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Pancasila's Role in Shaping Indonesia's Approach to Global Constitutionalism

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Abstract

Indonesia's constitutional development is shaped by a distinctive interaction between global constitutional norms and Pancasila as its foundational state ideology. While international constitutionalism promotes universal principles such as human rights, democracy, and judicial independence, Indonesia filters these global influences through Pancasila, which functions as both a philosophical foundation and a constitutional identity. The objective of this article is to examine how Pancasila operates as a normative guide in Indonesia's selective adoption, modification, or rejection of global constitutional standards. Employing a normative legal methodology, this study analyzes constitutional provisions, statutory frameworks, judicial decisions, and scholarly sources to evaluate how Pancasila is articulated and implemented in response to global constitutional developments. The findings reveal that Indonesia aligns with global norms when they strengthen national ideals, yet diverges when perceived to conflict with

religious values, social harmony, or state integrity. Nevertheless, discrepancies remain between normative commitments and practical implementation, especially in areas concerning minority rights, civil liberties, and legal accountability. The conclusion emphasizes that Pancasila must function as a dynamic constitutional force to ensure that Indonesia's legal system adapts constructively to global change without eroding national identity. Continued enhancement of institutional capacity and constitutional literacy is recommended to reinforce the role of Pancasila in guiding democratic transformation and sustaining Indonesia's engagement within the evolving global constitutional landscape.

Keywords: *Pancasila; Constitutional Identity; Global Constitutionalism; Human Rights; Indonesia*

A. Introduction

Pancasila has long served as the central ideological framework that shapes Indonesia's constitutional development and political trajectory. At a time when global constitutionalism promotes the spread of universal norms such as human rights, judicial independence, and the rule of law, Indonesia presents a distinct model in which a historically grounded national ideology interacts with global constitutional trends. Scholars widely assert that Pancasila acts not only as a philosophical orientation but also as a constitutional identity that structures Indonesia's response to international constitutional influences. This makes the study of Pancasila's role in shaping Indonesia's engagement with global constitutionalism increasingly important.

Research on Pancasila has expanded significantly in recent years, particularly in the areas of human rights implementation, regulatory alignment, judicial interpretation, and democratic pluralism. Much of this scholarship concludes that Pancasila functions as a normative lens through which constitutional rights and institutional limits are understood. Works appearing in journals such as *Constitutional Review*, *Pancasila and Law Review*, and *Unram Law Review* frequently highlight Pancasila's role in shaping Indonesia's selective acceptance of global norms, especially regarding religious freedom, social justice, and constitutional adjudication. However, this growing body of literature generally situates Pancasila within domestic debates, leaving its relationship to global constitutional discourse underexamined.

Despite these scholarly contributions, notable limitations persist. Many studies focus on specific legal sectors such as criminal law reform or disputes over religious rights without assessing Indonesia's broader constitutional orientation toward global norms. Additionally, while global constitutionalism is sometimes mentioned, there is limited in-depth analysis of how Indonesia positions itself within evolving global constitutional frameworks. Few scholars apply constitutional identity theory to Pancasila, even though it provides a useful analytical tool for understanding how Indonesia negotiates, adapts, or resists international constitutional standards. Together, these gaps demonstrate the need for a more comprehensive and theoretically grounded investigation.

This article seeks to address these limitations by examining Pancasila as a constitutional identity that informs Indonesia's approach to global constitutional developments. It explores how Pancasila shapes the nation's pattern of adopting, modifying, or rejecting international norms related to human rights, judicial structures, and constitutional design. Drawing upon constitutional identity theory, the article argues that Pancasila serves as Indonesia's normative filter, guiding selective alignment or deliberate divergence from global constitutional practices. This perspective offers deeper insight into Indonesia's constitutional posture within an increasingly interconnected legal environment.

The distinct contribution of this article lies in integrating national ideology, constitutional identity, and global constitutional theory into a unified analytical approach. Whereas earlier studies often confine Pancasila to domestic contexts, this study situates it within broader debates on global constitutionalism. By doing so, it demonstrates that Indonesia's engagement with global constitutional norms is shaped by an enduring ideological structure that informs the localization and interpretation of global principles. The aim of this article is to provide a more coherent theoretical account of Pancasila's influence on Indonesia's constitutional strategy, thereby contributing to Indonesian constitutional scholarship and comparative studies of non-Western constitutional identities.

B. Pancasila's Substantive Role In Indonesia's Global Constitutional

This article contends that Pancasila today functions not merely as a ceremonial "state philosophy" or decorative preamble, but as a

substantive constitutional filter through which Indonesia receives, reshapes, and internalizes global constitutional norms. Rather than embracing global constitutionalism in a straightforward liberal template, Indonesian constitutional practice reveals a pattern of translation: general ideas such as the rule of law, human rights, and constitutional democracy are acknowledged, yet they are persistently reframed through the five principles of Pancasila, especially belief in God, social justice, and deliberative democracy. This conclusion departs from earlier scholarship that tended to describe Pancasila as a static ideology of unity or as a formal axiom embedded in the opening of the 1945 Constitution. More recent works have indeed begun to approach Pancasila as a form of constitutional identity, but they often remain descriptive and state-centered, and rarely examine in depth how it shapes Indonesia's stance towards transnational constitutional standards.

The analysis developed here suggests that Pancasila generates what may be called a "qualified universalism": Indonesia does not simply reject global constitutional ideals, but insists that international norms particularly in the fields of human rights, religious liberty, and anti-corruption must be mediated through Pancasila. This produces at least three significant implications. First, Pancasila is deployed as a constitutional justification for selective convergence with international norms, for instance in the strengthening of anti-corruption regimes and the judicial protection of fundamental rights. Second, it acts as a boundary line that conditions or narrows specific liberal claims, especially in relation to freedom of religion and expression, in the name of social harmony and public morality. Third, Pancasila has become a recurring reference point in debates on constitutional amendments and abusive constitutionalism, invoked both by those seeking to legitimize and those seeking to resist far-reaching institutional changes. By bringing these ambivalences to the surface, this article moves beyond earlier literature that merely affirms Pancasila as the normative foundation of the legal order, and instead highlights the friction between its integrative and its restrictive functions within the context of global constitutionalism.

The first key finding is that contemporary discourse increasingly reconstructs Pancasila as Indonesia's constitutional identity rather than as a purely historical ideology of independence. Recent studies on Pancasila in legal reform show that it is being used to articulate the "core" content of the Indonesian Constitution and, consequently, to

mark the limits of permissible constitutional change.¹ Within this perspective, Pancasila operates as a benchmark to assess whether particular rights claims, institutional innovations, or judicial interpretations remain faithful to Indonesia's foundational commitments. This tendency places Indonesia within broader international debates on constitutional identity, where states rely on distinctive historical, cultural, or religious features as non-negotiable pillars of their constitutional order.²

At the same time, Pancasila increasingly serves as an interpretive lens for reading the 1945 Constitution and for aligning statutory law with constitutional principles. Instead of treating the constitutional text as self-contained, Indonesian scholars and institutions underscore that every provision especially those concerning rights, democracy, and institutional design ought to be construed "in light of Pancasila."³ This interpretive approach is visible in legislative domains such as human rights, religious affairs, education, and information, where regulatory choices are justified by appealing to Pancasila's values of humanity, unity, and social justice, even when the resulting norms place meaningful limits on individual freedoms. Earlier writings often stopped at general statements that Pancasila is "the source of all sources of law," without clarifying how this claim actually guides constitutional reasoning in concrete cases.⁴ The present analysis contributes by showing that Pancasila-oriented interpretation tends, in moments of tension, to privilege communitarian concerns and social cohesion over more individualistic formulations of global constitutional standards.

1. Pancasila and the Harmonization of Legislation

One of the most tangible sites where Pancasila shapes Indonesia's approach to global constitutionalism is the process of legislative

¹Hadiprabowo, Wasino, and Kurniawan, "Pancasila in Modern Indonesian Legal Reform," 219–222.

²"Constitutionalism and the Rule of Law in Indonesia," West Science Law & Human Rights Working Paper (2024): 12–15.

³Haposan Siallagan, "The Role of Pancasila in the Formation of the Indonesian Legal System," *Journal of Legal and Social Studies* 6, no. 1 (2024): 3–7.

⁴Jimly Asshiddiqie, *Pengantar Ilmu Hukum Tata Negara* (Jakarta: Rajagrafindo Persada, 2023), 45–48.

harmonization and finalization. Empirical accounts show that harmonization units are mandated to scrutinize draft statutes for their alignment with both the 1945 Constitution and Pancasila, thereby turning Pancasila into a substantive review parameter alongside formal constitutional scrutiny.⁵ In normative terms, this mechanism is intended to ensure that legal transplants or international commitments are not adopted in a manner detached from Indonesia's socio-cultural and ideological context. Global standards on anti-corruption, good governance, and human rights can thus be integrated, but they are expected to be formulated in ways that reflect Pancasila's emphasis on morality, justice, and the common good.⁶

The findings of this article indicate, however, that Pancasila's role in legislative harmonization is inherently dual. On one side, Pancasila enriches the normative orientation of legislation by demanding that laws advance social justice and human dignity rather than merely serving administrative or economic efficiency. On the other side, the open-textured character of its principles allows them to be invoked flexibly sometimes to legitimize expansive restrictions on rights in areas such as information control, public security, or religious life.⁷ Compared with prior works that tend to present Pancasila-based harmonization as an unambiguously positive tool of value alignment, this study underlines the necessity of more precise constitutional standards to distinguish between legitimate contextualization of international norms and the strategic use of Pancasila as a rhetorical cover for illiberal or disproportionate policies.

2. Pancasila, Human Rights, and Religious Freedom

The second major finding relates to the interplay between Pancasila, human rights law, and religious freedom. Indonesia formally adheres to core human rights treaties and has constitutionalized many global rights guarantees. Yet practice shows that Pancasila's first

⁵B. Kurniawan, "Implementation of Harmonizing and Finishing Regulations Based on Pancasila Principles," *Journal of Contemporary Legal Studies* 5, no. 1 (2025): 18–21.

⁶"Legal Dynamics of Pancasila as the Basis for the Quality of Legislation," *Journal of Contemporary Legal Studies* 5, no. 2 (2025): 27–30.

⁷"Hoax News and Future Threats," 46–49; Syahrul, "Rethinking Religious Freedom," 27–29.

principle belief in the One and Only God together with its stress on harmony and order, often plays a decisive role in setting the contours of rights protection, especially in the realm of religion and expression.⁸ Recent scholarship on human rights enforcement and religious freedom reveals that Pancasila is mobilized both to broaden protection by underlining the state's duty to prevent discrimination and violence and to justify restrictions on certain beliefs or expressions considered harmful to public morality or inter-religious harmony.⁹

On this basis, the article characterizes Indonesia's engagement with global human rights norms as "Pancasila-mediated pluralism." Rather than operating under a strictly secular or religiously neutral model, the state manages religious diversity through legal and policy instruments explicitly grounded in Pancasila.¹⁰ Earlier literature frequently portrayed Pancasila simply as a normative guarantee of pluralism; the more recent works, as well as the cases examined in this study, show that such managed pluralism often balances group harmony against individual autonomy, sometimes in ways that diverge substantially from liberal constitutional models.¹¹ The contribution of this article lies in making this tension explicit: Pancasila supports a distinctive pluralist framework that is more communitarian than liberal, and this has direct implications for how Indonesia interprets and implements its international human rights obligations, including in multilateral fora.

3. Pancasila, Abusive Constitutionalism, and Global Constitutional Legitimacy

The third cluster of findings concerns the relationship between Pancasila and the phenomenon of abusive constitutionalism. Recent Indonesian debates have drawn attention to the risk that constitutional

⁸Takasanakeng, "Human Rights, Pancasila, and Religious Freedom in Indonesia," 12–16;

⁹G. M. Saragih, "Evaluation of the Implementation of Pancasila Values and Human Rights Enforcement in the Indonesian Judicial System," *Journal of Pancasila and Global Constitutionalism* 3, no. 1 (2024): 20–24.

¹⁰Eka R. Damaitu, "Pluralism and Social Justice in Pancasila Democracy," *Journal of Contemporary Legal Studies* 5, no. 1 (2025): 5–9.

¹¹Damaitu, "Pluralism and Social Justice in Pancasila Democracy," 10–12; Syahrul, "Rethinking Religious Freedom," 22–26.

instruments amendment procedures, legislation, and judicial review may be used to consolidate power or erode checks and balances while formally remaining within constitutional bounds.¹² In such situations, Pancasila is frequently invoked by political actors as a justification for contentious reforms, with claims that restrictions on opposition, civil society, or media are required for the protection of unity, public order, or Pancasila itself.¹³ This dynamic raises a crucial question: does Pancasila function as a constitutional safeguard against abuse, or can it also be appropriated as an instrument of abuse?

The argument advanced in this article is that Pancasila occupies an inherently ambivalent position. Interpreted together with core principles of constitutionalism such as separation of powers, judicial independence, and robust protection of rights Pancasila could reinforce substantive constraints on constitutional change and thus support a stable, democracy-compatible constitutional identity.¹⁴ Yet, where institutional and societal checks are weak, the indeterminacy of Pancasila allows it to be employed in support of majoritarian or executive-driven projects that undermine democratic competition and rights, all under the banner of fidelity to Pancasila and the Constitution.¹⁵ Whereas older literature tended to assume an essentially harmonious relationship between Pancasila and constitutionalism, this study situates Indonesia within wider global discussions on abusive constitutionalism and suggests that international assessments of Indonesia's constitutional legitimacy increasingly depend on how Pancasila is interpreted and operationalized in concrete institutional practice, rather than on its formal elevation as state ideology.

B. Pancasila, Global Constitutional Engagement, and the Digital–Transnational Sphere.

A further angle of Indonesia's engagement with global constitutionalism concerns the way Pancasila is projected in cross-border legal, academic, and policy discussions, especially in an increasingly digital environment. Indonesian authors and institutions

¹²Omara, "Preventing Abusive Constitutionalism in Indonesia," 10–14.

¹³"Constitutionalism and the Rule of Law in Indonesia," 16–18.

¹⁴"Principles of Indonesian Constitutional Law in Pancasila Democracy," *International Journal of Research* 12, no. 3 (2024): 50–54.

¹⁵"Constitutional Law Reform and Pancasila's Relevance in the Global Era," *Indonesian Law Reform Review* 4, no. 1 (2025): 35–39.

now frequently present Pancasila not only as an inward-looking constitutional identity but also as a set of values that can speak to international debates on constitutionalism, democracy, and human rights.¹⁶ In this framing, Indonesia depicts Pancasila as a “middle ground” between secular-liberal constitutional models and systems that constitutionally privilege a single religious tradition, highlighting pluralism, social justice, and deliberative democracy as contributions to comparative constitutional discourse.¹⁷ At the same time, the intensification of digital communication, global information flows, and transnational constitutional networks accentuates the friction between Pancasila’s communitarian outlook and the more individual-rights-oriented logic that underpins much of global constitutional discussion.¹⁸ The following sub-sections explore this friction in three interrelated domains: constitutional education and value transmission, the regulation of the digital public sphere, and the future challenges of transforming Pancasila’s normative claims into verifiable constitutional practice.

1. Pancasila, Constitutional Education, and the Internalization of Global Norms

Constitutional and civic education has become one of the principal channels through which Indonesia mediates its relationship with global constitutional standards. Recent initiatives in Pancasila education attempt to move away from purely doctrinal or indoctrinative teaching and shift toward more reflective approaches that explicitly connect Pancasila with human rights, constitutional democracy, and global citizenship.¹⁹ Textbooks and curricula increasingly describe Pancasila as a normative basis that can coexist with core global values such as human dignity, equality, and participation.²⁰ In this way, schools and

¹⁶“Constitutional Law Reform and Pancasila’s Relevance in the Global Era,” *Indonesian Law Reform Review* 4, no. 1 (2025): 7–10.

¹⁷“State Ideology and Global Constitutionalism: Indonesia’s Approach,” *Asia-Pacific Constitutional Law Forum Paper Series* (2025): 11–15.

¹⁸“Constitution, Pancasila, and Legal Studies in the Digital Era,” in *Proceedings of the National Conference on Pancasila Studies* (2024), 20–24.

¹⁹“Pancasila Education: Pancasila as the Foundation of Ethics,” *Journal of Civic and Moral Education* 6, no. 2 (2024): 30–34.

²⁰“Pancasila Education: Pancasila as the Foundation of Ethics,” *Journal of Civic and Moral Education* 6, no. 2 (2024): 35–37.

universities operate as spaces where international norms are translated into local constitutional language, shaping how young citizens understand both their own constitutional identity and Indonesia's role in the global constitutional landscape.

The present analysis, however, reveals a pendulum between critical and affirmational modes of teaching. On one side, there are programs that invite students to examine Pancasila in relation to contemporary problems environmental crises, digital misinformation, and global inequality often using international human rights frameworks as a comparative reference.²¹ On the other side, some pedagogical practices still treat Pancasila as a non-debatable doctrine, reducing room for critical inquiry into its internal tensions and its possible misuse in political discourse.²² While this marks a departure from older models that largely used Pancasila education as an instrument of top-down national integration, traces of that paternalistic attitude remain and may impede the formation of a genuinely reflective constitutional culture that can confidently engage with global constitutionalism.

2. Pancasila, the Digital Public Sphere, and the Protection of Constitutional Values

A second key site of interaction between Pancasila and global constitutional dynamics is the constitutional regulation of the digital public sphere. The growth of social media platforms, transnational data flows, and algorithm-driven communication has deeply reshaped how constitutional norms are contested in practice. Indonesian policymakers have increasingly turned to Pancasila and the 1945 Constitution to justify regulatory responses to misinformation, hate speech, and online polarization, arguing that such measures are needed to preserve national unity, public order, and democratic stability.²³ Legislative and policy instruments dealing with hoaxes and digital harms frequently invoke

²¹"Human Rights Enforcement in Indonesia towards the Future of Constitutional Practice," *Lex Scientia* 5, no. 1 (2025): 14–17.

²²Garuda Indonesia Repository, *Index of Articles on Pancasila and Constitutional Law* (Kemdikbud RI, 2024), 9–12.

²³"Hoax News and Future Threats: A Study of the Constitution, Pancasila, and the Law," *Indonesian Journal of Pancasila and Global Constitutionalism* 3, no. 2 (2024): 41–45.

Pancasila as the constitutional basis for balancing freedom of expression with collective responsibility and social cohesion.²⁴

The findings of this article suggest that Pancasila-inspired digital regulation is inherently double-edged. Positively, Pancasila provides a constitutional vocabulary of responsibility, solidarity, and respect, pushing back against an overly individualistic understanding of free speech that can dominate global platform culture. It permits the state to articulate a vision of the online public sphere where truth, civility, and the protection of vulnerable communities are seen as core constitutional concerns.²⁵ Yet, scholarship on hoaxes and future threats to the constitutional order also shows that broad and indeterminate references to Pancasila can legitimize sweeping restrictions on online expression, including critical or dissenting discourse, in ways that raise concerns when measured against global standards of freedom of expression and due process.²⁶ The constitutional value of Pancasila in the digital realm therefore depends not merely on its normative content, but on the clarity, necessity, and proportionality of the regulatory frameworks that claim to implement it.

3. Looking Ahead: From Abstract Pancasila Claims to Demonstrable Constitutional Performance

The final set of issues relates to the long-term prospects of Pancasila as a reference point in global constitutional debates. Indonesian scholars increasingly argue that Pancasila can underpin a more solidaristic and justice-oriented vision of global constitutionalism, especially on questions of socio-economic inequality, social welfare, and environmental responsibility.²⁷ This aspiration resonates with broader conversations on transformative constitutionalism and postcolonial critiques of Western-centric constitutional models.²⁸ In theory,

²⁴"Hoax News and Future Threats: A Study of the Constitution, Pancasila, and the Law," *Indonesian Journal of Pancasila and Global Constitutionalism* 3, no. 2 (2024): 46-49.

²⁵"Constitution, Pancasila, and Legal Studies in the Digital Era," 25-28.

²⁶"Hoax News and Future Threats," 49-52.

²⁷"Constitutionalism and the Rule of Law in Indonesia," *West Science Law & Human Rights Working Paper* (2024): 19-22.

²⁸"Democracy, Constitutionalism, and Pancasila in Contemporary Indonesia," 18-21.

Pancasila's focus on social justice and communal responsibility could broaden global constitutional debates that have often privileged civil and political rights over structural inequality and socio-economic rights.

Yet, this article stresses that such normative aspirations must be matched by observable constitutional practice if they are to be taken seriously in comparative discourse. International observers and comparative constitutional scholars increasingly assess constitutional identity claims by examining empirical indicators judicial behavior, the treatment of minorities, electoral integrity, and the strength of checks and balances rather than by relying solely on ideological narratives.²⁹ For Indonesia, this means that Pancasila's influence on its global constitutional profile will be judged based on how it informs real reforms and decisions, including efforts to safeguard judicial independence, enhance human rights protection, and tackle corruption, rather than on rhetorical affirmations alone.^{30,36}

From this vantage point, future research should prioritize the development of systematic case studies and indicators that trace the concrete impact of Pancasila-based reasoning on constitutional outcomes, both domestically and in international arenas. Such an approach would allow scholars to move beyond abstract debates over Pancasila's "compatibility" with global constitutionalism, and toward a more grounded assessment of how it actually shapes Indonesia's conduct as a constitutional state within an interconnected legal order. In doing so, Indonesia's experience could contribute not only an alternative vocabulary of values, but also a concrete example of how constitutional identity and global commitments might be held together in a substantively accountable and empirically verifiable manner.

C. Pancasila And The Dynamics Of Global-Local Constitutional Interaction

This section analyzes the dynamic interaction between Pancasila and global constitutionalism beyond static legal texts, specifically

²⁹G.M. Saragih, "Evaluation of the Implementation of Pancasila Values and Human Rights Enforcement in the Indonesian Judicial System," *Journal of Pancasila and Global Constitutionalism* 3, no. 1 (2024): 24–28.

³⁰"The Role of Pancasila in Modern Legal Cases," *Pancasila and Law Review*, Special Issue (2024): 40–44.

examining the digital sphere, educational internalization, and the gap between normative claims and enforcement. The research finds that unlike the passive reception of international law often depicted in earlier studies, Indonesia actively utilizes Pancasila as a "sovereign filter" to reshape global norms. While global constitutionalism tends to promote universal standardization of rights, Indonesia's approach reveals a distinct "Pancasila Constitutionalism" that prioritizes communal stability and religious values over unbridled individual autonomy. Scholars argue that this represents a form of constitutional identity where Pancasila acts not just as a philosophical basis, but as a rigid parameter for accepting or rejecting international influence. However, a critical dissonance emerges: while Pancasila is successfully integrated into the formation of regulations, its effectiveness in the enforcement of rights remains the primary challenge. This suggests that Indonesia's constitutional identity is robust in concept but fragile in empirical application, creating a unique "implementation gap" that distinguishes it from established constitutional democracies.

A. Navigating Global Norms in the Digital Era and Legal Practice

The interaction between Indonesia's constitutional order and global norms is most visibly contested in the digital sphere, where the borderless nature of information flows directly challenges the state's traditional conception of sovereignty. In this context, Pancasila functions as a normative checkpoint used by the state to assess the admissibility of transnational legal values and digital practices. While global constitutionalism often advocates for a "marketplace of ideas" characterized by minimal state intervention, Indonesia's approach posits that the global digital ecosystem must be tempered by the ethical demands of Pancasila. This results in a constitutional stance where freedom is legally recognized but factually subordinate to the imperatives of social harmony and public morality.

This dynamic creates a form of "conditional acceptance" of global standards. Indonesia formally adopts the language of international human rights such as freedom of expression and privacy but reinterprets their scope through a communitarian lens. For instance, where global norms might prioritize the rights of the individual speaker, Indonesian legal practice often prioritizes the "right of the community" to be free from religious blasphemy or social divisiveness. Consequently, Pancasila is operationalized not merely as a static

ideology, but as an active legal instrument to justify regulations that restrict digital freedoms in the name of national stability.

Digital Constitutionalism: Hoaxes and the Limits of Expression
The proliferation of digital misinformation and "hoaxes" has prompted a constitutional response that diverges from the absolute free speech protections found in liberal jurisdictions. Research indicates that the Indonesian government utilizes Pancasila to construct a legal framework where the "truth" is inextricably linked to the maintenance of public order rather than the protection of dissent. Legislative measures, such as the Electronic Information and Transaction Law (UU ITE), are legitimized through the lens of Pancasila's third principle (Unity of Indonesia). Unlike global approaches that prioritize platform self-regulation, Indonesia's "Pancasila Digital Constitutionalism" asserts state authority to criminalize speech deemed disruptive to the ideological order. This creates a tension where digital rights are acknowledged globally but restricted locally to prevent social polarization.

Pedagogical Strategies: Internalizing Global Norms through Pancasila
The sustainability of Indonesia's constitutional identity depends on how effectively global norms are translated for the next generation. Current trends in civic education demonstrate a shift from authoritarian indoctrination toward ethical reasoning, where Pancasila is presented as the foundation of ethics capable of absorbing global human rights values. However, this integration is not seamless. The curriculum often frames global norms such as individualism and secularism as external challenges that must be "filtered" before being internalized. This pedagogical strategy aims to produce citizens who are legally aware of their global rights but remain culturally anchored in local communal obligations, viewing human rights as privileges balanced by duties to the state.

The Implementation Gap: Abusive Constitutionalism and Legal Enforcement
The most significant finding of this research concerns the disparity between the philosophical elevation of Pancasila and the reality of legal enforcement. Recent scholarship on "abusive constitutionalism" in Indonesia suggests that political actors often manipulate Pancasila rhetoric to justify amendments or policies that actually weaken democratic checks and balances. Furthermore, in the context of regulatory harmonization, while laws are formally screened

for compatibility with Pancasila, the resulting legislation often suffers from poor quality and overlapping mandates. Even in anti-corruption efforts, Pancasila is positioned as a moral source of law, yet without robust institutional mechanisms, it often fails to curb systemic graft. This creates a "formal compliance" paradox: Indonesia adopts the language of global constitutionalism (rule of law, human rights) through Pancasila, but struggles to operationalize these concepts in a way that meets international metrics of judicial integrity and substantive justice.

B. Pancasila as a Normative Filter in Constitutional Adjudication and Legislative Harmonization

Moving beyond the realms of education and digital governance, Pancasila exerts its most profound structural influence within the corridors of the Constitutional Court and the legislative drafting process. While global constitutional trends often frame courts as the ultimate defenders of universal human rights, Indonesia presents a divergent path. Here, the Constitutional Court utilizes Pancasila not merely as a symbolic preamble, but as a "substantive limiter" in legal reasoning effectively applying a doctrine of "margin of appreciation" to legitimize departures from international standards. This jurisprudence suggests the emergence of "Theocentric Constitutionalism," wherein the first principle of Pancasila (Belief in the One Supreme God) functions as a supreme meta-norm that frequently supersedes secular interpretations of individual liberties found in global conventions. Simultaneously, lawmakers utilize Pancasila as the ultimate "source of all sources of law" to screen incoming global norms. This ensures that international legal transplants particularly those driving economic liberalization are rigorously harmonized with the nation's core philosophical commitment to social justice before being integrated into domestic law.

1. Theocentric Human Rights: Reinterpreting Global Freedoms

The most striking contrast between Indonesia's constitutional practice and Western global constitutionalism is evident in the adjudication of religious freedom. Whereas global norms typically conceptualize religious liberty as an absolute individual right to autonomy including the rights to non-belief or unrestricted conversion Indonesian adjudication reframes this through the prism of the first principle of Pancasila. Legal analysis reveals that the Constitutional Court consistently interprets human rights within a "religious framework," implying that individual rights are inherently bounded by

religious values and state-defined moral duties. As a result, the state views itself as constitutionally obligated to preserve the nation's "religious character." This obligation is often cited to justify legal restrictions on interfaith marriage, minority sects, or practices labeled as deviant a stance that frequently invites international scrutiny but is defended domestically as necessary for maintaining Pancasila's identity. This dynamic illustrates how Pancasila is deployed to sustain a form of "Godly Nationalism," preventing total legal secularization and establishing a hierarchy where communal religious harmony takes precedence over individual expression.

2. Legislative Harmonization: Economic Liberalism vs. Social Justice

Pancasila's role is equally critical in the technical arena of legislative drafting, particularly when facing the pressures of the global economy. In an era where globalization demands legal standardization to facilitate trade (e.g., through omnibus laws on investment), Indonesia upholds a strict "ideological screening" mechanism. Contemporary studies on regulatory reform show that the harmonization process mandates that every draft bill be tested against Pancasila values to block the infiltration of "liberal-capitalist" norms that might erode the fifth principle (Social Justice for All). This results in a complex legal environment where the state seeks to attract foreign capital while simultaneously invoking Pancasila to legitimize state control over vital resources and labor protections. Critics observe that while this mechanism intends to safeguard national interests, its implementation is frequently bureaucratic and lacks precise indicators. This often leads to regulations that are ideologically performative yet legally ambiguous, creating a layer of "hyper-regulation" that paradoxically hampers the justice it aims to uphold. Nonetheless, this persistence highlights Indonesia's refusal to fully converge with global standards, maintaining a "Prismatic" legal system that fuses modern statutes with customary and ideological imperatives.

3. Pancasila as an Alternative Model of Global Constitutionalism

Lastly, Indonesia is increasingly projecting Pancasila as a distinct and viable model within global constitutional discourse, challenging the dominance of liberal democracy. Rather than remaining a passive recipient of Western legal values, Indonesian scholars posit that Pancasila represents a "Third Way" a synthesis that balances the tension between individualistic liberalism and authoritarian collectivism. This

model favors "Deliberative Democracy" (Musyawarah Mufakat) over majoritarian voting systems, arguing that constitutional stability is more effectively achieved through consensus-building than through the adversarial "winner-takes-all" politics common in the West. By framing Pancasila as a source of "International Justice," Indonesia asserts its constitutional identity on the global stage, contending that its unique blend of democracy, religious ethics, and social justice offers a more sustainable framework for pluralistic societies in the Global South than the secular models currently dominating the discourse.

D. Conclusion

This study demonstrates that Pancasila continues to play a decisive role in shaping how Indonesia navigates the growing influence of global constitutional norms. Rather than passively adopting international standards, Indonesia engages with them through the value framework of Pancasila, which functions as a constitutional compass that both welcomes universal principles and upholds the nation's philosophical and cultural identity. The analysis reveals that while Indonesia has increasingly incorporated global concepts of democracy and human rights into its constitutional practice, challenges remain in translating these norms into steady and uniform legal enforcement particularly in areas such as minority protection, civil freedoms, and anti-corruption efforts. To address these gaps, it is crucial that Pancasila be utilized as a driving force for constitutional progress, ensuring that courts, legislators, and policymakers are equipped to align domestic governance with legitimate global developments without compromising foundational state values. The findings ultimately underscore that Indonesia's constitutional evolution will depend on its ability to keep Pancasila responsive to change, enabling a balanced interaction between national identity and universal constitutional ideals in the continuing advancement of its democratic system.

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