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Social Inclusion and Constitutional Justice: Reassessing Equality and Affirmative Protection in Indonesia

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Abstract

Social inclusion has emerged as a significant subject in development governance. Yet, its constitutional base within Indonesia's legal framework remains inadequately examined, especially during periods of political leadership transition. The article examines the constitutional foundation of social inclusion as delineated in the 1945 Constitution of the Republic of Indonesia. It assesses its execution during the initial phase of President Prabowo Subianto's administration. This study employs a literature-based methodology alongside a normative-constitutional and philosophical framework to analyse constitutional provisions, statutory frameworks, policy texts, and empirical data sourced from national and worldwide social inclusion indices. The findings reveal that social inclusion is a constitutional imperative grounded in Pancasila, expressed through comprehensive assurances of equality, non-discrimination, and proactive safeguarding for marginalised groups. Nonetheless, empirical data indicate ongoing structural exclusion impacting women, individuals with disabilities, religious or belief minorities, and indigenous populations. The article enhances legal study by reframing social inclusion as a mandatory constitutional duty rather than an optional policy initiative, while providing a cohesive analytical framework that connects constitutional law, human rights, and inclusive governance. The study focuses on the imperative of integrating inclusive governance as a fundamental legislative norm to promote substantial social justice in Indonesia.

I. Introduction

Global forces—such as technical improvements, climate change, and globalisation—contribute to increased equality of opportunity while simultaneously possessing the capacity to exacerbate existing inequities. (United Nations, 2020: 2). Not making sure that everyone is included can lead to more aggression, dangers to safety, and unfairness (General Assembly Resolution 70/1, Transforming Our World: The 2030 Agenda for Sustainable Development, 2015, para. 35). The UN requires countries to take real efforts toward attaining inclusive development through the Sustainable Development Goals (SDGs) in the 2030 Agenda. The 2030 Agenda has two specific targets that focus on ending inequality and discrimination: Gender Equality (SDG 5) and Reduced Inequalities (SDG 10) (United Nations System Chief Executives Board for Coordinator, 2017: 3). The World Humanitarian Summit in Istanbul in 2016 strengthened the commitment to the 2030 Agenda, especially to making sure that no one is left behind, encouraging inclusiveness, and paying special attention to the most vulnerable groups (United Nations System Chief Executives Board for Coordinator, 2017: 4).

Indonesia is aiming toward both the 2030 SDGs and the Vision of Golden Indonesia 2045. This vision aims to make the Unitary State of the Republic of Indonesia a united, sovereign, advanced, and sustainable nation. The Vision of Golden Indonesia 2045 is being enhanced by big changes in many areas, including social, economic, and governance changes. These changes are happening through eight development missions.

The purpose of social transformation is to make human development more inclusive and speed up the growth of high-quality human resources. To make this change work, it is necessary to make sure that everyone has access to basic services and that both human and socio-cultural capital are developed. Social transformation is focused on (i) fighting poverty and inequality in all its forms; (ii) promoting social justice to make sure everyone has equal access to healthcare, nutrition, education, social protection, and protection from violence; (iii) achieving balanced population growth; (iv) developing human resources skilled in science, technology, and innovation; (v) building an inclusive society for all individuals regardless of background, identity, disability, or status; (vi) protecting and promoting human rights, including civil, political, economic, social, and cultural rights; (vii) promoting environmentally conscious development to create a sustainable future for the next generations; (viii) enhancing the role of religion, culture, and religious, community, and traditional leaders as drivers of development; and (ix) promoting quality family life, gender equality, and an inclusive society (see Law Number 59 of 2024 on the National Long-Term Development Plan for the Period 2025–2045).

Indonesia seeks to be a strong, self-sufficient, and welcoming country by 2045. This circumstance is in line with the national ideals set out in the fourth paragraph of the Preamble to the 1945 Constitution of the Republic of Indonesia. Everyone in

Indonesia will need to work together to make the Vision of Golden Indonesia 2045 a reality. In this framework, inclusion should not only be seen as a goal, but also as a core value that guides national development plans.

The transformation in leadership from President Joko Widodo to President Prabowo's administration gives us a chance to see how well inclusive values are being used in development processes and agendas. It also gives us a chance to see how well development programs are working to promote inclusivity, especially for groups that have been left out and pushed to the side in the past.

This study is based on literature and includes activities such as reading, collecting, documenting, categorising, and organising different types of literature (Sulung & Muspawi, 2024: 112). The sources consist of records that reflect governmental performance, reports from civil society organisations, United Nations publications, international monitoring statistics, and pertinent media coverage that emphasise significant events associated with social inclusion issues. Subsequently, these diverse data sources were qualitatively examined and integrated into a narrative that responds to the research questions articulated in this study. A legal study was also done to see how well current laws and rules deal with the main issues being looked.

This study employs historical and philosophical analysis to comprehend the thought of the nation's founders in its establishment, connecting these reflections to the constitutional promises of equal rights for citizens. It aims to examine the constitutional rationale for the imperative of embracing the notion of social inclusion. It also wants to look at how well social inclusion is working right now, especially for groups that have been left out for a long time, like women, people with disabilities, indigenous people, and religious and belief minorities, especially since Prabowo took over as president.

II. Analysis and Discussion

A. The Discourse of Social Inclusion and Social Justice for All Indonesian People

The initial discourse on social inclusion is considered to have initially evolved in France during the 1970s, when economically disadvantaged individuals were defined as a population that was excluded or experienced social exclusion (Silver, 1995). The term "exclusion" was initially used to refer specifically to groups such as the poor and persons with disabilities. The concept of social inclusion emerged in the late 1980s as a means to address social exclusion, notably when the European Community first adopted the term "social exclusion" (Wilson, 2006). The emergence of the term "social inclusion" in the rhetoric of the European Community marked a significant turning point, where exclusion prompted a reflection that "poverty" was no longer considered an adequate term to describe the suffering of those marginalized from mainstream (White & Williams, 2003: 91).

Berghman argues that poverty is not solely a condition of exclusion but rather a specific manifestation of social exclusion, which includes a more extensive array of interpretations (Berghman, 1995: 10). Room emphasizes the significance of perceiving

social exclusion as both a distributional concern—related to the inequitable distribution of resources—and a relational issue—associated with insufficient social involvement, lack of social integration, and absence of power (Room, 1995). The discussion of exclusion is often associated with the notion of citizenship, especially concerning the denial of citizenship rights. Walker asserts that social exclusion represents the denial or inability to actualise citizenship rights, encompassing civil, political, and social rights (Walker & Walker, 1997).

Anver Saloojee's study reveals that social inclusion is predicated on the notion that democratic citizenship is jeopardised when societal commitment to equality is feeble—an indispensable condition for guaranteeing that all individuals have equal opportunities to cultivate their abilities and capacities. Attempts to attain social inclusion are obstructed when the rights of minority groups are neither acknowledged nor recognised, frequently resulting in sentiments of alienation within these populations (Saloojee, 2003: 9). In other words, if minority groups are not treated equitably, to the point where they feel excluded, then society has failed to be inclusive, and democratic values will consequently weaken.

Rosalie Abella argues that equality does not mean sameness, but rather treating differences differently (Abella, 1987). A similar idea is also reflected in the ruling of the Supreme Court of Canada, which, in interpreting the equality provisions of the Canadian Constitution, stated that accommodating differences is at the very core of equality (Kymlicka & Norman, 2000: 31).

Thus, accommodating differences and eliminating barriers to equality are key characteristics of social inclusion. Social inclusion involves a societal commitment to equality of opportunity, ensuring that all members of society are provided the chance to develop their abilities and capacities (Saloojee, 2003: 18).

From a political and pedagogical standpoint, inclusion pertains to the engagement of all societal members and the eradication of exclusionary behaviours (Armstrong, 2003). Amartya Sen underscores the significance of social policies that recognise individuals' abilities to engage actively in social and economic spheres, rather than solely addressing their fundamental needs, by framing social exclusion as pertinent to social policy research (Juanita et al., 2025: 15–16).

Although everyone is potentially at risk of social exclusion, the likelihood of experiencing social exclusion increases due to certain attributes or characteristics, often linked to group identities. Kabeer describes two types of identities (Kabeer, 2006): Those are groups of people who see themselves as part of the same group, share the same beliefs and values, and act as a group. They are also groups of people who are put into groups based on certain shared traits, not shared values or ways of life.

In its "Report on the World Situation 2016," the United Nations builds on Kabeer's ideas by expressly defining social inclusion as including those who are disadvantaged because of their age, gender, disability, race, ethnicity, origin, economic status, or other reasons. This identity also fits with the goals of the Sustainable Development Goals (SDGs), especially objective 10.2, which says that everyone should be involved, no

matter their "age, gender, disability, race, ethnicity, origin, religion, economic status, or other status." (United Nations, 2018). Moving on to the idea of social exclusion, which describes people who face a lot of disadvantages or are pushed to the edges of society, social inclusion came about as a way to address and stop these situations through a number of actions, including policies and social processes (Vrooman & Coenders, 2020: 179).

A study on Social Inclusion in Australia differentiates between two types of social inclusion principles: the aspirational principle and the approach principle. The aspirational concept pertains to the objectives sought through social inclusion, whereas the approach principle addresses the methods to reach these objectives (Australian Social Inclusion Board, 2009). In line with the study, the United Nations also emphasizes that social inclusion is both a process and a goal. Advancing social inclusion is not only about removing barriers that hinder societal participation, but also requires actively taking steps to ensure more accessible participation (United Nations, 2016: 20).

The state must be there to defend all the people of Indonesia and the entire Indonesian territory, based on unity, in order to achieve social inclusion through social justice. This means making sure that all Indonesian citizens get justice (Latif, 2020). Historically, Soekarno, in his speech on June 1, 1945, stated, "We aim to establish a state, all for all. Not for one person, not for one group, whether the aristocracy or the wealthy, but all for all" (Department of Information of the Republic of Indonesia, 1964: 18). This idea became the foundation of Soekarno's thinking in formulating the principles of consensus, representation, and deliberation, which are now embodied in the Fourth Principle of Pancasila.

The interrelationship between the principles of Pancasila forms an integral unity, with each principle interlocking as a *filosofische grondslag*, which is then elaborated in various laws and regulations. The actualization of the five principles of Pancasila should be carried out in the life of the state through (Suseno, 2023).

Pancasila stipulates that we should all be willing to accept each other's differences. This means that everyone agrees to work together to construct the Indonesian state, without discrimination. The Pancasila ideology does not allow any other ideologies that want to make society the same based on their own ideals. So, pluralism is a key part of Pancasila that helps *Bhinneka Tunggal Ika* come true (Unity in Diversity) (Suseno, 2023). Furthermore, when linked to Soekarno's construction of the state as "all for all," Soekarno defined the state as a universal framework that transcends various particular value systems, including religion, social class, ethnicity, and group affiliations (Hasani, 2011: 11).

The absorption and realisation of the comprehensive ideals of Pancasila finally culminate in Social Justice for All Indonesian People, as the nation's desire, a sentiment echoed in the preamble of the 1945 Constitution of the Republic of Indonesia (Hasani, 2011). The acceptance of Pancasila as the foundation of the state necessitates the acknowledgement and implementation of its guiding principles in the formulation of state policies, especially in national legal policy. Pancasila serves as the foundation of the state, giving rise to at least four guiding principles for the formulation of legal or

state policies: the integration or unity of the nation, the coexistence of democracy (people's sovereignty) and nomocracy (the rule of law), social justice, and religious tolerance (MD, 2009).

Pancasila's values, which are the guiding principles of the state and are then incorporated into law in different parts of the constitution, require the state to work toward the goals of social justice. The principles of pluralism, equality, non-discrimination, justice, freedom, and humanity are the basis for every commitment and constitutional guarantee. This circumstance is to make sure that the state is there for everyone to protect the whole Indonesian nation and all of its territories, promote the general welfare, improve the nation's life, and help bring about world peace based on independence, eternal peace, and social justice.

B. Constitutionality of Social Inclusion and Guarantees of Equality

In the philosophical concept, humans are born free and possess equal rights with one another (Sunny, 2023: 15). To ensure the adoption of this philosophical conception, the 1945 Constitution of the Republic of Indonesia (UUD NRI 1945) in Article 27, paragraph (1) affirms that "all citizens are equal before the law and government and shall uphold the law and government without exception." This guarantee of equality, on the one hand, gives rise to a prohibition against any form of discrimination based on any grounds (Hasani, 2020: 246).

Article 27, paragraph (1), is the main constitutional basis that guarantees equality. However, social inclusion is also based on many other parts of the Constitution, such as articles about the constitutional rights of citizens. Jimly Asshiddiqie argues that the constitutional rights of citizens include human rights and the rights of all citizens as guaranteed in the 1945 Constitution of the Republic of Indonesia. This is clear from the use of terms like "every person," "all citizens," "each citizen," or "every citizen," which show that constitutional rights are held by all citizens, regardless of their ethnicity, religion, political beliefs, or gender (Asshidiqie, 2010). Normatively, the Constitutional Court Law explains that constitutional rights are rights that are regulated in the 1945 Constitution of the Republic of Indonesia (hereinafter abbreviated to *UUD NRI 1945*) (Law Number 24 of 2003 concerning the Constitutional Court, 2003).

The 1945 Constitution of the Republic of Indonesia has at least 36 articles that protect constitutional rights. These articles are found in Article 18, Articles 28A-28I, Article 29, Article 30, Article 31, Article 32, Article 33, and Article 34. These articles are declaratory standards that proclaim the rights of every citizen and impose the duty of the state to respect, protect, and fulfil each of these fundamental rights. The 1945 Constitution not only gives everyone the same basic rights, but it also has a number of particular rights that are meant to protect the rights of minorities, vulnerable people, and people who are on the fringes of society. When looking at the original meaning of some clauses about citizens' constitutional rights, it is clear that the constitution gives specific support to at least five (5) groups: Indigenous peoples, the impoverished, children, individuals with impairments, and women.

The guarantee of protection for indigenous peoples in the constitution is reaffirmed through the recognition and respect for customary law communities and their traditional rights as stated in Article 18B paragraph (2) and Article 28I paragraph (3). This recognition by the state will serve as a reference and constitutional foundation for all stakeholders in the implementation of state governance involving customary law communities (The Constitutional Court of the Republic of Indonesia, 2003: 1141). This provision also embodies the spirit that the indigenous rights referred to are not limited to rights over natural resources, but rather encompass a more holistic approach, including rights related to religious legal.

Consistent with the initial purpose of the constitutional regulation for the acknowledgement of indigenous peoples, the international landscape indicates that self-determination has emerged as a prominently promoted principle in international positive law (Hannum, 1990). The United Nations Declaration on the Rights of Indigenous Peoples (hereinafter abbreviated to UNDRIP) even establishes self-determination as a "foundational right," emphasizing that without self-determination, the human rights of indigenous peoples, both collectively and individually, cannot be fully realized (Anaya, 2009). *Self-determination occupies a vital position for the sustainability of the existence of indigenous peoples* (Inter-Agency Support Group on Indigenous Issues, 2009: 17).

Self-determination gives rise to the derivation of other rights, serving as a form of sovereignty for indigenous peoples. The spirit of protection and respect for the rights of indigenous peoples, as embodied in the Constitution of the Republic of Indonesia and in alignment with international positive legal norms, forms a strong constitutional basis for the state to take concrete steps towards advancing social inclusion for indigenous peoples. The recognition enshrined in the constitution should continue to be manifested in the form of enhancing meaningful participation, strengthening resilience, and fulfilling accommodations for communities that have historically been marginalized.

Children are the second legal issue that is mentioned in the Constitution, both directly and indirectly. Several articles, especially those about education, imply that children's constitutional rights should be respected and upheld. Article 31's original purpose was to call for a constitutional guarantee that would help the country's children grow up to be good people who are skilled in science and technology. This would help the country become a high-integrity nation that can compete on the world stage. The state must provide free basic education for at least nine years (The Constitutional Court of the Republic of Indonesia, 2010c).

The guarantee of inclusion for children is also explicitly mentioned in at least two articles: Article 28B, paragraph (2), which addresses the child's right to life, growth, and development, as well as protection from violence and discrimination, and Article 34, paragraph (1), which places the obligation on the state to care for abandoned children.

Article 34 of the Constitution states that the state has a duty to provide adequate public services to everyone, including marginalized groups like the impoverished. As a welfare state, the government has to help people experiencing poverty by making

sure they have food, shelter, medical care, and other basic requirements. Making sure that everyone has these necessities is an important aspect of the state's job to promote social fairness and inclusion for all people, including those who are poor (Tanner, 2022, p. 2). Within the concept of a welfare state, even though individuals are regarded as autonomous, those who are persons with disabilities, the impoverished, the unemployed, or other similarly vulnerable groups become central subjects entitled to receive social security guarantees (The Constitutional Court of the Republic of Indonesia, 2010a). This perspective underlies the inclusion of affirmative action for disadvantaged individuals, including the impoverished, as those who are economically underprivileged.

Women and those with disabilities, while not always specifically referenced, are still acknowledged as groups for whom the original meaning of certain constitutional provisions is distinctly established. Gender equity is a fundamental principle embedded in the constitutional guarantees of the 1945 Constitution of the Republic of Indonesia. The Vienna Declaration asserts that women's human rights are inalienable, integral, and indivisible components of universal human rights (Vienna Declaration and Programme of Action, 1993). The Vienna Declaration not only signifies the global acknowledgment of the importance of affirming the indivisibility of women's human rights, but also strengthens enforcement mechanisms aimed at protecting those rights (Saputri & Rinenggo, 2023: 54). Indonesia's signing of the Vienna Declaration in 1993 led to the constitutional incorporation of guarantees for gender equality. For instance, Article 27 paragraph (1) of the 1945 Constitution is grounded in the spirit of ensuring equal rights between men and women (Munti, 2006: 138).

Article 28G paragraph (1) also serves as evidence of the constitutional guarantee of the right to personal security for women, including the right to be free from threats of violence, particularly sexual violence (Pujianti, 2020). Furthermore, Article 28I paragraph (2) affirms the principle of non-discrimination in social, national, and state life, ensuring that no individual may have their human rights denied on the basis of external factors, including gender (Komnas HAM et al., 2022: 1). In the context of state governance, Article 28D paragraph (3) and Article 28C paragraph (2) of the 1945 Constitution of the Republic of Indonesia serve as the constitutional foundation for women's political rights (Hardjaloka, 2012: 404). Equal opportunities in government and the right to collectively advocate for one's interests underscore the recognition of women's participation in governance and their vital role in contributing to the development of society, the nation, and the state.

The Constitution of the Republic of Indonesia also explicitly provides special protection for persons with disabilities through Article 28H paragraph (2). The underlying intent of the constitutional amendment drafters at the time reflected a strong commitment to ensuring that vulnerable groups receive special treatment and facilitative measures to access equal opportunities—a principle commonly known as affirmative action (The Constitution of the Republic of Indonesia, 2010b: 344). This constitutional guarantee obligates the state to proactively ensure that persons with

disabilities are provided with the necessary accommodations to access equal rights and opportunities in pursuit of justice.

Examining the Constitution's articles, the fact that the four groups (indigenous peoples, children, people with low incomes, women, and people with disabilities) are mentioned does not mean that their rights are only those that are mentioned in those articles. This affirmation, on the other hand, serves as a reinforcement and emphasis that should further improve the equality of rights for indigenous peoples, children, people experiencing poverty, women, and persons with disabilities, who have frequently been pushed to the side.

C. Current Level of Social Inclusion Development under the New Administration of Prabowo Subianto

It is important to read and think about what the government has done to promote social inclusion as a way to judge how serious the state is about upholding the ideal of justice as required by the philosophische grondslag. It is also crucial to know the Vision and Mission of President Prabowo's new government, as this gives us a way to keep an eye on how committed the government is to making things happen.

The eight pillars of the Asta Cita's Vision and Mission include the notion of social inclusion in three of them, both directly and indirectly: Asta Cita 1 (Strengthening Pancasila, democracy, and human rights); Asta Cita 4 (Enhancing the development of human resources through science, technology, education, health, sports, gender equality, and the empowerment of women, youth—including millennials and Generation Z—and persons with disabilities); and Asta Cita 8 (Promoting harmony with the environment, nature, and culture, as well as fostering interfaith tolerance in pursuit of a just and prosperous society).

Among the 17 Presidential Priority Programs originating from the eight Asta Cita, three are explicitly associated with initiatives to promote social inclusion. These encompass Priority Program 7 (Guaranteeing Access to Healthcare Services for All Indonesians: Fortifying the National Health Insurance System—BPJS Kesehatan—and the Supply of Pharmaceuticals); Priority Program 10 (Advancing Gender Equality and Safeguarding the Rights of Women, Children, and Individuals with Disabilities); and Priority Program 16 (Ensuring Interfaith Harmony, Freedom of Worship, and the Establishment and Maintenance of Places of Worship).

Although the Prabowo administration has not yet completed its first year in office, the state of social inclusion in Indonesia can already be observed through various knowledge outputs. These include government-produced indices and performance reports, as well as research from academic institutions, civil society organizations, media monitoring, and other independent sources that provide insights into the condition of social inclusion in the country

The SETARA Institute's Indonesian Social Inclusion Index (Indeks Inklusi Sosial Indonesia, or IISI, 2024) was a major attempt to find out how socially included people are in Indonesia. The IISI said that the national average score for social inclusion is 3.2 out of 7. This means that social inclusion in Indonesia is still in the "basic to improving" range. Women had the highest level of inclusion among the four groups analysed,

with a score of 3.9. People with disabilities came in second with a score of 3.7. On the other hand, religious and belief minorities had a lower inclusion score of 3.3, while communities that were in vulnerable situations had the lowest score of 1.7.

The IISI findings align with global studies such as the "Inclusiveness Index. This measurement, which focuses on the extent to which inclusion is institutionalized and protections are afforded to marginalized groups based on race, religion, gender, LGBTQ identity, and disability, shows that Indonesia's level of inclusion in 2024 falls into the "Low" category. Specifically, Indonesia ranked 125th out of 152 countries worldwide (Menendian et al., 2024), Indonesia's inclusion score is notably lower than that of five other ASEAN countries—namely, the Philippines, Singapore, Thailand, Vietnam, and Cambodia.

The Social Progress Imperative's Global Social Progress Index 2024 also puts Indonesia at 82nd place out of 170 countries. Indonesia is ranked 112th in the area of "Inclusive Society," with a score of only 47.06 (Social Progress Imperative, 2025). These findings indicate, among other things, that discrimination and violence against minority groups in Indonesia remain widespread.

The studies examine the status of social inclusion in Indonesia, focusing on women, individuals with disabilities, religious and belief minorities, and Indigenous communities, as delineated in the subsequent sections, utilizing the four entities identified in the IISI study conducted by the SETARA Institute.

i. The Complexity of Gender Equality Issues

Gender equality, which has been a priority in numerous government agendas, continues to help women's rights go forward, especially when it comes to their quality of life. The IISI survey found that women's social inclusion score was 3.9. This is mainly because Indonesians are slowly making progress in their general human development, especially when it comes to their rights to health and education. This finding is in line with government data from the Gender Inequality Index (GII), which has been steadily getting better. Indonesia's GII was 0.447 in 2023, which is a gradual drop from 0.459 in 2022, 0.465 in 2021, and 0.472 in 2020 (Directorate of Statistics Analysis and Development, Central Bureau of Statistics, 2024). The GII report for 2023 says that the difference between men and women has been getting smaller over the years, even though women's participation is still lower than men's. From 2019 to 2023, the percentage of men aged 25 and older who had at least a high school diploma went up from 39.77% to 42.62%. The same numbers for women in the same age range were 31.85% in 2019, 45.63% in 2020, 41.30% in 2021, 42.06% in 2022, and 42.62% in 2023. The narrowing gender gap in educational achievement signifies that women's access to education in Indonesia is progressively advancing towards equality.

A similar trend is reflected in several international studies, which highlight Indonesia's progress in the areas of education and health. The World Economic Forum's Global Gender Gap Index 2024 reports that Indonesia has made more substantial progress in closing gender gaps in education and health than in the economic and political domains. Indonesia achieved a score of 0.686 on a scale from 0

to 1, where 1 represents full gender parity (World Economic Forum, 2024). The accomplishments in education and health are more important than those in economic opportunities and political involvement. The Global Gender Gap Index (GGGI) uses a score range of 0 to 1, where 0 means extreme disparity and 1 means complete equality. In 2024, Indonesia's scores in education, health, economic opportunity, and political participation were 97.1%, 97%, 66.7%, and 13.8%, respectively.

Indonesia has done a good job of making sure that men and women have equal access to education and health care. However, it has not done as well at making sure that men and women have equal opportunity in politics and the economy. poor female labor force participation, few chances for women to assume powerful and crucial positions, and poor earnings for women are all major ways that the economy is unfair. The gender disparity is considerably bigger in politics. The poor score in the political leadership dimension is mostly due to the fact that women don't participate much, especially in parliament and high-level government positions. In Indonesia, women are still, in practice, second-class citizens when it comes to governing processes. For example, just 127 of the 580 members of the DPR RI (Indonesian People's Representative Council) are women, whereas 453 are men. This means that 22% of the lawmakers are women and 78% are men. There are 59 seats in President Prabowo's Merah Putih Cabinet, including ministers, officials at the ministerial level, and cabinet secretaries. Only 6 of these positions are held by women (Cabinet Secretariat of the Republic of Indonesia, 2024).

This significant distinction is not just because there are not enough smart and talented women in Indonesia to fill important government jobs. In the legislative arena, while political parties do not explicitly discriminate against women's political ambitions, institutional impediments remain, hindering women's participation, especially in the early phases of recruiting (Golder et al., 2019). The lack of access to political resources, networks, and leadership training has resulted in limited opportunities for women to compete in legislative elections (Directorate of Statistics Analysis and Development, Central Bureau of Statistic of the Republic of Indonesia, 2024). In fact, the physical representation of women in parliament is urgent, as female legislators tend to advocate more strongly for policies that support women's rights and gender equality (Vega & Firestone, 1995). Furthermore, increasing the number of women in leadership positions is essential to challenge gender stereotypes and enhance societal acceptance of women's roles in the public sphere (Burnet, 2011).

Gender equality issues exist not only in the public domain but also inside the private sector. The OECD's 2023 Social Inclusion and Gender Index (SIGI) puts Indonesia in the middle group, with a score of 38 out of 100 (OECD, 2023). The Social Inclusion and Gender Index (SIGI) 2023 uses a scale from 0 to 100, where 0 means no prejudice and 100 means complete discrimination. Discrimination inside the family was identified as the primary factor contributing to Indonesia's designation as a nation with a moderate level of discrimination. In other words, the government needs to act quickly and make changes because of the pervasive discrimination that happens at home.

The injustice caused by traditional norms and views that limit women's roles within the household is further reinforced by discriminatory policies that restrict women's roles in family matters. Among all the countries in the world, Indonesia is one of 28 countries that does not grant women the same legal recognition as men to be acknowledged as the head of the household (OECD, 2023). This finding by the OECD is validated by Article 31, Paragraph (3) of the Marriage Law, which explicitly states that the husband is the head of the household and the wife is the homemaker (Law Number 1 of 1974 concerning Marriage, 1974).

The Marriage Law keeps the notion that males should be the heads of households and women should be homemakers. The National Commission on Violence Against Women (Komnas Perempuan) has found 421 discriminatory regulations that objectify women, create layered discrimination, and erode legal protections for women, minorities, and other marginalised groups. The Marriage Law is just one of these policies (Nurmila et al., 2021, p. 4). On one hand, compared to the 421 discriminatory policies, in the same year, the number of policies conducive to advancing women's rights was recorded at only 349 (Nurmila et al., 2021).

ii. The Gap Faced by Persons with Disabilities

Alongside women, individuals with disabilities are officially identified as a primary concern in the President's National Priorities, as detailed in Asta Cita 4. The 2020 National Social and Economic Survey indicates that the population of individuals with disabilities in Indonesia is 22.97 million, or approximately 8.5% of the total population (Bestianta, 2022: 1), efforts to improve equality and fulfill the rights of persons with disabilities within President Prabowo's priority programs are directed at reducing the gap between the disabled population and the rest of the population, ensuring equal rights and a decent standard of living, reducing socio-economic disparities, and encouraging the active participation of persons with disabilities in contributing to and participating in various sectors of development.

The IISI study by SETARA Institute found that the social inclusion score for people with disabilities is 3.7, which means that things are still at the "basic to improving" level. The administration has made some progress, but there are still areas that need more work. The government has taken a number of steps to make sure that people with disabilities can live in the same way as everyone else. For example, Article 28H, Paragraph (2) of the Constitution says that people with disabilities should get special treatment and facilities. For example, in 2024, the Indonesian National Police will perform something for the first time (Police of the Republic of Indonesia) officially recruited 18 persons with disabilities, distributed across 13 regional police offices (Regional Police), where they were assigned non-field tasks such as in information technology and cyber, financial administration, health services, laboratory work, and planning divisions.

The government strategy now includes not just expanding representation of individuals with disabilities within state institutions but also in the industrial and business sectors to increase their job rights. The central government, via the Ministry

of Manpower, promulgated Ministerial Regulation No. 21 of 2020, which delineates the Guidelines for the Implementation of Disability Service Units in Employment. This regulation aims to ensure the realisation of employment rights for individuals with disabilities while promoting an inclusive process for fulfilling these rights. It guarantees that the facilities and infrastructure provided by the Disability Employment Service Units (*ULD Ketenagakerjaan*) facilitate services and enhance access for persons with disabilities. The execution and realisation of job rights conform to the tenets of Law Number 8 of 2016 about Persons with Disabilities, which asserts their entitlement to work free from discrimination.

Despite significant advancements, numerous obstacles to social inclusion for individuals with impairments remain apparent. In the realm of health, the findings from the IISI SETARA Institute study correspond with numerous other research outcomes. The Centre for Health Policy and Management at Gadjah Mada University (PKMK UGM) determined that individuals with disabilities encounter barriers in accessing healthcare services, including insufficient data availability, a lack of inclusivity in healthcare facilities, insensitivity of healthcare personnel towards disabilities, and restricted access to essential assistive devices (Padmawati et al., 2024). In line with the findings of PKMK UGM, data from the 2023 Susenas survey indicates that approximately 28% of persons with disabilities do not have National Health Insurance (JKN), and of those without JKN, 64.33% do not seek treatment when ill (Irawati & Sondakh, 2024).

The Disability and Development Report 2024 by the United Nations (UN) notes that 11% of persons with disabilities live below the national poverty line (United Nations, 2024, p. 55). This finding is also in line with a report from the Ministry of Social Affairs, which states that as of December 2024, 11.42% of persons with disabilities live below the poverty line. In fact, persons with disabilities face higher living costs due to the increased need for services and medical expenses. Those with lower socioeconomic status are more vulnerable to long-term poverty. Furthermore, according to a UNICEF report, many households in Indonesia with a family member with a disability are forced to reduce spending on education and sell assets in order to cover the substantial healthcare costs associated with disabilities (UNICEF, 2024, p. 23). In fact, education should be a government priority to accelerate equitable access to education for all citizens. Unfortunately, data from the Ministry of Social Affairs shows that more than 50% of children with disabilities are still unable to access education (Nurhidayat, 2025).

Public spending on social programs for persons with disabilities in Indonesia amounts to only 0.001% of total GDP—significantly lower than the global average of 1.5% of total GDP (UNICEF, 2024, pp. 378–380). The budget cut for the National Commission on Disabilities by President Prabowo at the beginning of 2025—from IDR 5.6 billion to IDR 500 million as part of the broader effort to streamline ministerial and institutional budgets—not only hampers the Commission’s duties in monitoring, evaluation, and advocacy for the protection, respect, and fulfillment of disability rights, but also runs counter to the realization of *Asta Cita 4*.

iii. Exclusion Against Religious/Belief Minorities

The religious pluralism adopted by the Indonesian nation offers both benefits and challenges across multiple dimensions, including governmental administration and social interactions. The Ministry of Religious Affairs has claimed advancements in the *Indeks Kerukunan Umat Beragama* (IKUB), which evaluates religious peace, evidenced by a rising score over the years. During President Jokowi's administration, the IKUB score was 73.09 in 2022, increased to 76.02 in 2023, and further ascended to 76.47 in 2024, establishing the baseline for President Prabowo's government. The government has asserted that this improvement serves as evidence of its success in managing diversity and fostering tolerance, primarily through religious moderation initiatives.

However, various other studies, accomplished at the regional, national, and even global levels, reveals that a different pattern when they look at Indonesia's social inclusion issue. For instance, the SETARA Institute's IISI gave Indonesia a score of only 3.3 for social inclusion of religious minorities, and the Othering & Belonging Institute's Inclusiveness Index put Indonesia at 147th place out of 152 countries. These results show that religious minorities are still being pushed to the edges in many ways, not just when it comes to their freedom of religion or belief, but also when it comes to their ability to take part in social and political life.

The Pew Research Government Restriction Index 2022, which assesses how much the government limits religious freedom, also puts Indonesia in the "very high" category with a score of 6.6–10.0 (Majumdar, 2024: 41–44). These findings suggest that the Indonesian government, both at the national and regional levels, through policies and actions, often restricts the enjoyment of freedom of religion or belief. This includes measures such as prohibitions against certain religions, restrictions on religious activities, favoritism toward particular religions, or even the use of religious justifications to harass, intimidate, or limit the rights of specific religious or belief minorities (Majumdar, 2024, pp. 2–5). This is, of course, inconsistent and even contradicts the fundamental principle of freedom of religion or belief as negative rights, which demand minimal state involvement and intervention. Religious freedom and the right to belief cannot be fully realized if the state plays an excessive role in these matters.

The findings of the Government Restriction Index 2022 are corroborated by the monitoring data from the SETARA Institute, which reveals substantial governmental intervention in the religious freedom of its residents. The significant involvement of numerous state entities in infringing on religious freedom is apparent. In 2023, out of 329 cases of religious freedom violations, 114 were perpetrated by governmental agents (SETARA Institute, 2023). In fact, in the previous year (2022), state actors dominated the violations, surpassing non-state actors. There were 168 violations committed by state actors, compared to 165 violations by non-state actors (Buntara & Hasan, 2023). This situation illustrates that political leadership and bureaucratic leadership, which are supposed to support the ecosystem of tolerance, have not functioned effectively (Yosarie et al., 2024).

The marginalization of religious and faith minorities is intensified by the insufficient societal leadership in promoting respect for and acceptance of religious diversity. The considerable number of violations of religious freedom further suggests that social networks among societal leaders do not consistently endorse respect for religious liberties.

Aid to the Church in Need (ACN), in its Religious Freedom in the World Report 2023, observes that although Indonesia has the largest Muslim population, it has grown progressively less accommodating toward religious and belief minorities. The report emphasizes the increasing instances of religious defamation and the extensive adoption of Sharia law as notable issues. A minimum of 151 regional regulations incorporating Islamic Sharia elements have been identified across Java, Sulawesi, Sumatra, and West Nusa Tenggara. Furthermore, the Human Freedom Index 2024, which assesses Personal and Economic Freedom across nations, ranks Indonesia at 87th out of 165, with an overall score of 6.82 (Vasquez et al., 2024: 18–22). Specifically, in relation to personal freedom, one of its components being religion, Indonesia ranks 97th out of 165 countries. This data indicates that the level of religious freedom in society (including the right to practice and choose religion, peacefully spread one's religion, and convert to another religion) still presents various challenges. Moreover, state repression against certain religious or belief organizations and groups continues to be widespread.

iv. Marginalization of Indigenous Peoples

In contrast to women and persons with disabilities—who are explicitly and specifically identified as target groups for empowerment under Asta Cita 4—indigenous peoples are not recognized. Similarly, none of the 17 national priority programs explicitly designates indigenous peoples as a priority.

The SETARA Institute's IISI report stated that the social inclusion score for indigenous people was only 1.7 out of 7, which means it was very low. The 2024 Annual Report of the Indigenous Peoples Alliance of the Archipelago said that there have been 687 agrarian conflicts in customary territories over the past ten years (2014–2024) that total 11.07 million hectares. This has led to the prosecution of at least 925 members of indigenous communities (Aliansi Masyarakat Adat Nusantara, 2024). The findings of AMAN are consistent with monitoring by the Agrarian Reform Consortium (KPA), which reported that out of a total of 295 agrarian conflicts throughout 2024, indigenous peoples were the third most frequently affected group, with 53 recorded cases—following farmers and urban poor communities, who were the first and second most affected groups, respectively (Wicaksono, 2025).

The persistent pressure for economic advancement continues to affect indigenous territory. The Rights-Representation-Capital Index (RRC Index) indicates that Indonesia is among 14 nations with considerable potential for the growth of commercial agriculture (Kennedy et al., 2023). The production of palm oil often leads to the appropriation of indigenous lands. It is susceptible to inciting social conflicts, land disputes, the marginalisation of indigenous communities and their livelihoods, labour disputes, trade-related challenges, and a decline in biodiversity (Hutabarat,

2017). The Human Rights Report: Indonesia 2023 published by the U.S. Department of State also highlights how the government—with the support of the military and local police—failed to prevent companies from expanding into indigenous peoples' lands (US Department of State, 2023, p. 48). In addition to violating its commitments under various international human rights instruments that mandate a balance between investment and human rights principles, Indonesia has also failed to fully implement its obligations under the ASEAN Guidelines on Promoting Responsible Investment in Food, Agriculture and Forestry, which emphasize the involvement of all stakeholders—including indigenous peoples—in investment activities (Hasani & Aiqani, 2023).

National Strategic Projects (PSN) policy, inherited from President Jokowi's administration and continued under President Prabowo's administration, without a human rights-based design, has perpetuated discrimination and the neglect of recognition, participation, resilience, and accommodation of indigenous communities. Through the RPJMN 2025-2029, President Prabowo's government has signed off on 77 new PSN projects and continued 49 carry-over PSN projects. However, these PSN projects have degraded the quality of the environment and even displaced indigenous communities from their ancestral lands and territories (Insiyah & Hasani, 2024: 2). These projects are often carried out without adequate consultation with indigenous communities and disregard the principle of FPIC (Free, Prior, and Informed Consent) (Syahwal, 2024).

On the other hand, the government believes that it has involved the communities through meetings which they claim have fulfilled the FPIC principles. During the FPIC stage, the communities should have the opportunity to hear the development plans, but their aspirations are not always heard or implemented. After that, they do not have the opportunity to voice their opinions in determining the 'next steps' regarding their land, as their participation as stakeholders in Public-Private Partnership (PPP) schemes is often overlooked. Even when they do participate, this participation is often considered a mere formality to fulfill the land acquisition procedures (Putri et al., 2020).

However, Article 10 of the UN Declaration on the Rights of Indigenous Peoples (UNDRIP) stipulates that "Indigenous peoples shall not be forcibly removed from their lands or territories. No relocation shall take place without the free, prior and informed consent of the indigenous peoples concerned and after agreement on just and fair compensation and, where possible, with the option of return." The Strategic National Projects (PSN) inherited from President Jokowi's administration and continued by President Prabowo's administration reflect the government's low political will, not only in fulfilling constitutional moral obligations but also in meeting international commitments as outlined in UNDRIP, an international instrument that Indonesia has signed since its adoption in 2007.

At the regulatory level, the government continues to uphold policy frameworks that make it difficult for indigenous peoples to gain recognition. As of November 2024,

AMAN recorded 330 legal instruments for indigenous peoples as prerequisites for the recognition of their rights by sectoral ministries. When compared to the recognition of indigenous forest rights, from the total potential of 23.2 million hectares of indigenous forests, the government's recognition of indigenous forests has only reached 265,250 hectares (Aliansi Masyarakat Adat Nusantara, 2024: 26). The complexity of the regulations and the process of fulfilling the requirements for the designation of indigenous forests in the Minister of Environment and Forestry Regulation No. P.21/MENLHK/SETJEN/KUM.1/4/2019 on Indigenous Forests and Customary Forests has made it difficult and created obstacles for certain indigenous groups, particularly for indigenous communities in remote areas who still face difficulties in accessing and mobilizing to the relevant institutions, as well as having low literacy levels (Insiyah, 2020, p. 132). The Minister of Environment and Forestry Regulation No. P.21/MENLHK/SETJEN/KUM.1/4/2019 concerning Indigenous and Customary Forests mandates that the designation of indigenous forests occurs via an application submitted by customary leaders to the Minister, contingent upon official recognition through a Regional Regulation or a Decision from the Head of the Regional Government that validates the existence of the customary law community in the area and the ongoing presence of indigenous territories. The Indigenous Peoples Bill, suggested in 2003, was drafted in 2010 and has been listed on the National Legislative Program (Prolegnas) Priority list since 2017, although it remains unpassed.

V. Conclusion

Two conclusions can be derived from the analyses presented. The philosophical argument in Pancasila, expressed through diverse legislative underpinnings in the Constitution, underpins the necessity of implementing social inclusion in a full, holistic, and meaningful manner. Social inclusion is not only a value that must be internalized into various government policies but also a fundamental goal that must be achieved. The ideal of social justice can only be realized when the actions taken are based on the values of inclusivity. The normative guarantee of equality in the Constitution, which is contained in at least 36 provisions, further strengthens the urgency of determining concrete steps to reinforce social inclusion. Second, the pluralism of diversity in Indonesia has not yet been fully embraced as a national identity that is valued and respected. Although some gradual progress is being made, exclusivism toward religious/belief minorities, marginalization of indigenous communities, the significant gap faced by persons with disabilities, and the complexity of issues surrounding women all highlight the considerable work that remains for the government in addressing social and national issues. In this regard, the mainstreaming of inclusive governance becomes a tool to create an inclusion ecosystem that internalizes every development agenda in order to realize the ideal of social justice.

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