



N.B This is an unofficial translation in English of the original speech in Indonesian.

5th Congress of the World Conference on Constitutional Justice
"Constitutional Justice and Peace"
Bali, Indonesia, 4-7 October 2022

Opening address

by

Mr Anwar Usman

Chief Justice, Constitutional Court of Indonesia

Bismillahirrahmanirahim,

Assalamu'alaikum Wa Rahmatullahi Wa Barakatuh,

Shalom, Om swastiatu, Namu Budaya,

Good morning and peace be upon us all.

- My Honourable, *Special Representative of the Venice Commission*, Mr Gianni Buquicchio and Secretary General of the *World Conference on Constitutional Justice*, Mr Schnutz Durr;
- My Honourable, President or the Chief Justice of the Constitutional Court and equivalent institutions;
- My Honourable, Heads of State Institutions, Constitutional Justices, Ministers, the Governor of Bali, and other State Officials;
- Excellencies, Ambassadors of friendly countries;
- Ladies and gentlemen.

Praise and gratitude must always be given to Allah SWT, the Almighty God, because only by His grace we can gather in this place in good health, in order to "**Open the 5th Congress of the World Conference on Constitutional Justice with the theme *Constitutional Justice and Peace***". Before starting this activity, I would like to express my gratitude to the Governor of Bali, Mr I Wayan Koster, who has been very helpful in organising this activity.

My honoured guests,

The momentum of the 5th WCCJ Congress is the right momentum for us together to make the best contribution to all human beings from various nations in the world. In accordance with the theme of this Congress, which is about, "***Constitutional Justice & Peace***", this theme is very relevant for us to discuss together as a form of joint contribution to realising peace and justice for the nations of the world. Peace and constitutional justice are the true desires of all human beings without exception, and the constitution certainly regulates these matters so that peace and justice can be realised.

As we all know, the history of the concept of the rule of law and the doctrine of the constitution is essentially to provide protection for basic human rights, and the state institutions authorised by the constitution are established with the aim of serving the needs of society. The doctrine of the constitution is actually an opposition to the doctrine of imperialism and colonialism. For this reason, the basic principles in the constitution generally contain values that are good for all mankind, as they aim to provide protection and fulfilment of basic human rights.

The values contained in the constitution are an agreement with all citizens, to realise common desires and ideals. Therefore, the constitution becomes the basic law as well as a common goal for a country in achieving its ideals. The ideals of a country contained in the constitution are certainly noble ideals. It is not possible for a state to place ungodly goals as the basic law of the state and the purpose of the establishment of a state. The desire to live in peace and justice in a state is a basic human need. For this reason, the basic desire to live in peace and justice is a calling for all human beings.

Along with that, the establishment of the Constitutional Court or judicial institution that has the authority to guard the constitution, aims to maintain, so that the values contained in the constitution, can be upheld and realised as regulated in the constitution. If

the constitutional norms that have become the basic norms of the state are not obeyed and implemented, then the constitutional norms will only be beautiful on paper. And if the constitutional norms are not fulfilled and implemented by state institutions that have the obligation to do so, then there has actually been a denial of the constitutional values that have been established.

The denial and disregard for the values of the constitution have serious repercussions. Because the constitution is the basic law of the state, the impact of violating the constitution can damage the basic elements in the life of a country. If the state is likened to a magnificent building, then the constitution can be likened to its foundation. If the foundation of the building is fragile or even damaged, then one day, the building may collapse or be destroyed. On the other hand, if the foundation of the building is very strong and well-maintained, then the magnificent building can be maintained for all time. Herein lies the importance of the role of the duties and authority of the Constitutional Court or similar institutions, namely as guardians of the foundation of the state so that the building of the state does not easily collapse due to neglect and denial of the values of the constitution that has been established.

We certainly understand that the constitutions of various countries have their own characteristics, traits and peculiarities. But we also know and understand that there are many universal values in the constitutions of each country. The theme of this Congress, "**Peace and Constitutional Justice**", is a common value for all of us gathered here today. Or in other words, the theme of this congress becomes our common constitution to care and realise it.

In addition, maintaining and upholding the constitution is a long and challenging process. One of the problems faced by many countries in upholding the constitution is how to implement the values of the constitution at a practical and realistic level. Given that the constitutional system in each country is very dynamic, one of the key discussions raised in this meeting was how to measure the compliance of the state government with the constitution.

Thus, through this meeting the Congress participants were informed about the initiative of the Constitutional Court of the Republic of Indonesia to establish the *Constitutional Supremacy Index* (CSI), a mechanism to measure the progress and development of a country's constitutional compliance in line with the principles of constitutionalism. The idea of establishing the *Constitutional Supremacy Index* (CSI) is also to measure whether the branches of state power have implemented constitutional values both in the formulation of laws and regulations and in policy making.

Ladies and gentlemen, my honour,

We understand that every country has its own desires, goals and historical background. But the human values in each of us have something in common that cannot be denied. We live on the same earth, we gaze at the same sun and the same moon, and we are under the same sky. Therefore, the differences between us should not be a reason to be hostile, but rather a gift from God that we should be grateful for and learn from. Like a painting, different colours will certainly make the painting beautiful. Let us establish friendship in diversity, for the good of mankind in the future.

Finally, ending this speech, I would like to thank you for the opportunity and honour that has been given to the Indonesian Constitutional Court to be able to host the 5th Congress of the WCCJ in this esteemed forum, hopefully good relations and cooperation that have been established between countries and fellow Constitutional Courts and equivalent institutions throughout the world, can continue to be established and improved in the future. And hopefully, peace and constitutional justice can be realised for all the nations of the world.

Billahi Taufik wal Hidayah.

Wassalamu'alaikum Warahmatullahi Wabarakatuh.

Shalom, Om swastiatu, Namo Budaya,

Good morning and peace be upon us all.