



The Constitutional Law in Contemporary Times: Comparison of India and Indonesia

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Abstract

Constitutional law in India and Indonesia, although different in governance structure—India as a federal state and Indonesia as a unitary state—faces similar challenges in the era of globalization and technology, such as the protection of minority rights, decentralization, political stability, and adaptation to international standards, while maintaining legal sovereignty and local values. The aim of this research is to analyze the similarities and differences in the fundamental principles of constitutional law between India and Indonesia and their implementation in addressing contemporary challenges such as globalization, democracy, and human rights. This research employs a normative legal method with a legislative approach to analyze and compare the principles of constitutional law in India and Indonesia, through library research involving legal documents, academic literature, and qualitative and comparative analysis techniques to understand the application of law in the context of contemporary challenges. The study finds that although India and Indonesia have different historical and cultural backgrounds, both share fundamental principles of constitutional law such as constitutional supremacy, popular sovereignty, and the protection of human rights, but differ in their governance systems with India adopting parliamentary federalism and Indonesia a presidential unitary system. Both countries face similar challenges in globalization, democracy, and human rights, with India emphasizing the role of judicial review by the Supreme Court and Indonesia strengthening the Constitutional Court. Implementation challenges include issues of pluralism, privacy, decentralization, and responses to digitalization, with each country adjusting its legal framework to address social discrimination and freedom of expression.

Keywords: *Comparative Law, Constitutional Law, Constitutionalism, Human Rights.*

A. INTRODUCTION

Constitutional law is one of the main pillars in a country's legal system, serving as a foundation for regulating the structure of government, relations between state institutions, and the rights and obligations of citizens. In the contemporary era, where globalization, technology, and social change are taking place very rapidly, constitutional law faces increasingly complex challenges. Each country must adapt to these dynamics to maintain political stability, protect human rights, and promote sustainable development (Riyadi, 2024). In this context, a comparison between the constitutional laws of India and Indonesia is a relevant study because both countries have unique but overlapping histories, political structures, and social challenges. India and Indonesia are the two largest democracies in Asia, with populations that are very diverse in terms of culture, religion, and language. India, as the largest democracy in the world, has had a constitution that has been drafted in detail and comprehensively since 1950. The Indian constitution clearly regulates the division of powers between the central and state governments, reflecting a federal system of government that allows for decentralization of power (Parasher, 2022). In contrast, Indonesia adheres to a unitary state system with the principle of regional autonomy that provides flexibility to local governments in managing local affairs. Since the 1998 reforms, Indonesia has experienced major changes in its constitutional law system, including constitutional amendments that strengthen the role of state institutions and increase transparency in government (Mendy, 2024).

Despite fundamental differences in government structures, both countries face similar challenges in the context of constitutional law in the modern era. These challenges include political polarization, protection of minority rights,

decentralization of power, and strengthening the rule of law amidst global political and economic pressures. In addition, both countries must also face social dynamics that arise from the diversity of their societies (Bhat, 2021)(H. W. Dicky Eko Prasetyo, 2022). For example, India has more than 2,000 ethnic groups and various major religions, such as Hinduism, Islam, Christianity, and Sikhism (Ghosh & Chakraborty, 2020). On the other hand, Indonesia has more than 1,300 ethnic groups with the majority of the population being Muslim, but also having adherents of other religions such as Christianity, Hinduism, Buddhism, and Confucianism (Simanjuntak, 2022). In the context of constitutional law, protecting this diversity is a challenge in itself. In India, one of the major issues is the protection of the rights of religious and caste minorities amidst certain political dominance. For example, the Citizenship Amendment Act (2019) which is considered discriminatory against Muslims has sparked massive protests. Judicial activism in India is also an important phenomenon that shows the role of the Supreme Court in overseeing government policies (A. Singh, 2024). Meanwhile, in Indonesia, issues related to religious tolerance and management of inter-religious conflicts are no less serious challenges. Several cases involving law enforcement against violations of the rights of religious minorities show the need for a more inclusive and just legal system (Warnis et al., 2024).

In addition to protecting minority rights, another challenge faced by both countries is how to maintain a balance between political stability and individual freedom. India, with its strong democratic tradition, often faces a dilemma in managing increasingly sharp political polarization. The influence of dominant political parties at the national level, such as the Bharatiya Janata Party (BJP), often

creates tensions with regional parties that have different agendas (M. N. Singh, 2021). On the other hand, Indonesia also experiences complex political dynamics, especially in the context of the relationship between the central and regional governments. After the reformation, decentralization in Indonesia has opened up opportunities for regions to manage their own affairs, but has also given rise to new challenges such as disparities in development between regions and corruption at the local level (Hadiz, 2004).

In terms of decentralization, the comparison between India and Indonesia is interesting because both apply different approaches. India, as a federal state, has a clear system of division of powers between the central and state governments. Each state has its own constitution, parliament, and the power to regulate a number of local issues (Yimenu, 2023). Meanwhile, Indonesia, as a unitary state, provides autonomy to local governments through the Regional Autonomy Law. This approach aims to improve government efficiency and encourage community participation in decision-making at the local level (Sunarso, 2024). However, the implementation of regional autonomy in Indonesia often faces challenges, such as lack of human resource capacity at the regional level, fiscal inequality, and conflicts between the central and regional governments.

In the context of globalization, both India and Indonesia also face pressure to adjust their constitutional laws to international standards. Globalization not only brings opportunities, but also poses new challenges in maintaining the rule of law and protecting local values. In India, for example, pressure from international organizations and multinational corporations often influences domestic policies,

especially in the economic and environmental sectors. The Supreme Court of India often takes a proactive role in overseeing policies that are considered detrimental to the interests of the people, although this sometimes triggers criticism that the judiciary interferes too much in executive affairs (Budiana, 2024). In Indonesia, the influence of globalization is also seen in efforts to reform the law to attract foreign investment. However, these efforts often clash with the need to protect the rights of indigenous peoples and the environment (Firdaus et al., 2023). Another important aspect of contemporary constitutional law is the role of technology in governance. Digitalization of government, transparency through e-government, and management of personal data are increasingly relevant issues. In India, the Digital India program launched by the government aims to increase public access to public services through technology. However, this has also raised concerns regarding privacy violations and data security (Babbar et al., 2023).

Meanwhile, Indonesia is also trying to develop technology in government, especially through the Electronic-Based Government System (Pan & Fan, 2023). However, challenges such as uneven technological infrastructure and cyber threats remain obstacles to realizing transparent and efficient governance. In understanding the complexity of constitutional law in India and Indonesia, it is important to look at the historical background that shaped their current legal systems. India, as a former British colony, has adopted many common law principles in its legal system. This tradition provides flexibility in legal interpretation and allows for an active role for the courts in resolving constitutional issues (Faiz, 2019). On the other hand, Indonesia, as a former Dutch colony, has adopted a civil law tradition that places

more emphasis on legal certainty through written laws (Dian et al., 2023). These differences affect how the two countries handle constitutional law issues, including the relationship between the executive, legislative, and judicial institutions. Based on the background explanation above, the formulation of the problem in this study is: (i) what are the similarities and differences in the basic principles of constitutional law between India and Indonesia in the context of contemporary challenges such as globalization, democracy, and human rights? and (ii) how is the implementation of the constitutional law system in India and Indonesia in facing contemporary issues?

This study aims to explore how constitutional law in India and Indonesia has developed in facing contemporary challenges. This study not only focuses on a comparative analysis of legal systems, but also on the effectiveness of policies and implementation in the field. With this approach, it is hoped that a deeper understanding of the strengths and weaknesses of each system can be obtained as well as opportunities for better reform. This study is also expected to contribute to the development of constitutional law theory, especially in the context of developing countries facing similar challenges. In addition, this study is expected to be a reference for policy makers in India and Indonesia in designing policies that are more inclusive, fair, and in accordance with the needs of the community. By highlighting the unique experiences of both countries, this study also contributes to the global discussion on how countries with high diversity can create legal systems that function effectively in the contemporary era. In the long run, this study will not only enrich academic literature but also provide practical insights for various stakeholders in creating better governance. In the study of constitutional law, the comparison

between the constitutional systems of Indonesia and India has become an interesting research object for many academics. Several previous studies have discussed specific aspects of this comparison, such as the system of electing members of people's representatives and dispute resolution through online arbitration.

One relevant study is the article entitled "Comparative Analysis of Law in the Election System of Representative Members between the Regional Representative Council of the Republic of Indonesia and the Rajya Sabha of the Republic of India" by Ahmad Goza Zaenury, Yuniar Rahmatiar, and Muhamad Abas. This study discusses the differences in the election systems of representative members between Indonesia and India, with a focus on the Regional Representative Council (DPD) in Indonesia and the Rajya Sabha in India (Zaenury et al., 2023). The results of the study show significant differences in the election mechanisms and functions of the two institutions. Another noteworthy study is "Comparative Law of Indonesia and India on Online Arbitration Dispute Resolution" by Muhammad Angga Fathurrahman and Lenny Husna. This article analyzes how the two countries regulate online arbitration as an alternative method of dispute resolution. Although neither Indonesia nor India has specific regulations regarding online arbitration, their respective national arbitration institutions have adopted procedures that allow for electronic arbitration (Fathurrahman & Husna, 2023). In addition, the paper "Differences in the Constitutions of Indonesia and India Reviewed from the Form of the State and the System of Government" compares the constitutions of the two countries from three main aspects: the procedure for amending the constitution, the form of the state, and the system of government. This paper reveals fundamental

differences in the structure of government and the legislative process between Indonesia and India (Satrio, 2022).

Although these studies have made significant contributions to understanding the comparison of certain aspects of the constitutional law of Indonesia and India, there is still room for more comprehensive and up-to-date research. The novelty of this study lies in the holistic approach that not only compares the structure and function of state institutions, but also analyzes the political, social, and economic dynamics that influence the implementation of constitutional law in the two countries. In addition, this study will consider the latest developments in law and politics in Indonesia and India, which have not been widely discussed in previous literature. Thus, this study is expected to fill the gap in the literature and provide a deeper understanding of how Indonesia and India manage contemporary challenges in their constitutional law. This study uses a normative legal research method, which focuses on systematic analysis of legal documents as primary source (Marzuki, 2017). This method was chosen because the research aims to examine and compare the constitutional legal framework in India and Indonesia from a theoretical and normative perspective. In this study, the researcher did not collect data in the field, but rather focused on studying legal regulations, court decisions, and relevant literature.

The approach used is the statute approach. This approach serves to analyze various legal regulations in both countries, including constitutions, organic laws, implementing regulations, and court decisions. The Constitution of India (The Constitution of India, 1950 and the Constitution of Indonesia (UUD 1945) are the

main documents studied, because both are the basis of constitutional law in each country. In addition, this study also includes an analysis of additional regulations and other relevant official documents, with the aim of understanding how the principles of constitutional law are applied in a contemporary context (Muhaimin, 2020).

The sources of legal materials in this study consist of primary, secondary, and tertiary legal materials. Primary legal materials include official documents such as constitutions, laws, and court decisions. Meanwhile, secondary legal materials are in the form of books, journal articles, and academic research that discuss the topic of constitutional law in India and Indonesia. To complete the understanding, tertiary legal materials such as legal encyclopedias and legal dictionaries are used as additional references. All of these legal materials were collected through library research, which involves an in-depth review of the literature available in physical libraries and trusted digital sources. The data collection technique was carried out systematically through library research (Suteki & Taufani, 2020).

The researchers collected data from various legal documents, academic books, scientific journals, and online articles. In addition, access to official legal portals and digital archives was used to obtain the latest and relevant data. All documents collected were recorded in detail to facilitate further analysis. In analyzing the data, this study used qualitative analysis techniques with a comparative approach. Qualitative analysis was carried out to explore the content and meaning of the legal documents studied, while the comparative approach aims to compare the constitutional legal framework in India and Indonesia. Researchers will identify similarities and differences between the principles of constitutional law in the two

countries, especially in facing global challenges such as democracy, human rights, and socio-political change. Through this approach, the study is expected to be able to provide a comprehensive understanding of the dynamics of constitutional law in the two countries as well as relevant recommendations for the development of constitutional law in the future.

B. RESULT AND DISCUSSION

1. The Similarities and Differences in Basic Principles of Constitutional Law between India and Indonesia in the Context of Contemporary Challenges

Constitutional law is a branch of law that regulates the system of state administration, the division of powers, and the relationship between the government and citizens (Nugraha, Xavier, Nathalia, Angeline Regita, Laurentius, 2023). In the contemporary era, various challenges such as globalization, democracy, and human rights are important factors that influence the dynamics of constitutional law in various countries (Prasetio, 2023)(Yunus et al., 2022). India and Indonesia, despite having different historical and cultural backgrounds, show some similarities and differences in the basic principles of their constitutional law. This study outlines these similarities and differences by referring to the constitutions of each country and relevant laws and regulations, to understand how both respond to these contemporary challenges. Both India and Indonesia use the constitution as the main foundation of their constitutional law. The Indian Constitution, which came into force on January 26, 1950, is a very comprehensive written legal document, covering 448 articles, 12 appendices, and various amendments that have been made to date. Meanwhile, Indonesia relies on the 1945 Constitution (UUD 1945) as the basis of the state which

has been in effect since the proclamation of independence. These two constitutions are the main guidelines in the formation of the system of government and the protection of citizens' rights.(Ruhijat et al., 2019)

One of the fundamental similarities between India and Indonesia is the principle of popular sovereignty which is the basis for the administration of government. In India, Article 326 of the Constitution grants universal suffrage to all citizens who have met the age requirements, without discrimination based on religion, race, caste, gender, or social status. This reflects the principle of inclusive democracy that is the hallmark of India as the largest democracy in the world (Gilbert & Keane, 2016). In Indonesia, the same principle is affirmed in Article 1 Paragraph (2) of the 1945 Constitution, which states that "sovereignty is in the hands of the people and is implemented according to the Constitution." The electoral mechanisms in both countries are designed to ensure that government comes from the will of the people (Subiyanto, 2020).

In addition, both countries place the supremacy of law as a main pillar in the constitutional legal system. In India, the supremacy of law is affirmed in Article 13 of the Constitution, which states that all laws that conflict with the basic rights stipulated in the Constitution are considered invalid (Variath, 2018). Indonesia has a similar principle stipulated in Article 1 Paragraph (3) of the 1945 Constitution, which states that "the State of Indonesia is a state of law." This principle ensures that all government actions must be in accordance with applicable laws, and violations of the law can be brought to the courts for accountability (Ahmad et al., 2024).

Both countries also have a strong commitment to the protection of human

rights. In India, fundamental rights are regulated in Chapter III of the Constitution, which includes the right to liberty (Article 19), the right to equality (Article 14), and the right to protection from discrimination (Article 15) (Thio, 2010). In Indonesia, the protection of human rights is specifically regulated in Chapter XA of the 1945 Constitution, which includes various rights, such as the right to life, the right to education, and freedom of religion. This protection reflects the commitment of both countries to the universal values of human rights, although its implementation still faces various challenges at the practical level (Ismail & Hartati, 2020).

Despite many similarities, India and Indonesia show some fundamental differences in their constitutional legal systems, reflecting the unique characteristics of each country. One of the main differences is the system of government adopted. India uses a parliamentary system with federalism as its hallmark, while Indonesia adopts a presidential system with a unitary state structure (Yunus et al., 2022). India, as stated in Article 1 of its Constitution, is a "Union of States". This model gives autonomy to the states to make laws in certain areas, which are regulated in Schedule VII of the Indian Constitution. In this context, there is a clear division of powers between the central and state governments, including in the legislative, executive and financial fields (Sonwani, 2016). In contrast, Indonesia is a unitary state as stated in Article 1 Paragraph (1) of the 1945 Constitution, which states that "The State of Indonesia is a Unitary State in the form of a Republic." Although Indonesia provides regional autonomy through Article 18 of the 1945 Constitution and related laws such as Law No. 23 of 2014 concerning Regional Government, this autonomy remains within the framework of a unitary state (G. P. Putra et al., 2023). Another significant

difference is the structure of executive power. In India, the president is the largely ceremonial head of state, while real executive power is held by the prime minister as head of government. The prime minister is accountable to parliament, reflecting the characteristics of a parliamentary system (Sundar, 2023).

In Indonesia, the president is both head of state and head of government, with broad executive powers as stipulated in Article 4 Paragraph (1) of the 1945 Constitution. The president is directly elected by the people, so he has strong political legitimacy and does not depend on parliamentary support to carry out his duties (Septiana Rizco Nurfaizi, 2020). In terms of protecting human rights, there are differences in the approaches and priorities of each country. In India, the courts have an important role in upholding fundamental rights through the mechanism of judicial review. For example, in the landmark case of *Kesavananda Bharati v. State of Kerala* (1973), the Supreme Court of India introduced the doctrine of the basic structure of the constitution, which ensures that the fundamental principles of the Constitution cannot be changed even by constitutional amendment (F. P. D. Dicky Eko Prasetyo, 2021)(Albert, 2019).

In Indonesia, the role of the Constitutional Court (MK) is stipulated in Article 24C of the 1945 Constitution, which gives the MK the authority to test the constitutionality of laws (Riyah, 2024). Although the Constitutional Court of Indonesia is relatively new compared to the Supreme Court of India, its role in maintaining the constitutionality of laws and strengthening human rights protections is significant, especially after the 1998 reforms. Both India and Indonesia face major challenges in the context of globalization, democracy, and human rights. In the era of

globalization, pressure from international actors, such as the World Trade Organization and multinational corporations, influences domestic policies in both countries. Policies related to foreign investment, environmental protection, and economic reforms are often a source of contention between national interests and international demands (Zahoor et al., 2023). In the context of democracy, the main challenge is maintaining inclusiveness and preventing abuse of power. In India, discrimination based on caste, religion, and gender remains an obstacle to creating a truly inclusive democracy (Mosse, 2018). Indonesia, despite significant democratic progress since the reforms, still faces challenges in combating corruption, preventing the politicization of religion, and ensuring equality in political participation (Aspinall et al., 2021). Human rights are also a crucial issue in both countries.

In India, internal conflicts, such as tensions in Kashmir and discrimination against Muslim minorities, often give rise to international criticism of the country's human rights record (Sugandi et al., 2024). In Indonesia, the issues of religious freedom, indigenous peoples' rights, and law enforcement against past human rights violations are still major homework that must be completed (Aditya & Al-Fatih, 2021). Despite similarities in the basic principles of constitutional law, India and Indonesia show significant differences in their governmental structures, division of powers, and approaches to human rights protection. These similarities reflect both countries' commitment to democracy, the rule of law, and the protection of citizens' rights, while the differences reflect each country's historical, social, and political characteristics. In facing contemporary challenges, India and Indonesia must continue to innovate in their constitutional legal frameworks to maintain

governmental stability, enhance human rights protection, and ensure people's sovereignty. Strengthening legal institutions, policy reforms that are adaptive to global challenges, and commitment to constitutional values are key to strengthening the foundations of constitutional law in both countries in the future.

2. Implementation of Constitutional Law System in India and Indonesia in Facing Contemporary Issues

Constitutional law is the basis for regulating relations between the state and society, as well as relations between state institutions. In the context of India and Indonesia, both countries face challenges in constitutional law that develop along with changes in the times, such as globalization, democracy, protection of human rights, and the dynamics of technology (Yunus et al., 2022). With their different historical backgrounds, cultures, and governance structures, India and Indonesia have developed unique constitutional legal systems to address contemporary issues. India, the world's largest democracy, has a constitution adopted in 1950. It is the world's longest written constitution, comprising 395 articles, 12 chapters, and several additional schedules. India's system of government is federal, but with a strong central government supremacy. Article 1 of the Indian Constitution states that India is a "Union of States," affirming unity in diversity. One of the major contemporary challenges facing India is to reconcile social and political pluralism with the demands of globalization. Articles 14 to 18 of the Constitution guarantee equality before the law, while Article 19 provides for fundamental freedoms, including freedom of speech and expression.

However, discriminatory policies against minorities, such as the Citizenship

Amendment Act (CAA) 2019, have sparked major protests. The law is considered to be in conflict with the principles of equality and non-discrimination guaranteed in the constitution, particularly Article 14 (Mate, 2016). In addition, India faces major challenges in managing personal data and privacy of citizens in the digital age. The Indian constitution does not explicitly mention the right to privacy as a fundamental right. However, in the landmark case of *K.S. Puttaswamy v. Union of India* (2017), the Supreme Court of India ruled that privacy is part of the right to life guaranteed under Article 21. This decision laid the foundation for the enactment of the Personal Data Protection Bill 2019, which aims to protect citizens' personal data from misuse by both the government and private parties (Jain, 2023).

Another challenge is the tension between the central and state governments in a federal system. For example, the issue that arose in Jammu and Kashmir after the revocation of its special autonomy status through the Jammu and Kashmir Reorganisation Act 2019 caused controversy and international criticism. This decision was considered to ignore the principles of federalism, which is one of the main features of Indian constitutional law (Setyorini & Mukti, 2020). In Indonesia, the 1945 Constitution (UUD 1945) is the basis of constitutional law. After the 1998 reforms, the constitution underwent four amendments to accommodate the demands of democracy and human rights protection. Article 1 Paragraph (1) of the 1945 Constitution stipulates that Indonesia is a unitary state, while Article 1 Paragraph (2) affirms that sovereignty lies in the hands of the people and is implemented according to the Constitution (Riyah, 2024).

A major change in Indonesia's constitutional legal system occurred with the

inclusion of Chapter XA on Human Rights into the 1945 Constitution. These articles, starting from Article 28A to Article 28J, provide comprehensive protection of rights, including the right to life, freedom of religion, and freedom of expression. In addition, Indonesia passed Law Number 39 of 1999 concerning Human Rights, which is the legal basis for ensuring that citizens' rights are protected (Salam, 2023). In the context of globalization and technology, Indonesia faces similar challenges to India, especially in the protection of personal data. Law Number 27 of 2022 concerning Personal Data Protection is one of the main responses to the development of digitalization. This law regulates the management of personal data by the government and the private sector, and provides sanctions for parties who violate the provisions (Suryanto et al., 2024). Another challenge facing Indonesia is decentralization and regional autonomy. After the reformation, Indonesia adopted a decentralization system through Law Number 23 of 2014 concerning Regional Government, which gives greater authority to regional governments. However, in practice, the implementation of regional autonomy is often marked by conflicts of interest between the central and regional governments, especially in special regions such as Papua and Aceh (Khiswatul Barokah, Redemptus Denaryo, Gladysta Viola Serafim, Sabrina Amaliya Lutfiana, 2024). In Papua, issues surrounding the distribution of special autonomy funds and human rights violations are the main focus, while in Aceh, the implementation of Islamic law poses challenges in maintaining consistency with national legal principles (Suriadi et al., 2023).

Despite their different governmental structures, India and Indonesia face

similar challenges in implementing constitutional law. In terms of federalism, India gives greater freedom to states than Indonesia, which adheres to a unitary state system. However, in some cases, the central government in India has shown a tendency to control certain regions, such as in the case of Jammu and Kashmir, which is similar to the Indonesian government's approach to Papua (Kaufman et al., 2024). Protection of human rights is also a significant issue in both countries. India has a strong legal framework, but its implementation is often hampered by religious-based conflicts, caste discrimination, and political polarization. On the other hand, although Indonesia has adopted various laws related to human rights, challenges remain, especially in guaranteeing freedom of religion and freedom of expression (Via Dianti et al., 2024). In the face of globalization and technological developments, both countries have shown significant efforts through the enactment of personal data protection laws. However, the effectiveness of the implementation of these laws depends heavily on the legal infrastructure and public awareness (Anggen Suari & Sarjana, 2023).

The key challenge facing both countries is to ensure that public policies are in line with constitutional principles and meet the needs of contemporary society. In India, issues such as religious discrimination and conflicts between the centre and states require a more inclusive approach. The government needs to strengthen interfaith dialogue and ensure that policies such as the CAA are not only legal but also socially just (M. A. Putra, 2016). In Indonesia, the key challenge is to maintain a balance between regional autonomy and national integrity. The conflicts in Papua and Aceh highlight the need for a more dialogical and socially just approach. In

addition, the implementation of the ITE Law needs to be reviewed to ensure that freedom of expression remains protected (Veno et al., 2021).

Through this comparative study, it can be concluded that despite the structural differences between the constitutional legal systems of India and Indonesia, both face similar contemporary challenges. The implementation of constitutional law requires an approach that prioritizes social justice, pluralism, and responsiveness to global dynamics. Thus, continuous legal reform and consistent law enforcement are key to ensuring the stability and progress of constitutional law in both countries.

C. CONCLUSION

India and Indonesia, despite their different historical and cultural backgrounds, share similarities in the basic principles of constitutional law by making the constitution the main foundation, upholding the principles of popular sovereignty, the supremacy of law, and the protection of human rights. Both countries face the challenges of globalization, democracy, and human rights by adapting their legal frameworks to respond to international and domestic demands.

However, fundamental differences are seen in the system of government, where India adopts a parliamentary system with federalism, while Indonesia adopts a presidential system with a unitary state. The approach to human rights protection is also different, with India emphasizing the role of judicial review through the Supreme Court, while Indonesia strengthens the Constitutional Court in maintaining the constitutionality of laws. India and Indonesia face various contemporary issues in the implementation of their constitutional legal systems, such as globalization, democracy, human rights protection, and technological dynamics. In India, the main

challenges include harmonizing social pluralism with globalization and upholding the rights to privacy and freedom of speech.

Judicial review by the Supreme Court has become an important instrument, as in the case of *K.S. Puttaswamy v. Union of India* which strengthened the right to privacy. In Indonesia, issues of decentralization and regional autonomy are often colored by central-regional conflicts, especially in Papua and Aceh. Indonesia's response to the challenges of digitalization is manifested through the Personal Data Protection Law. Both countries strive to integrate constitutional principles with contemporary needs, but challenges such as social discrimination and freedom of expression remain a big homework in the implementation of constitutional law. This research recommends the need for the study and optimization of the developing principles of constitutionalism in both countries, including efforts to implement the developing principles of constitutionalism in both countries to ensure the fulfillment of human rights aspects.

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