

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

Indiani Saputri

Faculty of Law, Universitas Negeri Semarang, Semarang, Indonesia

✉ Corresponding email: indianisptr08@students.unnes.ac.id

Abstract

This article discusses the relationship between Pancasila as the ideological foundation of Indonesia and the development of global constitutionalism, which emphasizes the principles of universal human rights, the rule of law, and transnational governance. Through an interdisciplinary approach that combines political philosophy, international law, and international relations, this paper analyzes how the values of Pancasila can synergize with or potentially conflict with modern global norms. Previous studies have generally only highlighted human rights issues or domestic political dynamics, so this article attempts to fill the void by placing Pancasila in a global ideological comparative framework. In addition, this article also compares Pancasila with another national ideology to see the position and character of Pancasila values in a global context. The results of the analysis show that Pancasila has normative flexibility that allows for constructive dialogue with international norms, while still maintaining Indonesia's ideological identity. These findings are expected to contribute to the discussion on Indonesia's role in the development of global governance based on constitutional values and principles.

Keywords : *Pancasila, global constitutionalism, human rights, rule of law, national ideology, constitutional comparison.*

A. Introduction

The global constitution emerged as a response to create a global governance system capable of ensuring world peace, enhancing international cooperation, and providing legal certainty and justice for all countries and citizens of the world. The global constitution serves as a basic guideline in maintaining the rule of law at the international level, to ensure that the power and strength of countries or global actors are not abused. Amidst these developments, Indonesia, as a country based on Pancasila as its ideology and constitutional foundation, certainly holds a strategic position in bridging local values and global norms. Therefore, it is important to review how the values of Pancasila interact with and contribute to global norms and constitutions.

Previous research that places Pancasila in a comparative global constitutional framework is still very limited. In addition, there has not been much research linking the basic philosophy of Pancasila with the development of global constitutions, which are now increasingly important in the world. Therefore, there is still ample room for research that examines Pancasila in a global context with a broader approach. This article combines several perspectives from various disciplines, namely political philosophy, international relations, and international law. In addition to viewing Pancasila as a domestic ideology, this article also positions Pancasila as an important actor in global norms.

The main objective of this study is to analyze how the values of Pancasila are in line with or conflict with the principles of the global constitution. This comparative approach will provide new insights into the position of Indonesia and Pancasila in the world's legal and political order. With this approach, the article aims to show that Pancasila can play an active role in shaping and enriching the global constitution in today's increasingly connected world.

The structure of this article begins with an explanation of the background and literature review, followed by a comparative analysis between Pancasila and other ideologies, a discussion of normative and practical implications, and concludes with conclusions and recommendations for future development. In this way, the article aims to provide a clear understanding of the role of Pancasila in the global constitution.

B. Pancasila in The Framework of Global Constitutionalism

The global constitution is a concept regarding the application of basic principles of government based on the constitution and the rule of law at the international level. Before evolving through various forms of government in England, Europe, and the United States, the global constitution grew out of

the development of the idea of the rule of law since Ancient Greece and Rome. Constitutionalism emphasizes the limitation of state power to prevent arbitrary abuse of power and upholds the protection of human rights and democratic governance. Global constitutionalism now includes efforts to uphold human rights, democracy, and universal recognition of the rule of law in the framework of international relations.

Indonesia's position in the global order is very strategic with a foreign policy that emphasizes the principle of free and active, meaning that Indonesia does not take sides with any bloc and is active in various international organizations such as the United Nations, ASEAN, and G20. Indonesian diplomacy consistently promotes peace, multilateral cooperation, and global social justice. As the third largest democracy in the world, Indonesia plays an active role in fighting for human rights, maintaining regional stability, and supporting the sustainable development agenda in international forums.

Pancasila respects human rights as part of fair and civilized human values. Second, the principle of democracy is reflected in the fourth principle of Pancasila, which emphasizes the importance of deliberation to achieve consensus in the administration of the state. Third, the rule of law is upheld by Pancasila through the provision that the state is based on fair laws for the sake of social justice. Fourth, for international peace, Pancasila instills a spirit of unity and universal humanity. Finally, global social justice is reflected in the state's obligation to improve the welfare of all its people and to participate in improving global socioeconomic conditions. This demonstrates the relationship between Pancasila and the universal values of global constitutionalism.

Thus, Pancasila is not only the philosophical foundation of the Indonesian state, but also has strong compatibility with global concepts of constitutionalism. This enables Indonesia to play an active and constructive role in building a world order based on the values of justice, human rights, democracy, and peace among nations. The uniqueness of Pancasila as an ideology based on local values but at the same time open to universal values makes its contribution important to constitutionalism in a global context.

Divinity in Pancasila and Global Freedom Religion

The first principle of Pancasila, which reads “Belief in One God,” affirms that Indonesia is built on the belief in the existence of God. This principle does not refer to any particular religion, but rather provides space for people to embrace different religions. The first principle contains inclusive monotheism,

which is the recognition of God in a general sense, so that it can encompass the various religions that exist in Indonesia.

At the global level, the International Covenant on Civil and Political Rights (ICCPR) states that everyone has the full right to embrace a religion or belief without coercion, as stated in Article 18. The ICCPR distinguishes between the internal forum, which is the freedom to believe without interference, and the external forum, which is the freedom to practice religion. In this case, a person's rights cannot be restricted in any way by the state. This approach is individual and theologically neutral, because every belief or conviction, regardless of religion, has the same status in international law.

When compared, the two have fundamental differences in orientation. In the first principle, Pancasila serves as the philosophical foundation of the state, meaning that diversity has an important position in state life. In contrast, the ICCPR does not assume that every country must have a religious foundation. The ICCPR focuses more on protecting the rights of every individual. Even so, both still have common ground, as both Pancasila and the ICCPR require every country to guarantee the freedom of its citizens to practice their religion and worship according to their beliefs.

C. Comparison of Pancasila With Other Ideologies

Japanese constitutionalism began with the transition from feudalism to a modern monarchy during the Meiji Restoration in 1868. At that time, the emperor was positioned as the supreme ruler, but political power actually lay in the hands of the aristocracy and high-ranking officials. The first constitution enacted by Japan in 1880 was the Meiji Constitution, which was influenced by the German monarchical constitution. In this constitution, the emperor was placed at the center of power with a high position, while the rights of citizens were still limited. However, in 1947, after World War II, Japan changed the Meiji Constitution to a constitutional democracy with separation of powers and protection of human rights as its basic values.

In this constitutional democracy, the emperor was established as a symbol of national unity and commitment to peace through the aggressive abolition of the military. The Japanese constitution affirms the sovereignty of the people and the universal protection of human rights, and rejects war as an instrument of state policy, as reflected in Article 9 of the Japanese Constitution. In this case, it is evident that Japan's political moral orientation is strongly focused on peace and modern liberal democracy, as well as the state's responsibility to the people through transparent and democratic governance.

Pancasila and Japanese constitutionalism both recognize the importance of national unity as the foundation of statehood. In this case, Pancasila places unity and social justice as fundamental values, while Japan emphasizes symbolic unity through the Emperor and popular sovereignty. Both also uphold the principles of democratic government and the enforcement of human rights, albeit in different forms and cultural contexts. However, Pancasila places greater emphasis on the balance between individual rights and collective social responsibility compared to Japanese liberal democracy, which is more individualistic in its political and legal institutions.

Japan's post-war constitution was heavily influenced by Western liberal democratic values, emphasizing the rule of law, parliamentary government, and strict separation of powers. In contrast, Pancasila contains collective moral values and local wisdom that encourage deliberation and consensus, and places the state as the guardian of social justice. The implication for global constitutionalism is the importance of adapting universal democratic values to the cultural context of each nation, so that every country can build an effective and sustainable legal and governmental system to maintain unity and the welfare of its people.

Pancasila and Liberal Democracy

Pancasila and liberal democracy have different philosophical foundations, even though both prioritize freedom and justice. Pancasila, as the ideology of the Indonesian state, emphasizes a balance between individual rights and the common good. Pancasila offers a philosophical foundation that emphasizes a balance between individual rights and collective interests through the values it embodies, such as unity and social justice. Pancasila promotes deliberative consensus as a decision-making mechanism. This approach reflects a philosophy of mutual cooperation that avoids social class conflict.

Liberal democracy emphasizes absolute individual freedom as a fundamental right. In this system, individuals have broad freedom to make decisions without being restricted by rules that govern the common interest. Liberal democracy adheres to the principle of protecting individual human rights, so that the role of the state is limited and more focused on guaranteeing these rights. In this system, citizens have broad freedom of association and expression, supported by flexible rule of law. This philosophy places humans as free individuals, in contrast to Pancasila, which limits freedom for the sake of social harmony.

Thus, the fundamental difference between Pancasila and liberal democracy lies in how they view freedom. Pancasila chooses freedom accompanied by social responsibility and attention to the common good, while liberal democracy emphasizes individual freedom without too many

collective restrictions. Pancasila is more contextual to Indonesian culture, integrating wisdom in democracy to prevent the domination of the majority or minority. Liberal democracy, despite guaranteeing formal equality, often leads to uneven economic liberalization. Pancasila, on the other hand, guarantees social justice for all people, making it more adaptive to national diversity.

1. Pancasila as a Global Ethical Paradigm in State Governance

Essentially, the values contained in Pancasila have many similarities with global constitutional principles. The commitment to freedom of expression is enshrined in the fourth principle of Pancasila regarding deliberation and respect for different opinions, which is in line with Article 19 of the ICCPR, which guarantees freedom of expression for all people. The first principle of Pancasila emphasizes belief in one supreme God, while international human rights instruments provide greater freedom regarding the choice of belief, including non-theistic or atheistic beliefs. In this regard, there is potential for normative inconsistency on the issue of religious pluralism. Value inconsistencies and tensions also arise on the issue of gender equality, because although the second and fifth principles affirm humanity and justice, in practice in Indonesia they are not yet fully in line with the global constitution on the principle of non-discrimination as stipulated in CEDAW. On this issue, CEDAW emphasizes that the state is obliged to eliminate discrimination against women, but the application of the value of equality in Indonesian cultural practices still faces obstacles. All of these dynamics show the common ground as well as the tension that exists between the values of Pancasila and global constitutional principles.

Pancasila as the foundation of the state not only functions as an internal norm, but also as an ethical paradigm that enables Indonesia to interact constructively with global constitutional norms. The second and fifth principles of Pancasila contain universal values such as humanity and justice. In international relations, the value of humanity is in line with the principles of the United Nations Charter, which emphasizes respect for human dignity and cooperation between countries. The fourth principle emphasizes Wisdom in Deliberation, a deliberative concept which, according to Notonagoro, forms the basis of Indonesian political ethics in making decisions for the common good. This deliberative value is in line with the principle of participatory governance, which is widely promoted by modern global constitutional regimes. In this framework, Pancasila becomes an ethical bridge that allows Indonesia not only to adapt to global norms but also to make a unique moral contribution to shaping a more humane world order

D. Conclusion

Pancasila establishes harmonious relations with global constitutionalism as a flexible national ideology, capable of integrating local Indonesian values with universal principles such as the rule of law, democracy, and human rights, thereby strengthening Indonesia's position in the international order. The main harmony lies in Pancasila's recognition of human rights through the second principle, which emphasizes just and civilized humanity, deliberative democracy in the fourth principle, the rule of law based on social justice in the fifth principle, and a commitment to global peace and justice in line with the UN Charter and the Universal Declaration of Human Rights. However, the main tension arises from Pancasila's collective approach, which is oriented towards unity and mutual cooperation, which sometimes clashes with the liberal individualism of global constitutionalism, causing implementation challenges such as the gap between ideal norms and practical law enforcement as well as adaptation to globalization. Pancasila's contribution to global discourse lies in its model as a bridge between local and universal values, offering a substantive alternative to Western procedural democracy through social justice and deliberation, thereby enriching the discourse on constitutionalism with a developing country perspective that emphasizes social harmony and sustainable development.

E. References

- Ekstrada, A. (n.d.). Perbandingan Pancasila dengan ideologi-ideologi lainnya. SlideShare. <https://www.slideshare.net/slideshow/perbandingan-pancasila-dengan-ideologi-ideologi-lainnya/28359350>
- Nasoha, A. M. M., Atqiya, A. N., Hadi, A., Istiqomah, L., Putri, J. S. A., & Munawir, M. A. A. (2025). Implementation of Pancasila in global conflict resolution: A case study of Indonesia's role in international mediation. *Journal of Indonesian Defense, Politics, and Law*.
- Ningsih, R. Y., Sari, R. D., & Maulia, S. T. (2023). Pancasila democracy as a rational and specific democracy model. *Journal of Law and Civic Education*.
- Tujuan konstitusi: Panduan lengkap memahami fungsi dan peran konstitusi. (2024, 12 Desember). Liputan6. <https://www.liputan6.com/feeds/read/5830397/tujuan-konstitusi-panduan-lengkap-memahami-fungsi-dan-peran-konstitusi?page=2>
- World constitution. (2025). Dalam Wikipedia. https://en.wikipedia.org/wiki/World_constituti

This page intentionally left blank