

Implementing Pancasila Venues in Strengthening Constitutionalism in Indonesia

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Abstract

This article examines the role and implementation of Pancasila as the philosophical and constitutional foundation of Indonesia in strengthening modern constitutionalism. Despite being recognized as the grundnorm of the Indonesian legal system, the practical application of Pancasila in constitutional practice often remains contested, especially in the context of global challenges such as democratization, digital transformation, governance transparency, and the protection of human rights. This paper aims to analyze (a) the philosophical relationship between Pancasila and constitutionalism, (b) the implementation of Pancasila in major constitutional practices—particularly in legislation, public policy, and decisions of the Constitutional Court, and (c) the challenges faced in maintaining constitutionalism consistent with Pancasila. Using a qualitative normative-juridical method, this study draws from constitutional texts, court decisions, and contemporary scholarship. The findings show that Pancasila contributes significantly to strengthening constitutionalism by promoting democracy, rule of law, and social justice. However,

challenges persist in harmonizing political interests, ensuring judicial independence, and maintaining the integrity of public institutions. This paper concludes that strengthening constitutionalism in Indonesia requires continuous revitalization of Pancasila values within public institutions, legal interpretation, and civic education.

Keywords *Pancasila, constitutionalism, rule of law, democracy, Indonesia.*

A. Introduction

Pancasila, as the ideology and foundation of the state, holds a fundamental position in Indonesian state life. Since its inception on August 18, 1945, Pancasila has served as the nation's ideology and as a fundamental norm that provides direction for all state administration and the legal system. Constitutionalism emerged as a modern concept to ensure the limitation of power, the protection of human rights, and the upholding of the rule of law in government practices. The relationship between Pancasila and constitutionalism has become crucial to examine, particularly in the context of global dynamics that demand increasingly responsive, transparent, and accountable states.

Constitutionalism fundamentally emphasizes that power must be limited by law, controlled through constitutional mechanisms, and exercised for the benefit of the people. In the Indonesian context, constitutionalism cannot be separated from the values of Pancasila, which serve as the philosophical foundation and moral orientation for state governance. Therefore, examining how Pancasila values are implemented in state administration practices is an effort to understand the extent to which constitutionalism operates in Indonesia.

However, various previous studies tend to view Pancasila only as an abstract, normative concept. Many studies describe Pancasila philosophically, but do not delve deeply into its practical application in legal and policy processes. Therefore, the scope of research on the implementation of Pancasila in strengthening constitutionalism still requires more practical and empirical exploration. The political dynamics of Indonesia further present significant challenges. The politicization of ideology, the influence of oligarchic power in lawmaking, and declining public trust in state institutions indicate

Furthermore, globalization and digital transformation pose new challenges, such as political disinformation, cybercrime, and social polarization. These developments influence the national legal system and require Pancasila to act as a flexible yet firm normative foundation for safeguarding national identity. The constitutional reforms following the amendments to the 1945 Constitution have also reshaped

Indonesia's constitutional structure. The establishment of the Constitutional Court has opened up new avenues for implementing Pancasila through judicial interpretation. Many Constitutional Court decisions refer to Pancasila as a normative basis, but it is necessary to determine whether such references are substantive or merely formalistic.

Thus, this article aims to fill this analytical gap by examining the implementation of Pancasila in legislation, judicial decisions, public policy, and political dynamics. Using a normative juridical method supported by empirical insights, this research is positioned to contribute significantly to the scholarship on Pancasila-based constitutionalism. Ultimately, this article argues that understanding Pancasila not only as a philosophical doctrine but as an operative constitutional principle is crucial for strengthening constitutionalism in Indonesia. Strengthening constitutionalism requires more than regulatory changes—it demands institutional integrity and civic commitment to Pancasila values.

B. Pancasila as the Foundation of Indonesian Constitutionalism

This section discusses the core analytical findings of the study by examining how Pancasila functions as the normative grounding of Indonesian constitutionalism. The analysis demonstrates that Pancasila serves not only as a philosophical doctrine but also as a substantive constitutional principle guiding legislation, judicial review, and state governance. Compared with previous studies that predominantly focused on theoretical explanations of Pancasila, this research provides a more practical assessment by examining concrete legal practices and Constitutional Court decisions. While earlier publications often treat Pancasila as an abstract ideological foundation, this study highlights its operational dimension in shaping democratic processes, the rule of law, and policy formation. The findings further reveal that Pancasila has been applied variably across institutions, indicating both progress and challenges in its implementation.

Pancasila's role in Indonesia's constitutional structure is particularly evident in its influence on the principles of democracy, human rights, and social justice. As the source of all legal sources, Pancasila is intended to provide coherence to the entire legal system. However, inconsistencies in its application—especially in legislation influenced by political interests—show that the alignment between constitutional ideals and political realities remains imperfect. Thus, the findings of this study both confirm and extend earlier research by

demonstrating that constitutionalism in Indonesia requires not only legal adherence but also moral commitment to Pancasila's values.

1. Constitutional Court Review and Legislative Consistency

The analysis demonstrates that the Constitutional Court often plays a corrective role when legislation fails to adhere to Pancasila. Judicial review cases such as Decision No. 91/PUU-XVIII/2020 illustrate how the Court uses Pancasila's democratic and justice-oriented values to evaluate procedural and substantive defects in legislation. This finding contrasts with scholarly views that regard the Court's use of Pancasila as merely symbolic; instead, this research shows that Pancasila can function as an effective constitutional benchmark. Through this mechanism, the Court reinforces constitutionalism by ensuring that legislation remains faithful to Pancasila's normative mandates.

C. Challenges and Opportunities in Strengthening Pancasila- Based Constitutionalism

This section presents the broader implications of the research by analyzing structural, political, and societal challenges that hinder the full implementation of Pancasila within Indonesia's constitutional system. The findings reveal that while Pancasila provides a strong normative foundation, its practical realization is shaped by political dynamics, institutional integrity, and public understanding. Unlike previous research that primarily addresses ideological interpretation, this study highlights empirical challenges such as politicization, weak governance, and digital-era disruptions. Additionally, this section presents opportunities for strengthening constitutionalism by recontextualizing Pancasila within contemporary governance frameworks.

The analysis shows that constitutionalism in Indonesia is not solely a matter of legal structure but also of institutional culture and public literacy. Strengthening Pancasila-based constitutionalism therefore requires adopting strategies that address both normative and practical dimensions.

A. Structural and Political Limitations in Implementing Pancasila

Following the general discussion, this sub-section examines the political and institutional barriers to Pancasila's implementation. The findings indicate that Pancasila is sometimes used instrumentally by political actors, reducing its substantive value in governance. Moreover, institutional weaknesses—particularly within law enforcement and legislative bodies—create inconsistencies in the application of

constitutional principles. This differs from previous studies that largely highlight ideological strengths without examining the institutional context.

1. *The Impact of Political Interests on Constitutional Practices*

The study shows that political interests often shape the direction of legislation and law enforcement in ways that diverge from Pancasila's values. For example, the weakening of anti-corruption mechanisms contradicts the constitutional mandate to ensure justice and integrity—core elements of Pancasila. These findings highlight that the realization of Pancasila-based constitutionalism requires not only normative interpretation but also structural reforms. This analysis provides a more critical and contemporary perspective than earlier works, emphasizing the need for both legal and ethical governance to uphold constitutionalism.

D. Conclusion

The findings of this study demonstrate that Pancasila plays a pivotal role in shaping Indonesia's constitutionalism by providing philosophical, ethical, and normative foundations for the functioning of state institutions, legislative processes, and judicial interpretation. The analysis shows that while Pancasila has been integrated into constitutional practices through its influence on lawmaking and Constitutional Court decisions, significant challenges remain, particularly regarding political instrumentalization, institutional weaknesses, and societal gaps in constitutional literacy. These challenges indicate that the effective realization of Pancasila-based constitutionalism requires not only legal compliance but also the strengthening of democratic culture, institutional accountability, and civic education. The application of Pancasila as a constitutional guiding principle therefore demands continuous revitalization through reform in legislative procedures, enhancement of judicial independence, and improved public engagement to ensure that constitutional governance aligns with the values of justice, unity, democracy, and humanity embedded in Pancasila.

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