

The State's Responsibility for the Fulfillment of Citizens Rights in the Context of Realizing the New Indonesian Socialist Principles

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Abstract

The fundamental responsibility of the state in realizing the ideals of the New Indonesian Socialist (NIS) is rooted in the constitutional mandate to guarantee substantive social justice through the doctrine of the Welfare State, where the state is obliged to respect, protect, and fulfill the basic rights of citizens such as the right to decent work and education. The main problem arises from the contradiction between these normative obligations and the reality of implementation, which is often hampered by development gaps and bureaucratic inefficiency. The purpose of this study is to analyze in depth the extent of the role of the state in the fulfillment of citizens' rights within the framework of the NIS and identify the factors that hinder the optimization of these responsibilities. This study uses a normative juridical method combined with a descriptive-analytical qualitative approach to analyze the alignment between the New Indonesian Socialist NIS framework and constitutional obligations. The analysis is focused on primary legal instruments such as the 1945 Constitution of the Republic of Indonesia and literature related to the theory of the Welfare State, with data collection entirely carried out through literature studies to critically map the reality of public policy implementation. The results of the discussion show that state responsibility is closely related to the concept of the Welfare State, demanding the fulfillment of rights progressively through three dimensions of obligations (respect, protect, fulfill). Although the juridical basis in the 1945 Constitution has comprehensively regulated basic rights, its implementation still faces significant structural obstacles such as corruption, resource inequality, and weak law enforcement, which hinder the realization of substantive social justice in accordance with the spirit of the New Indonesian Socialist.

Keywords: State Responsibility, Citizens' Rights, New Indonesian Socialist,

1. INTRODUCTION

The State's Responsibility for the Fulfillment of Citizens' Rights in Realizing the New Indonesian Socialist Principle underlines the constitutional and ideological imperatives carried out by the Indonesian state in ensuring welfare and equality for all its people. The concept of New Indonesian Socialist (NIS) carried out in the national development discourse reflects a deep commitment to shift the focus from mere economic growth to development based on substantive social justice, a vision that is in line with the basic mandate in the Preamble to the 1945 Constitution of the Republic of Indonesia.

Philosophically, the New Indonesian Socialist vision finds a strong foothold in the doctrine of the Welfare State, where the state takes a full and active role in managing the socio-economic system to ensure the collective welfare of citizens. The state no longer plays the role of a night-watchman in the economic and social spheres, but rather as the main agent that must allocate resources, regulate industrial relations, and expand basic rights, especially the right to education and social protection. (Rizkiyawan 2024)

The legal framework that underpins this responsibility is internalized through the principles of Human Rights, where the state has three levels of obligations that must be progressively fulfilled: respect (not to take actions that impede the enjoyment of rights), protect (take active steps to prevent violations by non-state actors), and fulfillment (take legislative, administrative, and budgetary steps to realize these rights). This obligation is an entitlement or right that can be claimed, not just a mercy (charity) from the government. (Online Law 2022)

The role of the state in this context includes fair law enforcement, the provision of universal access to vital public services such as education and health, the design of policies that reduce inequalities, and the protection of human rights from abuses by third parties, including corporations. The fulfillment of these basic rights such as the right to decent work, housing, and social protection is considered essential as the foundation for democratic and socially just national development, as affirmed in various articles of the 1945 Constitution of the Republic of Indonesia.

However, the problem of this research arises from the contradiction between the normative obligation and the reality of implementation in the field. Many welfare programs that have been launched, such as national health insurance or educational assistance, show a significant gap between law and practice. This gap is manifested in the form of uneven development, limited facilities in remote areas, and bureaucracy that often hinders policy effectiveness.

Further, policy implementation is often distorted by an overly narrow focus on economic growth alone, at the expense of distributive justice and threatening the rights of vulnerable groups, a pattern that has historically been criticized for potentially repeating past development failures. The state's failure to maintain equality and transparency in resource allocation has the potential to undermine the legitimacy of the rule of law and hinder the realization of the principles of social justice promoted by the New Indonesian Socialist.

The challenges faced by the state are complex, including deep-rooted socio-economic inequality, bureaucratic inefficiency, and low legal awareness and public participation in policy oversight. If citizens do not understand their rights and obligations, or if the bureaucracy is inefficient and prone to abuse of authority, then the responsibility of the state in the dimension of fulfilling rights will be systematically hampered.

Therefore, the formulation of this research problem is;

1. What is the State's Responsibility for the Fulfillment of Citizens' Rights in order to realize the principles of the New Indonesian Socialist?
2. What are the factors that hinder the realization of social justice based on the principles of the New Indonesian Socialist?

The purpose of this research is to analyze in depth the extent of the role and responsibility of the state for the fulfillment of citizens' rights within the framework of the New Indonesian Socialist principles and what are the factors that hinder the optimization of state responsibility in realizing the ideals of the Indonesian nation.

This study continues and enriches previous studies that have discussed aspects of the Welfare State/New Indonesian Socialist and the fulfillment of the rights of the state's color, human rights, economic, social and cultural, by placing specific emphasis on the integration of the three dimensions of state responsibility (respect, protect, fulfill) under the philosophical umbrella of New Indonesian Socialist, thus making a critical contribution to the discourse of constitutional law and public policy in Indonesia. This research is important to bridge the theory of social justice aspired to through the concept of New Indonesian Socialist with the practice of law and state policies that must be implemented concretely, ensuring that the fundamental rights of citizens are truly the top priority in every step of national development.

2. METHODS

This research methodologically adopts a normative juridical approach combined with qualitative-descriptive-analytical, a framework designed to analyze the alignment between the ideological framework of the New Indonesian Socialist and the constitutional obligation of the state in ensuring the fulfillment of citizens' rights. This method focuses on an in-depth analysis of primary legal instruments, such as the 1945 Constitution of the Republic of Indonesia and related regulations on Human Rights, as well as secondary literature that addresses the theory of the Welfare State and the concept of state responsibility (respecting, protecting, and fulfilling rights) across the spectrum of civil, political, economic, social, and cultural rights. Data collection is carried out through library research, which allows researchers to interpret and map critically the extent to which the implementation of public policies has realized these constitutional promises, especially in the context of overcoming social disparities and bureaucratic inefficiencies which are the main challenges in realizing substantive social justice (Bambang Sunggono 2016)

3. RESULTS AND DISCUSSION

A. State Responsibility for the Fulfillment of Citizens' Rights in order to Realize the New Indonesian Socialist Principles

The state's responsibility for the fulfillment of citizens' rights based on the principles of the New Indonesian socialist is very strongly related to the concept of the Welfare State, which is a concept of a state that desires a prosperous life by using its full responsibilities to fulfill, protect, and prioritize the interests of its citizens by providing the rights they should get. These actions can be implemented by providing various public services, assistance, prevention and protection against violations of social violations that often occur in the state environment. (Nurul Amaliah Afrida, 2023)

The characteristics of a welfare state are as follows:

"(1) separation of powers to prevent the occurrence of absolute power that encourages the abuse of power (power tends to corrupt, power absolutely corrupt

absolutly), (2) the State can play an active role in the maintenance of the interests of its people related to the economic, social and cultural fields. (3) The welfare state is concerned with social justice and not formal equality. (4) There is a tendency for the role of public law to be increasingly important and more urgent, this is because the role of the state in the field of life is becoming wider (5) as a consequence of the things mentioned above. Therefore, in the concept of the welfare state, property rights are no longer considered as absolute rights, but are seen as social functions, which means that there are limits to the freedom of use." (Ridwan HR, 2006)

These characteristics must be possessed by a country that uses the concept of a welfare state, including the state of Indonesia. The state of Indonesia is included in the type of welfare state, this can be seen in the opening paragraph 4 of the 1945 Constitution of the Republic of Indonesia which is a noble agreement (*modus vivendi*) of the founders of the Indonesian nation that one of the ideals of Indonesian state law (*rechtside*) is to advance social welfare. (Moh Mahfud MD 2007) Advancing general welfare is very closely related to the concept of national welfare.

Some of the articles that refer to the concept of the Welfare State include:

1. Article 23 paragraph 1 which reads "The management of the government's budget and finances must be prioritized for the welfare of the people" which means that the article requires the state to meet the welfare of its citizens as a whole by prioritizing budget and financial management run by the government.
2. Article 27 paragraph 2 which reads "Every citizen has the right to work and a decent livelihood for humanity" which means that the article requires every country to guarantee decent and proper work and living environment to all levels of its citizens by providing jobs and making it easier for its citizens to enter the world of work to improve their standard of living as citizens.
3. Article 28C paragraph 1 which reads "Everyone has the right to develop themselves through the fulfillment of their basic needs, the right to education and to benefit from science and technology, art and culture, in order to improve their quality of life and for the welfare of mankind" which means that the article has meaning if human self-development is carried out with education organized by the Government in accordance with Article 31 paragraph 1 concerning the right to education in a decent and equal manner without discrimination for every citizen.
4. Article 34 paragraphs 1-3 which means that all poor people and abandoned children are protected and continue to be provided with guarantees of public services so that the state will continue to empower all levels of its weak society by developing social system guarantees in accordance with human dignity as a form of responsibility from the state to ensure health and education services and other public services provided by the state in accordance with the Competence

The above articles are several articles that imply that Indonesia adheres to the concept of the Welfare State, which of course there are many other articles that can be seen in the 1945 Constitution. The above article also refers that the state must always be responsible for everything related to citizens in supporting welfare where guarantees for the fulfillment of citizens' needs and all its contents are provided by the state in full.

Rights and Obligations of Citizens All Indonesian citizens have the same rights in all areas of national life, society, and state. The Constitution of the Republic of Indonesia

in 1945, Law Number 39 of 1999 concerning Human Rights, and other laws and regulations uphold these rights. Basic rights and new rights are the two main categories covered by every Indonesian individual. Everyone born in Indonesia enjoys the same basic rights from birth, regardless of their gender, skin color, religion, or socioeconomic status.

The juridical basis of the articles of law that govern the rights and obligations of Indonesian citizens:

Citizens' Rights

1. The right to decent work and livelihood,
Every citizen has the right to work and a decent livelihood for humanity (article 27 paragraph 2).
2. The right to live and defend life
Everyone has the right to live and has the right to defend his life and livelihood. (Article 28A).
3. The right to form a family and continue offspring through legal marriage (article 28B paragraph 1).
4. The right to survival.
Every child has the right to survive, grow, and develop
5. The right to develop oneself and through the fulfillment of their basic needs and the right to education, science and technology, art and culture in order to improve the quality of one's life for the welfare of human life. (Article 28C paragraph 1)
6. The right to advance themselves in fighting for their rights collectively to build their society, nation, and country. (article 28C paragraph 2).
7. The right to fair legal recognition, guarantee, protection, and certainty and equal treatment before the law. (article 28D paragraph 1).
8. The right to private property The right to life, the right not to be tortured, the right to freedom of mind and conscience, the right to religion, the right not to be enslaved, the right to be recognized as a person before the law, and the right not to be prosecuted on the basis of retroactive law are human rights that cannot be reduced under any circumstances. (article 28I paragraph 1).

Obligations of Indonesian Citizens

1. Must obey the law and government.
Article 27 paragraph (1) of the 1945 Constitution reads: all citizens have the same position in the law and government and are obliged to uphold the law and government without exception.
2. Must participate in efforts to defend the state.
Article 27 paragraph (3) of the 1945 Constitution states: every citizen has the right and obligation to participate in efforts to defend the state.
3. It is mandatory to respect the human rights of others.
Article 28J paragraph 1 says: Everyone is obliged to respect the human rights of others
4. Must be subject to the restrictions set by law.

Article 28J paragraph 2 states: In exercising his rights and freedoms, everyone is obliged to submit to the restrictions established by law with the intention of ensuring recognition and respect for the right to freedom of others and to meet fair demands in accordance with moral considerations, religious values, security, and public order in a democratic society.

5. Must participate in national defense and security efforts.

Article 30 paragraph (1) of the 1945 Constitution. Declare: Every citizen has the right and obligation to participate in the defense and security efforts of the state.

The state's responsibility in fulfilling the rights of citizens, in line with the principle of "New Indonesian Socialist", is to protect, respect, uphold, and advance basic rights such as the right to decent work, education, health, legal protection, and social justice, through public policies that ensure equality and accessibility for all people, in accordance with the mandate of the 1945 Constitution.

Principles of State Responsibility:

1. Respect, Protect, Enforce (Respect, Protect, Fulfill) The State must actively respect the rights of citizens, protect from violations, and fulfill these rights.
2. Realizing Social Justice: Ensuring that every citizen has the right to equal employment, decent livelihoods, education, and health.
3. Ensuring Legal Certainty: Providing equal protection, assurance, and treatment before the law for all citizens.

Implementation in the Context of the "New Indonesian Socialist":
This principle encourages the state to:

- Focus on People's Welfare: Prioritizing policies that aim to prosper the people equally, not just a handful of groups.
- Strengthening Social and Economic Rights: Expanding access to basic services (health, education, employment) as a form of equity.
- Equal Opportunity: Ensure that there is no discrimination in obtaining rights, in accordance with the principle of equality of position in the eyes of the law and government.
- Improving Quality of Life: Encouraging improvements in the quality of life, including protection for vital professions such as social workers, in order to work optimally.

In essence, the state is fully responsible for creating conditions where every citizen can enjoy his or her basic rights optimally, realizing a just, prosperous, and socially just society, in line with the spirit of the people.

B. Factors that hinder the state's responsibility for the fulfillment of citizens' rights in order to realize social justice based on the principles of the New Indonesian Socialist?

Factors that hinder the optimization of state responsibility in realizing social justice based on the New Indonesian Socialist principles include corruption and abuse of power, unequal distribution of resources, bureaucratic inefficiency, high socio-

economic disparities, weak law enforcement, and a selfish and corrupt mentality among officials who prioritize personal or group interests over the interests of the people, thereby hindering the implementation of pro-people and social justice policies.

Main Inhibiting Factors:

1. **Corruption and Abuse of Power:** The biggest obstacle is that public funds that should be for public services and people's welfare are misappropriated, reducing the state's capacity to fulfill the basic rights of citizens (education, health, employment).
2. **Economic Disparities and Unequal Distribution of Resources:** Although state resources exist, their allocation is often unfair, creating a gap between rich and poor, as well as central and regional, making social justice difficult to achieve.
3. **Inefficient and Slow Bureaucracy:** Corrupt or unprofessional bureaucracy causes public services to be hampered, worsening the situation of fulfilling citizens' rights.
4. **Weak Law Enforcement (Rule of Law):** Justice is not felt if the law is not enforced fairly and impartially, especially when it involves officials or powerful groups.
5. **Selfish Attitude and 'Corrupt' Mentality** The existence of a mentality of seeking personal gain (egoism) and a lack of national awareness, both among officials and the public, hinder the synergy of realizing justice.
6. **Intolerance and Identity Politics:** It can divide unity and shift the focus from substantive issues towards social conflict, hindering social consolidation for justice.

The New Indonesian Socialist principle requires the state to actively guarantee basic rights and equality, so the above factors are directly contradictory, because they actually undermine the state's ability to realize these principles and create injustice. To optimize the role of the state, public law is needed in ensuring the welfare of the people in Indonesia, optimizing the state's responsibility in fulfilling the rights of citizens requires fundamental strengthening through the renewal of regulatory aspects to be comprehensive, consistent, and responsive to socio-economic dynamics, while ensuring the harmonization of laws and regulations to avoid overlapping authorities. This step should be followed by improved implementation of public law through bureaucratic reforms that emphasize professionalism, transparency, accountability, and service efficiency, where the use of digital technology is proposed as a means to accelerate services and minimize potential abuse of authority.

In addition to structural improvements, the effectiveness of public law is highly dependent on oversight and enforcement mechanisms. Further efforts include increasing public participation in policy formulation and oversight to increase legitimacy and provide social control, as well as strengthening independent oversight institutions such as the Ombudsman and the Corruption Eradication Commission. At the same time, firm, consistent, and non-discriminatory law enforcement is needed, as well as equitable distribution of development between regions to ensure that the benefits of laws and welfare policies can be felt fairly by all levels of society.

A real example of the state's responsibility in the health sector is the healthy Indonesia card program and BPJS Kesehatan. Public law provides the basis for the state

to provide affordable and equitable health services to all citizens. Theoretically, the program has helped millions of poor people gain access to health services, but in practice there are still major problems such as delays in the payment of hospital claims, various quality of services, and limited facilities in remote areas. This gap in access to health services shows that although public law has been comprehensively regulated, its implementation has not fully guaranteed the welfare of the community. The same thing happens in the field of education, where the law of the national education system guarantees the right of every citizen to obtain a decent education. The quality of education in urban areas is much better than in rural areas, although there are school operational assistance programs and smart Indonesia cards. This condition shows that the application of public law is still formal and not fully effective in ensuring equality of welfare throughout Indonesia.

Furthermore, the application of public law in terms of economics and social protection shows results and weaknesses. To maintain the purchasing power of the people, the government has made policies such as direct cash assistance, energy subsidies, and micro, small and medium enterprises empowerment programs. There are many benefits of this program, which helps vulnerable groups of people in the face of economic pressures, especially during the global crisis and the covid-19 pandemic. However, untargeted distribution, corrupt practices, and lack of supervision make its performance often questionable. This shows that public law, which is supposed to function as a controller, is not yet fully able to guarantee that any policy is truly beneficial to the wider community.

The implementation of public law has not fully guaranteed the welfare of the community as a whole due to structural constraints such as long bureaucracy, weak inter-agency coordination, and lack of transparency. In other words, public law in Indonesia has been normatively guaranteed, but its implementation still needs to be improved.

4. CONCLUSION

The state's responsibility in realizing social justice based on the principles of the New Indonesian Socialist is firmly rooted in the concept of the Welfare State mandated by the 1945 Constitution, which requires the state to actively guarantee the basic rights of citizens, including the right to decent work, education, and social protection, with priority on equity and substantive justice. Although the juridical framework has provided a solid foundation regarding the rights and obligations of citizens, the implementation of state responsibilities faces significant obstacles that include corruption, bureaucratic inefficiency, unequal distribution of resources, and weak law enforcement, which collectively undermine the state's capacity to realize equitable welfare. Therefore, optimizing the fulfillment of citizens' rights requires systematic efforts that focus on strengthening responsive regulations, transparent and accountable bureaucratic reforms, strengthening independent supervisory institutions, and increasing public participation, so that public law truly functions as an active instrument that ensures the welfare and legal certainty for all levels of society.

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