

INDONESIA



HISTORY AND POLITICS

Fossilized remains of *Homo erectus*, popularly known as the "Java Man", suggest the Indonesian archipelago was inhabited two million to 500,000 years ago. Austronesian people, who form the majority of the modern population, migrated to South East Asia from Taiwan. They arrived in Indonesia around 2000 BC, and confined the native Melanesian peoples to the far eastern regions as they expanded. Ideal agricultural conditions and the mastering of wet-field rice cultivation as early as the eighth century BC, allowed villages, towns, and small kingdoms to flourish by the first century BC. Indonesia's strategic sea-lane position fostered inter-island and international trade. For example, trade links with both Indian kingdoms and China were established several centuries BC. Trade has since fundamentally shaped Indonesian history.¹

From the seventh century AD, the powerful Srivijaya naval kingdom flourished as a result of trade and the influences of Hinduism and Buddhism that were imported with it. Between the eighth and 10th centuries AD, the agricultural Buddhist Syailendra and Hindu Mataram dynasties thrived and declined in inland Java, leaving grand religious monuments such as Syailendra's Borobudur and Mataram's Prambanan. The Hindu Majapahit kingdom was founded in eastern Java in the late 13th century, and under Gajah Mada, its influence stretched over much of Indonesia; this period is often referred to as a "Golden Age" in Indonesian history.²

Although Muslim traders first traveled through South East Asia early in the Islamic era, the earliest evidence of Islamized populations in Indonesia dates to the 13th century in northern Sumatra. Other Indonesian areas gradually adopted Islam which became the dominant religion in Java and Sumatra by the end of the 16th century. For the most part, Islam overlaid and mixed with existing cultural and religious influences, which shaped the predominant form of Islam in Indonesia, particularly in Java. The nutmeg plant is native to Indonesia's Banda Islands. Once one of the world's most valuable commodities, it drew the first European colonial powers to Indonesia. The first Europeans arrived in Indonesia in 1512, when Portuguese traders, led by Francisco Serrão, sought to monopolize the sources of nutmeg, cloves, and cubeb pepper in Maluku. Dutch and British traders followed. In 1602 the Dutch established the Dutch East India Company (VOC) and became the dominant European power.³

Colonialism

With the coming of the Netherlands East Indies Company (VOC), Indonesia partly entered a period of colonialism, poverty and misery. Owing to superior armament and through a "divide et impera" policy of showing discords among the population, the VOC succeeded in expanding

¹ Source : Wikipedia

² Ibid.

³ Ibid.

its power and territory. The Dutch took drastic and cruel steps to tighten their monopoly and keep up the prices of spices.

Private spice plantations in Maluku were destroyed and expeditions undertaken to punish the population resistance called "Houngi Expedition". The sultans and princes were maltreated and forced to sign agreements to acknowledge the authority of the VOC, and thus became subordinates to the VOC. In 1799, the VOC was declared bankrupt and all its properties were transferred to the Dutch Government.

The occupation of the Netherlands by the French during the Napoleonic War brought Indonesia, under the rule of the British East India Company (1811-1816).

Sir Thomas Stamford Raffles, who during the British temporary rule Lieutenant-Governor General of Java and dependencies, abolished the slave trade, introduced partial self-government and restored the Borobudur temple.

After Napoleon's downfall, the Dutch returned to Indonesia and resumed their colonial policy, exploiting the country's natural resources at the cost of the interests of the people, who continued to resist Dutch colonizers. Fierce battles broke out everywhere, led by brave patriots like Sultan Agung (1613 – 1645), Untung Surapati (1684 – 1706), Pattimura or Thomas Matulesy (Maluku Uprising 1816-1818), Prince Diponegoro (Java War 1825-1830), Tengku Cik Di Tiro and Teuku Umar (Aceh War, 1873-1903), Tuanku Imam Bonjol (Padri War, 1830-1837 in West Sumatra), Prince Antasari (Borneo War, 1862) and Si Singamangaraja XII (Batak War, 1907). However all these wars of independence were suppressed and their leaders killed, imprisoned or exiled.

In 1893-1931 Governor General Van den Bosch imposed the "Tanam Paksa" system whereby the people was forced to plant commercial crops and sacrificed cultivation of their staple food. Following criticisms voiced by Dutch Scholars, among others by Douwes Dekker in the Netherlands East Indies as well as in the Netherlands itself, the Dutch Administration introduced an "ethical policy" in 1901 which was aimed at increasing education and improving agriculture but in reality brought little benefit to the population. The "Volksraad" of the "People's Council" established in 1918, consisted mainly of Europeans. Schools were built but their number was very small. At the outbreak of World War II, the Indonesian people were still poor and the rate of illiteracy stood at 93%. The unsuccessful wars of independence waged a more organized struggle. This period of "national awakening" was heralded by Boedi Oetomo, founded on May 20, 1908 by students of the Medical School (Stovia) in Jakarta, such as Wahidin Sudirohusodo and Sutomo. Other organizations came into being soon afterwards. All had as their ultimate aim the establishment of "Indonesia Merdeka", an independent Indonesian state.

Realizing that unity was imperative to cope with Dutch "divide-and-rule" policy, the youth, at their second congress on October 28, 1928, called for unity among the Indonesian youth and pledged allegiance to "One Nation, Indonesia, One Country, Indonesia, One Language, Bahasa Indonesia". In the spirit of unity pledged by youth, women's organizations from over the country held their first conference in Yogyakarta, on December 22, 1928, and merged into a single organization, the Indonesian Woman's Congress. Youth organizations such as Young Sumatra, Young Java, Young Minahasa, Young Ambon, and so forth, were also merged into "Young Indonesia" (Indonesia Muda).

World War II made an end to Dutch domination when the Dutch armed forces surrendered to the Japanese on March 7, 1942. The years of Japanese occupation (1942-1945) was a period of hardship, poverty, famine and hard labour. Japanese propaganda for a Greater East Asia

Co-Prosperity Sphere became very unpopular. Uprising and rebellion arose in many parts of the country. Under the pressure of the nationalists, the Japanese authorities were brought to recognize the Red-and-White as the national flag, Indonesia Raya as the national anthem, and Bahasa Indonesia as the national language.

The Republic of Indonesia

On August 17, 1945, three days after Japan's unconditional surrender to the Allies, the Indonesians proclaimed their independence and established the Unitary State of the Republic of Indonesia covering the territory of the former Netherlands East Indies. Having suffered from the bitter experience of the Dutch "divide et impera" policy, the national leaders held the view that the form of government through which a just and prosperous society could be reached was a unitary state. Soekarno and Mohammad Hatta became the President and Vice-President of the new state which was based on the state philosophy of Pancasila comprising the following five principles: Belief in One and Only God, Just and Civilized Humanity, The Unity of Indonesia, Democracy Guided by the Inner Wisdom of Deliberations amongst Representatives, and Social Justice for the Whole of the People of Indonesia.

On August 18, 1945, the state constitution, often referred to as the Constitution of the Proclamation, was adopted together with the formation of the House of Representatives, Supreme Advisory Council, Supreme Audit Board, and people's Consultative Assembly as the embodiment of the people's sovereignty.

The Red-and-White was officially accepted as the national flag, and Bahasa Indonesia as the national language. Again, Indonesians had to face the Dutch, who wishing to reinstate their colonial rule in Indonesia had smuggled military troops into the allied forces who came to Indonesia in September 1945 to disarm the Japanese and repatriate Allied Prisoners of War and Internees (APWI).

Consequently, bloody battles broke out in Jakarta, Bandung, Surabaya and other major cities. During five years of physical struggle, "Dutch sponsored puppet states" were established, such as the State of East Indonesia, South Sumatra, Bangka, Madura, and so forth and agreements concluded for a peaceful settlement with the Dutch.

The Linggarjati Agreement signed on March 25, 1947, under the good offices of Britain's Lord Killearn resulted in the "de facto" recognition of the Republic of Java, Madura and Sumatra.

The Renville Agreement was signed on board of the USS Renville on January 17, 1948, to end the Dutch all-out attack upon the Republic, or what they called a "police action" launched on July 21, 1947. Following the occupation of Yogyakarta and the arrest of President Soekarno, Vice President Mohammad Hatta, Syahrir and other republican leaders during the second Dutch military attack in December 1948, Indonesian freedom fighters commenced waging a guerrilla warfare under General Soedirman, while an emergency government of the Republic of Indonesia was set up in Bukittinggi, West Sumatra, under Syarifuddin Prawiranegara, as the interim 2nd president.

On January 28, 1949, the Security Council adopted a resolution for discontinuation of hostilities, the release of the Republican leaders, who had been brought to Bangka Island off the east coast of Sumatra, and their return to Yogyakarta.

The "Roem - Van Rooyen" Agreement provided for the return of Yogyakarta to the Republic and the gradual withdrawal of Dutch troops, before the holding of a Round Table Conference

on the basis of transfer on sovereignty to the United States of Indonesia, on December 27, 1949. It consisting of 16 states which were associated with the Netherlands in a symbolic confederation under the Queen of the Netherlands, with a federal constitution and a government system based on parliamentary democracy.

On August 17, 1950, Indonesia abandoned its federal character and regained its original status of a Unitary State.

The first year of existence of the young republic were years full of unrest and rebellion, the separatist movement of "Darul Islam" fanatics in West Java (1947) aims at established an Islamic state; the Communist in Madiun (East Java) under Muso (1948); the *coup d'etat* attempt by Sultan Hamid Alkadri of Pontianak, West Kalimantan (1950); Army Captain Andi Aziz in South Sulawesi (1950); the South Maluku Uprising (1950) under Soumokil who attempt to establish the so called "Republic of South Mollucas" (RMS); the revolt of Teuku Daud Beureuh in Aceh (1953); PRRI in West Sumatra (1958-1960); PERMESTA in North Sulawesi (1958-1960); and finally the abortive coup d'eat of the Indonesian Communist Party on September 30, 1965. These various rebellions were aimed at either reinstating the government, and even at changing the state ideology. These challenges were overcome, and the Republic retained its unitary character, owing to the faithful observance of Pancasila and its five philosophy principles.

To strengthen solidarity and unity among the nations of Asia and Africa, Indonesia was host to the Asian-African Conference held in Bandung West Java. The conference which was attended by 24 Asian-African countries and lasted from 18-24 April 1955 produced the Declaration on the Promotion of World Peace and Cooperation, and the "Dasasila" or the ten Principles by which states in the world may coexist peacefully.

On February 13, 1956, Indonesia annulled the Round Table Conference Agreement of 1949, as a reaction to Dutch non-cooperation in solving the problem of West Irian (Irian Barat) whose future, according to the agreement, was to have been determined through negotiations between the parties sovereignty.

Considering the bilateral negotiations which had come to nothing and the inability of the United Nations to settle the West Irian dispute, Indonesia resorted to a total confrontation with the Dutch. Diplomatic relations were broken off and Dutch-owned enterprises nationalized or taken over. On the 23rd January 1963, the Indonesian Government instructed Major General Soeharto in his function Commander of "Mandala" Theater Army Command, to liberate West Irian from Dutch occupation to realize the People's Threefold Command (Trikorra).

The West Irian dispute which had dragged on for 13 years finally came to end with the signing of the New York Agreement on August 15, 1962. Under the terms of this agreement, the Dutch were to transfer the administration of West Irian, on October 1st, 1962, to UNTEA, which, in turn, would hand it over to the Republic of Indonesia on May 1st, 1963.

With the return of Irian Barat in 1963, Indonesia's territorial integrity from Sabang, the westernmost tip of the country, to Merauke, the easternmost corner of Irian Barat, was restored. It affirmed the implementation of the Act of free Choice (PEPERA) in 1969 and in pursuance of the New York Agreement, when it remains an integral part of the Republic of Indonesia.

In 1955, the first general Election was held to elect members of the House and the "Konstituante" (Constituent Assembly) who were assigned the task to draw up a new

constitution. Of the 47 competing parties, four emerged as winners. The failure of the Constituent Assembly to carry out its assignment led to the Assembly's dissolution by President Soekarno who on July 5, 1959, issued a Decree to readopt the 1945 Constitution with a Presidential Cabinet.

The period between 1950 and 1959, during which Indonesia practiced parliamentary democracy, was marked by instability and rivalry among the political parties and among government officials. Cabinet posts were continually reshuffled and not one cabinet was able to realize its program during that period.

Induced by Indonesian communist Party's views, President Soekarno staged a confrontation against Malaysia which he regarded as being a "puppet" and satellite of the British Empire. Diplomatic relations with Malaysia were severed on 3rd September 1964. Indonesia had been a member of the United Nations since September 28, 1950, but withdrew on January 1, 1965, when Malaysia was accepted as member of the United Nations Security Council.

The New Order Government

Over-confident of their strength, the Indonesian Communist Party (PKI) attempted another coup on September 30, 1965. The uprising, however, was abrupt and quickly stamped out by the Armed Forces under Major General Soeharto, the Chief of the Army's Strategic Command.

On the night of September 30, or more precisely in the early hours of October 1, 1965, armed PKI-men and members of Cakrabirawa, the President's security guard, set out to kidnap, torture and kill six top Army Generals. Further on their bodies were dumped in an abandoned well at Lubang Buaya, on the outskirts of Jakarta. The coup was staged in the wake of troop deployments to Kalimantan at the height of Indonesia's confrontation with Malaysia. Moreover, at the time, many cabinet members were attending a celebration of Chinese October Revolution in Beijing. It was during this power vacuum that the communist struck again.

Under instruction from General Soeharto, crack troops of Army's Commando Regiment (RPKAD) freed the central radio station (RRI) and the telecommunication center from communist occupation.

Students made for the streets in militant demonstrations to fight for a three points claim, or "Trikor", that aimed to ban the PKI, replace Soekarno's cabinet ministers, and cut down the prices of basic necessities. They set up a "street parliament" to gather the demands of the people.

Under these explosive conditions, President Soekarno eventually gave in and granted Soeharto full power to restore order and security in the country. The transfer of power was affected by a presidential order known as "The 11th of March Order" of 1966. Soon afterwards, on March 12, 1966, General Soeharto banned the PKI. This decision was endorsed and sanctioned by virtue of the Provisional People's Consultative Assembly Decree No. XXV/MPRS/1966. He also formed a new cabinet, but Soekarno remained as Chief of executive. This brought dualism into the cabinet, particularly when Soekarno did not show support for the cabinet's program to establish political and economic stability. Hence, a special session of the Provisional People's Consultative Assembly (MPRS) was convened from March 7-12, 1967. The Assembly resolved Soekarno of his presidential duties and appointed Soeharto as Acting president, pending the election of anew President by an elected People's Consultative Assembly.

The New Order to Reform Order Government

Since the outset of the First Five-Year Development Plan in 1969, Indonesia under the New Order Government of President Soeharto had endeavoured to achieve its national development goals. Indonesia, indeed, was able to achieve a substantial progress in various fields which had been enjoyed by the majority of Indonesian people. Indonesia had gained a success of national development, but unfortunately economic crisis, which began monetary crisis, struck Indonesia as of July 1997.

Since the middle of 1997, the standard of living of Indonesian people has dropped fast. The decline in the people's standard of living was aggravated by various political tensions arising from the 1997 general elections. This led to the occurrence of riots and disturbances. To a certain extent, these happenings reflected the less functioning of the political order and of the government, finally causing this situation to develop into a political crisis.

This accumulation of the economic crisis and the political crisis became a triggered factor for crisis in confidence. This applied not just to officials and state-running institutions, but also began to touch on the system of values and the legal foundations that underpin the state running institutions.

A number of students demonstrated to summon for political and economic reformations. They demanded President Soeharto to step down and swept out corruption, collusion and nepotism. Critical moments prevailed in the capital city of Jakarta, and other towns from May 12 to 21, 1998.

On May 12, 1998, a tragedy happened in the Trisakti University Campus, causing the death of four students. Chairman of Muhammadiyah Islamic organization Amien Rais led the massive student demonstration in Parliament building to push for Soeharto's resignation. On May 18, the Leadership of the House suggested the President to resign. The president's effort to accommodate the developing aspirations of the people by forming a reform provincial cabinet and a reform committee never materialized as there was no adequate support from various circles.

On May 21, 1998, finally, President Soeharto, after a 32 year rule under the New Order Government resigned. Pursuant to Article 8 of the 1945 Constitution and the People's Consultative Assembly Decree No. VII/MPR/1973, he handed over the country's leader to Vice President Bacharuddin Jusuf Habibie. Habibie took his oath of office before Chief Justice Sarwata to become Indonesia's third President. Presiden Soeharto also disbanded the cabinet which he formed shortly after his re-election for a seventh five-year presidential term in March.

A day after his instalment as the third president, Habibie formed the Development Reform Cabinet. He picked up the ministers from the various political and social forces, including three politicians from the two minority parties, the United Development Party (PPP) and the Indonesian Democracy Party of Struggle (PDI Perjuangan), to provide the needed synergy. During the Presidency of B.J. Habibie Indonesia conducted the session of the People's Consultative Assembly (MPR) in November 1998 and carried out general Election on June 7, 1999.

Indonesians vote for representatives at three levels: the House of Representatives (DPR), the Provincial Assemblies (DPRD I) and regency assemblies (DPRD II). Every citizen of Indonesia has the right to cast his/her vote in the election.

Political parties in Indonesia were simplified in 1973. Since that time until the general election of 1997, there were two political parties, the United Development Party (Partai Persatuan Pembangunan) and the Indonesian Democracy Party of Struggle (Partai Demokrasi Indonesia), plus the Functional Group (Golongan Karya), Golkar emerged as the winning party at every election ever held during the New Order Government.

Indonesia's eight general election held in June, 7, 1999 was the first General Election in the Reform Order Government under the President B.J. Habibie Administration. Forty-eight (48) political parties contested for the election, under observation of both domestic and international observers and great coverage of free press. It was noted as the most democratic and transparent general election in Indonesia. People were to choose 462 legislators from at least 10,500 candidates from 48 political parties to represent them at 500-member House Representatives. The remaining 38 seats have been allocated to the military, whose members have relinquished their rights to vote.

The result of 1999 General Election are : the Indonesian Democracy Party of Struggle (PDI Perjuangan) headed by Megawati Soekarnoputri on the top of the list, followed by its four contenders : the Golkar Party, the National Awakening Party (PKB), the United Development Party (PPP), and the National mandate Party (PAN). But under the Islamic PAN Alliance, Megawati was posited to Vice-President, during General Assembly Session. While Abdurrahman Wahid from the PKB run after her for the President.

Based on the Law No. 4 of 1999, concerning the Composition and Status of the People' Consultative Assembly (MPR) and the House Representative (DPR), the total number of MPR members is 700, consisting of: 500 DPR members, 135 delegates from the regions (that is, five persons each province), and 65 delegates of functional groupings. All members of the House are concurrently members of the Assembly. The MPR held general session in two stages, from October 1 to 3 and October 14 - 21, 1999. During the session the accountability address of President Habibie was rejected and Habibie withdrew from his presidential nomination as a candidate from the Golkar Party. Abdurrahman Wahid, better know as Gus Dur, former chairman of Nahdlatul Ulama Islamic organization, was elected by Parliament to be Indonesia's fourth President.

There was severe tension between President Abdurrahman Wahid and the Parliament on some issue. This led to the announcement of the declaration of the state of emergency and the suspension of MPR, DPR and the Golkar Party as well as the calling for constructing organization of general election in a short time, declared by President Wahid.

Responding to the President announcement, the Parliament immediately held a special session on July 21, 2001, which was due to convene a Special Session on August 1, 2001, and asked the President to make his accountability.

The President failed to attend the MPR session and to report his accountability, making it to the MPR under Chairman Amien Rais issued the decree (No. II/MPR/2000) that impeached Abdurrahman Wahid from presidency and appointed Vice-President Megawati Soekarnoputri the country's 6th president of the Republic of Indonesia, and Hamzah Haz (from Golkar Party) vice president.

In 2004, Megawati Administration held a free general election to select new president and vice president. The incumbent president rerun again but she was defeated by her former Minister of Defense, Army General (Ret.) Soesilo Bambang Yudhoyono (Democratic Party). Yudhoyono, which is well known with the nickname-acronym SBY, was sworn into office on October 20, 2004, together with Jusuf Kalla (Golkar Party) as Vice President. The next general election to elect new president/vice president will be held in 2009.

POLITICS IN INDONESIA

Indonesia is the third largest democracy in the world (after India and the United States) and the largest democracy in the Muslim world. Indonesia is a republic with a presidential system. The basic principle of Indonesia is Pancasila (The Five Principles). Pancasila is the nation's outlook on life, consisting of five philosophical principles which are inseparable:

1. Belief in One and Only God,
2. Just and Civilized Humanity,
3. The Unity of Indonesia,
4. Democracy Guided by the Inner Wisdom of Deliberations amongst Representatives,
5. Social Justice for the Whole of the People of Indonesia.

Pancasila is part of the Preamble of the 1945 Constitution. Since independence, the Republic of Indonesia has had several constitutions, namely:

- a. The 1945 Constitution: 18 August 1945 – December 27, 1949;
- b. The Constitution of the Republic of the United State of Indonesia: December 27, 1949 – August 17, 1950;
- c. The Provisional Constitution of 1950: August 17, 1950-July 5, 1959;
- d. The 1945 Constitution; July 5, 1959 up to present.

The People's Consultative Assembly (MPR) has been accurately and conscientiously studying, analysing, and considering the fundamental matters faced by the people, nation and state. It has also been using its authority based on Article 37 of the 1945 Constitution of the Republic of Indonesia. In this context the MPR has amended the 1945 Constitution four (4) times, except the Preamble. The last amendment was made in 2002. The content of the 1945 Constitutions consists of The Preamble and The Articles.

The Preamble to the 1945 Constitution enfolds the basic thoughts: firstly, the state protects all Indonesian people and the entire territory of Indonesia on the basis of unity; secondly, the state shall strive for social justice for all the people; thirdly, the state shall be based on the sovereignty of the people, on democracy and the deliberations of representatives; fourthly, the state shall be based on the belief in the One and Only God and on just civilized humanity.

According to 1945 Constitution, the State of Indonesia is based on the rule of law. The highest organ in Indonesia's political system is the People's Consultative Assembly (Majelis Permusyawaratan Rakyat or MPR). The MPR has the authority to amend and enact the Constitution, inaugurate and dismiss the President and/or Vice President.

The MPR consist of the members of the House of Representatives/Parliament (Dewan Perwakilan Rakyat or DPR) and the members of the Council of Representatives of the Regions (Dewan Perwakilan Daerah or DPD) who have been elected through general elections.

The Executive Power in Indonesia is held by the President. In exercising his/her duties, the president shall be assisted by a vice-president. The president and vice president shall hold office for a term of five years and may subsequently be reelected to the same office for one further term only. In executing his duties, the President shall be assisted by Ministers of State, which are appointed and dismissed by the president.

The general elections should be conducted in a direct, general, free, secret, honest, and fair manner once every five years to elect the members of the DPR, DPD, the president and vice-president, and the Regional People's Representative Council (Dewan Perwakilan Rakyat Daerah or DPRD). The participants in the general election for the election of the members of the DPR and the members of the DPRD are political parties and the participants in the general election for the election of the members of the DPD are individuals. The general elections are organized by a general election commission of a national, permanent, and independent character.

Other high organ in Indonesian political system is the Supreme Audit Board (Badan Pemeriksa Keuangan or BPK), whose authority is to investigate the management and accountability of state finances. The result of any investigation of state finances is submitted to the DPR, DPD or DPRD in line with their respective authority. Action following the result of any such investigation will be taken by representative institutions and/or bodies according to law. The members of the BPK shall be chosen by the DPR, which shall have regard to any considerations of the DPD, and will be formally appointed by the President.

The judicial power is independent and possesses the power to organize the judicature in order to enforce law and justice. The judicial power is implemented by the Supreme Court and judicial bodies underneath it in the form of public courts, religious affairs courts, military tribunals, and state administrative courts, and by the Constitutional Court. The Supreme Court has the authority to hear a trial at the highest (cassation) level, to review ordinances and regulations made under any law against such law, and possess other authorities as provided by law. Candidate justices of the Supreme Court are proposed by the Judicial Commission to the DPR for approval and are subsequently be formally appointed to office by the President. The Chair and Vice-Chair of the Supreme Court are elected by and from the justices of the Supreme Court.

The Constitutional Court possess the authority to try a case at the first and final level and have the final power of decision in reviewing laws against the Constitution, determining disputes over the authorities of state institutions whose powers are given by this Constitution, deciding over the dissolution of a political party, and deciding disputes over the results of general elections. The Constitutional Court possesses the authority to issue a decision over an opinion of the DPR concerning alleged violations by the president and/or vice-president. The Constitutional Court is composed of nine constitutional justices and should be confirmed in office by the president, of whom three should be nominated by the Supreme Court, three nominated by the DPR, and three nominated by the president. The Chair and Vice-Chair of the Constitutional Court are elected by and from the constitutional justices.