

Research Article

Legal Mechanisms of Constitutional Amendment Through the Authoritative Normative Text Approach: A Comparative Study of Indonesia and South Africa

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Abstract: This study aims to conduct an in-depth analysis comparing the legal mechanisms of constitutional amendment in Indonesia and South Africa. The research employs a normative juridical method with a comparative law approach. Primary data is sourced from the authoritative texts of the 1945 Constitution of the Republic of Indonesia (UUD 1945) and the Constitution of the Republic of South Africa, 1996. Data analysis is conducted qualitatively using content analysis techniques on provisions related to constitutional amendments in both supreme legal documents. The research findings reveal fundamental differences in the constitutional amendment paradigms of both countries. First, Indonesia adopts a rigid amendment system implemented by the People's Consultative Assembly (MPR) with very strict quorum and approval requirements. Second, South Africa adopts a more flexible and differentiated system, where Parliament acts as the constituent authority, with varying approval levels depending on the substance of the amended provisions ranging from simple majority to two-thirds, and even involving the Provincial Council for certain matters. Third, despite different approaches, both countries affirm the principle of constitutional supremacy. These mechanistic differences reflect Indonesia's strategic choice to prioritize consensus and constitutional stability, while South Africa emphasizes constitutional adaptability and responsiveness to socio-political developments.

Keywords: Constitutional Amendments; Constitutional Supremacy; Flexible System; Legal Comparison; Rigid System

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1. Introduction

A constitution represents the highest law in a state's legislative hierarchy, functioning as the philosophical, sociological, and juridical foundation for the organization of national and state life. The constitution constitutes the most essential component of the entire system of rules that serves as a collective guideline in the lives of citizens within a state, collectively forming a unified legal system that cannot be altered as if it were a religion for every citizen.

K.C. Wheare defined a constitution as a comprehensive system regulating the state order. This concept refers to a collection of basic regulations that serve as the foundation and guidelines for governmental implementation. In practice, these rules are not merely written laws but also encompass non-legal norms. Wheare viewed the

constitution as a "resultant" or final product of various political, economic, and social forces existing at the time of constitutional formulation. Regarding amendment mechanisms, Weh are classified them into three methods: First, formal amendment; Second, amendment through judicial interpretation; and Third, amendment developed through customs and traditions, known as constitutional conventions.

The constitution occupies a position as the highest source of law because it essentially represents the result of consensus or agreement of all people as sovereignty holders. The people, possessing constituent power (the power to form the constitution), produce a product that is not ordinary law but rather a constituent act (the act or product of state formation) that becomes fundamental law. Due to its status as the highest law, the constitution must be absolutely obeyed and implemented by all state administrators and all citizens.

The constitution is not a static document; as a living document, the constitution must be able to adapt to the development of times, social and political dynamics, and the continuously changing needs of society. Constitutional amendment is inevitable to maintain the constitution's relevance to the actual conditions of society.

Constitutional amendment is inevitable in dynamic constitutional life. As a product of popular agreement at a particular time, the constitution cannot be separated from the social, political, and cultural contexts surrounding it. Over time, changes in situations and national needs may demand renewal of constitutional content or interpretation to remain relevant to contemporary developments. This amendment process is not intended to deny the fundamental values that have been agreed upon but rather to strengthen and adapt them to new realities faced by the state.

In practice, constitutional amendment must be conducted with great care and responsibility, as it concerns the foundation of state life. The amendment mechanism is usually specifically regulated within the constitution itself to ensure that amendments are made constitutionally, not through arbitrary means. In Indonesia, for example, amendments to the 1945 Constitution are conducted through strict procedures by the People's Consultative Assembly (MPR), considering public aspirations and ensuring that the spirit and basic ideals of the constitution are maintained.

Indonesia has conducted four amendments to the 1945 Constitution during the 1999-2002 period as a response to political reform following the collapse of the New Order regime. These amendments brought fundamental transformation to Indonesia's constitutional system, including strengthening the checks and balances system, protecting human rights, and democratizing power structures.

South Africa, as a country that also experienced democratic transition from the apartheid regime to a democratic state in 1994, offers an interesting comparative perspective. The Constitution of South Africa 1996 was designed as a transformative constitution promoting values of equality, democracy, and human rights with an amendment mechanism different from Indonesia's.

Furthermore, South Africa succeeded in implementing democratic constitution-making through an outreach program (a broad and massive outreach program utilizing various forms of mass media). The current constitution is the fifth

constitution in South African history, officially titled the Constitution of the Republic of South Africa 1996.

The authoritative normative text approach becomes relevant in this study because it emphasizes analysis of legal norms contained in constitutional texts as primary sources. Bagir Manan stated that the normative approach in constitutional studies is important for understanding the authority structure and formal procedures regulated in the constitution itself.

2. Literature Review

Concepts of Constitution and Constitutionalism

In modern understanding, a constitution is not only understood as a written document but also as a set of fundamental principles and norms regulating state organization and the relationship between the state and citizens. Hans Kelsen, in his theory of legal norm hierarchy (Stufenbau theory), positioned the constitution as the grundnorm or basic norm that serves as the source of validity for all legal norms beneath it.

Jimly Asshiddiqie distinguished between the constitution in formal and material senses. The constitution in the formal sense refers to a written document created and amended through special procedures, while the constitution in the material sense encompasses all basic state rules including constitutional conventions. In the context of this research, focus is given to the constitution in the formal sense, which constitutes a written constitution.

Theory of Constitutional Amendment

C.F. Strong in his book "Modern Political Constitutions" classified constitutions into rigid and flexible constitutions based on the difficulty level of amendment procedures. A rigid constitution is one whose amendment procedure requires special conditions that are heavier compared to ordinary legislation, while a flexible constitution can be amended through the same procedure as ordinary legislation.

Constitutional amendment systems can be implemented through several methods: first, constitutional amendment performed by a special body formed solely for amendment purposes; second, amendment performed by the people through referendum; third, amendment performed through convention or constitutional custom; fourth, amendment performed by state institutions with legislative power but with certain limitations.

Authoritative Normative Text Approach

The authoritative normative text approach in constitutional studies emphasizes textual analysis of norms contained in constitutional documents as sources of law possessing the highest authority. Peter Mahmud Marzuki stated that normative legal research is legal research conducted by examining library materials or secondary data consisting of primary, secondary, and tertiary legal materials.

Bagir Manan explained that constitutional text interpretation must observe several principles: first, original intent or the framers' intention; second, textual interpretation focusing on linguistic meaning of the text; third, systematic interpretation considering the entire norm system within the constitution; fourth, historical interpretation considering the historical context of norm formation.

In the Indonesian context, the Constitutional Court has developed diverse constitutional interpretation methods, including grammatical, systematic, historical, teleological, and comparative interpretation. This demonstrates that constitutional texts require comprehensive interpretation considering various aspects.

3. Materials and Method

This research employs a normative juridical method (legal research) with statutory approach and comparative approach. Data sources in this research consist of primary, secondary, and tertiary legal materials. Data analysis is conducted using descriptive-comparative techniques, namely describing constitutional amendment mechanisms in Indonesia and South Africa, then comparing both mechanisms to identify similarities and differences. Analysis is conducted qualitatively using legal interpretation methods.

4. Results and Discussion

The core of the rule of law concept is the limitation of state power. This limitation is realized through legal instruments, which then give birth to the basic principles of modern constitutionalism. Therefore, the rule of law is often called a constitutional state, namely a state whose governmental power is limited by the constitution. Every constitution essentially focuses on regulating power because power itself fundamentally needs to be regulated and limited to prevent arbitrariness.

For the constitution to function effectively as the highest law, the limitations regulated within it must be implemented through legislation subordinate to the constitution. To ensure that this implementation, both in the form of legal products and government policies, remains consistent with the constitutional spirit aligned with general principles of good governance (AUPB) as ethical supervision.

Constitutional Amendment Mechanism in Indonesia

Prof. Satya Arinanto explained that the Preparatory Committee for Indonesian Independence (PPKI) or the expanded Committee, in its first session on August 18, 1945, made two fundamental decisions for the establishment of the Republic of Indonesia. First, the institution unanimously elected Soekarno and Mohammad Hatta as the first President and Vice President, respectively. Second, PPKI appointed a committee consisting of nine people to complete the constitutional draft that had been prepared previously.

The draft, designed by the Investigating Committee for Preparatory Work for Indonesian Independence (BPUPKI) in its sessions in June and July 1945, was then ratified on the same day as the 1945 Constitution of the Republic of Indonesia (UUD 1945). This historical fact firmly proves that Indonesia, from its first days of independence, has had its own constitution functioning as the highest legal foundation and guideline in organizing national and state life. This demonstrates the high constitutional awareness of the nation's founders, who laid the foundation of a sovereign state upon clear law from its very beginning.

This constitutional awareness was not an instant product but rather the result of deep contemplation, dynamic debate, and synthesis of thought from various streams existing in BPUPKI. The nation's founders were fully aware that without a

constitution, newly born Indonesia would be like a ship without a rudder vulnerable to internal conflict, anarchy, and unrecognized in international relations.

The formulation process of the 1945 Constitution, conducted in relatively short time but full of intellectual intensity, reflected collective commitment to create a comprehensive state framework. Within it, they formulated fundamental principles such as: People's Sovereignty, Rule of Law (Rechtsstaat), Separation of Power, and Social Welfare Principles. The constitution became the soul and legal identity of the nation, continuously serving as the main reference in every dynamic and development of Indonesian constitutionalism, despite having undergone several amendments to adjust to contemporary challenges.

According to Jimly Asshiddiqie (2020), the constitution is understood as the main normative foundation for a state. This concept is not limited to written legal rules (Constitution) alone but also encompasses unwritten principles living in constitutional practice and ethical values serving as guidelines in state governance. Indonesia's Constitution itself places Pancasila in its preamble. Based on this, it can be understood that the preamble of the 1945 Constitution is more primary than the body (articles) contained in the 1945 Constitution because the preamble contains the main pillars, namely Pancasila.

As Indonesia's basic norm, the status of the 1945 Constitution as a constitution that can or cannot be amended has been debated in Indonesian constitutional history. This debate gave birth to two opposing camps of thought. On one side, there was a view sacralizing the 1945 Constitution as a final document that should not be amended at all, arguing that this constitution is the work of the nation's founders containing noble values that must be preserved in their authenticity. On the other side, a perspective developed viewing the 1945 Constitution as a living document that must be able to adapt to contemporary developments, where amendments are necessary to perfect the constitutional system.

Ultimately, history proved that the 1945 Constitution could indeed be amended through a constitutional reform process occurring in four stages (1999-2002). However, what must be emphasized is that the amendments were only to the body of the 1945 Constitution, not to its preamble. This occurred because, as previously explained, the Preamble of the 1945 Constitution contains values within Pancasila, which represents the state's fundamental norm (Staatsfundamentalnorm).

It should be noted that almost all countries experiencing democratic transition make constitutional reform an inseparable part of their political renewal. The importance of constitutional reform is such that its presence is viewed as a necessity. Understanding the constitutional amendment mechanism in Indonesia cannot be separated from the historical and political context behind it. The 1945 Constitution Amendment (1999-2002) must be understood as a constitutional response to the accumulation of political crises during 32 years of the New Order era, where power was centralized in the executive, representative institutions did not function optimally, and citizens' constitutional rights were often ignored.

Indonesia's constitutional amendment process has distinctive characteristics compared to other countries, namely being conducted through a gradual amendment mechanism, not creating an entirely new constitution. This choice reflects wisdom to maintain state continuity while conducting evolutionary renewal. The 1945

Constitution of the Republic of Indonesia has gone through four historical stages: the 1945 Constitution (Period August 18, 1945 – December 27, 1949); the RIS Constitution (Period December 27, 1949 – August 17, 1950); the 1950 Provisional Constitution (Period August 17, 1950 – July 5, 1959); and return to the 1945 Constitution (Period July 5, 1959 – present). Meanwhile, in the constitutional amendment process following the return to the 1945 Constitution, Indonesia has conducted at least four amendments: First Amendment (1999); Second Amendment (2000); Third Amendment (2001); and Fourth Amendment (2002).

After undergoing four amendments, the 1945 Constitution has increasingly solidified its position as the most important state foundation for Indonesian national and state life. The amendment process undertaken has ensured better democratic life, considering amendments were conducted carefully and unhurriedly. This is very different from the conditions of the original UUD draft formulation by BPUPKI, which was conducted in a hasty atmosphere under Japanese colonial pressure.

The authoritative normative text approach to constitutional amendment in Indonesia positions the 1945 Constitution of the Republic of Indonesia (UUD 1945) as the highest source of law possessing absolute binding force. The amendment of the 1945 Constitution by the MPR aims to perfect the constitutional system and serve as a long-term reform guideline for the nation. Furthermore, this amendment reaffirms that the state's direction must always adhere to the noble ideals of the 1945 Constitution's Preamble (namely: protecting, prospering, educating, and realizing world order).

Normatively, Article 37 of the 1945 Constitution serves as the main reference in establishing constitutional amendment procedures, requiring the involvement of the People's Consultative Assembly (MPR) with certain mechanisms and limitations, such as the prohibition against amending the form of the Unitary State of the Republic of Indonesia. Amendments to the 1945 Constitution can be made through the People's Consultative Assembly (MPR) requiring 1/3 of MPR votes for proposals, 2/3 quorum for discussion meetings, and 50%+1 for amendment approval. As a comparison, the United States requires approval from 2/3 of both houses of Congress plus ratification by 3/4 of the states, while India allows certain amendments to be approved with only a simple majority vote in Parliament.

In the constitutional amendment process of the Republic of Indonesia, the Constitutional Court (MK) also plays an important role, although not directly as an actor in constitutional amendment. The MK's involvement is more functional, namely through its authority in interpreting and enforcing constitutional norms. The involvement of the Constitutional Court (MK) in the amendment process of the 1945 Constitution of the Republic of Indonesia represents a significant breakthrough and reflects Indonesia's commitment to a rigid constitution model.

Although constitutional amendment is formally the authority of the People's Consultative Assembly (MPR), the Constitutional Court's role becomes crucial in maintaining state continuity and preventing instability. Substantively, the Constitutional Court's involvement often manifests through its function as the guardian of the constitution, which can examine whether the amendment process or material violates fundamental values, procedures, or fundamental agreements. This approach ensures that constitutional amendments are conducted very carefully,

minimizing the possibility of hasty amendments or those driven by momentary political interests, thus maintaining constitutional stability.

The rigidity in the 1945 Constitution amendment cannot be viewed merely as a technical procedure but rather as a reflection of Indonesia's legal and constitutional philosophy. First, it represents the principle of legal sovereignty, where the constitution as the highest law must be protected from ad-hoc and emotional changes. Second, this strict procedure functions as a filter mechanism to ensure that every amendment is truly based on broad consensus and long-term national interests, not momentary political interests or simple majority.

Thus, scientifically it can be concluded that applying the authoritative normative text approach to constitutional amendment in Indonesia demands a balance between respect for the highest legal norms and adaptive capability to societal dynamics, so that the constitution remains alive, relevant, and functions as a legal instrument that can guide democratic and just state administration.

Constitutional Amendment Mechanism in South Africa

Constitutionalism cannot be separated from society's socio-economic conditions. High inequality, structural poverty, and limited access to basic services become real challenges that must be responded to by the legal system and constitution. Therefore, the constitution functions not only as an instrument limiting political power and guaranteeing civil freedoms but also as a means to create social justice. The constitution must explicitly regulate rights to education, health, employment, and decent living standards, and position distributive justice principles as the basis in public policy formulation and state resource allocation. Thus, the constitution is not merely normative but functional in responding to society's real needs.

One of the most concrete examples of applying social justice principles in constitutionalism is South Africa's experience. This country becomes relevant because it has experienced a long history of apartheid lasting nearly four decades, causing deep social wounds and extreme structural inequality. The constitutional transformation conducted post-1994 offers valuable lessons about how a constitution can function as an instrument of social justice and national reconciliation.

The process of political compromise and national reconciliation to end the apartheid regime began with the drafting of the 1993 Interim Constitution, which became effective on April 27, 1994. In this interim constitution, it was explicitly stated that the Constitutional Court of South Africa has the authority to nullify laws or government actions considered to restrict fundamental human freedoms. This marked the beginning of a new era of constitutional supremacy and independent judiciary as the guardian of human rights values.

Following the end of the highly discriminatory and centralistic apartheid government, South Africa entered a phase of significant constitutional reform. The ratification of the 1996 Constitution became an important milestone in the transition toward inclusive and just democracy. This new constitution replaced the old repressive legal system and formed a new order emphasizing equality, non-discrimination, and human rights protection)

The 1996 Constitution itself was designed to reflect principles of inclusive democracy, power sharing, and minority rights protection. This constitution is liberal and progressive, placing human rights protection at its core, emphasizing anti-discrimination principles and affirmative policies for previously marginalized black communities. On the other hand, this constitution also contains explicit provisions regarding state responsibility in guaranteeing its citizens' social, economic, and cultural rights. Thus, although liberal in nature, the South African Constitution combines social justice principles and economic redistribution as the foundation of post-apartheid national transformation.

In South Africa, the Constitutional Assembly is responsible for forming the new constitution. Before this process began, an interim constitution must be established first. The final constitutional draft produced by the Constitutional Assembly must undergo certification by the Constitutional Court before being ratified as the operative constitution. This certification process aims to ensure that the constitutional draft does not contradict principles regulated in the interim constitution.

In the constitutional amendment process, the South African Constitutional Court has an important role. Based on Article 71(3) of the Interim Constitution of South Africa, the Constitutional Court is given authority to conduct constitutional certification of constitutional amendment texts. This certification ensures that every constitutional text produced by the Constitutional Assembly must comply with Constitutional Principles, namely fundamental principles that become the South African constitution's identity.

The Constitutional Court even has final and binding authority to reject constitutional texts considered to violate these principles. This was proven when the Court rejected the 1996 Constitution draft because it did not comply with the 34 agreed-upon constitutional principles, until finally the Constitutional Assembly conducted revisions and only obtained certification on December 4, 1996, to become effective in February 1997.

The authoritative normative text approach to constitutional amendment in South Africa affirms the legal system's character that positions the constitution as the supreme law of the Republic, as stated in Section 2 of the Constitution of the Republic of South Africa, 1996. In this approach, the constitution is viewed not merely as a result of political compromise but as an authoritative legal document that binds absolutely all state organs. Constitutional amendment cannot be conducted arbitrarily but must submit to textual limitations and normative principles regulated in Chapter 4 and Section 74. These provisions establish high approval thresholds in parliament two-thirds votes in the National Assembly and six of nine provinces in the National Council of Provinces as safeguards against potential manipulation by political majorities.

As practiced in South Africa, the final constitutional result prepared by the Constitutional Assembly (Constitutional Assembly) must undergo certification from the Constitutional Court before being ratified as the Constitution. The Constitutional Court examines whether the constitution prepared by the Constitutional Commission contradicts or complies with constitutional principles existing in the

Interim constitution. As a result, after being submitted twice, the Constitutional Assembly finally received certification.

This approach reflects fidelity to fundamental values (constitutional fidelity) such as national reconciliation, democracy, and social justice. The Constitutional Court serves as the main guardian of the constitution's text and spirit through strict supervisory and interpretive functions. In various decisions, the Court affirms that parliamentary power to amend the constitution is not unlimited power, as it must still submit to constitutional principles inscribed in the text. Thus, the authoritative normative approach ensures that the constitution functions as a legal fence against abuse of power while guaranteeing the legality and rationality of every constitutional amendment.

South Africa formed the Constitutional Assembly, demonstrating that delegating constitutional amendment to institutions like the Constitutional Commission can better guarantee constitutional reform success. The mandate to Constitutional Assembly members is to draft a new constitution. Before constitutional reform is conducted, an Interim constitution is established first. This Interim constitution lists 34 basic principles (constitutional principles) that must serve as the foundation for drafting the new constitution, must concern basic concepts of democratic constitution (judicial independence, human rights protection, and inter-institutional control systems). The Interim constitution determines that the Constitutional Assembly's final constitutional result, before being ratified as the Constitution, must undergo certification from the Constitutional Court. The Constitutional Court examines whether the constitution prepared by the Constitutional Assembly contradicts or complies with constitutional principles in the Interim constitution. As a result, after two submissions, the Constitutional Assembly finally received certification.

South Africa has a more inclusive and layered constitutional amendment mechanism, where public participation and judicial control become key elements. The Constitutional Court's role in the certification process demonstrates strict and transparent constitutional oversight. Additionally, public involvement through consultation and high quorum in the National Assembly strengthens the democratic legitimacy of every amendment. The authoritative normative text approach in South Africa emphasizes not only procedural validity but also the substance of moral and social values contained in the constitutional text.

Thus, applying the authoritative normative text approach to constitutional amendment in South Africa demonstrates a balance between legal certainty and social justice. This approach not only protects the constitutional text's purity from political intervention but also ensures that the constitution remains alive and relevant in responding to social inequality challenges and societal needs. The South African model demonstrates how constitutional supremacy can be maintained through a combination of legal authority, democratic participation, and strong judicial oversight making the constitution not merely a written norm but a means of social and moral transformation for developing countries.

Comparative Analysis of Constitutional Amendment in Indonesia and South Africa

The constitutional amendment mechanism in Indonesia is regulated in Article 37 of the 1945 Constitution of the Republic of Indonesia. Indonesia's constitutional amendment process requires that amendment proposals can be submitted by at least one-third of the People's Consultative Assembly (MPR) members. The proposal must be submitted in writing and clearly indicate which parts are proposed for amendment along with reasons. To amend articles of the 1945 Constitution, MPR sessions must be attended by at least two-thirds of MPR members. Decisions to amend articles of the 1945 Constitution are made with approval of at least fifty percent plus one member of all MPR members. Specifically regarding the form of the Unitary State of the Republic of Indonesia, no amendments can be made. This mechanism reflects the rigid constitution principle because it requires special procedures heavier than ordinary legislation amendments.

Meanwhile, the constitutional amendment mechanism in South Africa is regulated in the Constitution of the Republic of South Africa 1996, specifically in Section 74. The South African Constitution differentiates amendment difficulty levels based on the substance being amended. To amend general provisions, approval from two-thirds of National Assembly (lower house) members is required. However, to amend fundamental provisions such as the Bill of Rights or provisions regarding federalism and power division between central and provincial governments, higher approval is required: two-thirds of National Assembly members and approval from six of nine provinces in the National Council of Provinces (upper house). This mechanism shows gradation in constitutional rigidity levels, where provisions considered more fundamental receive stricter protection.

Comparing both mechanisms reveals several significant differences. Indonesia applies a relatively uniform mechanism for all constitutional parts, with exceptions only for the unitary state form that cannot be amended at all. Indonesia's mechanism also involves a single institution, namely the MPR, which combines DPR and DPD. On the other hand, South Africa applies a layered mechanism differentiating between ordinary and fundamental provisions, and involves two different assemblies in amending certain provisions. This difference reflects different constitutional structures, where Indonesia adopts a unicameral system in constitutional amendment processes through MPR, while South Africa applies a bicameral system with power division between the National Assembly and National Council of Provinces.

From a deliberative democracy perspective, both mechanisms have respective advantages and disadvantages. Indonesia's mechanism with very high quorum and approval requirements (two-thirds attendance and fifty percent plus one of all members) provides strong constitutional stability and ensures amendments truly receive broad support. However, this uniform mechanism does not differentiate between technical provisions and provisions concerning human rights or basic state principles. Conversely, South Africa's mechanism with difficulty level gradations provides flexibility to adjust technical provisions while maintaining fundamental provisions with extra protection. Provincial involvement in amending certain provisions also reflects strong federalism and subsidiarity principles in South Africa's constitutional system, ensuring regional interests are represented in constitutional amendments affecting vertical power division.

Regarding formal procedures, both countries adopt supermajority amendment models as a form of protection for constitutional stability. However, fundamental differences lie in substance and philosophy of amendment. Indonesia emphasizes national unity and Pancasila values, so amendments are limited to avoid disturbing state integrity. Conversely, South Africa emphasizes human rights protection and non-discrimination principles, so constitutional amendments are limited to prevent violations of constitutional democracy principles.

Constitutional amendment mechanisms in Indonesia and South Africa are both designed to maintain balance between legal flexibility and political system stability. However, South Africa displays a participatory model protective of human rights, while Indonesia displays an institutional model maintaining national unity. These differences reflect different histories and fundamental values Pancasila and NKRI in Indonesia, and reconciliation and social justice in South Africa.

It can be concluded that the fundamental differences in constitutional amendment between Indonesia and South Africa are:

Table 1. Fundamental differences in constitutional amendment between Indonesia and South Africa.

Aspect	Indonesia	South Africa
Nature of amendment	Gradual amendment	New constitution
Constitutional Court role	Indirect	Direct (mandatory certification)
Public participation	Limited	Explicit and mandatory
Flexibility	Rigid	Rigid with layered control
Main focus	Continuity and renewal	Social transformation

In this context, this comparative study affirms that the legal mechanism of constitutional amendment in Indonesia tends to be formalistic and elitist, while in South Africa it emphasizes involvement of constitutional oversight institutions and democratization of the amendment process. This difference reflects each country's historical and political background and the role of authoritative normative text as the sole foundation in implementing legitimate constitutional amendments. Therefore, the normative approach to authoritative text must be understood in socio-political context and the different roles of state institutions, so as to provide broader understanding of constitutional amendment legal dynamics in both countries.

5. Conclusion

Based on comparative analysis of constitutional amendment mechanisms between Indonesia and South Africa through the authoritative normative text approach, several conclusions can be drawn: First, both countries position the constitution as the highest law with rigid amendment mechanisms through supermajority requirements as a form of protection for constitutional stability. Indonesia establishes a minimum quorum of two-thirds of attending MPR members and approval of fifty percent plus one of all MPR members, while South Africa also applies high quorum in the National Assembly with strict oversight from the Constitutional Court.

Second, there are fundamental differences in the philosophy and substance of constitutional amendment. Indonesia adopts an institutional-elitist model

emphasizing national unity and Pancasila values, with an amendment process entirely conducted by MPR without involving direct public participation through referendum. Meanwhile, South Africa implements a participatory-protective model emphasizing human rights protection, non-discrimination principles, and social justice, involving the Constitutional Court as constitutional overseer and providing broader space for public participation.

Third, these mechanistic differences reflect different historical and political contexts. Indonesia responded to New Order experiences by limiting constitutional amendments to avoid disturbing NKRI integrity and national stability. South Africa, as a post-apartheid country, designed its constitution as a transformative instrument for reconciliation, social justice, and explicit protection of economic, social, and cultural rights.

Thus, although both adopt rigid constitution systems, Indonesia and South Africa demonstrate different constitutional amendment models: Indonesia is more formalistic and focused on maintaining national unity, while South Africa is more inclusive with emphasis on process democratization and human rights protection through strong judicial oversight.

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