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Pancasila and Global Constitutionalism: A Dialogue Between Local Values and International Norms

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Abstract

This article explains the relationship between Pancasila, the philosophical foundation of the Indonesian state, and the concept of human rights within a global constitutional framework. The globalization of human rights promotes universal standards of dignity and freedom. However, the implementation of these values in Indonesia is through the ethical and spiritual dimensions contained in Pancasila. By exploring this interaction, this article highlights how Pancasila provides a contextual and culturally grounded meaning for human rights that bridges universal norms with local wisdom. Using qualitative methods based on a literature review and normative legal analysis, this study finds that Pancasila neither rejects nor passively adopts global human rights principles. Instead, Pancasila offers a model of harmonization rooted in a moral balance between individual freedom and collective responsibility. This article concludes that Pancasila-based constitutionalism can contribute to the global human rights discourse by presenting a model of humanism that is inclusive, spiritual, and socially just.

Keywords : Pancasila, human rights, constitutionalism, globalization, Indonesia.

A. Introduction

The issue of human rights has been one of the most influential global movements since the mid-20th century. Based on the Universal Declaration of Human Rights (1948), the concept of universal human dignity has influenced the formation of various constitutional systems around the world. However, the application of these universal principles has not always been smooth, often clashing with differing cultural contexts and philosophical traditions.

Indonesia, with its national ideology, Pancasila, serves as an important example of how global human rights principles can be adapted to local values and unique constitutional systems.

Pancasila contains five principles: Belief in One Almighty God, Just and Civilized Humanity, the Unity of Indonesia, Democracy Guided by the Wisdom of Deliberation/Representation, and Social Justice for All Indonesians. Pancasila serves not only as a political ideology but also as a moral guideline for the nation. Its values guide society's perspective on the meaning of justice, equality, and respect for human dignity. Therefore, understanding the relationship between Pancasila and human rights is crucial in understanding how Indonesia integrates universal values within its own cultural and spiritual context.

The link between Pancasila and human rights in a global context is significant for two main reasons. First, it serves to reaffirm Indonesia's constitutional identity amidst the dynamics of the global order. Second, this study opens up space for Pancasila's contribution as a philosophical alternative to the Western human rights paradigm, which tends to be secular and individualistic.

This article aims to examine the values of Pancasila and the principles of universal human rights. Through this analysis, it argues that Pancasila offers a contextual model for implementing human rights, rooted in spiritual ethics and shared values, thereby enriching the body of constitutional thought at the global level.

B. Pancasila as the Ethical Foundation of Human Rights

Pancasila places the value of human dignity at the core of Indonesia's national philosophy. The second principle, "Just and Civilized Humanity," explicitly affirms respect for universal humanitarian values. However, unlike liberal theories of human rights, Pancasila views human dignity as inseparable from moral responsibility and social harmony. From the Pancasila perspective, humans are not seen as isolated individuals, but as part of a social order that demands a balance between justice and the common good. This view aligns with the communitarian critique of liberalism, which asserts that rights and obligations are interdependent and inseparable.

C. Integration of Human Rights in the Indonesian Constitution

The amendments to the 1945 Constitution (1999–2002) marked a significant step with the inclusion of a dedicated chapter on human rights (Chapter XA), inspired by the Universal Declaration of Human Rights and various other international instruments. Articles 28A to 28J guarantee civil, political, social, and cultural rights for all citizens. However, all of these provisions remain based on the values of Pancasila. For example, Article 28J limits the exercise of individual rights based on considerations of morality, public order, and respect for the rights of others, reflecting the principle of moral balance characteristic of Pancasila, rather than the absolute freedom of liberalism.

This integration demonstrates how Indonesia interprets universal human rights norms within the framework of its national philosophical values. Thus, Indonesian constitutionalism emphasizes moral and ethical dimensions, not merely procedural ones.

D. Pancasila and Global Human Rights

In a global context, Pancasila has the potential to act as a "third way" that balances liberal universalism and cultural relativism. Pancasila recognizes human rights as a universal value, yet emphasizes the importance of adapting to local morality and culture. This approach enriches global human rights discourse

through its contribution to a form of ethical humanism that transcends the boundaries of materialism and secularism.

For example, the first principle of Pancasila, "Belief in the One and Only God," positions spirituality as the legitimate foundation for respect for human dignity.

Meanwhile, the fifth principle, "Social Justice for All Indonesians," emphasizes the importance of distributive justice and a spirit of social solidarity, two aspects often overlooked in liberal human rights models that tend to focus on individual political freedom.

E. Conclusion

Pancasila provides a unique perspective on human rights, combining universal values with contextual morality. Rather than being the antithesis of global principles, Pancasila actually strengthens them by adding spiritual, communal, and moral dimensions to human life. By placing human rights on the basis of faith in God and the principle of social justice, Indonesia presents an alternative model of constitutionalism and Pancasila constitutionalism that can enrich the development of legal thought and human rights at the global level.

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