in national development planning, but is left to the will and interests of the candidate's spouse and the carrying political party, as well as certain support groups. One of the difficult elements of implementing national development is the need for gradual, sustainable planning, which depends on the will of the President, as the holder of executive power, and on a group of political forces in power alone [21].

The emergence of the idea of reviving the direction of the state is inseparable from the wishes of a number of parties with mere political power [24], [25], [26], [27], [28]. The discourse should be examined in depth. According to Saldi Isra, fundamental changes that have come to the surface should not be carried out solely on political grounds, especially regarding changes to the Constitution of 1945 [29]. Similarly, Jimly Asshiddiqie, as Chairman of the Indonesian Muslim Scholars Association (ICMI), sees the importance of GBHN as a reference for comprehensive and targeted development [30], [31]. Also, said the need for a national development vision framework with a long-term dimension and greater sustainability and integration between the central and regional governments. Considering that currently, the Long-Term Development Plan (RPJP), both nationally and regionally, as well as the existing relationship between the center and regions is still not functioning properly, so that the direction of development is different and not aligned and unsustainable, even coupled with the holding of general elections and regional heads [30], [31].

The debate is inevitable regarding the existence of the State Direction, given its current implementation model in Indonesia. On the one hand, the presence of a state direction model in a presidential system with constitutional democratic principles is said to have absolutely no implications for executive power, in this case the President, nor legislative power, as well as judicial power. On the other hand, the re-enactment of the state direction model will have significant effects on the constitutional system, including the government system, the relationships among state institutions, and the functions of each state institution [32]. Referring to Jimly Asshiddiqie's narration, the tendency to embed the principle of state direction in basic law, either by formulating it

into the torso or only in the preamble to the Constitution, is a common phenomenon in modern states today [2], [33].

The relationship between the direction of the state and its implementation model is inseparable from the legal basis derived from the Constitution. The relationship serves as a guideline and direction for realising the nation's and state's goals. It refers to the terminology of the State Direction itself, that the direction, goals, guidelines, or official political instructions of a country [34]. The terminology is interpreted broadly; on the other hand, conceptually, every country, through its Constitution, has a direction and political guidelines for the nation and state, as the people's mandate contained therein. As the highest legal document, the Constitution contains a declaration of the will of the people, either implicitly or expressly, realising the goals of the nation and state in the Preamble and the Body of the Constitution [35].

3.2 Structural Antinomy (Disruption I: Shift in Authority)

The elimination of the as a constitutional mandate initiated the first critical disruption in Indonesia's constitutional architecture: the reassignment of interpretive authority over national strategic goals. Prior to the amendments, the GBHN functioned as a supra-presidential mandate formulated by the People's Consultative Assembly (MPR). While itself a product of the political branch, the MPR's unique position as the holder of people's sovereignty ensured that the interpretation of long-term state direction was rooted in a broad, quasi-constitutional consensus, effectively limiting the executive's discretion.

The abolition of this mechanism and its replacement by the National Development Planning System (SPPN) Law (UU No. 25/2004) fundamentally altered the location of power. Planning authority was transferred directly to the politically responsive executive, with the President's vision, mission, and program serving as the basis for the national development plan (RPJPN/RPJMN). This shift resulted in a profound structural antinomy. While the state remains constitutionally obligated to realise long-term social and economic goals, the authority to define and interpret the precise nature of these goals is now centred solely on the winner of the election, rendering the process vulnerable to ideological swings and political expediency.

This re-engineering effectively displaced the formal mechanism for ensuring national coherence, transforming the interpretation of constitutional values from a broad, institutionally checked process into an exercise of executive discretion. The legislative institutions, although still responsible for budget approval (APBN), are now positioned merely to react to, rather than establish, the overarching strategic direction. Consequently, this structural tension serves as the primary empirical evidence for the regional thesis: that the non-justiciable nature of developmental principles, when coupled with the strengthening of the executive (as was the explicit goal of the amendments), leads to the systemic reassignment of constitutional interpretive authority to the political actors, thereby confirming the first major disruption across the ASEAN context.

3.3 Normative Impact (Disruption II: Reduction of Binding Power)

The structural antinomy created by the reassignment of planning authority to the executive manifests in the second critical disruption: the profound attenuation of the normative force of long-term constitutional commitments. The SPPN Law rendered the national trajectory subservient to the immediate political agenda by delegating planning entirely to the President's vision and mission (RPJPN/RPJMN). This act effectively abolished the concept of a binding, supra-presidential mandate that had previously held the executive accountable to a broader, consensually defined state course.

The consequence is a constitutional commitment whose binding power is reduced to mere aspirational rhetoric. In the absence of an enforceable directive, strategic goals become highly mutable, subject to the ruling coalition's short-term political will. This leads to discontinuous development marked by poor, short-term planning and frequent shifts in priorities every five years. The normative commitment to realising long-term goals of the nation, though still textually present in the Constitution, loses its teeth in the face of electoral dynamism.

Crucially, this disruption exemplifies the introduction of political constitutionalism into Indonesia's traditionally legalistic framework. Since the only remaining enforcement mechanism is the President's political accountability to the legislature – rather than a fixed constitutional mandate – the interpretation of the state's direction is continually negotiated in the political arena, rather than upheld as a superior legal norm. This failure of the state to shield its strategic goals from immediate partisan pressures is the ultimate validation of the thesis: that non-justiciability and the shift in authority directly cause the normative weakening of constitutional development principles throughout the ASEAN region.

4 The Regional Solution: The PPHN Model as Institutional Recalibration

4.1 Discourse on the Revival of the State Direction (PPHN)

The structural and normative failures resulting from the elimination of the GBHN mechanism – as demonstrated by the constitutional antinomy – have propelled a compelling discourse on the necessity of reinstating a higher state direction mandate, known as the PPHN (*Pokok-Pokok Haluan Negara*).

Starting 2024, it is undeniable that if followed carefully, the pre-discourse of re-presenting the State Direction with the model of the state direction in the Constitution of 1945 is motivated by several thoughts [36]. First, it is not an integrated and directed state development system and tends to be poor and short-term. This is due to the change of the head of government, which also changes the vision, mission, and development program. Second, SPPN with RPJPN and RPJMN replacing GBHN, tends to centre on the winner of the election, both the president and the regional head. In addition, SPPN is seen as binding only on executive power holders, not on other branches of state power. And third, in achieving the goals of the

nation and state as stated in the Constitution of 1945, this must be carried out by all branches of power and state institutions. Thus, the idea of restoring the country's direction model should serve as a general guideline for the creation of sustainable national development.

This discourse moves beyond mere political nostalgia. It represents a mature constitutional effort to establish a strategic coherence framework that is explicitly insulated from the whims of short-term electoral politics. The PPHN is envisioned precisely to address the attenuation of normative force observed regionally by creating a legally superior political mandate. Its reintroduction is crucial because it seeks to restore the structural balance of power: ensuring the executive is guided by a long-term strategic consensus (PPHN) while maintaining its democratic accountability, thereby offering a viable mechanism for political enforcement of developmental principles that is urgently needed in other ASEAN democracies facing similar institutional failures.

4.2 The PPHN Institutional Model (A Political Enforcement Alternative)

Starting from the uniqueness of legal documents, with the characteristics possessed in the Constitution. According to Aharon Barak, the Constitution enshrines a special type of norm and is at the top of the normative pyramid. Amending the Constitution is quite complicated, given that it is designed to direct human behaviour in the future. In addition, it underlies the formation of the state through experience from its course of history. This also determines the fundamental political views in the state. By laying the foundation of values, as well as determining national commitments and orientations that reflect past events. Thus, in laying the current policy, it will determine the direction of the model at the national and state levels in the future. Starting from philosophy, law, politics, economics, and social values, summarised in the implementation based on the Constitution [41]. It actually requires a balance between its subjective and objective elements, as described [41]. The state direction model is a constitutional theory grounded in constitutional law that determines the stages and continuity between the nation's and the state's goals [42].

The shift in the direction model of the state is also influenced by its presence in the Constitution, which embodies constitutionalism. Various studies on changes to the Constitution are interesting because they are not treated like scripture, so they can continue to be changed and updated. Not all, according to Pan Mohamad Faiz, can survive and remain timeless, and the times, so it has always been the main note and concern for most drafters and designers of changes to the Constitution [14]. To overcome this, a constitutional procedure was established to regulate mechanisms for changing fundamental rules governing the nation, state, and society. The unequivocal conclusion of Rasch and Congleton is that almost all state Constitutions contain a nomenclature on the mechanisms and rules of amending the Constitution, either in part or in whole [43].

The results of research by Henk van Maarseveen and Ger van der Tang on the Constitution in the world show that the minimum regulation of mechanisms and procedures for changing the Constitution is less than 4% [36]. However, in doctrine

and practice, the Constitution can also be changed through informal means, even if the provisions have been stipulated in the Constitution itself. These constitutional procedures and limitations can be changed through judicial interpretation, political adaptation, and other unusual or unconstitutional means. Called *verfassungswandlung* by Georg Jellinek, changes to the Constitution are not carried out formally as stipulated in the Constitution itself, such as coup d'etat, revolution, or constitutional convention [14], [44], [45]. In a democratic system, the development of the Constitution is often gradual or gradual. However, a complete change of the Constitution is also possible [43].

However, studies on the impact of constitutional amendments on the shift in the constitutional state direction model have not been widely conducted in Indonesia, so further research is needed, especially by comparison with other countries. Contemporary research on this subject, for example, by Lael K. Weis and Tarunabh Khaitan is more focused on understanding the constitutional state direction model, in addition to the effect of the constitutional state change procedure on the comparison of the existence of the constitutional state direction model with several constitutional democracies in the world [5], [13], [46], [47], [48].

The proposed PPHN mechanism is not merely a restoration of the old GBHN; it represents a sophisticated attempt at institutional recalibration designed to resolve the constitutional antinomy through political enforcement. This model is critical because it offers a viable alternative to the non-justiciable dilemma observed across the ASEAN region.

The core of the PPHN model lies in its proposed legal form: an MPR Decree (TAP MPR). By positioning the PPHN as a decree of the People's Consultative Assembly, an institution holding superior constitutional authority, the mandate is placed as a supra-legislative norm with quasi-constitutional force, yet remains subservient to the 1945 Constitution itself. This strategic mechanism immediately restores the normative binding power that was lost with the elimination of the old GBHN, ensuring the executive is guided by a consensus-based strategic framework that transcends the term of a single president.

Crucially, the PPHN institutional design deliberately incorporates specific safeguards to preserve Indonesia's current democratic system, thereby making it a sustainable and attractive model for other aspiring democracies. Foremost among these, the proposal explicitly dictates that non-implementation or deviation from the PPHN cannot be utilized as grounds for the impeachment of the President or Vice President. This provision ensures that while the executive is constrained by a long-term strategy, the democratic accountability inherent in the direct presidential system is preserved from potential legislative overreach.

Furthermore, the model integrates a system of Judicial Review as a Check and Balance. The PPHN is designed to function as a secondary comparison norm in the legal hierarchy, authorizing the Constitutional Court (MK) to review Acts of Parliament (*Undang-Undang*) against the PPHN. This provision is revolutionary for political enforcement: it allows the judiciary to indirectly ensure that the laws passed

by the legislature align with the political-strategic mandate, without granting the courts the direct authority to implement the mandate.

In essence, the PPHN Model serves as a blueprint for Morally-Committed Political Constitutionalism. It recognizes that developmental directives are inherently political and cannot be enforced by the judiciary (thereby solving the non-justiciability problem) but insists that these directives must be strictly binding on the political actors themselves (thereby solving the attenuation of normative force problem). This recalibration, which restores structural coherence while maintaining democratic dynamism, provides a powerful Political Enforcement Alternative for ASEAN states seeking to harmonize short-term electoral politics with the imperative for long-term constitutional fidelity.

4 Conclusion

Based on the discussion above, it can be concluded that the constitutional antinomy faced by Indonesia (the dilemma stemming from the non-justiciable status of developmental principles) is a structural problem shared across the ASEAN region. The core finding reveals a pervasive failure mechanism: the elimination of Indonesia's supra-presidential GBHN and its replacement by executive-centric planning exemplify the dangerous regional trend of the reassignment of interpretive authority to political branches, attenuating the normative force over long-term strategic goals. To address this, the proposed PPHN Institutional Model offers a vital solution, not by resorting to judicial overreach, but by creating an institutionalized framework for political enforcement, establishing the mandate as a supra-legislative norm (TAP MPR) while concurrently maintaining democratic stability (no impeachment) and requiring judicial oversight to ensure legislative compliance. This model provides a crucial blueprint for developing democracies in ASEAN seeking to reconcile short-term democratic dynamism with the imperative for robust, long-term constitutional fidelity.

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Luna Dezeana Ticoalu (Author 2) contributed significantly to the comparative literature review, provided critical insights into the ASEAN constitutional models, and provided substantial critical revision and intellectual input on the final manuscript.

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