

# ПУБЛИЧНО-ПРАВОВЫЕ ИССЛЕДОВАНИЯ

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## FUNDAMENTAL RIGHTS AND CITIZEN CHARACTERISTICS IN ACCORDANCE WITH THE CONSTITUTION OF INDONESIA

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The article explores constitutional rights and responsibilities of citizens form the foundations of a legal state determining the balance between the freedoms of the individual and his or her responsibility to community and the state. Russian citizens» constitutional rights and responsibilities are formally enshrined in Chapter 2 of the Russian Federation Constitution of December 12, 1993 while the Indonesian Constitution, known as the Undang-Undang Dasar Negara Republik Indonesia Tahun 1945 (UUD 1945) of August 18, 1945, enshrines the fundamental rights of citizens, as well as a short list of responsibilities that ensure a balance between individual freedoms and responsibility aimed at the societal development.

**Keywords:** constitutional rights, responsibilities of citizens, personality, Russian Federation Constitution, Indonesian Constitution.

## КОНСТИТУЦИЯ ИНДОНЕЗИИ ОБ ОСНОВНЫХ ПРАВАХ И ОБЯЗАННОСТЯХ ГРАЖДАН

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В статье рассматриваются конституционные права и обязанности граждан как основы правового государства, определяющего баланс между свободами личности и ее ответственностью перед обществом и государством. Конституционные права и обязанности граждан России закреплены в отдельной главе 2 Конституции Российской Федерации от 12 декабря 1993 года, в то время как Конституция Индонезии, известная как Undang-Undang Dasar Negara Republik Indonesia Tahun 1945 (UUD 1945) от 18 августа 1945 года, закрепляет только основные права граждан, а также краткий перечень обязанностей, обеспечивающих баланс между индивидуальными свободами и ответственностью, направленной на развитие общества.

**Ключевые слова:** конституционные права, обязанности граждан, личность, Конституция Российской Федерации, Конституция Индонезии.

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The modern world is experiencing another wave of social shifts caused by global and regional changes. Within the framework of these processes, the human community still continues to adhere to certain social and worldview standpoints. The latter ones are reflected in the doctrines and the norms established on their basis that organize the life of the individual, society and the state. Constitutional rights and responsibilities of citizens form the foundations of a legal state determining the balance between the freedoms of the individual and his or her responsibility to community and the state.

Provisions ensuring fundamental human rights and freedoms are originally laid down in the Indonesian Constitution. At the same time, the period from the 1960s to 1990s in the country was marked by the adoption of various legislative acts that officially restricted the rights and freedoms of certain citizens' groups in particular, the Communist Party and other left-wing organizations' members as well as their family members. The representatives of the Chinese community were also included into the mentioned list. Moreover, systematic illegitimate infringements of citizens' rights and freedoms occurred, which took on the largest scale in the context of the fight against political dissent and ensuring control over troublesome territories.

Russian citizens' constitutional rights and responsibilities are formally enshrined in Chapter 2 of the Russian Federation Constitution of December 12, 1993 while the Indonesian Constitution, known as the Undang-Undang Dasar Negara Republik Indonesia Tahun 1945 (UUD 1945) of August 18, 1945, enshrines the fundamental rights of citizens, as well as a short list of responsibilities that ensure a balance between individual freedoms and responsibility aimed at the societal development. Having analyzed the chapters "Rights and Freedoms of Man and Citizen" of the Russian Federation Constitution and "Human Rights" of the Constitution of Indonesia, let's focus on the rights and responsibilities that are enshrined therein.

In the early 1990s, Russia adopted the ideology of the rule of law, which was officially recognized in the 1993 Russian Federation Constitution as the fundamental law of the land. It proclaimed the fundamental principles of the individual's position in society and the state, as well as the balanced development of society and the state (Article 1). The Constitution of the Russian Federation was the first to recognize the doctrine of natural human rights: fundamental human rights and freedoms are inalienable and belong to everyone from birth (Part 2 of Article 17). Restrictions on fundamental rights and freedoms are possible only in accordance with the provisions of federal law and to the extent necessary in special cases stipulated by the Constitution of the Russian Federation (Part 3 of Articles 55 and 56).

The Indonesian Constitution is the country's supreme law, a founding document defining the political, legal, and social structure of the state. It is more than just a set of rules, it is a "mirror" of the country's socioeconomic conditions, historical context, and cultural characteristics, shaped by 80 years of constitutional regulation. Having been adopted during the struggle for independence, the Constitution has become the foundation of the country's sovereignty. The 1945 Constitution was repealed in 1950, restored in 1959, and is currently in force with a number of amendments, the most important of which were adopted in 1999, 2000, 2001, and 2002, while preserving its core principles. The Constitution emphasizes the importance of organizing the state on the principles of democracy, the rule of law, and social justice, and recognizes the significance of citizens' rights and responsibilities as a criterion for national unity. Let's consider some of these rights and responsibilities.

The right to life, an absolute right among natural rights, is at the forefront of constitutional rights and freedoms of man and citizen [1, 2, 3]. Human life is the most vital individual and social value and an integral property of a person living in natural and social environments. The human right to life is one of the conditions for the realization of all other human rights, since it is the result of biological processes and, as such, represents a unique, supreme value in a modern civilized society. Human life, understood not only as a physiological process, but also as a legally guaranteed opportunity for an individual to remain in society, is the most important object of the natural right of the individual, since all other rights cannot be realized without the right to life [4].

This position is also enshrined in Articles 2, 7, and Part 1 of Article 20 of the Constitution of the Russian Federation. The right to life is the most fundamental social value, relating to the fundamental, inalienable rights that belong to everyone from the moment of birth. The right to life is proclaimed among those rights that cannot be limited, however, it does not encompass a corresponding duty to live.

The Indonesian Constitution enshrines the right to life and personal inviolability. According to Article 28A, every citizen has the right to life, as well as security of person, property and dignity. This right includes protection from arbitrary detention, torture, and other forms of cruel and inhuman treatment. Fundamental laws on the right to life reflect society's profound commitment to protecting human life, which is essential for maintaining the rule of law in the country.

According to Article 28B, every person has the right to found a family and reproduce through legal marriage. Every child has the right to life, growth, and development, as well as the right to protection from violence and discrimination. Similar provisions can be found in the Constitution of the Russian Federation, which recognizes dignity among the fundamental human rights, enshrining this provision in Part 1 of Article 21. It claims that «personal dignity is safeguarded by the state» and nothing may be used to diminish it. In accordance to the seprovisions, human dignity is inviolable.

The idea of human dignity as a unique social value dates back to the ancient world. Human remains inviolable by virtue of spirit, which distinguishes a human from the surroundings and enables him or her to make decisions about self-determination and transformation of itself and its environment. Therefore, dignity, as a set of moral qualities respected within oneself, is uniquely human.

It is to be agreed that today human dignity is “an integral component of the culture of society, embodying centuries-old ideas about a self-determining person, free from poverty, violence, oppression, and humiliation” [5]. Personal dignity acts as a legal category with a socio-historically changing content. The concept of personal dignity includes the possession of not only legal freedom, but also a minimum set of social benefits necessary for a decent life according to the standards of a modern consumer society (housing, relatively high wages, public health care and education, social provision, etc.). Such understanding of this concept is very true in the most developed countries in terms of state and legality, in the context of the recognition and real provision of human rights in a social state.

Article 28C: Citizens of Indonesia have the right to access education. Everyone has the right to benefit from science and technology, art, and culture in order to improve the quality of life and well-being of humanity. In Russia, the most important right among constitutional social rights and obligations is the right to education (Article 43 of the Constitution of the Russian Federation). Education is a unified, purposeful process of upbringing and training, which is a socially significant benefit and is carried out in the interests of the individual, family, society and the state. It is also a set of acquired knowledge, skills, abilities, value systems, experience and competencies of a certain volume and complexity aimed at intellectual, spiritual, moral, creative, physical and (or) professional development of a person while satisfying educational needs and interests.

The right to work is another right that is enshrined in the norms of the compared Constitutions. As for Russia, the “right to work” as a phenomenon appeared in the 19th century and became distinct from labor freedom [6]. It became transformed from its primary basis — the “right to existence” into the “right to a dignified existence”. At present, the “human right to work” can be characterized as a category that reflects the need for work, ensuring human existence and life activity [7]. An analysis of the legal doctrine on the right to work allows us to agree with the position of the authors, who distinguish both subjective and objective components in the right to work [8]. The right to work, before its implementation, is within the framework of general legal relations, and then, upon its implementation, it passes into the category of specific legal relations. This approach to understanding the legal nature of the right to work has not so much theoretical as practical significance. An analysis of Article 37 of the Constitution of the Russian Federation allows us to conclude that the right to work contains the following elements: the right to free choice of employment, to just and favorable working conditions and to protection from unemployment; the right to equal pay for equal work without any discrimination; the right to fair and satisfactory remuneration that ensures a decent living for the person and his family; the right to rest and leisure, including the right to reasonable limitation of the working day and paid period leave.

Unlike the Russian Constitution, Article 28 D, Part 2 of the Indonesian Constitution only enshrines the general provision that individuals have the right to work and to receive fair and adequate remuneration. It should be noted that this provision was previously enshrined in Article 23 of the Universal Declaration of

Human Rights (adopted by the UN General Assembly on December 10, 1948), assuming that it influenced the content of the Indonesian Constitution.

Article 28F of the Indonesian Constitution stipulates that every person has the right to communicate and receive information for the purpose of developing himself and his or her social environment, and also has the right to seek, receive, possess, store, process and transmit information using all available types of channels. A similar provision is contained in Article 29 of the Constitution of the Russian Federation. Thus, in analyzing this right, it should be noted that it is closely linked to the concept of «freedom of speech» and includes several structural elements. First, everyone has the right to publicly express their thoughts, ideas, and opinions, as well as to disseminate them. Secondly, this right is linked to printed publications and other media. Thirdly, this right comes down to the possibility to receive information, i. e., freedom of access to sources of information. Propaganda or agitation that incites social, racial, national, or religious hatred or enmity is prohibited (Article 10, paragraph 2, of the 1950 European Convention for the Protection of Human Rights and Fundamental Freedoms). According to this legal norm, the right to freedom of expression may be restricted in the interests of national security, territorial integrity or public order, in order to prevent disorder or crime, to protect health and morals, or to protect the reputation or rights of others [9].

As stated in Section 4 of Article 28H, every person has the right to personal property and such property shall not be unjustly held by any party (Every person shall have the right to own personal property, and such property may not be unjustly held possession of by any party). The analysis of the Russian Federation Constitution allows us to classify the right to private property (including its ownership, use, and disposal) as an economic right. Meanwhile, the recognition and protection of private property are fundamental principles for building a legal state in the market economy of Russia, therefore the right to property holds one of the most important places in the system of rights.

Along with citizens' rights, constitutions also enshrine responsibilities. While analyzing the Indonesian Constitution, it's worth noting that citizens' responsibilities are enshrined not in a single chapter, but in multiple chapters and articles. These responsibilities connect Indonesians to their governmental and social realities. The Indonesian Constitution emphasizes the need for a unified set of rights and responsibilities to foster a just and sustainable society. These rights and responsibilities encourage citizens to actively participate in the country's political, economic, and social life, fostering the development and strengthening of national unity.

According to Article 27, every citizen has the right and duty to participate in the defense of the state. The duty to protect the territorial integrity and sovereignty of the country, as well as to participate in national defense, is an important part of civic responsibility. The Constitution of the Russian Federation similarly enshrines the duty to defend the Fatherland (Article 59). Part 1 of Article 59 of the Constitution of the Russian Federation uses two concepts: "duty" and "obligation." While they are closely related in meaning, the former has a deeply moral character, expressing a moral obligation to the Motherland, to the people, and to the loved and closed ones. The second category, "obligation," is a legal category that is supported not only by moral requirements, but also by legal mechanisms in the form of legal liability for its failure to get fulfilled or its improper fulfillment.

According to Article 28 J, everyone is obligated to respect human rights. Furthermore, it's worth noting that this respect also applies to the life of the community, nation, and state. Article 30 of the Indonesian Constitution emphasizes the importance of citizen participation in protecting and upholding the Constitution, which fosters active citizenship. The duty to respect the rights of other citizens, to comply with the law, and to participate in the country's political life is also enshrined in the Russian Constitution (Part 2, Article 15).

Thus, both states enshrine fundamental rights and obligations in their constitutions. The rights and obligations of citizens under the Indonesian Constitution define a balance between freedom and responsibility, promoting social stability, the development of national identity, and respect for diversity. In light of modern challenges, the significance of these constitutional provisions is growing, requiring the constant updating and strengthening of mechanisms for protecting citizens' rights and fulfilling their obligations. This approach is key to the prosperity and sustainable development of Indonesia as a democratic, multi-ethnic country.

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