

From Bandung to the Constitution: Post-Colonial Constitutional Values in Indonesia, India, and South Africa

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Abstract

Post-colonial constitutionalism in Asia and Africa has often been analyzed through domestic constitutional transitions or global human rights frameworks, while the normative legacy of the 1955 Bandung Conference remains largely confined to diplomatic history and international relations. This separation has obscured the extent to which Bandung Principles—such as anti-colonialism, sovereign equality, non-intervention, and self-determination—have informed the internal normative architecture and constitutional identity of post-colonial states. This article aims to examine how these Bandung-inspired norms have been internalized as constitutional values within selected Asian and African constitutional systems. Employing a normative legal research design with statutory, comparative, and philosophical approaches, the study conducts a selective comparative analysis of Indonesia, India, and South Africa. The article offers a novel conceptual reframing of the Bandung Principles as post-colonial constitutional values rather than merely diplomatic or political commitments. It demonstrates that Bandung constitutes a shared normative reference that continues to shape constitutional ethos, identity, and interpretive orientation across divergent constitutional trajectories. The analysis reveals that while Indonesia reflects an ethos-based constitutionalization closely aligned with foundational constitutional narratives, India and South Africa exhibit distinct pathways mediated by judicial culture and institutional design. By bridging diplomatic history and constitutional theory, this study contributes to comparative constitutional law by advancing a Global South perspective that recognizes historical experience and normative plurality as sources of constitutional normativity. In doing so, the article responds to its research objective by establishing Bandung as an enduring constitutional framework that informs contemporary post-colonial constitutional development beyond historical commemoration.

KEYWORDS: *Bandung Principles; Post-Colonial Constitutionalism; Constitutional Identity; Global South Constitutionalism*

Introduction

Post-colonial constitutionalism has increasingly become a central concern in comparative constitutional scholarship, particularly in relation to states in Asia and Africa whose constitutional orders emerged from experiences of colonial domination and political subordination. In these contexts, constitutions were not merely legal instruments for organizing state power, but also normative projects aimed at redefining sovereignty, political autonomy, and collective identity.¹ The 1955 Bandung Conference represented a critical normative moment within this broader post-colonial project, articulating principles such as anti-colonialism, sovereign equality, non-intervention, peaceful coexistence, and self-determination.² While these principles are often situated within the domain of international relations and diplomatic history, their significance extends beyond external relations, reflecting deeper constitutional aspirations shared among post-colonial societies seeking to reclaim authority over their political and legal futures.

Despite this broader normative resonance, the constitutional implications of the Bandung Principles remain insufficiently examined within constitutional law scholarship. Existing analyses tend to treat Bandung as a historical or geopolitical event, overlooking the ways in which its underlying values have permeated domestic constitutional orders and shaped constitutional identity, interpretation, and practice. In many post-colonial states, Bandung-inspired norms have been internalized—explicitly or implicitly—within constitutional texts, preambles, and institutional practices, influencing how sovereignty is conceptualized and exercised.³ This article proceeds from the premise that Bandung should be understood not merely as a diplomatic milestone, but as a foundational normative reference that continues to inform constitutional development in the Global South, raising critical questions about the migration of post-colonial values from international political commitments into the internal normative architecture of national constitutions.

Existing scholarship on the Bandung Conference and its normative legacy has predominantly developed within the fields of international relations, global political history, and Global South studies. A substantial body of literature examines Bandung as a formative moment in anti-colonial solidarity, the emergence of the Non-Aligned

¹ Sami Banat, “Orientalist Constitutionalism: How Western Imperialism Influenced the Rise of the Post-Colonial State,” *Jindal Global Law Review* 14, no. 1 (2023): 49–75, <https://doi.org/10.1007/s41020-023-00188-x>.

² Dianne Otto, “World Peace,” in *Research Handbook on Third World Approaches to International Law (TWAIL)*, ed. Antony Anghie et al. (Edward Elgar Publishing, 2025), <https://doi.org/10.4337/9781789901528.00013>.

³ Bing Bing Jia, “From Asian-African Solidarity to a Community of Common Destiny: An Evolving Chinese Perspective of the International Legal Order,” *AJIL Unbound* 119 (2025): 199–203, <https://doi.org/10.1017/aju.2025.10023>; Ahmad Rizky Mardhatillah Umar, “Rethinking the Legacies of Bandung Conference: Global Decolonization and the Making of Modern International Order,” *Asian Politics & Policy* 11, no. 3 (2019): 461–78, <https://doi.org/10.1111/aspp.12473>; Priyasha Saksena, “Bandung, State-Making, and Citizenship in South Asia,” *AJIL Unbound* 119 (2025): 210–15, <https://doi.org/10.1017/aju.2025.10025>.

Movement, and the restructuring of international order beyond Western dominance.⁴ These studies provide important insights into Bandung's geopolitical and ideological significance, particularly in relation to sovereignty, equality of states, and resistance to imperialism. However, the analytical focus of this literature remains largely external, positioning Bandung as a diplomatic or political project rather than as a source of norms with enduring relevance for domestic constitutional orders.

Conversely, research in comparative constitutional law and post-colonial constitutionalism has tended to concentrate on issues such as constitutional transitions, rights protection, judicial review, and democratic consolidation in formerly colonized states. While this body of work has significantly advanced understanding of constitutional development in Asia and Africa, it rarely engages with Bandung as a shared normative reference point. When post-colonial values are discussed, they are often framed in abstract terms—such as dignity, equality, or transformative constitutionalism—without tracing their historical and ideological linkages to transnational post-colonial moments like Bandung.⁵ As a result, constitutional scholarship has largely overlooked how Bandung-inspired principles may have been internalized, reinterpreted, or transformed within domestic constitutional texts and practices.

This separation between Bandung-focused international scholarship and constitutionally oriented post-colonial studies reveals a critical research gap. There is limited systematic analysis that conceptualizes the Bandung Principles as constitutional values and examines their manifestation across different post-colonial constitutional systems through a comparative lens. In particular, cross-regional studies that bridge Asia and Africa and move beyond single-country narratives remain scarce. This gap has constrained scholarly understanding of Bandung not merely as a historical event, but as a continuing normative framework that informs constitutional identity and value formation in the Global South. Addressing this gap requires an approach that integrates diplomatic history with constitutional analysis, enabling a deeper exploration of how shared post-colonial ideals migrate into and shape the internal normative architecture of national constitutions.

Against the foregoing scholarly context and identified research gap, this article interrogates how the normative principles articulated at the 1955 Bandung Conference have been internalized and transformed within domestic constitutional orders of

⁴ Tadesse Kebebew et al., “Bandung Principles: A Path to Equitable Global Water Governance?,” *International Journal of Water Resources Development* 41, no. 4 (2025): 846–54, <https://doi.org/10.1080/07900627.2024.2448149>; Kebebew et al., “Bandung Principles”; Amitav Acharya, “Studying the Bandung Conference from a Global Ir Perspective,” *Australian Journal of International Affairs* 70, no. 4 (2016): 342–57, <https://doi.org/10.1080/10357718.2016.1168359>.

⁵ Wondam Paik, “The 60th Anniversary of the Bandung Conference and Asia,” *Inter-Asia Cultural Studies* 17, no. 1 (2016): 148–57, <https://doi.org/10.1080/14649373.2016.1150246>; Jaco Barnard-Naudé, “Decolonising the Real: Transformative Constitutionalism and the Unconscious,” *Afrika Focus* 36, no. 1 (2023): 111–42, <https://doi.org/10.1163/2031-356x-20230107>.

selected post-colonial states. It examines the extent to which Bandung-inspired values—such as anti-colonialism, sovereign equality, non-intervention, and self-determination—are reflected in the constitutional texts, institutional structures, and interpretive practices of Indonesia, India, and South Africa. By situating these states within a selective comparative constitutional framework, the article further explores whether these shared post-colonial values generate convergent constitutional orientations or, alternatively, produce divergent constitutional trajectories shaped by distinct historical, political, and judicial contexts.

This article aims to reconceptualize the Bandung Principles as a set of post-colonial constitutional values rather than merely diplomatic or political norms, and to examine how these values have been internalized within the constitutional frameworks of Indonesia, India, and South Africa. Through a selective comparative constitutional analysis, the study seeks to identify both shared normative foundations and divergent constitutional expressions arising from different post-colonial trajectories. In doing so, the article intends to contribute to broader debates on post-colonial constitutionalism and Global South constitutional identity by demonstrating how a common historical moment continues to inform contemporary constitutional development and interpretive practices across distinct constitutional systems.

This article makes a distinctive contribution to comparative constitutional scholarship by reframing the Bandung Principles as a set of constitutional values capable of shaping domestic constitutional orders in post-colonial states. Departing from existing studies that situate Bandung primarily within international relations or diplomatic history, the article advances a selective comparative constitutional approach that bridges Asia and Africa through an in-depth examination of Indonesia, India, and South Africa. Its novelty lies in integrating post-colonial diplomatic norms with constitutional analysis, thereby revealing how a shared historical moment continues to inform constitutional identity, value formation, and interpretive practices in the Global South.

Method

This article employs a normative legal research⁶ design grounded in doctrinal analysis to examine the constitutionalization of post-colonial values derived from the Bandung Principles. The study applies a statutory approach to analyze constitutional texts, preambles, and relevant constitutional provisions in Indonesia, India, and South Africa, with particular attention to how principles such as sovereignty, anti-colonialism, and non-intervention are articulated or implied within domestic constitutional frameworks. In addition, a comparative approach is utilized to systematically compare the constitutional expressions and institutional manifestations of these values across the selected jurisdictions, enabling the identification of both

⁶ Dian Ekawaty Ismail et al., *Metode Penelitian Hukum: Teori, Aplikasi, Dan Inovasi Dalam Penelitian Hukum*, ed. Tiara Oktaviana Namira Daud (Ruang Karya, 2025).

shared normative foundations and divergent constitutional trajectories shaped by distinct historical and political contexts.

Complementing these approaches, the study adopts a philosophical approach to interpret the Bandung Principles as normative values embedded within post-colonial constitutional thought, rather than as merely historical or diplomatic commitments. The legal materials examined consist of primary legal sources, including constitutions, constitutional court or supreme court decisions, and relevant international instruments, as well as secondary legal materials such as scholarly articles, books, and authoritative commentaries on post-colonial constitutionalism. The analysis is conducted through qualitative legal reasoning,⁷ involving interpretive, systematic, and comparative techniques to construct normative arguments and synthesize findings across jurisdictions, thereby ensuring analytical coherence and methodological rigor consistent with international standards of constitutional scholarship.

Constitutionalizing the Bandung Principles: Comparative Perspectives from Indonesia, India, and South Africa

Bandung Principles as Post-Colonial Constitutional Values

The Bandung Principles may be understood as a foundational normative framework that articulated the constitutional aspirations of post-colonial societies at a moment when formal political independence was still fragile and deeply contested. Although formulated in a diplomatic forum, these principles—anti-colonialism, sovereign equality, non-intervention, peaceful coexistence, and self-determination—expressed more than strategic political commitments; they reflected an emerging constitutional consciousness among newly independent states seeking to redefine authority, legitimacy, and autonomy after colonial rule.⁸ In this sense, Bandung constituted a collective normative declaration about how political power should be organized, constrained, and justified, both internally and externally.

Conceptualizing the Bandung Principles as post-colonial constitutional values requires moving beyond a rigid distinction between international norms and domestic constitutional law. In post-colonial contexts, constitutional orders did not develop in isolation from global power structures but were shaped by experiences of domination, resistance, and negotiated independence. Bandung articulated a shared rejection of imperial hierarchies and external domination, values that resonate directly with constitutional ideas of sovereignty and popular self-rule.⁹ When viewed through this lens, Bandung can be seen as an early articulation of a constitutional ethos aimed at safeguarding political autonomy against both external intervention and renewed forms of dependency.

⁷ Amiruddin and Zainal Asikin, *Pengantar Metode Penelitian Hukum* (Rajawali Pers, 2012).

⁸ Umar, “Rethinking the Legacies of Bandung Conference.”

⁹ Saksena, “Bandung, State-Making, and Citizenship in South Asia.”

Unlike classical constitutional values derived from Enlightenment constitutionalism—such as separation of powers or individual liberty—the values embedded in Bandung are inherently relational and historically situated. They respond to asymmetrical power relations between states rather than merely internal arrangements of authority. This relational character explains why Bandung-inspired values are often embedded implicitly in constitutional preambles, foreign policy clauses, or foundational principles rather than codified as justiciable rights.¹⁰ Their constitutional significance lies not in their textual precision but in their function as guiding norms shaping constitutional identity and state orientation.

The constitutionalization of Bandung Principles thus operates primarily through normative internalization rather than formal incorporation. Anti-colonialism, for example, is rarely expressed as a concrete constitutional rule, yet it profoundly informs constitutional narratives about national purpose, state responsibility, and international engagement.¹¹ Similarly, the principle of non-intervention reinforces constitutional commitments to sovereign equality and limits on external influence, shaping how post-colonial states conceptualize constitutional autonomy in a globalized legal order. These values become part of what may be described as an unwritten constitutional framework, influencing interpretation and institutional behavior without necessarily generating direct judicial enforcement.

From a philosophical perspective, Bandung represents a challenge to Eurocentric models of constitutionalism that treat constitutional development as a purely domestic or linear process. It underscores the fact that constitutional values in post-colonial states often emerge from collective historical experiences rather than abstract universalism.¹² Bandung-inspired constitutional values are rooted in a moral claim to dignity, equality, and recognition at the international level, which subsequently informs domestic constitutional self-understanding.¹³ This highlights the importance of history and political struggle as sources of constitutional normativity, particularly in societies shaped by colonial subjugation.

Importantly, recognizing Bandung Principles as constitutional values does not imply their uniform or uncontested application across post-colonial states. The process of constitutionalization is mediated by domestic political dynamics, institutional structures, and judicial cultures, leading to diverse constitutional expressions of shared normative commitments. Some constitutional systems translate Bandung values into

¹⁰ Andrew Phillips, “Beyond Bandung: The 1955 Asian-African Conference and Its Legacies for International Order,” *Australian Journal of International Affairs* 70, no. 4 (2016): 329–41, <https://doi.org/10.1080/10357718.2016.1153600>; Kathrin Tremml, “Creating Legitimacy and Exercising Political Power: An Analysis of the Functions of the Chinese Constitutional Preamble Based on a Linguistic Study,” in *Complexity Thinking and China’s Demography Within and Beyond Mainland China*, ed. Armando Aliu (Springer Nature Singapore, 2024), https://doi.org/10.1007/978-981-97-0172-8_5.

¹¹ Neil Nunn and Madeline Whetung, “Anticolonialism,” in *International Encyclopedia of Human Geography* (Elsevier, 2020), <https://doi.org/10.1016/B978-0-08-102295-5.10800-5>.

¹² Banat, “Orientalist Constitutionalism.”

¹³ Kebebew et al., “Bandung Principles.”

strong assertions of sovereignty and non-alignment, while others integrate them into broader frameworks of transformative constitutionalism or global justice. This variability does not undermine Bandung's constitutional relevance; rather, it demonstrates its adaptability as a normative reference point across different constitutional trajectories.

Accordingly, Bandung should be understood as a constitutional moment for the Global South—one that continues to shape constitutional identity, value formation, and interpretive orientation in post-colonial states. By framing Bandung Principles as post-colonial constitutional values, this article situates them within contemporary debates on constitutional pluralism and Global South constitutionalism, emphasizing their enduring significance beyond historical commemoration. Bandung thus functions not merely as a symbol of past solidarity, but as an ongoing normative resource through which post-colonial states negotiate sovereignty, autonomy, and constitutional meaning in an evolving global order.

Indonesia: Bandung as Constitutional Ethos and Sovereign Identity

In the Indonesian constitutional context, the Bandung Conference occupies a unique normative position that transcends its historical status as a diplomatic event. As both host and principal norm entrepreneur of the 1955 Conference, Indonesia represents the most direct linkage between Bandung and domestic constitutional development. Bandung did not merely articulate Indonesia's foreign policy orientation; it crystallized a constitutional ethos rooted in anti-colonialism, sovereign equality, and political autonomy.¹⁴ These values were neither incidental nor externally imposed, but closely aligned with Indonesia's foundational constitutional vision following independence.

The constitutional resonance of Bandung is most clearly reflected in the Preamble to the 1945 Constitution, which explicitly declares that "colonialism must be abolished in this world because it is incompatible with humanity and justice." This formulation operates as a normative axiom that frames Indonesia's constitutional identity and legitimizes state authority as a project of emancipation rather than mere governance.¹⁵ Bandung thus reinforced an already embedded constitutional commitment, transforming anti-colonialism from a national struggle into a transnational normative stance with constitutional implications. In this sense, Bandung functioned as an external affirmation of Indonesia's internal constitutional values.

¹⁴ Cangül Örnek, "Bandung Conference," in *The Encyclopedia of Postcolonial Studies*, 1st ed., ed. Sangeeta Ray and Henry Schwarz (Wiley, 2016), <https://doi.org/10.1002/9781119076506.wbeps026>.

¹⁵ Heloise Weber and Poppy Winanti, "The 'Bandung Spirit' and Solidarist Internationalism," *Australian Journal of International Affairs* 70, no. 4 (2016): 391–406, <https://doi.org/10.1080/10357718.2016.1167834>; Novendri M Nggilu et al., "Indonesia's Constitutional Identity: A Comparative Study of Islamic Constitutionalism," *De Jure: Jurnal Hukum Dan Syar'iah* 16, no. 2 (2024): 480–500.

Indonesia's doctrine of a "free and active" foreign policy further demonstrates how Bandung-inspired principles have been internalized as constitutional conventions rather than rigid legal rules. Although not expressly codified as a constitutional provision, this doctrine has consistently guided state practice and institutional behavior, shaping Indonesia's engagement with international law and global politics.¹⁶ Its constitutional character lies in its function as a normative constraint on state power, ensuring that sovereignty is exercised without subordination to external blocs or hegemonic interests. Bandung thus strengthened the constitutional understanding of sovereignty as autonomy with responsibility, rather than isolationism.

From an institutional perspective, Bandung's constitutional ethos manifests in the allocation and exercise of foreign affairs authority within Indonesia's constitutional structure. Executive discretion in foreign policy is implicitly bounded by foundational constitutional values that prioritize independence, peaceful coexistence, and non-intervention.¹⁷ While Indonesian courts have generally exercised restraint in reviewing foreign policy decisions, this judicial deference should not be interpreted as constitutional silence. Rather, it reflects a recognition that Bandung-inspired values operate at the level of constitutional orientation, guiding political branches through normative expectations rather than adjudicative enforcement.

Philosophically, Bandung contributed to Indonesia's constitutional self-understanding by positioning sovereignty as a moral and historical achievement rather than a purely legal status. Sovereignty, in this view, is inseparable from collective memory, sacrifice, and resistance to domination. This conception departs from formalist constitutionalism by grounding constitutional authority in historical experience and ethical commitment. Bandung reinforced this perspective by situating Indonesia's constitutional identity within a broader post-colonial struggle, thereby embedding global solidarity into the nation's constitutional consciousness.

Critically, however, the constitutionalization of Bandung values in Indonesia is not without tension. The commitment to non-alignment and sovereign equality must continuously be negotiated within an international legal order characterized by economic interdependence and asymmetrical power relations. Instances where state practice appears to accommodate external pressures raise questions about the durability of Bandung as a living constitutional ethos. These tensions underscore that constitutional values derived from Bandung are not static guarantees, but normative ideals subject to political contestation and reinterpretation.

Accordingly, Bandung should be understood in the Indonesian context as a constitutive element of constitutional identity rather than a closed historical chapter.

¹⁶ Siti Mutiah Setiawati, "The Role of Indonesian Government in Middle East Conflict Resolution: Consistent Diplomacy or Strategic Shifts?," *Frontiers in Political Science* 6 (March 2024): 1304108, <https://doi.org/10.3389/fpos.2024.1304108>.

¹⁷ Phillips, "Beyond Bandung"; Morgan Brigg et al., "Diversity, Democratisation and Indonesian Leadership," *Australian Journal of International Affairs* 70, no. 4 (2016): 407–21, <https://doi.org/10.1080/10357718.2016.1153599>.

It operates as a guiding ethos that informs constitutional meaning, state orientation, and sovereign self-conception across time. By anchoring sovereignty, anti-colonialism, and autonomy within both constitutional text and practice, Indonesia exemplifies how Bandung Principles can function as enduring constitutional values, providing a normative foundation for post-colonial constitutionalism in the Global South.

India and South Africa: Divergent Constitutional Pathways of Post-Colonial Values

While Indonesia represents a paradigmatic case in which Bandung functions as a constitutional ethos closely aligned with foundational constitutional narratives, the constitutional experiences of India and South Africa illustrate divergent pathways through which post-colonial values are internalized within domestic constitutional orders. Both states share historical experiences of colonial domination and participation in broader post-colonial movements, yet their constitutional engagements with Bandung-inspired values unfold through distinct institutional, textual, and jurisprudential mechanisms.¹⁸ This divergence underscores the non-uniform nature of post-colonial constitutionalization and cautions against assuming a singular model of Global South constitutional development.

In India, post-colonial constitutional values are embedded within a constitutional framework that combines robust judicial review with a strong commitment to constitutional morality. Although the Indian Constitution does not explicitly reference Bandung or non-alignment, principles such as sovereignty, peaceful coexistence, and international cooperation are reflected in its constitutional structure and foreign policy orientation.¹⁹ India's early leadership in the Non-Aligned Movement reinforces this alignment, situating Bandung-inspired values within a constitutional culture that emphasizes autonomy without isolation. The Indian experience demonstrates how post-colonial values may be internalized indirectly through constitutional interpretation and political practice rather than formal textual incorporation.

The jurisprudence of the Supreme Court of India further illustrates this indirect constitutionalization. Indian courts have traditionally exercised deference in matters of foreign affairs, framing such questions as falling within the domain of executive discretion. However, this deference operates alongside a strong normative commitment to constitutional morality, ensuring that sovereignty and international engagement remain consistent with constitutional principles.²⁰ Bandung-inspired values thus

¹⁸ Theunis Roux, "Grand Narratives of Transition and the Quest for Democratic Constitutionalism in India and South Africa," *Verfassung in Recht Und Übersee* 57, no. 1 (2024): 5–71, <https://doi.org/10.5771/0506-7286-2024-1-5>.

¹⁹ V. P. Singh, "Judicial Activism as an Essential Tool for the Protection and Expansion of Human Rights in India," *Kutafin Law Review* 10, no. 1 (2023): 88–109, <https://doi.org/10.17803/2713-0533.2023.1.23.088-109>.

²⁰ Prabhakar Singh, "Finding Foreign Relations Law in India: A Decolonial Dissent," in *Encounters between Foreign Relations Law and International Law*, 1st ed., ed. Helmut Philipp

function as background norms that inform constitutional interpretation without crystallizing into enforceable constitutional rules, reflecting a balance between constitutional autonomy and global engagement.

South Africa presents a markedly different constitutional trajectory. Emerging from the collapse of apartheid rather than decolonization in the mid-twentieth century, South Africa's post-colonial constitutionalism is anchored in transformative constitutionalism, with dignity, equality, and freedom occupying a central normative position.²¹ Although South Africa was not a participant in the 1955 Bandung Conference, its constitutional order resonates with Bandung's core rejection of domination and inequality. In this sense, South Africa exemplifies a case in which Bandung values are substantively present despite the absence of direct historical or textual linkage.

The South African Constitution's emphasis on human dignity and substantive equality reflects a post-colonial commitment to dismantling entrenched power hierarchies, both domestically and in the global arena. Constitutional jurisprudence has frequently engaged with international law and global justice discourses, positioning South Africa as an outward-looking constitutional system.²² This orientation differs from India's cautious judicial deference, illustrating how similar post-colonial values may generate divergent constitutional practices depending on historical experience and institutional design.

Philosophically, the contrast between India and South Africa highlights two distinct modes of post-colonial constitutional reasoning. India's approach emphasizes continuity, constitutional restraint, and political autonomy within a pluralistic democratic framework. South Africa's approach, by contrast, is explicitly transformative, seeking to reconstruct social relations through constitutional law. Both models engage with Bandung-inspired values, yet they do so through different constitutional imaginaries: one prioritizing sovereign self-determination, the other foregrounding dignity and justice as foundational constitutional commitments.

Critically, these divergent pathways reveal that the constitutionalization of post-colonial values is shaped as much by domestic constitutional culture as by shared historical experiences. Bandung provides a normative vocabulary, but its constitutional translation is mediated by judicial role conceptions, constitutional texts, and political history. This challenges any attempt to treat Bandung as a uniform constitutional template and instead underscores its function as a flexible normative reference adaptable to distinct constitutional contexts.

Aust and Thomas Kleinlein (Cambridge University Press, 2021), <https://doi.org/10.1017/9781108942713.006>.

²¹ Ebrahim Rasool, "South Africa at 30: What Lessons for Covenantal Pluralism from a Laboratory of Ubuntu and Nation Building?," *The Review of Faith & International Affairs* 22, no. 4 (2024): 1–13, <https://doi.org/10.1080/15570274.2024.2414581>.

²² Cwenga Mayekiso, "Judicial Interpretation, Constitutional Inclusivity, and Socio-Economic Rights of Foreign Nationals in South Africa," *African Journal of Law and Justice System* 4, no. 3 (2025): 127–51, <https://doi.org/10.31920/2753-3123/2025/v4n3a7>.

Accordingly, the experiences of India and South Africa demonstrate that post-colonial constitutional values inspired by Bandung do not converge into a single constitutional model. Rather, they generate plural constitutional expressions that reflect the diversity of post-colonial trajectories in Asia and Africa. This divergence reinforces the argument that Bandung's constitutional significance lies not in prescriptive uniformity, but in its capacity to inform multiple constitutional pathways grounded in shared commitments to autonomy, dignity, and resistance to domination.

Comparative Constitutional Insights: Convergence, Divergence, and Global South Constitutionalism

A comparative examination of Indonesia, India, and South Africa reveals both convergence and divergence in the constitutionalization of post-colonial values inspired by the Bandung Principles. Convergence is most evident at the level of constitutional ethos, where all three states affirm a shared commitment to autonomy, resistance to domination, and the rejection of hierarchical global power relations. These commitments, although articulated through different constitutional vocabularies, reflect a common normative orientation rooted in post-colonial experience. Bandung thus operates as a unifying normative reference that transcends regional boundaries and historical contingencies.

At the same time, significant divergence emerges in the modes through which these shared values are translated into constitutional practice. Indonesia's constitutional engagement with Bandung is primarily ethos-driven, anchored in foundational constitutional narratives and political conventions rather than judicial elaboration.²³ India's constitutional pathway reflects a balance between political autonomy and judicial restraint, where Bandung-inspired values inform constitutional morality without becoming objects of direct adjudication.²⁴ South Africa, by contrast, integrates comparable post-colonial values within a transformative constitutional framework that foregrounds dignity, equality, and global justice, supported by an assertive constitutional jurisprudence.²⁵

These divergences underscore the importance of constitutional context in shaping the internalization of post-colonial values. Constitutional text, institutional design, and judicial culture play decisive roles in determining whether Bandung-inspired principles function as guiding norms, interpretive frameworks, or enforceable constitutional commitments.²⁶ The comparative analysis thus demonstrates that

²³ Saksena, "Bandung, State-Making, and Citizenship in South Asia."

²⁴ Roux, "Grand Narratives of Transition and the Quest for Democratic Constitutionalism in India and South Africa."

²⁵ Mayekiso, "Judicial Interpretation, Constitutional Inclusivity, and Socio-Economic Rights of Foreign Nationals in South Africa."

²⁶ Lisa Hilbink, "The Constituted Nature of Constituents' Interests: Historical and Ideational Factors in Judicial Empowerment," *Political Research Quarterly* 62, no. 4 (2009): 781–97, <https://doi.org/10.1177/1065912909349628>.

Bandung does not produce a uniform constitutional outcome, but rather a spectrum of constitutional expressions shaped by domestic constitutional imaginaries.

From a theoretical perspective, this finding challenges universalist assumptions in comparative constitutional law that privilege Eurocentric models of constitutional development. The constitutional experiences of Indonesia, India, and South Africa illustrate that constitutional normativity in the Global South is often historically situated, relational, and oriented toward safeguarding autonomy in an unequal global order. Bandung-inspired constitutional values emerge not as abstract principles detached from context, but as historically grounded responses to domination and exclusion, thereby enriching constitutional theory with alternative sources of normativity.

The convergence-divergence dynamic also illuminates the plural character of Global South constitutionalism. Rather than constituting a single coherent model, Global South constitutionalism is better understood as a family of constitutional practices connected by shared post-colonial values but differentiated by institutional form and interpretive method. Bandung serves as a normative bridge among these practices, enabling comparative dialogue without imposing homogenization. This pluralism enhances, rather than diminishes, the constitutional relevance of Bandung in contemporary constitutional discourse.

Critically, the comparative insights derived from this analysis suggest that the constitutional legacy of Bandung remains contingent and contested. Globalization, economic dependency, and shifting geopolitical alignments continually test the durability of post-colonial constitutional values. The varying responses of Indonesia, India, and South Africa to these pressures demonstrate that Bandung-inspired norms require continuous constitutional reaffirmation to retain their normative force. This underscores the dynamic nature of constitutional identity in post-colonial states.

In sum, the comparative analysis affirms that Bandung Principles retain enduring constitutional significance in the Global South, not as prescriptive rules, but as normative resources that inform constitutional identity, orientation, and aspiration. By revealing patterns of convergence and divergence across distinct constitutional systems, this study situates Bandung within a broader theory of Global South constitutionalism that recognizes historical experience, normative plurality, and constitutional adaptability as central features of post-colonial constitutional development.

Conclusion

This study demonstrates that the Bandung Principles continue to function as enduring post-colonial constitutional values that shape constitutional identity, orientation, and practice in selected Global South states. Through a selective comparative constitutional analysis of Indonesia, India, and South Africa, the article shows that Bandung-inspired values—such as anti-colonialism, sovereignty, non-intervention, and resistance to domination—have been internalized within domestic

constitutional orders through distinct yet convergent normative pathways. While Indonesia exemplifies an ethos-based constitutionalization rooted in foundational constitutional narratives, India and South Africa illustrate divergent constitutional expressions mediated by judicial culture and institutional design. These findings confirm that Bandung should be understood not merely as a historical diplomatic moment, but as a continuing normative framework that informs constitutional meaning and post-colonial statehood in Asia and Africa.

Building on these conclusions, the article recommends that policymakers and constitutional actors in post-colonial states consciously engage with Bandung-inspired values as part of constitutional interpretation and constitutional identity formation, particularly when navigating contemporary challenges posed by globalization and geopolitical asymmetry. For future research, further comparative studies could expand the geographical scope to include additional African and Asian jurisdictions or examine the role of constitutional courts in explicitly articulating post-colonial values in constitutional adjudication. Such inquiries would deepen understanding of Global South constitutionalism and further elucidate the evolving constitutional legacy of Bandung in an increasingly interconnected legal order.

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