

Pancasila as Constitutional Soft Power in Indonesia's International Legal Diplomacy

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Abstract

The emergence of Global Constitutionalism challenges nation-states to project their fundamental values into the international legal sphere. This study proposes and analyzes the theoretical framework of Constitutional Soft Power, defined as Indonesia's attractive force derived from the state's legal commitment to Pancasila as its supreme Grundnorm. The main objective of this research is to analyze the mechanism by which Pancasila transforms into Soft Power globally and to evaluate the effectiveness of its articulation in legal diplomacy. The methodology employed is qualitative descriptive normative legal research, utilizing philosophical, conceptual, and in-depth literature study approaches on primary and secondary legal sources. The findings indicate that Pancasila effectively functions as Constitutional Soft Power by articulating the principles of Just and Civilized Humanity and Social Justice as the main pillars of its legal arguments. This articulation is clearly evident in Indonesia's firm stance at the United Nations (UN) forums and its Oral Statement at the International Court of Justice (ICJ) regarding human rights issues and humanitarian conflicts. Furthermore, the Constitutional Court plays a central role as the guardian of treaty constitutionality and a promoter of Constitutional Court Diplomacy. The conclusion confirms that Pancasila is not merely a domestic

ideology but a unique and sustainable source of legal legitimacy. It is recommended that the Ministry of Foreign Affairs explicitly and structurally integrate and promote the Pancasila framework as Indonesia's ethical and constitutional contribution to a more just global order.

Keywords : Constitutional Soft Power, Pancasila, Legal Diplomacy, Global Constitutionalism, Constitutional Court.

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A. Introduction

The rise of Global Constitutionalism (GC) marks a paradigm shift in world governance, where the sovereign power of states is increasingly constrained by supranational norms, principles, and institutions, particularly in crucial issues such as human rights, economic justice, and environmental protection. This trend inherently challenges every nation not only to participate in the international legal framework but also to reflect and project its fundamental constitutional values into the diplomatic realm. In the Indonesian context, the state's foundation rests upon Pancasila, which functions not only as a philosophical ideology (*Weltanschauung*) and the source of all legal sources, but also as the constitutional *Grundnorm* reflected in the fundamental articles of the 1945 Constitution of the Republic of Indonesia (UUD NRI 1945), such as Article 29 on religion and Article 33 on the economy.

Thus, Pancasila provides the supreme legitimacy for all domestic and foreign policies. Since its independence, Indonesia's commitment to supporting global peace and building a world order based on freedom, eternal peace, and social justice has been clearly enshrined in the Preamble of the 1945 Constitution. This commitment demonstrates that the values of Pancasila possess a universal dimension and competitive edge, enabling them to serve as an inclusive normative framework globally. Indonesian diplomacy, particularly on legal issues, is therefore not solely based on hard power calculations such as military or economic strength, but also deeply relies on soft power derived from its noble values and legal construct. This establishes the significance of this study to fill the academic gap by functionally analyzing how Pancasila transitions from a domestic ideology to Indonesia's constitutional source of attraction in the arena of international law.

Previous studies have made important contributions to understanding Pancasila's role in international relations. The majority of research focuses on analyzing Pancasila as a source of positive law, a basis for political ethics, or an ideological comparison with other value

systems. Regarding international law, studies have highlighted how Pancasila shapes the country's legal perspective, including Indonesia's theoretical stance on the relationship between international and national law namely, the tendency to use monism with the supremacy of national law or dualism, which is ultimately based on national goals. Furthermore, studies on soft power as conceptualized by Joseph Nye and legal diplomacy have extensively discussed the shift from the dominance of hard power to soft power. Globalization provides an opportunity for Indonesia to leverage soft power supported by its cultural diversity and Pancasila values to build peaceful, inclusive international relations and promote a positive global image. While Indonesia actively contributes as a mediator in various conflicts e.g., Palestine, Rohingya, and the ASEAN region based on the principles of deliberation, social justice, and humanity, the available literature, including articles published in this journal, still tends to focus on domestic interpretation and implementation, or only touches upon Pancasila's role in cultural diplomacy.

The limitation of this functional analysis poses a crucial problem: previous studies fail to concretely and systematically analyze how each Sila of Pancasila is translated into legal diplomatic outcomes, and how this ideology subsequently functions as a source of constitutional legitimacy for Indonesia's stance on the global stage. However, this value-based diplomacy is a strategic necessity, especially for developing countries, to challenge the dominance of global diplomacy that tends to be hegemonic. Although international politics is dominated by power and economic interests, Indonesia's success as a peacemaker indicates that the ethical and value-based approach of Pancasila remains relevant and widely accepted. To address this limitation, this research proposes a novelty in the form of a new theoretical framework that explicitly categorizes Pancasila as "Constitutional Soft Power" a persuasive force legally and formally derived from the state's supreme legal foundation. By formulating this concept, the research aims to (1) conduct an in-depth analysis of the theoretical mechanisms through which Pancasila can be conceptualized as Constitutional Soft Power, and (2) evaluate the effectiveness and articulation of Pancasila values (both explicitly and implicitly) in strengthening Indonesia's legal position in global forums through specific case studies. In line with these aims, the research seeks to answer three main questions: How can Pancasila be conceptualized as Constitutional Soft Power? What Pancasila values are explicitly or implicitly articulated in Indonesia's legal diplomacy arguments? And

how effective is Pancasila's Constitutional Soft Power in strengthening Indonesia's position in global forums?

B. The Concept of Pancasila as Soft Constitutional Power

a. Reconstruction of The Soft Power Concept in The Constitutional Realm

The classical approach to soft power, conceptualized by Joseph Nye, refers to a country's power of persuasion and attraction derived from its culture, political values, and foreign policy, without involving coercion or payment. However, when this concept is applied in the context of international law, these classical boundaries prove insufficient. The interaction between state sovereignty and international law presents a fundamental challenge, where developing nations often struggle to balance their local legal principles with international standards dominated by hegemonic states. Therefore, a more explicit legal dimension is required to explain the source of sustainable soft power legitimacy that does not rely solely on image. This is where the concept of Constitutional Soft Power is proposed as a new theoretical framework.

Constitutional Soft Power is defined as the attractive force of a state that is formally and legitimately sourced from the fundamental ideological values completely embedded and adhered to within the state's supreme legal structure, specifically its constitution and Grundnorm. This concept surpasses ordinary soft power because it sells legal commitment to the value, rather than merely the value itself. . In the Indonesian context, Pancasila serves as a moral guideline influencing interactions with other nations and is a significant contributor to the enforcement of humane and just international law. Although the implementation of Pancasila values in foreign policy faces the dynamics of global politics and competing national interests, Pancasila provides Indonesia with the opportunity to offer a different value-based diplomatic approach. This approach is deemed more humane and fair in resolving international issues, especially as an alternative to power diplomacy that tends to prioritize military or economic strength. Thus, Pancasila's Constitutional Soft Power is the legitimacy used by Indonesia to challenge global legal domination, as conveyed in the concept of Emancipatory Diplomacy, which views local ethical values as a new moral force capable of influencing global policies towards greater justice.

b. The Five Pillars of Pancasila as a source of Global Legal Legitimacy

The values contained within the five Silas (Pillars) of Pancasila offer a strong and inclusive normative framework for Indonesia to interact with international actors. Each Sila can be articulated as a source of legal argument and ethical legitimacy on the global stage:

1. Sila of Belief in the One and Only God and Just and Civilized Humanity

The Sila of Belief emphasizes spiritual and moral values, encouraging foreign policies based on principles of justice and equality. The Sila of Humanity explicitly underscores the importance of respecting human rights and fair treatment for all parties. The combination of these two Silas forms a universal basis for Human Rights (HAM) and Humanitarian Law in Indonesian diplomacy. This is evident in Indonesia's consistent support for the rights of the Palestinian people, the Rohingya humanitarian crisis, and the affirmation of a position that does not sacrifice humanitarian rights in conflict resolution.

2. Sila of the Unity of Indonesia

The Sila of Unity promotes the spirit of cohesion and solidarity, which is crucial in mitigating division and conflict between nations. In the context of legal diplomacy, this Sila becomes the Foundation for the One Indonesia Voice Doctrine. Unity ensures national cohesion and a firm stance during negotiations, focusing not only on political or economic interests but also striving to create mutual understanding among nations. In confronting regional tensions, such as in the North Natuna Sea, Indonesia prioritizes dialogue and peaceful resolution, maintaining regional stability based on the principles of balance and equality.

3. Sila of Democracy Guided by the Inner Wisdom in the Unanimity Arising Out of Deliberations Among Representatives

The Sila of Democracy emphasizes the importance of dialogue, deliberation (Musyawarah), and collective decision-making to achieve consensus. This principle serves as an Alternative Model for Democracy and Inclusive Decision-Making offered by Indonesia on the global stage. Indonesia frequently utilizes musyawarah to reach agreements in international forums, reflecting an approach that positions Indonesia as a mediator prioritizing balance.

4. Sila of Social Justice for All Indonesian People

The Sila of Social Justice underscores the importance of justice and equity in various aspects of life. Diplomatically, this Sila becomes the Philosophical Justification for Demanding a Fairer Economic and

Environmental Regime. In international diplomacy, Indonesia strives for conflict resolution that prioritizes social justice, not just for specific countries but for the entire world. This provides the moral and legal basis for Indonesia to demand a more equitable and sustainable global economic and environmental order.

C. Articulation of Pancasila Values in Indonesia's International Legal Diplomacy

A. Pancasila In Legal Arguments at the un and International Organizations

Pancasila's Constitutional Soft Power finds its most tangible articulation in multilateral forums, particularly the United Nations (UN), where Indonesia consistently voices aspirations rooted in its ideological values.

1. Analysis of Indonesia's Position and Speeches on Human Rights and Humanitarian Conflicts

Indonesia's position on human rights and humanitarian conflicts directly stems from the Sila of Just and Civilized Humanity. The constitutional mandate in the Preamble of the 1945 Constitution to participate in world peace efforts has become the basic norm for the head of state's actions. Its practical implementation is clearly visible, for instance, when Indonesia actively engaged in international legal efforts addressing aggression against Palestine. Indonesia not only delivered official statements in various forums but also firmly presented an Oral Statement at the International Court of Justice (ICJ) regarding the legal consequences of the Israeli occupation. This step reflects an effort to enforce a rules-based international order by voicing humanitarian and justice aspirations, simultaneously demonstrating that Indonesia's diplomacy can promote more humane and just solutions, contrasting with approaches that prioritize military strength. This humanitarian mission, also seen in the visit to Ukraine-Russia, is the transformation of human rights from the constitution to ensure protection from discrimination and violence.

2. Articulation of Social Justice in Economic or International Trade Resolutions

The Sila of Social Justice for All Indonesian People provides the philosophical and constitutional justification for Indonesia to demand a more equitable global economic order. In the context of economic negotiations or international trade, this Constitutional Soft Power is

used to advocate for the interests of developing countries. This Sila influences how Indonesia interacts with other nations and contributes to the enforcement of humane and just international law. Furthermore, Muallif highlights that Indonesia often emphasizes the importance of Pancasila values in international cooperation, including issues such as peace, global security, and human rights, which inherently require justice in the distribution of resources and power. This allows Indonesia to position itself as a world peacemaker and offer an ethical approach sourced from its national ideology, especially in an increasingly multipolar world context.

B. Constitutional Soft Power in Negotiation of Maritime Law and Border Treaties

1. Case Study: Using the Sila of Unity to Strengthen Sovereignty Arguments

In sensitive negotiations related to maritime boundaries and sovereignty, such as in the North Natuna Sea, the Sila of the Unity of Indonesia serves as a strong constitutional foundation. This Sila encourages the spirit of unity and ensures a One Indonesia Voice when facing external claims. State sovereignty, whose formulation at the international level involves the consent of nations, is influenced by Indonesia's constitutional principles. The Sila of Unity enables Indonesia to choose an approach of dialogue and peaceful resolution, rather than confrontation, in maintaining regional stability, which is a manifestation of an approach that prioritizes balance.

2. Analysis of Official Documents: The Influence of Pancasila Values on International Treaties

International extradition treaties are a concrete example of how Pancasila values influence the drafting and implementation of treaties. *Peran Pancasila dalam Harmonisasi Hukum Internasional* demonstrates that the first Sila (Belief in the One and Only God) underscores ethics and morality in such agreements. This principle directs that legal actions, such as extradition, must not conflict with spiritual and humanitarian values. Its application includes (1) ensuring respect for Human Rights (avoidance of torture), (2) moral and ethical consideration in special cases, and (3) adherence to the principle of universal justice. Thus, Pancasila's Constitutional Soft Power ensures that Indonesia not only complies with international obligations but also executes them with high ethical consideration.

C. The Role of the Constitutional Court in Promoting Constitutional Soft Power

1. Review of MK Rulings and the Role of Pancasila's Value Guardian

The Constitutional Court (MK) plays a critical institutional role as the guardian of Pancasila values that must be present in every foreign policy, including the ratification of international treaties. The MK ensures that international treaties adopted through the national legal mechanism (where Indonesia theoretically uses monism with the supremacy of national law and dualism, aligning with its national goals, do not conflict with Pancasila and the 1945 Constitution. The MK's rulings that test the constitutionality of ratification serve as a formal legal mechanism proving the state's commitment to this Constitutional Soft Power. The existence of this judicial review mechanism provides legitimacy and legal certainty that Indonesia's diplomatic actions have deep and unwavering roots in the state's fundamental ideology.

2. MK as Constitutional Court Diplomacy and a Comparative Reference

Beyond its guardianship role, the MK also functions as an actor in Constitutional Court Diplomacy. In global constitutional justice forums, the MK's rulings and views can become a comparative reference offering a unique interpretation of universal principles (such as human rights or democracy) based on Pancasila. This allows Pancasila to be introduced and tested for its reliability as a humane and just constitutional model among the international constitutional justice community, further strengthening the Constitutional Soft Power dimension promoted by Indonesia.

D. Conclusion

This study confirms that Pancasila can be functionally conceptualized as Indonesia's Constitutional Soft Power, which is a legitimate attractive force sourced from the state's legal commitment to its fundamental ideological values, transcending classical cultural or political dimensions. This functionalization mechanism is proven to be effectively articulated in Indonesia's legal diplomacy, where the values of Just and Civilized Humanity and Social Justice serve as the main pillars of its legal arguments. This is clearly demonstrated by Indonesia's firm stance in multilateral forums such as the UN and the International Court of Justice (ICJ) regarding human rights issues and humanitarian conflicts, as well as efforts to demand a fairer global economic regime, consistently positioning Indonesia as a peacemaker and a voice for

developing nations. This power is institutionally legitimized and secured by the Constitutional Court (MK), which acts as the guardian of Pancasila values and the promoter of Constitutional Court Diplomacy on the international stage. As a strategic recommendation, the Ministry of Foreign Affairs and related institutions are advised to explicitly and structurally integrate and promote the Pancasila framework as Indonesia's unique ethical and constitutional contribution to Global Constitutionalism, making it a concrete comparative reference for conflict resolution and the enforcement of international law with justice.

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