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The Dynamics of Constitutional Amendments in Indonesia and the Philippines: A Comparative Constitutional Law Study

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ABSTRACT

Indonesia and the Philippines regulate formal constitutional change through markedly different designs, yet the comparative literature has studied their amendment rules largely one jurisdiction at a time. This article compares the amendment procedures of the two countries along procedural, institutional, and structural dimensions. It employs a qualitative, doctrinal and comparative method based on Article 37 of the 1945 Constitution of Indonesia, Article XVII of the 1987 Constitution of the Philippines, the leading Philippine Supreme Court decisions on the people's initiative, the records of recent amendment attempts, and scholarship published since 2021. The findings indicate that Indonesia adopts a centralised and formalised amendment process, in which authority is concentrated in a single constitutional body, the People's Consultative Assembly, resulting in a structured and uniform mechanism of constitutional change. In contrast, the Philippines utilises a multi-channel framework that allows for legislative, convention-based, and participatory mechanisms, reflecting a more flexible constitutional structure in terms of access. The comparison reveals that both countries maintain constitutionally regulated amendment procedures yet differ significantly in institutional design and procedural configuration: Indonesia emphasises procedural rigidity and institutional centralisation, while the Philippines demonstrates procedural plurality, which in practice has depended heavily on judicial and electoral gatekeeping. Despite these differences, both systems exhibit a commitment to constitutional continuity through established legal mechanisms. The article contributes to comparative constitutional scholarship by offering a systematic, bilateral account of two Southeast Asian models of constitutional amendment and of how each manages legal change.

Keywords: constitutional amendment; amendment rules; comparative constitutional law; people's initiative; People's Consultative Assembly

JURISDICTIONAL STATEMENT

This article examines Indonesia and the Philippines. The two jurisdictions share a regional context, and amendment remains a live issue in both, yet they regulate formal amendment through contrasting designs: a single-body procedure vested in the People's Consultative Assembly (MPR) under Article 37 of the 1945 Constitution, and a multi-channel procedure under Article XVII of the 1987 Constitution. Holding region constant, the comparison isolates how institutional design and procedural configuration shape constitutional change.

1. Introduction

Constitutional amendments represent a fundamental instrument in the evolution of constitutional law, functioning to adjust foundational norms in response to changing social, economic, and institutional contexts. In democratic systems, constitutional change extends beyond mere legal modification; it serves as a structured mechanism to ensure the continuity, adaptability, and coherence of the constitutional order.¹ The rules that govern amendment decide who may initiate change, which bodies must agree, what majorities are required, whether the people must ratify, and whether any part of the text is placed beyond reach. Accordingly, the study of constitutional amendments is essential to understanding how legal systems accommodate transformation while preserving institutional stability.²

Indonesia and the Philippines provide relevant comparative cases within the Southeast Asian context, each demonstrating distinct trajectories in constitutional amendment practices. Indonesia amended its 1945 Constitution (*Undang-Undang Dasar Negara Republik Indonesia Tahun 1945*) through four successive stages between 1999 and 2002, resulting in substantial modifications to its constitutional framework and institutional arrangements.³ In contrast, the Philippines continues to operate under the 1987 Constitution, which remains formally unchanged and which prescribes mechanisms for its own amendment, including legislative initiative, constitutional convention, and people's initiative.⁴ The contrast is sharper than it first appears. The country with the more restrictive, single-body procedure has amended its constitution extensively, while the country with the more numerous pathways has not used any of them successfully in almost four decades.

The divergence between the two countries is evident not only in their historical experiences but also in the procedural and institutional design of their amendment

¹ On the difference between the formal difficulty of amendment rules and the actual frequency of amendment, see Richard Albert, 'The World's Most Difficult Constitution to Amend?' (2022) 110 *California Law Review* 2005; George Tsebelis, 'Constitutional Rigidity Matters: A Veto Players Approach' (2022) 52 *British Journal of Political Science* 280.

² George Tsebelis, *Changing the Rules: Constitutional Amendments in Democracies* (Cambridge University Press 2025); Nuno Garoupa and Catarina Santos Botelho, 'Measuring Procedural and Substantial Amendment Rules: An Empirical Exploration' (2021) 22 *German Law Journal* 216.

³ Perubahan Pertama, Kedua, Ketiga dan Keempat Undang-Undang Dasar Negara Republik Indonesia Tahun 1945 [First, Second, Third and Fourth Amendments to the 1945 Constitution of the Republic of Indonesia], adopted on 19 October 1999, 18 August 2000, 9 November 2001 and 10 August 2002 respectively.

⁴ Constitution of the Republic of the Philippines 1987 art XVII ss 1–2; Cristina Regina Bonoan and Björn Dressel, 'Constitutional Change and Oligarchic Politics in the Philippines, 1987–2024' (2026) 45 *Journal of Current Southeast Asian Affairs* <<https://doi.org/10.1177/18681034251367455>>.

processes. Indonesia adopts a centralised model in which the authority to amend the Constitution is vested in the People's Consultative Assembly (*Majelis Permusyawaratan Rakyat*, MPR), subject to defined procedural requirements.⁵ This structure reflects a formalised and relatively rigid approach to constitutional change. Conversely, the Philippine constitutional system provides multiple amendment pathways, enabling participation through different institutional channels and reflecting a comparatively flexible framework.⁶

In addition, the patterns of constitutional change in both jurisdictions reveal differing approaches to maintaining the continuity of constitutional norms. Indonesia's amendment process is characterised by a staged and incremental approach, allowing for systematic revisions over a defined period.⁷ Meanwhile, the Philippines emphasises the preservation of a single constitutional framework, with amendments introduced through mechanisms designed to accommodate change without replacing the existing Constitution.⁸ These contrasting approaches illustrate different models of balancing constitutional stability and adaptability.

Recent constitutional developments further reinforce the relevance of examining amendment practices in both countries. In Indonesia, contemporary constitutional discourse has increasingly focused on the possibility of a fifth amendment. Proposals to restore to the MPR a power to issue state policy guidelines (*Pokok-Pokok Haluan Negara*, PPHN) and suggestions that presidential terms be extended were debated between 2019 and 2023.⁹ Legal scholarship has asked whether the existing procedure is capable of filtering such proposals and whether it should be supplemented by substantive limits or judicial oversight.¹⁰ Recent legal scholarship thus highlights the importance of ensuring that constitutional reform remains responsive to evolving institutional needs while maintaining procedural integrity.

Similarly, in the Philippines, constitutional amendment debates have re-emerged prominently through renewed Charter Change initiatives. In March 2023 the House of Representatives proposed a constitutional convention on the economic provisions.¹¹ In

⁵ Undang-Undang Dasar Negara Republik Indonesia Tahun 1945 [Constitution of the Republic of Indonesia 1945] arts 3(1), 37.

⁶ Bryan Dennis G Tiojanco and Paolo S Tamase, 'Parrying Amendments: The Philippines' Multi-Tiered System of Constitutional Change' in Ngoc Son Bui and Mara Malagodi (eds), *Asian Comparative Constitutional Law, Volume 2: Constitutional Amendments* (Hart Publishing 2024) 235.

⁷ Abdurrachman Satrio, 'Restoring Indonesia's (Un)Constitutional Constitution: Soepomo's Authoritarian Constitution' (2023) 24 *German Law Journal* 402; Abdurrachman Satrio, 'Between Sacred and a Hard Place: Amendment Rules in Indonesia's 1945 Constitution' in Ngoc Son Bui and Mara Malagodi (eds), *Asian Comparative Constitutional Law, Volume 2: Constitutional Amendments* (Hart Publishing 2024) 263.

⁸ Tiojanco and Tamase (n 6); Bonoan and Dressel (n 4).

⁹ Rizky Argama, 'Constitutional Amendment: Why Now?' (*Indonesia at Melbourne*, 19 October 2021) <<https://indonesiaatmelbourne.unimelb.edu.au/constitutional-amendment-why-now/>> accessed 18 September 2026; Andy Omara, 'Preventing Abusive Constitutionalism in Indonesia' (2025) 11 *Constitutional Review* 92; Marcus Mietzner and Jun Honna, 'Elite Opposition and Popular Rejection: The Failure of Presidential Term Limit Evasion in Widodo's Indonesia' (2023) 31 *South East Asia Research* 115.

¹⁰ Stefanus Hendrianto, 'Term Limits and the Unconstitutional Constitutional Amendment Doctrine in Indonesia' (*I-CONnect*, 13 April 2021) <<https://www.iconnectblog.com/term-limits-and-the-unconstitutional-constitutional-amendment-doctrine-in-indonesia/>> accessed 18 September 2026; Muhammad Mutawalli Mukhlis and others, 'Guardian of the Constitution: Reviewing the Role of the Constitutional Court' (2025) 10 *Diponegoro Law Review* 217.

¹¹ Dante Gatmaytan, 'The Latest Attempt at Charter Change in the Philippines: Prospects and Concerns' (*ConstitutionNet*, 31 March 2023) <<https://constitutionnet.org/news/latest-attempt-charter-change-philippines-prospects-and-concerns>> accessed 18 September 2026.

early 2024 a signature campaign for a people's initiative was launched and then halted, while the House approved Resolution of Both Houses No 7, a proposal to relax the constitutional limits on foreign ownership in public utilities, education, and advertising.¹² Current discussions emphasise the interpretation of amendment procedures under Article XVII of the 1987 Constitution, including whether the two chambers of Congress must vote jointly or separately, and the institutional implications of proposed revisions.¹³ These developments demonstrate that constitutional amendment remains a dynamic and ongoing legal issue, necessitating continuous scholarly attention.

The literature on the two countries has grown since 2021, but mostly along national lines. Philippine scholarship has examined the multi-tiered structure of Article XVII and the politics that surround each Charter Change attempt.¹⁴ Indonesian scholarship has focused on the legitimacy of the 1999–2002 amendments, the unamendable form of the unitary state, and the risk that a fifth amendment could be used to concentrate power.¹⁵ Regional collections now place both countries side by side, but as separate country studies rather than as a sustained comparison.¹⁶ Comparative theory, for its part, has shown that the formal difficulty of amendment rules explains only part of how often, and how, constitutions change.¹⁷ What is missing is a bilateral comparison that reads the two amendment procedures against each other and against the recent practice of amendment attempts in both countries. This article seeks to fill that gap. Its contribution is threefold: it offers a systematic side-by-side account of Article 37 and Article XVII; it relates the text of each procedure to the way it has actually been used, or blocked, since 2019; and it identifies what the contrast between the two designs suggests for the study of amendment rules elsewhere.

Given these developments, the importance of a comparative analysis of constitutional amendments in Indonesia and the Philippines becomes evident. First, both countries operate within a similar regional context yet employ distinct procedural frameworks, making them suitable for comparative institutional analysis. Second, recent legal developments indicate that constitutional amendment is not merely a historical phenomenon but a continuing constitutional concern. Third, such a comparison offers analytical value in identifying procedural characteristics,

¹² 'Charter Change Roadblock: Comelec Halts Proceedings Related to People's Initiative' (*Rappler*, 29 January 2024) <<https://www.rappler.com/philippines/comelec-suspends-proceedings-people-initiative-charter-change-january-2024/>> accessed 18 September 2026; Jose Cielito Reganit, 'House Passes RBH7 on Final Reading' (*Philippine News Agency*, 20 March 2024) <<https://www.pna.gov.ph/articles/1221240>> accessed 18 September 2026; House of Representatives of the Philippines, Resolution of Both Houses No 7, 19th Congress (approved on third reading on 20 March 2024).

¹³ Paolo Tamase, 'Unconstitutional Moments: The 2024 Attempts to Change the Philippine Constitution' (*ConstitutionNet*, 29 April 2024) <<https://constitutionnet.org/news/voices/unconstitutional-moments-2024-attempts-change-philippine-constitution>> accessed 18 September 2026.

¹⁴ Tiojanco and Tamase (n 6); Bonoan and Dressel (n 4); Maria Ela L Atienza, 'Duterte's Federalism and Constitutional Change Project: From Campaign Promise to Abandoned Reform' in Aries A Arugay and Jean Encinas-Franco (eds), *Games, Changes, and Fears: The Philippines from Duterte to Marcos Jr* (ISEAS–Yusof Ishak Institute 2024) 119.

¹⁵ Satrio, 'Restoring Indonesia's (Un)Constitutional Constitution' (n 7); Omara (n 9); Mukhlis and others (n 10).

¹⁶ Ngoc Son Bui and Mara Malagodi (eds), *Asian Comparative Constitutional Law, Volume 2: Constitutional Amendments* (Hart Publishing 2024).

¹⁷ Albert (n 1); William D Blake and others, 'Social Capital, Institutional Rules, and Constitutional Amendment Rates' (2024) 118 *American Political Science Review* 1075.

institutional design, and structural approaches that may inform broader constitutional discourse. Finally, this study contributes to the development of comparative constitutional scholarship in Southeast Asia, in which cross-jurisdictional analyses of amendment rules remain relatively limited.

On this premise, this study examines the dynamics of constitutional amendments in Indonesia and the Philippines through a comparative approach, with particular emphasis on procedural, institutional, and structural dimensions. It advances three claims. The first is that Indonesia's procedure is centralised and formalised: a single body proposes, deliberates, and decides, and the text leaves little room for interpretative dispute. The second is that the Philippine procedure is plural and flexible in access, but that its plurality has made the meaning of each channel contestable, so that courts and the electoral commission have become decisive gatekeepers. The third is that both designs, despite their differences, express a common commitment to constitutional continuity through legally regulated change. Section 2 sets out the method. Section 3 examines the amendment procedures of each country. Section 4 analyses their institutional design and structural characteristics. Section 5 draws the comparison together, and Section 6 concludes.

2. Method

This study employs a qualitative descriptive and comparative approach to analyse the dynamics of constitutional amendments in Indonesia and the Philippines. The qualitative method is selected because it enables an in-depth understanding of the legal structures, institutional arrangements, and procedural mechanisms underlying constitutional amendment practices in both jurisdictions. Rather than relying on quantitative measurement, this approach emphasises interpretation, contextual analysis, and systematic comparison of legal phenomena.

The research adopts a comparative constitutional law framework, focusing on identifying similarities and differences between Indonesia and the Philippines in terms of amendment procedures, institutional roles, and structural characteristics of constitutional change. The comparison follows a functional logic: it asks how each system answers the same questions (who initiates, who decides, by what majority, with what ratification, and within what limits) rather than comparing institutions that merely share a name. The comparative method is particularly relevant for examining how different constitutional systems regulate amendment processes within their respective legal and institutional contexts, thereby allowing for a more comprehensive understanding of constitutional adaptation.

The two countries were selected because they combine a shared regional setting with contrasting designs of the amendment power. Both adopted their present constitutional orders in transitions away from authoritarian rule, both are presidential systems with bicameral or quasi-bicameral legislatures, and both have faced renewed amendment proposals in the past five years. Their amendment rules, however, sit at

opposite ends of a spectrum: Indonesia vests the whole process in one body without popular ratification, whereas the Philippines offers three routes that all end in a plebiscite. Holding the regional context broadly constant allows the comparison to focus on the effect of institutional design.

The primary materials are the 1945 Constitution of Indonesia as amended in 1999–2002, together with the four amendment instruments and the MPR's current rules of procedure; and the 1987 Constitution of the Philippines, Republic Act No 6735 on initiative and referendum, and the Supreme Court decisions in *Santiago v Commission on Elections* and *Lambino v Commission on Elections*.¹⁸ The Indonesian constitutional texts were read in the original Indonesian from the official consolidated text; translations into English are the authors' own. The Philippine materials are in English and were read in the official versions published by the Supreme Court and the Official Gazette. Records of recent amendment attempts were taken from official announcements and contemporaneous reporting, and are used only to establish events, not to evaluate them.

The secondary materials are academic journal articles, scholarly books, and commentaries on amendment rules and on constitutional change in the two countries. To keep the analysis anchored in the current state of the field, the secondary literature relied upon is limited to works published between 2021 and 2026. This choice excludes several older works of lasting importance, but it ensures that the article engages the most recent scholarly conversation, including the 2023–2024 episodes that earlier works could not address.

The analytical technique employed in this research is content analysis, which involves systematically examining legal texts and scholarly materials to identify recurring themes, patterns, and institutional features related to constitutional amendments. Through this method, the study evaluates how amendment procedures are structured, how institutional actors are involved, and how constitutional continuity is maintained within each system. The findings are then organised in a comparative table (Table 1) and interpreted by juxtaposing the constitutional frameworks of both countries.

The analysis is limited to the formal and structural aspects of constitutional amendment processes. It does not measure public opinion, and it does not assess whether any particular proposed amendment would have been desirable. Informal change through judicial interpretation or ordinary legislation is mentioned only where it bears on the operation of the formal procedure. Overall, this methodological approach is intended to provide a systematic and structured analysis of constitutional amendment practices in Indonesia and the Philippines, contributing to a clearer

¹⁸ 1945 Constitution; First to Fourth Amendments; Peraturan Majelis Permusyawaratan Rakyat Nomor 1 Tahun 2024 tentang Tata Tertib Majelis Permusyawaratan Rakyat Republik Indonesia [Regulation of the People's Consultative Assembly No 1 of 2024 on the Rules of Procedure of the People's Consultative Assembly]; 1987 Constitution; Republic Act No 6735 (Philippines), An Act Providing for a System of Initiative and Referendum and Appropriating Funds Therefor (1989); *Santiago v Commission on Elections* GR No 127325 (Supreme Court of the Philippines, 19 March 1997); *Lambino v Commission on Elections* GR No 174153 (Supreme Court of the Philippines, 25 October 2006).

understanding of how different constitutional systems manage legal change within their respective frameworks.

3. The Dynamics of Constitutional Amendment Procedures in Indonesia and the Philippines

3.1 Amendment Rules as an Object of Comparison

Constitutional amendment procedures in Indonesia and the Philippines demonstrate distinct institutional and procedural frameworks that reflect different approaches to constitutional change. Before turning to each system, it is useful to identify the elements that make amendment rules comparable. Recent comparative work distinguishes several design variables: the number of bodies whose consent is required, the size of the majorities demanded, the existence of alternative pathways, the role of citizens in initiating or ratifying change, and the presence of tiered or unamendable provisions.¹⁹ Each of these variables adds or removes a potential veto point, and the more veto players a procedure contains, the more rigid it tends to be.²⁰

Formal rigidity, however, does not by itself determine how often a constitution changes. Richard Albert has argued that an assessment confined to the text of amendment rules is too narrow, because the difficulty of amendment also depends on what he calls a country's amendment culture, on partisan configurations, and on the degree to which the constitution is venerated.²¹ Tsebelis's index of rigidity for democracies finds that rigidity is a necessary but not a sufficient condition for a low rate of amendment, and that its effect increases with the significance of the amendment in question.²² Empirical work also confirms that rigidity reduces amendment rates but that social and political factors, such as civic participation and trust, matter as well.²³ It also shows that procedural rules and substantive limits on amendment do not move together, so that a procedure which appears easy may still be constrained by entrenched content, and vice versa.²⁴ These findings guide the comparison below: the text of Article 37 and Article XVII is the starting point, but the analysis also asks how each text has operated in practice.

Drawing on these variables, the comparison in this and the following sections is organised around five questions. The first concerns initiation: who may place a proposal on the agenda, and with what level of support. The second concerns decision: which body or bodies must approve the proposal, and by what majority. The third concerns ratification: whether the electorate must confirm the change. The fourth concerns limits: whether any subject is placed beyond amendment, or any channel is confined to

¹⁹ Tsebelis, *Changing the Rules* (n 2).

²⁰ Tsebelis, 'Constitutional Rigidity Matters' (n 1).

²¹ Albert (n 1).

²² Tsebelis, 'Constitutional Rigidity Matters' (n 1).

²³ Blake and others (n 17).

²⁴ Garoupa and Botelho (n 2) 221, 226.

particular kinds of change, and whether there are temporal restrictions. The fifth concerns supervision: whether any institution outside the amending body may rule on whether the procedure has been followed. The answers given by each constitution are summarised in Table 1 at the end of Section 4. Taken together, they reveal not only how difficult each procedure is but also where, in each system, the decisive points of control are located.

3.2 Indonesia: Article 37 and the Single-Body Procedure

In Indonesia, the authority to amend the Constitution is vested exclusively in the MPR, as stipulated in Article 37 of the 1945 Constitution. The amendment process is characterised by formal requirements, including a proposal threshold, a quorum, and an approval majority. A proposal to amend articles of the Constitution may be placed on the MPR's agenda only if it is submitted by at least one-third of the MPR's members; it must be made in writing and must state clearly the part proposed for amendment together with the reasons.²⁵ To amend the Constitution, the MPR session must be attended by at least two-thirds of its members, and the decision requires the approval of at least fifty per cent plus one of all its members.²⁶ Finally, Article 37(5) provides that the form of the unitary state of the Republic of Indonesia may not be amended.²⁷

The textual basis of this authority is found not only in Article 37 but also in Article 3(1), which provides that the MPR has the authority to amend and enact the Constitution.²⁸ The two provisions work together. Article 3(1) identifies the body that holds the amending power, and Article 37 lays down the conditions under which that power may be exercised. The requirement in Article 37(2) that each proposal identify the specific provisions to be amended and state its reasons deserves particular attention. It excludes a general mandate to rewrite the Constitution and ties each amendment process to a defined object, which reinforces the incremental character of the Indonesian procedure. At the same time, the absence of any ratification stage means that the people participate only indirectly, through the election of the members of the DPR and the DPD who together form the MPR.

This centralised and structured mechanism indicates a controlled approach to constitutional change, emphasising procedural certainty and institutional stability. Every stage of the process takes place within one body: the same institution receives

²⁵ 1945 Constitution art 37(1)–(2). Article 37(1) provides: 'Usul perubahan pasal-pasal Undang-Undang Dasar dapat diagendakan dalam sidang Majelis Permusyawaratan Rakyat apabila diajukan oleh sekurang-kurangnya 1/3 dari jumlah anggota Majelis Permusyawaratan Rakyat'; art 37(2): 'Setiap usul perubahan pasal-pasal Undang-Undang Dasar diajukan secara tertulis dan ditunjukkan dengan jelas bagian yang diusulkan untuk diubah beserta alasannya' (authors' translation in the text).

²⁶ 1945 Constitution art 37(3)–(4). Article 37(3) provides: 'Untuk mengubah pasal-pasal Undang-Undang Dasar, sidang Majelis Permusyawaratan Rakyat dihadiri oleh sekurang-kurangnya 2/3 dari jumlah anggota Majelis Permusyawaratan Rakyat'; art 37(4): 'Putusan untuk mengubah pasal-pasal Undang-Undang Dasar dilakukan dengan persetujuan sekurang-kurangnya lima puluh persen ditambah satu anggota dari seluruh anggota Majelis Permusyawaratan Rakyat' (authors' translation in the text).

²⁷ 1945 Constitution art 37(5): 'Khusus mengenai bentuk Negara Kesatuan Republik Indonesia tidak dapat dilakukan perubahan' (authors' translation in the text). On eternity clauses of this kind, see Silvia Suteu, *Eternity Clauses in Democratic Constitutionalism* (Oxford University Press 2021).

²⁸ 1945 Constitution art 3(1): 'Majelis Permusyawaratan Rakyat berwenang mengubah dan menetapkan Undang-Undang Dasar' (authors' translation in the text).

the proposal, deliberates on it, and decides it. There is no separate ratification stage, no referendum, and no requirement that any other organ consent. The MPR's rules of procedure elaborate the process, including the examination of proposals by a committee formed for that purpose, but they do not add any external veto.²⁹ The reliance on a single institutional pathway also contributes to consistency in procedural implementation, reducing interpretative ambiguity and ensuring a uniform standard in the amendment process.

The text of Article 37 is itself a product of the amendment period. The original 1945 Constitution contained a much shorter amendment clause, and the present Article 37 was formulated during the fourth amendment in 2002.³⁰ The four amendments were adopted at annual sessions of the MPR on 19 October 1999, 18 August 2000, 9 November 2001, and 10 August 2002. Rather than replacing the 1945 Constitution with a new document, the MPR amended the existing text in stages, retaining its preamble and its name while transforming most of its institutional provisions.³¹ Satrio characterises this process as a legitimate constitutional dismemberment carried out by an elected assembly, and contrasts it with proposals to return to the original text, which he regards as an authoritarian constitution.³² His argument rests on a comparison of the two moments of constitution-making: the original text was drafted by a small group and was intended to be temporary, whereas the MPR that amended it had been elected in 1999 and therefore enjoyed a stronger democratic mandate.³³ On this view, the staged amendments did not merely adjust the 1945 Constitution; they supplied it with a democratic foundation that the original text lacked.

Two features of the Indonesian procedure deserve emphasis. First, the procedure contains a single express substantive limit, the unitary form of the state, and leaves the rest of the text amendable by the same majority. Secondly, the Constitution does not expressly confer on any court the power to review whether an amendment complies with Article 37 or with Article 37(5). The Constitutional Court's jurisdiction extends to the review of statutes against the Constitution, but it has not been extended to constitutional amendments, and scholars have described this as a gap that leaves the amendment power without judicial supervision.³⁴ The formal procedure is therefore the principal safeguard, and its strength depends on the political configuration of the MPR.

3.3 The Philippines: Article XVII and Its Three Channels

In contrast, the Philippines adopts a more diversified constitutional amendment framework, regulated by Article XVII of the 1987 Constitution. The amendment process

²⁹ MPR Regulation No 1 of 2024.

³⁰ First to Fourth Amendments; Satrio, 'Between Sacred and a Hard Place' (n 7).

³¹ Satrio, 'Restoring Indonesia's (Un)Constitutional Constitution' (n 7).

³² *ibid.*

³³ *ibid.*

³⁴ Mukhlis and others (n 10); see also Satrio, 'Restoring Indonesia's (Un)Constitutional Constitution' (n 7).

may be initiated through three primary mechanisms: (i) legislative initiative, (ii) constitutional convention, and (iii) people's initiative. Section 1 provides that any amendment to, or revision of, the Constitution may be proposed by Congress upon a vote of three-fourths of all its Members, or by a constitutional convention.³⁵ Section 3 provides that Congress may call a convention by a vote of two-thirds of all its Members, or may submit the question of calling a convention to the electorate by a majority vote of all its Members.³⁶

Section 2 establishes the third channel. Amendments may be directly proposed by the people through initiative upon a petition of at least 12 per cent of the total number of registered voters, of which every legislative district must be represented by at least three per cent of the registered voters therein. No amendment under that section may be authorised within five years following ratification of the Constitution, nor more often than once every five years thereafter.³⁷ Unlike the first two channels, the initiative is confined by its terms to amendments, not revisions. Whatever the channel, a proposal becomes valid only when ratified by a majority of the votes cast in a plebiscite held between 60 and 90 days after its approval or, for an initiative, after the Commission on Elections has certified the sufficiency of the petition.³⁸

Two structural features of Article XVII follow from this text. First, the plebiscite is a common endpoint: however a proposal is initiated, it must be approved by the electorate before it takes effect, so that the people hold a final veto in every channel. Secondly, the channels are not interchangeable. Congress and a convention may propose both amendments and revisions, but the people may propose only amendments, and the initiative is further restricted by the five-year bar and by the requirement of distribution across legislative districts. The design thus grants the broadest proposing power to representative bodies and the narrowest to the people, while reserving the final decision in all cases to the people.

This multi-channel approach reflects a broader distribution of constitutional authority, allowing for the participation of different institutional actors as well as, in certain cases, direct public involvement. As a result, the Philippine system provides greater procedural flexibility than the Indonesian model, although the existence of multiple pathways may also require interpretative clarity to maintain coherence across different amendment mechanisms. That need for clarity has proved to be the central issue in practice. Section 2 directs Congress to provide for the implementation of the initiative, and Congress enacted Republic Act No 6735 in 1989.³⁹ In *Santiago v Commission on Elections*, however, the Supreme Court held that the statute was

³⁵ 1987 Constitution art XVII s 1.

³⁶ *ibid* art XVII s 3.

³⁷ *ibid* art XVII s 2.

³⁸ *ibid* art XVII s 4.

³⁹ Republic Act No 6735.

inadequate to implement the initiative on amendments to the Constitution, and it set aside the rules that the Commission on Elections had issued to fill the gap.⁴⁰

Nine years later, in *Lambino v Commission on Elections*, the Court dismissed a petition that proposed to replace the presidential and bicameral system with a unicameral parliamentary one. The majority held that the petition had not been ‘directly proposed by the people’, because the signatories had not been shown the full text of the proposed changes, and that a change of that scope was a revision rather than an amendment and could not be pursued through initiative.⁴¹ In drawing that line, the Court considered both the quantity of provisions affected and the qualitative effect of the change on the basic structure of government. Because it disposed of the petition on these grounds, the Court found it unnecessary to revisit its ruling on the adequacy of the implementing statute. The distinction between amendment and revision, which is familiar in comparative debates about package reforms and replacement, thus became a working limit on the Philippine initiative.⁴²

A comparative assessment of both systems reveals that Indonesia prioritises institutional centralisation and procedural rigidity, whereas the Philippines emphasises procedural plurality and flexibility. These differences highlight two distinct models of constitutional amendment: a formalised legislative-centred model and a participatory multi-channel model. While both systems aim to regulate constitutional change within a legal framework, they differ significantly in accessibility, procedural design, and institutional involvement. They also differ in the degree of procedural uniformity and interpretative consistency embedded within their respective frameworks. In Indonesia the text of Article 37 answers most procedural questions on its face; in the Philippines each channel has required judicial interpretation before it could be used.

4. Institutional Design and Structural Characteristics of Constitutional Amendments

4.1 Concentrated Authority: The People’s Consultative Assembly

The institutional design governing constitutional amendments in both countries further illustrates contrasting structural characteristics. In Indonesia, the amendment process is embedded within a single institutional framework, in which the MPR functions as the sole constitutional body authorised to alter the Constitution. This arrangement reflects a concentrated institutional design in which constitutional change is managed through a unified and hierarchical structure. The involvement of other state organs is indirect, occurring primarily through representation within the MPR, thereby reinforcing a centralised model of constitutional authority.

⁴⁰ *Santiago* (n 18).

⁴¹ *Lambino* (n 18).

⁴² Alexander Hudson, ‘The Strange Case of the Package Deal: Amendments and Replacements in Constitutional Reform’ in Richard Albert and Richard Stacey (eds), *The Limits and Legitimacy of Referendums* (Oxford University Press 2022); Tiojanco and Tamase (n 6).

The composition of the MPR shapes how that authority operates. Since the amendments, the MPR has consisted of the members of the House of Representatives (*Dewan Perwakilan Rakyat*, DPR) and the members of the Regional Representative Council (*Dewan Perwakilan Daerah*, DPD), all of whom are elected.⁴³ Because DPR members greatly outnumber DPD members, the parties represented in the DPR can in practice control both the one-third proposal threshold and the absolute-majority decision. The experience of the DPD illustrates the point. Its repeated proposals, from 2006 onwards, to amend the Constitution so as to strengthen its own powers did not succeed in the MPR, and the Council's position improved instead through decisions of the Constitutional Court.⁴⁴ According to Faiz, Isra and Agustine, the Constitutional Court's review of legislation between 2012 and 2019 did more to secure the DPD's role in law-making than any formal amendment, precisely because the amendment route was controlled by the larger chamber.⁴⁵ The single-body design therefore does not mean that all actors within that body carry equal weight.

The concentration of authority also affects how the system responds to proposals that could alter the balance of power. Between 2019 and 2023, proposals were made to restore to the MPR a power to issue state policy guidelines and, separately, to extend presidential terms beyond the two-term limit introduced in the first amendment.⁴⁶ Omara analyses these proposals through the lens of abusive constitutionalism and argues that, while the amendment power is legitimate, it can be used to disguise the accumulation of power; he proposes additional entrenchment, a basic-structure doctrine, and civil-society participation as safeguards.⁴⁷ The term-extension proposal ultimately failed. Mietzner and Honna attribute that failure to sustained opposition within the political elite, including the President's own party, combined with public rejection, rather than to any legal barrier.⁴⁸

These episodes show both the strength and the vulnerability of the centralised model. The procedure is clear, and its thresholds are known in advance, so that the outcome of any proposal turns on whether the necessary majorities can be assembled within one institution. At the same time, because there is no ratification by the people and no judicial review of amendments, the only barriers are political. Scholars who favour recognising implied limits on amendment, such as the two-term presidential limit, argue for that reason that the single express limit in Article 37(5) is insufficient.⁴⁹ Comparative research on Asia suggests, however, that formal amendment has been

⁴³ 1945 Constitution art 2(1).

⁴⁴ Pan Mohamad Faiz, Saldi Isra and Oly Viana Agustine, 'Strengthening Indonesia's Regional Representative Council Through Judicial Review by the Constitutional Court' (2023) 13(4) *SAGE Open* <<https://doi.org/10.1177/21582440231204408>>.

⁴⁵ *ibid.*

⁴⁶ Argama (n 9); Hendrianto (n 10).

⁴⁷ Omara (n 9).

⁴⁸ Mietzner and Honna (n 9); see also Marcus Mietzner, 'Flirting with Autocracy in Indonesia: Jokowi's Majoritarianism and its Democratic Legacy' (2025) 44 *Journal of Current Southeast Asian Affairs* 366.

⁴⁹ Hendrianto (n 10); Mukhlis and others (n 10).

used sparingly as a tool of democratic erosion in the region, and that ordinary legislation and interpretation have been more common instruments.⁵⁰

4.2 Distributed Authority: Congress, Convention, and Initiative

Conversely, the Philippine constitutional system distributes amendment authority across multiple institutional pathways. The legislative body (Congress) plays a central role, but the Constitution also recognises the possibility of convening a constitutional convention and initiating amendments through direct public participation. This structure indicates a decentralised institutional model that accommodates different modes of constitutional engagement. The coexistence of these mechanisms reflects a broader allocation of constitutional authority, allowing amendment processes to operate through varied institutional channels within a single constitutional framework.

Distribution, however, has produced its own interpretative problems. Article XVII does not state whether Congress, when acting under Section 1, votes as a single body or with each chamber voting separately. The question is not merely technical: a joint vote would allow the much larger House of Representatives to outvote the Senate, whereas separate voting gives the Senate a veto. The uncertainty resurfaced in 2024, when senators maintained that the chambers must vote separately and the question remained unresolved.⁵¹ Tamase notes that the deliberations of the Constitutional Commission themselves reflect this confusion: a commissioner indicated that the words ‘in joint session assembled’ would be added if a bicameral legislature were adopted, but although bicameralism was adopted, the text of Article XVII was not changed accordingly.⁵² Tiojanco and Tamase describe Article XVII as a multi-tiered system in which the different routes, and the line between amendment and revision, have operated to parry proposed changes rather than to facilitate them.⁵³

The 2024 episodes illustrate how the channels interact. In January 2024 a signature campaign for a people’s initiative sought to change the voting procedure under Article XVII. After questions were raised about how signatures had been collected, the Commission on Elections suspended the proceedings on the initiative, citing the need to review its implementing rules.⁵⁴ In parallel, the House of Representatives pursued the congressional route and, on 20 March 2024, approved Resolution of Both Houses No 7 on third reading by 288 votes to eight, with two abstentions.⁵⁵ The resolution proposed to insert the phrase ‘unless otherwise provided by law’ into the provisions restricting foreign ownership of public utilities, educational institutions, and advertising firms, a technique that critics argued would effectively

⁵⁰ Dian AH Shah, ‘Dismantling Democratic Change in Asia: Modalities and Weapons of Choice’ (2024) 22 *International Journal of Constitutional Law* 997.

⁵¹ Tamase (n 13).

⁵² *ibid.*

⁵³ Tiojanco and Tamase (n 6).

⁵⁴ ‘Charter Change Roadblock’ (n 12).

⁵⁵ Reganit (n 12); Resolution of Both Houses No 7.

transfer constitutional choices to ordinary legislation.⁵⁶ The Senate did not act on the proposal. In the same period a resolution for a constituent assembly was filed in the Senate, reports of irregularities in the signature campaign led to a Senate inquiry, and all senators signed a manifesto opposing the initiative.⁵⁷ Bonoan and Dressel read this sequence as one more instance of a constitution that is constantly under pressure yet remarkably enduring, because competing elite interests have blocked one another's attempts at change.⁵⁸

Earlier attempts followed a similar pattern. The federalism project announced under President Duterte moved from a comprehensive to a piecemeal approach after the 2019 mid-term elections and was eventually abandoned without any proposal reaching a plebiscite.⁵⁹ The 2023 House resolution to call a constitutional convention on the economic provisions raised concerns that the scope of the convention was undefined and could extend to protections such as those for indigenous ancestral domains.⁶⁰ In each case the existence of several channels did not produce a successful amendment. What the plurality produced instead was a series of contests over which channel was available and how it should be used, contests that were resolved by the Supreme Court, the Commission on Elections, and the Senate.

4.3 Staged Amendment and the Enduring Text

From a structural perspective, Indonesia's approach reflects a staged amendment process, as evidenced by the four successive amendments conducted between 1999 and 2002.⁶¹ This incremental model allows for systematic constitutional revision over a defined period, ensuring continuity while enabling structured adaptation. Each annual session built on the previous one, and the MPR used the same procedure throughout, so that the transformation of the constitutional order was achieved without abandoning the 1945 text.⁶² Comparative scholarship on package reforms shows that the choice between a single comprehensive change and a sequence of amendments has consequences for legitimacy and for the likelihood of adoption; the Indonesian experience is an example of the sequential option.⁶³

In contrast, the Philippines maintains a single, enduring constitutional document, with amendment mechanisms designed to introduce changes without fundamentally replacing the constitutional framework. The 1987 Constitution has not been amended since its ratification, even though proposals have been advanced under successive presidents.⁶⁴ In practice, some of the economic changes sought through amendment

⁵⁶ Tamase (n 13).

⁵⁷ Bonoan and Dressel (n 4).

⁵⁸ *ibid.*

⁵⁹ Atienza (n 14).

⁶⁰ Gatmaytan (n 11).

⁶¹ First to Fourth Amendments.

⁶² Satrio, 'Restoring Indonesia's (Un)Constitutional Constitution' (n 7).

⁶³ Hudson (n 42).

⁶⁴ Bonoan and Dressel (n 4); Atienza (n 14).

have been pursued through ordinary legislation instead, which Tamase cites as a reason to doubt the necessity of the 2024 proposals.⁶⁵ These differing approaches also illustrate distinct conceptions of constitutional authority: Indonesia emphasises centralised institutional legitimacy, whereas the Philippines adopts a more distributed framework of constitutional engagement.

Albert's notion of amendment culture helps to explain why the two texts have endured in such different ways.⁶⁶ In Indonesia, the 1945 Constitution carries a symbolic weight that goes beyond its legal function, and Satrio's account of Indonesian amendment rules begins from the tension between treating the document as sacred and subjecting it to a demanding procedure.⁶⁷ That symbolic weight shaped the choice to amend rather than replace the Constitution in 1999–2002, and it continues to frame debates about a fifth amendment, in which proposals are often presented as restoring rather than changing the constitutional order.⁶⁸ In the Philippines, the 1987 Constitution is associated with the restoration of democracy, and attempts to change it have repeatedly been met with suspicion that they serve incumbents or particular economic interests.⁶⁹ In both countries, therefore, the endurance of the text depends not only on the formal procedure but also on the meaning that political actors and the public attach to the Constitution itself.

4.4 Gatekeepers of the Amendment Process

The preceding analysis shows that the two systems allocate not only the power to amend but also the power to stop an amendment. In Indonesia, gatekeeping is internal to the amending body. Because the MPR decides alone, and because no court has jurisdiction over amendments, a proposal is stopped only if it fails to gather the necessary support among MPR members and the parties that control them.⁷⁰ The failure of the term-extension proposal shows that this form of gatekeeping can be effective: resistance from within the governing elite, including from the President's own party, together with public rejection, prevented the proposal from advancing.⁷¹ Mietzner describes a broader pattern in which the President tested which democratic norms could be eroded without provoking resistance and retreated where majorities were opposed, as they were on extending presidential terms.⁷²

This form of protection has limits. It depends on the continued existence of competition within the elite, and it offers no legal remedy if that competition disappears. Satrio has therefore asked whether the Constitutional Court could develop a doctrine allowing it to review unconstitutional constitutional change, even without an express

⁶⁵ Tamase (n 13).

⁶⁶ Albert (n 1).

⁶⁷ Satrio, 'Between Sacred and a Hard Place' (n 7).

⁶⁸ Satrio, 'Restoring Indonesia's (Un)Constitutional Constitution' (n 7); Argama (n 9).

⁶⁹ Bonoan and Dressel (n 4); Gatmaytan (n 11).

⁷⁰ Mukhlis and others (n 10).

⁷¹ Mietzner and Honna (n 9).

⁷² Mietzner (n 48).

grant of jurisdiction.⁷³ Other scholars have proposed a limited model of review grounded in Pancasila and in the basic structure doctrine.⁷⁴ Whatever the merits of these proposals, they confirm the structural point: in the Indonesian design the formal procedure is the only legal gate, and its operation is political.

In the Philippines, gatekeeping is external and distributed. The Supreme Court has determined whether the initiative can be used at all and what it may be used for.⁷⁵ The Commission on Elections controls the verification of signatures and suspended the 2024 initiative proceedings.⁷⁶ The Senate, by insisting on separate voting and by declining to act on the House's resolution, has functioned as a veto player within the congressional channel.⁷⁷ Finally, the plebiscite gives the electorate the last word, and public opinion has weighed heavily even before any vote: a Pulse Asia survey reported by Tamase found that 88 per cent of respondents opposed the 2024 efforts to change the Constitution.⁷⁸ The multiplicity of gatekeepers is the counterpart of the multiplicity of channels. Each new pathway has brought with it a new institution entitled to rule on its use.

Table 1 summarises the main procedural and structural features of the two systems.

Table 1. Main features of the amendment procedures of Indonesia and the Philippines

Feature	Indonesia (1945 Constitution, art 37)	Philippines (1987 Constitution, art XVII)
Proposing body	MPR only (members of the DPR and DPD)	Congress; constitutional convention; the people through initiative
Threshold to propose	At least one-third of MPR members, in writing, with reasons	Congress: three-fourths of all Members; initiative: 12 per cent of registered voters, with at least three per cent in every legislative district
Deciding majority	Quorum of two-thirds of members; approval by 50 per cent plus one of all members	As above; a convention is called by two-thirds of Congress, or by the electorate on a majority vote of Congress
Ratification	None	Plebiscite, majority of votes cast, 60–90 days after approval or certification
Scope limits	Unitary form of the state unamendable (art 37(5))	Initiative limited to amendments, not revisions (s 2; Lambino)
Temporal limits	None in the text	No initiative within five years of ratification or more than once every five years
Judicial role	No express jurisdiction over amendments	Supreme Court has ruled on the initiative (Santiago; Lambino)
Use in practice	Four amendments, 1999–2002	No amendment since 1987

Source: Data processed by the author

⁷³ Satrio, 'Restoring Indonesia's (Un)Constitutional Constitution' (n 7).

⁷⁴ Mukhlis and others (n 10).

⁷⁵ Santiago (n 18); Lambino (n 18).

⁷⁶ 'Charter Change Roadblock' (n 12).

⁷⁷ Tamase (n 13).

⁷⁸ *ibid.*

5. Comparative Analysis of Procedural and Structural Approaches

5.1 Procedural Formalism and Procedural Plurality

A comparative analysis of Indonesia and the Philippines indicates that both countries have developed constitutionally regulated mechanisms for amendment, yet they diverge in their procedural and structural orientations. Indonesia's system is characterised by procedural formalism, centralised authority, and incremental amendment practices. These features contribute to a structured and predictable amendment process, reinforcing consistency and clarity within the constitutional framework, although they may limit procedural flexibility. In the terms of veto-player analysis, the Indonesian procedure involves a single decision-making body with an absolute-majority requirement, but no second chamber, no executive assent, and no referendum.⁷⁹

On the other hand, the Philippine system is defined by procedural diversity, institutional plurality, and flexible amendment pathways. The availability of multiple mechanisms allows for broader participation and adaptability in constitutional change, but it also introduces complexity in the interpretation and implementation of amendment procedures. Every Philippine channel ends in a plebiscite, the congressional route requires a three-fourths vote, and the initiative requires both a national and a district-level threshold. The flexibility of the Philippine model is therefore flexibility of access: it offers more points of entry, but each point of entry is guarded. This contrast highlights how procedural diversity can expand institutional participation while simultaneously requiring stronger interpretative coherence to maintain consistency within the constitutional system.

The comparison also helps to explain the paradox noted at the outset. The Indonesian procedure has few veto points, and it was used intensively when a broad political consensus for reform existed between 1999 and 2002. The Philippine procedure has more veto points and more contested rules, and it has not produced any amendment. This pattern is consistent with the view that amendment frequency depends on rigidity together with political and cultural conditions, rather than on the number of formal pathways.⁸⁰ It also suggests that the availability of a direct popular channel does not by itself make a constitution easier to change where the rules implementing that channel remain uncertain.⁸¹

The comparison can also be expressed as a trade-off between certainty and contestability. The Indonesian procedure maximises certainty: its thresholds are stated numerically, its single body leaves no question about which institution decides, and its only substantive limit is expressed in one sentence. The price of that certainty is

⁷⁹ Tsebelis, 'Constitutional Rigidity Matters' (n 1).

⁸⁰ Albert (n 1); Blake and others (n 17).

⁸¹ *Santiago* (n 18); *Lambino* (n 18); compare Francisco Soto Barrientos, Orestes Suárez and Benjamín Alemparte, 'The Citizen Initiative in Chile's Constitution-Making (2021–2023): Lessons from a Participatory and Digital Mechanism in Comparative Perspective' (2026) 15 *Global Constitutionalism* 111.

concentration, since the procedure provides no external check on the amending body. The Philippine procedure maximises contestability: every proposal can be challenged on the ground that it uses the wrong channel, exceeds the scope of an amendment, or fails to meet the requirements of direct proposal. The price of that contestability is uncertainty, and the benefit is that no single institution can change the Constitution alone. Neither design is superior in the abstract. Each reflects a different judgement about where the main risk to constitutional continuity lies: in the fragmentation of authority, or in its concentration.

5.2 Continuity, Legality, and Legitimacy

Despite these differences, both systems demonstrate a shared commitment to maintaining constitutional continuity through formally regulated processes. The existence of clearly defined amendment procedures in both countries indicates that constitutional change is not arbitrary but governed by established legal frameworks. This reflects a common constitutional principle that amendments must be conducted within institutional boundaries to preserve the integrity of the constitutional order.

Recent scholarship adds that legality and legitimacy should be assessed separately. Neo and Vakil propose a framework in which an amendment may be legally valid and yet lack legitimacy, for instance because of a deficit in representativeness, injustice, or bad faith; conversely, a change that is formally irregular may nonetheless be regarded as legitimate.⁸² Pou Giménez similarly distinguishes internal standards of legitimacy, derived from the constitutional order itself, from external standards that become important in times of autocratic retrogression.⁸³ Applied to the two cases, the framework clarifies what each procedure protects. The Indonesian procedure secures legality through a clear text, but it relies on the representativeness of the MPR for legitimacy. The Philippine procedure builds legitimacy into its design through the plebiscite, but its unclear rules have made the legality of each attempt the first point of contention.

The place of the people in each design is a further point of contrast. In Indonesia, popular involvement is indirect: citizens elect the members of the MPR, but they neither initiate nor ratify amendments. In the Philippines, the people may initiate amendments and must ratify every change. Comparative experience suggests that direct participation can be organised through clearly defined procedures; the citizen initiative used in Chile's constitution-making processes between 2021 and 2023, which operated through a digital platform, is a recent example.⁸⁴ The Philippine case shows the other side of the coin. Where the rules that implement a participatory channel remain

⁸² Jaclyn Neo and Raeesa Vakil, 'A Legality and Legitimacy Framework for Analysing (Unconstitutional) Constitutional Amendments' (2024) 19 *Asian Journal of Comparative Law* 401.

⁸³ Francisca Pou Giménez, 'Assessing Constitutional Amendment: Internal and External Standards of Legitimacy in Times of Autocratic Retrogression' (2024) 19 *Asian Journal of Comparative Law* 417.

⁸⁴ Soto Barrientos, Suárez and Alemparte (n 81).

unsettled, that channel is exposed to disputes about authenticity and to suspension, and its promise of participation is not realised.⁸⁵

The comparison also connects with the literature on abusive constitutional change. Dixon and Landau show how constitutional forms associated with liberal democracy can be borrowed to serve illiberal ends,⁸⁶ and Petrov proposes a test that focuses on the foreseeable effects of a constitutional practice rather than on the intentions of its authors.⁸⁷ Both approaches are relevant to the recent proposals discussed above. In Indonesia, critics have argued that proposals for the PPHN and for longer presidential terms had no evident public demand and would have strengthened incumbents.⁸⁸ In the Philippines, critics have argued that the 2024 initiative was not a genuine expression of popular will and that the 2024 proposals lacked a clear justification.⁸⁹ In both countries these concerns were ultimately addressed through the political process rather than through a court ruling on the substance of an amendment.

5.3 Implications Beyond the Two Jurisdictions

Overall, the comparison highlights that constitutional amendment practices in Indonesia and the Philippines are shaped by differing institutional designs and procedural choices. Indonesia represents a model of centralised and structured constitutional change, while the Philippines embodies a more flexible and multi-institutional approach. These contrasting models illustrate that there is no single uniform framework for constitutional amendment; rather, each system develops mechanisms that align with its constitutional structure and legal tradition.

The two cases also belong to a wider regional picture. Recent comparative work on Asia covers amendment practices in 17 jurisdictions, including both countries examined here, and shows how varied the region's amendment designs are.⁹⁰ Shah's study of democratic change in Asia adds that formal amendment has been used less often than ordinary legislation or reinterpretation to weaken democratic institutions in the region.⁹¹ Seen in this light, the formal amendment procedure is one safeguard among several, and its significance depends on how the rest of the constitutional system operates.

Three implications follow for the study of constitutional change beyond the two countries. First, the number of amendment channels is a poor proxy for the ease of amendment; what matters is whether the rules governing each channel are settled. Designers who add a popular channel to a constitution should therefore specify its implementation in sufficient detail to prevent the kind of uncertainty that the Philippine

⁸⁵ Santiago (n 18); 'Charter Change Roadblock' (n 12).

⁸⁶ Rosalind Dixon and David Landau, *Abusive Constitutional Borrowing: Legal Globalization and the Subversion of Liberal Democracy* (Oxford University Press 2021).

⁸⁷ Jan Petrov, 'How to Detect Abusive Constitutional Practices' (2024) 20 *European Constitutional Law Review* 191.

⁸⁸ Argama (n 9); Omara (n 9).

⁸⁹ Tamase (n 13); Bonoan and Dressel (n 4).

⁹⁰ Bui and Malagodi (n 16).

⁹¹ Shah (n 50).

initiative has faced since 1997. Secondly, a single-body procedure concentrates the protective function of the amendment rule in the composition of that body, so that the representativeness of the amending institution becomes a constitutional question in its own right.⁹² Where one component of that body dominates its membership, as the DPR dominates the MPR, the procedure may be formally unicameral in effect even if it is bicameral in composition. Thirdly, express substantive limits, such as Indonesia's protection of the unitary state, play a different role where there is no court empowered to enforce them; their effect then depends on their authority within the amending body itself.⁹³ These implications reinforce the importance of comparative constitutional analysis in understanding diverse models of constitutional change and their respective institutional implications.

6. Conclusion

This study demonstrates that constitutional amendment practices in Indonesia and the Philippines reflect two distinct yet structured approaches to managing constitutional change within democratic systems. Indonesia adopts a centralised and formalised amendment model, in which authority is concentrated in a single constitutional body, resulting in a procedure that emphasises stability, uniformity, and institutional coherence. In contrast, the Philippines employs a multi-channel amendment framework that distributes constitutional authority across several mechanisms, allowing for greater procedural flexibility and broader institutional participation. These differences highlight how constitutional systems can develop varied procedural designs while maintaining adherence to formally regulated amendment processes.

Furthermore, the comparative analysis reveals that the divergence between the two countries lies primarily in their procedural configurations and institutional arrangements rather than in their foundational commitment to constitutional continuity. Indonesia's incremental amendment approach reflects a structured method of constitutional adaptation, while the Philippine model demonstrates a flexible yet enduring constitutional framework that accommodates change without replacing the core constitutional document. The analysis also shows that each design carries its own characteristic risk. In Indonesia, the clarity of the single-body procedure places the burden of protection on the political composition of the MPR. In the Philippines, the plurality of channels has placed that burden on the courts and the electoral commission, which have had to settle what each channel permits. Both systems illustrate that constitutional amendment is not a uniform process but is shaped by institutional design, legal tradition, and procedural choices specific to each jurisdiction.

The study has limitations that suggest directions for further research. It has focused on formal procedures and on recent attempts to use them, and it has not examined informal constitutional change through judicial interpretation or ordinary

⁹² Faiz, Isra and Agustine (n 44); Neo and Vakil (n 82).

⁹³ Suteu (n 27); Garoupa and Botelho (n 2).

legislation in either country. Nor has it measured the political and social conditions that, according to the comparative literature, shape how often amendment rules are used. Future work could combine the procedural comparison offered here with such an analysis, and could extend the comparison to other Southeast Asian jurisdictions.

Ultimately, this study underscores the importance of comparative constitutional analysis in identifying diverse models of constitutional amendment and understanding their respective implications within different legal systems. The findings suggest that both centralised and multi-institutional approaches can function effectively within their respective contexts, provided that amendment procedures remain clearly defined and institutionally grounded. Therefore, constitutional amendment should be understood not only as a legal mechanism for change but also as a structured process that reflects the broader design of a constitutional system.

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