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Pancasila as a Living Constitution in Indonesian Constitutional Practice

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Abstract

Pancasila occupies a fundamental position in the Indonesian constitutional system as the philosophical foundation of the state and the source of values that guide the development of national law. In contemporary constitutional discourse, the concept of a living constitution emphasizes that constitutional values evolve through interpretation and institutional practice in response to social change. This article examines how Pancasila functions as a living constitution within Indonesian constitutional practice. The objective of this study is to analyze the role of Pancasila in shaping constitutional interpretation, institutional governance, and constitutional adjudication. The study applies normative legal research using conceptual and statutory approaches. The analysis is conducted through qualitative examination of primary legal materials, including the 1945 Constitution and Constitutional Court decisions, as well as secondary sources such as academic literature on constitutional law and Pancasila studies. The findings show that

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Pancasila operates as a dynamic normative framework that guides constitutional interpretation, influences legislative and executive governance, and serves as a standard in constitutional review by the Constitutional Court. Through these functions, the values of Pancasila are continuously interpreted and applied in constitutional practice. The study concludes that Pancasila functions as a living constitution that enables the Indonesian constitutional system to adapt to social and political developments while maintaining its foundational values. Strengthening the integration of Pancasila in constitutional interpretation and governance remains important to support democratic development and the protection of constitutional rights in Indonesia.

Keywords *Living Constitution, Constitutional Interpretation, Constitutional Court, Indonesian Constitutional Law.*

A. Introduction

Pancasila occupies a central position in the Indonesian constitutional system as the philosophical foundation of the state as well as the ultimate source of all legal norms. The Constitution of Indonesia, namely the 1945 Constitution of the Republic of Indonesia (*Undang-Undang Dasar Negara Republik Indonesia Tahun 1945*), does not stand independently from these philosophical values but rather derives its normative direction from Pancasila.[1] In constitutional theory, the concept of a living constitution emphasizes that constitutional values develop dynamically through processes of interpretation and constitutional practice in response to societal change. In the Indonesian context, Pancasila functions as a dynamic normative framework guiding constitutional interpretation, legislative formation, and the practice of state governance. The principles of divinity, humanity, unity,

1 Dewi Ivana Maria Siallagan dan Rudi Salam Sinaga, "Pancasila As The Basis of The Legal System In Indonesia: Analysis of How Pancasila Values Form The National Legal System," GOVERNANCE: Jurnal Ilmiah Kajian Politik Lokal dan Pembangunan 11, no. 4 (2025): 153–57.

democracy, and social justice embodied in Pancasila provide ethical orientation for the formulation of public policy and the development of the national legal system.[2] Therefore, understanding Pancasila as a *living constitution* is essential in explaining how constitutional values continue to evolve and adapt to changing political, social, and legal conditions in Indonesia.

Pancasila as a living constitution has become increasingly significant in contemporary Indonesian constitutional practice. Following the constitutional amendments during the period of 1999–2002, Indonesia experienced substantial institutional transformations, including the strengthening of judicial review mechanisms, the expansion of constitutional protection of citizens' rights, and the development of a more robust system of constitutional democracy. These changes created broader opportunities for interpreting constitutional values within the national legal framework.[3] In this context, Pancasila serves as a normative guideline in the process of constitutional interpretation, particularly in the practices of constitutional institutions such as the Constitutional Court. The application of Pancasila's values in constitutional interpretation shows that constitutional meaning develops through constitutional practice, decisions of the constitutional court, and the dynamics of social life.[4] Therefore, the values contained in Pancasila continue to guide the development of Indonesian constitutional law in line with social change, political developments, and the needs of state governance.

Several previous studies have examined the position and role of Pancasila in the Indonesian constitutional system from different

2 Nur Atqiya Ashfiya et al., "Analisis Peran Pancasila Dalam Pembentukan Norma Hukum Nasional," AKTIVISME: JURNAL ILMU PENDIDIKAN, POLITIK DAN SOSIAL INDONESIA: Asosiasi Seni Desain Dan Komunikasi Visual Indonesia 2, no. 1 (2024): 23–31.

3 Zaki Ulya, "Dilematisasi kelembagaan antar lembaga kekuasaan yudikatif guna mencapai harmonisasi hukum," Jurnal Hukum dan Peradilan 10, no. 3 (2021): 337–60.

4 Muchamad Ali Safa'at, "The Roles of the Indonesian Constitutional Court in Determining State-Religion Relations," Const. Rev. 8 (2022): 113.

perspectives.[5] Some studies place Pancasila as the source of all sources of law that provides direction and foundational values in the formation and implementation of national law.[6,7] Other studies highlight the role of Pancasila within the constitutional system as a normative foundation that guides the exercise of state power and the relationship among state institutions within the constitutional framework.[8] In addition, a number of studies also view Pancasila as the foundation of the state that serves as the primary basis for organizing national and state life.[9] From a broader perspective, several scholars consider Pancasila as the state ideology that contains fundamental values which guide policy making, the development of the legal system, and the strengthening of democratic practices in Indonesia.[10] These studies indicate that Pancasila holds a central position in shaping the development of the Indonesian constitutional system.

Nevertheless, most previous studies primarily focus on the normative and philosophical status of Pancasila without sufficiently examining how Pancasila operates as a *living constitution* within actual constitutional practice. Many studies still treat Pancasila as a static ideological concept and therefore do not fully explain its dynamic role in shaping constitutional interpretation, institutional practice, and legal development in contemporary Indonesia.[7] This limitation reveals a gap in the existing literature, particularly regarding how the values of Pancasila are implemented in concrete constitutional processes such as legal interpretation, public policy formation, and governance practices.

Based on this gap, this article aims to analyze Pancasila as a *living constitution* within Indonesian constitutional practice. The study seeks to

5 Mohamad Roky Huzaeni, "Kedudukan hukum Pancasila dan konstitusi dalam sistem ketatanegaraan Indonesia," Pancasila: Jurnal Keindonesiaan 2, no. 1 (2022): 114–25.

6 Fais Yonas Bo'a, "Pancasila sebagai sumber hukum dalam sistem hukum nasional," Jurnal Konstitusi 15, no. 1 (2018): 21–49.

7 Rifa Daullah et al., "Pancasila sumber dari segala sumber hukum," Gema Keadilan 9, no. 2 (2022): 108–16.

8 Annisa Permatasari, "Kedudukan Pancasila dalam Sistem Ketatanegaraan Indonesia," SATRIA: Journal of Interdisciplinary Studies 1, no. 1 (2026): 105–14.

9 Ananda Rivaldo Pondiu Unggul et al., "Pancasila sebagai dasar negara," Jurnal Ekonomi, Sosial & Humaniora 4, no. 04 (2022): 25–31.

10 Muhammad Chairul Huda, "Meneguhkan pancasila sebagai ideologi bernegara," Resolusi 1, no. 1 (2018): 78–99.

explain how Pancasila functions as a dynamic constitutional value influencing constitutional interpretation and the operation of state governance. By examining the interaction between constitutional norms and the evolving values of Pancasila in public life, this research is expected to provide a more comprehensive understanding of the role of Pancasila in Indonesia's constitutional development. Furthermore, this study contributes to the scholarly discourse by offering a conceptual perspective on how Pancasila continues to shape Indonesia's constitutional order within the context of modern democratic governance.[8]

B. Pancasila as a Living Constitution in Indonesian Constitutional Practice

a. *Living Constitution and the Role of Pancasila in Constitutional Interpretation*

1. The Concept of Living Constitution and Its Relevance in Indonesia

The concept of a living constitution emphasizes that constitutional meaning evolves over time through interpretation and institutional practice. This idea is strongly associated with William J. Brennan Jr., who argued that the Constitution must be interpreted in light of contemporary conditions rather than being confined to the intentions of its framers [11]. Similarly, David A. Strauss conceptualizes the living constitution as a product of evolving precedents, practices, and societal values rather than a fixed legal text. These perspectives reject rigid textualism and instead support adaptive interpretation grounded in fundamental principles. As a result, constitutional law becomes responsive to social, political, and economic developments.[12]

In the Indonesian context, the concept of a living constitution is relevant because the Constitution operates within a dynamic society that continuously evolves. The constitutional amendments of 1999–2002

11 Titon Slamet Kurnia, "Konsep Negara Berbasis Hak sebagai Argumen Justifikasi Pengujian Konstitusionalitas Undang-undang," Jurnal Konstitusi 9, no. 3 (2012): 563–582.

12 David A Strauss, "Common law constitutional interpretation," The University of Chicago Law Review 63, no. 3 (1996): 877–935.

marked a significant transformation in Indonesia's legal and political system, requiring more flexible approaches to constitutional interpretation.[13] According to Jimly Asshiddiqie, constitutional interpretation in Indonesia must not only rely on textual provisions but also consider the living values within society. This perspective aligns with the idea that constitutional meaning is shaped through institutional practices, particularly through the decisions of the Constitutional Court.[14]

The relevance of the living constitution approach in Indonesia is further strengthened by the role of Pancasila as the foundational value system. Pancasila provides a normative framework that guides the evolution of constitutional interpretation while maintaining ideological consistency. In this sense, Indonesia adopts a value based living constitution model, where legal interpretation is influenced not only by legal texts but also by philosophical principles. This model ensures that constitutional development remains adaptive without losing its foundational identity.[15]

Moreover, the living constitution approach allows Indonesian constitutional law to respond effectively to contemporary challenges such as human rights protection, democratic consolidation, and governance reform.[16] A rigid interpretation of the Constitution would limit the ability of legal institutions to address these issues. By contrast, a dynamic interpretative approach enables judges and policymakers to interpret constitutional provisions in line with current societal needs. This flexibility enhances the effectiveness of constitutional governance and strengthens public trust in legal institutions.[17]

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13 Denny Indrayana, "In Search for a Democratic Constitution: Indonesian Constitutional Reform 1999-2002," Jurnal Media Hukum 17, no. 1 (2010).
14 S H Jimly Asshiddiqie, Konstitusi dan konstitusionalisme Indonesia (Sinar Grafika, 2021).
15 Ananda Fairus Zakky, "Pancasila Moral Ethics as a Philosophical Foundation for the Formulation of Copyright Law," Pancasila and Law Review 6, no. 2 (2025): 93–106.
16 Muhammad Hudaifi, "Dynamics of Constitutional Change in Indonesia: Challenges and Solutions in the Modern Era," As-Shahifah: Journal of Constitutional Law and Governance 4, no. 2 (2024): 161–92.
17 Desi Septiana, "Hukum Konstitusi dan Hak Asasi Manusia Ditinjau Dari Teori Konstitusionalisme Modern," Jurnal Renvoi: Jurnal Hukum dan Syariah 3, no. 2 (2025): 72–84.

Therefore, the concept of a living constitution provides a strong theoretical foundation for understanding constitutional development in Indonesia. It explains how constitutional norms evolve through interpretation, judicial decisions, and institutional practice. By integrating this concept with the values of Pancasila, Indonesia develops a unique constitutional model that balances adaptability with stability, ensuring that the Constitution remains relevant in a changing society.

2. Pancasila as a Normative Framework for Constitutional Interpretation

Pancasila serves as the main normative framework in constitutional interpretation in Indonesia.[18] It provides fundamental values that guide how constitutional provisions are understood and applied in concrete legal contexts. These values ensure that interpretation goes beyond textual meaning and reflects ethical standards that are rooted in the identity of the state. Legal actors such as judges, legislators, and scholars rely on Pancasila to maintain alignment between legal norms and national ideology.[19] This alignment is important to avoid fragmentation in legal reasoning. It also strengthens the coherence of the constitutional system as a unified structure. In addition, Pancasila ensures that constitutional interpretation remains relevant to societal needs and responsive to contemporary challenges.

Each principle within Pancasila contributes directly to the interpretative process by offering specific normative directions. The principle of divinity supports respect for religious freedom and reinforces moral considerations in public decision making. The principle of humanity emphasizes the protection of human dignity, equality, and fundamental rights within constitutional practice. The principle of unity reinforces national integration and prevents legal interpretations that may threaten social cohesion.[20] The principle of

[18] Irvandi Irvandi, Endy Gubawan, dan Irwan Triadi, "Relevansi Pancasila Dalam Penemuan Hukum di Indonesia (Studi Pembentukan Hukum Nasional dan Penegakan Hukum di Indonesia)," Mutiara: Multidiciplinary Scientifict Journal 3, no. 10 (2025): 980–89.

19 Windicha Okliyani et al., "Pancasila as The Foundation of The State in The Perspective of The Democratic State of Law's Ideals," Literasi Hukum 7, no. 2 (2023): 53–62.

[20] Herlindah Herlindah, Indah Dwi Qurbani, dan Dorra Prisilia, "The Existence of Pancasila in Resolving Conflicts of Differing Views on

democracy guides participatory decision making and promotes accountability in governance. The principle of social justice promotes fairness in economic distribution and access to public resources. These principles operate together as a structured and integrated value system that shapes legal interpretation in a consistent manner.[21]

In practice, Pancasila functions as a normative filter when interpreting constitutional provisions, especially in complex legal situations. Judges and legal scholars use it to assess whether a particular interpretation aligns with the broader values of society. This approach becomes crucial when constitutional texts are ambiguous or open to multiple meanings.[22] By applying Pancasila, interpreters avoid narrow, rigid, and purely formalistic readings of the law. Instead, they adopt interpretations that prioritize justice, balance, and public interest. This method encourages substantive reasoning rather than procedural formalism. As a result, constitutional interpretation becomes more contextual and responsive to real societal conditions.[23]

Pancasila also plays a critical role in resolving conflicts between legal norms and competing interpretations. When different legal arguments emerge, its values provide a clear basis for determining which interpretation is more appropriate.[24] This function helps maintain consistency across legal decisions and prevents contradictions within the legal system. It ensures that all interpretations remain aligned with the philosophical foundation of the state. In addition, it supports legal certainty by offering a stable reference point in decision making. As a result, Pancasila strengthens the stability and integrity of constitutional

Religious Rights in Indonesia," Diponegoro Law Review 7, no. 2 (2022): 212–29.

21 Shamaila Khalid et al., "Role of Judicial Review in Shaping Public Policy and Ensuring Accountability," Social Science Review Archives 3, no. 2 (2025): 1026–32.

22 Topan Indra Karsa dan Dwi Nurahman, "Legal Development in Indonesia through the Pancasila Screening Board," ICETLAWBE 2020 97 (2020).

23 Yunaldi Wendra, "The Dynamic Interpretation of Pancasila in Indonesian State Administration History: Finding Its Authentic Interpretation," Jurnal Hukum Novelty 11, no. 01 (2020): 39–55.

24 Erdin Tahir, "The Meaning of Pancasila In The Indonesian Legal System," Syiar Hukum: Jurnal Ilmu Hukum 21, no. 1 (2023): 15–41.

law. It also enhances the legitimacy of legal decisions in the eyes of the public.[25]

Overall, Pancasila operates as a dynamic yet stable framework for constitutional interpretation in Indonesia. Its values allow the Constitution to adapt to social, political, and economic change without losing its foundational identity. This balance between flexibility and stability is essential in developing a living constitution. It ensures that legal interpretation remains both principled and adaptable to new challenges. Through this role, Pancasila continuously shapes the direction of constitutional development in a structured and meaningful way. It also reinforces the connection between law, society, and state ideology in the Indonesian legal system.

b. Pancasila as a Living Constitution in Institutional Practice

1. Implementation of Pancasila in State Institutions

The implementation of Pancasila in state institutions reflects its position as a normative foundation that actively guides governance practices in Indonesia. Normatively, Pancasila is recognized as the source of all sources of law, as stated by Hans Kelsen through the concept of *grundnorm*, where a legal system derives validity from a highest foundational norm.[26] In the Indonesian context, scholars such as Kaelan argue that Pancasila functions as the grundnorm that underlies constitutional and institutional arrangements. This perspective explains why all state institutions must align their functions with Pancasila values. In practice, this alignment is visible in policy frameworks, legal reforms, and institutional conduct. The normative strength of Pancasila ensures that governance remains anchored in ethical and philosophical principles.[27]

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[25] Fakhry Amin, "Nilai Pancasila dalam Metode Penemuan Hukum: Orientasi dan Konstruksi Nilai Pancasila dalam Rechtsvinding," *Ajudikasi: Jurnal Ilmu Hukum* 7, no. 2 (2023): 299–314.

[26] Afifa Rangkuti dan Saiful Amri, "Actualization of Pancasila As A Legal Source In The Establishment of Legislation Regulations In Indonesia," NOMOI Law Review 3, no. 2 (2022): 162–75.

27 Muhammad Arbani, "Implementasi Nilai-nilai Pancasila dalam Pembentukan Sistem Hukum Nasional," Santhet (Jurnal Sejarah Pendidikan Dan Humaniora) 8, no. 2 (2024): 2674–81.

In the legislative context, the implementation of Pancasila can be observed in the law making process, particularly through the requirement that all legislation must reflect Pancasila values as mandated in Law No. 12 of 2011 on the Formation of Laws and Regulations. Normatively, Satjipto Rahardjo emphasizes that law should serve social justice and human welfare, which aligns directly with the fifth principle of Pancasila. In recent legislative practices, debates surrounding the Omnibus Law on Job Creation illustrate how Pancasila is used as a benchmark to evaluate whether regulations promote fairness and public interest. This shows that Pancasila is not only symbolic but functions as a critical evaluative tool in legislative decision making. It also reflects how constitutional values are contested and interpreted in real policy contexts.[28]

In the executive branch, Pancasila is implemented through public policies that aim to achieve welfare and equitable development. Programs such as social assistance distribution, national health insurance, and poverty alleviation reflect the principle of social justice.[29] Normatively, Jimly Asshiddiqie states that state administration must be based on constitutional values that originate from Pancasila, ensuring that governance is both lawful and ethical. Recent government initiatives in digital transformation and public service reform also demonstrate efforts to integrate transparency and accountability, which align with democratic values. These policies indicate that Pancasila operates as a guiding framework in executive decision making. It ensures that state actions are directed toward collective welfare.[30]

In the judiciary, the implementation of Pancasila is evident in constitutional adjudication, especially in decisions of the Constitutional Court. The Court often refers to Pancasila as a material source in interpreting constitutional provisions. According to Mahfud MD, constitutional interpretation in Indonesia must not be detached from Pancasila as the moral foundation of the state. This approach is visible in cases related to judicial review, where the Court evaluates laws based on their consistency with constitutional values. For example, decisions

28 Satjipto Rahardjo, Membedah hukum progresif (Penerbit Buku Kompas, 2006).

29 Abd Hamid, "Implementasi Pancasila dalam kebijakan ekonomi di Indonesia," Idarotuna: Journal of Administrative Science 5, no. 2 (2024): 130–45.

30 Jimly Asshiddiqie, "Pengantar ilmu hukum tata negara jilid II," 2006.

concerning human rights, electoral systems, and social justice frequently invoke Pancasila principles. This demonstrates that judicial reasoning is not purely legalistic but also value based.[31]

Overall, the implementation of Pancasila in state institutions reflects a dynamic interaction between normative principles and practical governance. From a normative legal perspective, Pancasila functions as a binding value system that shapes institutional behavior across branches of power. Contemporary practices show that its values are continuously interpreted in response to real challenges such as economic inequality, legal reform, and democratic consolidation. This confirms that Pancasila operates as a living constitutional norm within institutional practice. It ensures that the Indonesian constitutional system remains adaptive while maintaining its foundational identity.

2. Pancasila in Constitutional Adjudication

The core legal issue in constitutional adjudication in Indonesia lies in how Pancasila is operationalized as a normative foundation in constitutional interpretation by the Constitutional Court. From a theoretical perspective, a constitution is not merely a written legal document but also a system of values that evolves through institutional practice.[32] This approach positions the constitution as a dynamic instrument that must respond to social and political developments. In this context, Pancasila functions as the fundamental value system that directs constitutional interpretation. Therefore, analyzing constitutional adjudication requires an understanding of the relationship between legal norms and the philosophical foundation of the state.[33]

31 Moh Mahfud, "Konstitusi dan hukum dalam kontroversi isu/Prof. Dr, Moh. Mahfud MD," 2009.

32 Geofani Milthree Saragih, Ade Sathya Sanathana Ishwara, dan Rengga Kusuma Putra, "Evaluation of the implementation of Pancasila values and human rights enforcement in Indonesian judicial system through constitutional approach," Reformasi Hukum 28, no. 3 (2024): 202–17.

33 Humam Balya, "Reaktualisasi Pancasila Sebagai Landasan Filosofis Hukum Nasional," GOVERNANCE: Jurnal Ilmiah Kajian Politik Lokal dan Pembangunan 11, no. 1 (2024).

In legal theory, Hans Kelsen explains that a legal system is structured hierarchically and ultimately derives its validity from a basic norm (grundnorm). Within the Indonesian legal system, Pancasila is widely regarded as the grundnorm that provides legitimacy to the 1945 Constitution and all subordinate legal norms. This construction implies that constitutional review cannot rely solely on textual conformity with the Constitution. Instead, it must also consider the alignment of legal norms with the values embodied in Pancasila. This elevates Pancasila from a symbolic ideology to a binding normative reference in adjudication.[34]

Normatively, the authority of the Constitutional Court is established under Article 24C paragraph (1) of the 1945 Constitution, which grants the power to review statutes against the Constitution. However, constitutional interpretation in practice extends beyond textual analysis. The Preamble of the 1945 Constitution, which embodies the values of Pancasila, is doctrinally recognized as a fundamental norm of the state. As a result, constitutional adjudication involves both formal review of legal provisions and substantive evaluation based on foundational values. This dual dimension reflects a value oriented constitutional system.

Legal problems arise when constitutional provisions are open ended or subject to multiple interpretations. In such situations, a purely textual approach becomes insufficient. The living constitution approach becomes relevant because it allows judges to interpret constitutional norms in light of evolving societal conditions.[35] According to Jimly Asshiddiqie, the Constitutional Court functions not only as the guardian of the Constitution but also as the guardian of the state ideology. This role requires judges to incorporate Pancasila as an ethical and philosophical benchmark in legal reasoning.[36]

The application of Pancasila in constitutional adjudication is also closely related to the principle of substantive justice. Satjipto Rahardjo, through progressive legal theory, argues that law must prioritize justice and social benefit rather than formal certainty alone. In

34 Hans Kelsen, General theory of law and state (Routledge, 2017).

35 Carrie Menkel-Meadow, "The Lawyer as Problem Solver and Third-Party Neutral: Creativity and Nonpartisanship in Lawyering," Temp. L. Rev. 72 (1999): 785.

36 Jimly Asshiddiqie, *Konstitusi dan konstitusionalisme Indonesia*.

this framework, Pancasila provides a normative basis for judges to produce decisions that reflect fairness, human rights protection, and public interest. Constitutional Court decisions that consider social justice and democratic values illustrate how Pancasila operates within judicial reasoning.[37]

Doctrinally, the relationship between Pancasila and the Constitution reflects an integration of legal norms and ideological values. Pancasila functions not only as a symbolic foundation but also as a material source of law in interpretation and adjudication. This creates a normative structure in which every constitutional decision should reflect the fundamental values of the state. Consequently, constitutional adjudication in Indonesia combines legal analysis with value based reasoning, distinguishing it from purely positivistic systems.[38]

However, a major challenge lies in ensuring consistency in the application of Pancasila within judicial decisions. Not all Constitutional Court rulings explicitly reference Pancasila as a legal basis. This creates potential inconsistency in constitutional interpretation. Differences in judicial reasoning and interpretative approaches may also affect how Pancasila values are articulated in decisions. These conditions indicate that the operationalization of Pancasila as a normative framework still requires methodological strengthening.

From a theoretical standpoint, this issue reflects a gap between normative construction and judicial practice. Normatively, Pancasila holds a strong and central position in the legal system. In practice, however, its application often depends on the interpretative discretion of judges. This highlights the need for a more systematic interpretative framework that integrates Pancasila into constitutional reasoning in a consistent manner.[39]

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[37] Rahardjo, *Membedah hukum progresif*.

[38] Faisal A.; Purnama Wiratmadinata; Rani Eddy; Djalil, Husni, "Construction of legal paradigm of pancasila: A conceptual perspective," *J. Legal Ethical & Regul. Isses* 23 (2020): 1.

39 Ganda Surya Satya Johni Arifin Putra, "Actualization pancasila indonesia persepctive as legal reform law progressive," International Journal of Business, Economics and Law 8, no. 4 (2015): 170.

In conclusion, Pancasila plays a strategic role in constitutional adjudication as a normative bridge between legal rules and social values. The main legal issue is not the absence of a normative foundation but the challenge of consistently translating Pancasila values into judicial practice. A structured interpretative approach that integrates legal theory, legal principles, and Pancasila values is essential. Such an approach will strengthen the function of Pancasila as a living constitution within the Indonesian legal system.

c. *Development of the Living Constitution in Indonesia*

The development of the living constitution in Indonesia reflects a continuous interaction between constitutional norms and societal change. A constitution does not operate in isolation but evolves through interpretation, institutional practice, and public engagement. In Indonesia, this evolution is closely tied to the role of Pancasila as a foundational value system. Pancasila provides both stability and flexibility, allowing constitutional norms to adapt without losing their ideological basis. This dynamic process ensures that the Constitution remains relevant in addressing contemporary legal and political challenges. As a result, constitutional development becomes an ongoing and responsive process.[40]

A major turning point in the development of the living constitution occurred during the constitutional amendments of 1999–2002. These reforms transformed the structure of the state by strengthening democratic institutions, expanding human rights protections, and introducing judicial review through the Constitutional Court. These changes created a new framework for constitutional interpretation that requires flexibility and responsiveness. In this context, the living constitution approach becomes necessary to ensure that constitutional provisions can be effectively applied in practice. The amendments also opened space for broader interpretation based on

40 Junaedi Junaedi, "Pancasila As A Paradigm For The Development Of Legal Science," Edunity Kajian Ilmu Sosial dan Pendidikan 3, no. 3 (2024): 317–24.

values rather than rigid textualism. This shift marked the beginning of a more dynamic constitutional system in Indonesia.[41]

The role of the Constitutional Court is central in shaping the development of the living constitution. Through judicial review, the Court interprets constitutional provisions in response to concrete legal disputes. Each decision contributes to the evolving meaning of the Constitution. According to Jimly Asshiddiqie, the Court plays a strategic role not only in safeguarding constitutional norms but also in developing constitutional values. This function allows the Court to adapt legal interpretation to changing societal conditions. As a result, constitutional adjudication becomes a key driver of constitutional evolution.[42]

The development of the living constitution is also influenced by legislative and executive practices. Law making processes increasingly consider constitutional values such as justice, democracy, and human rights. Public policies reflect efforts to align governance with these principles, particularly in areas such as social welfare, economic regulation, and public service delivery. This indicates that constitutional development is not limited to judicial interpretation but also occurs through policy implementation. The interaction between legal norms and governance practices strengthens the practical relevance of the Constitution. It also ensures that constitutional values are realized in everyday governance.

Contemporary challenges further shape the evolution of the living constitution in Indonesia. Issues such as digital transformation, economic inequality, environmental protection, and democratic accountability require adaptive legal responses. A rigid constitutional approach would struggle to address these complex issues effectively. The living constitution framework allows institutions to interpret constitutional norms in ways that respond to these challenges. At the same time, Pancasila ensures that such interpretations remain grounded in fundamental values. This balance between adaptation and consistency is essential for sustainable constitutional development.

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41 Georg Vanberg, "Constitutional courts in comparative perspective: A theoretical assessment," Annual Review of Political Science 18, no. 1 (2015): 167–85.

42 Jimly Asshiddiqie, Konstitusi dan konstitusionalisme Indonesia.

However, the development of the living constitution also faces several challenges. One major issue is the potential inconsistency in constitutional interpretation across different institutions. Variations in legal reasoning may lead to uncertainty and weaken the coherence of the legal system. In addition, there is a risk of over expansive interpretation that may deviate from constitutional principles. These challenges highlight the need for a clear and systematic interpretative framework. Strengthening legal methodology and institutional coordination is essential to address these issues.[43]

From a normative perspective, the development of the living constitution in Indonesia requires a strong integration of Pancasila values into all aspects of constitutional practice. Mahfud MD emphasizes that constitutional development must remain aligned with the ideological foundation of the state. This alignment ensures that legal evolution does not undermine national identity. It also supports the legitimacy of constitutional institutions. By maintaining this connection, Indonesia can develop a constitutional system that is both adaptive and principled.

In conclusion, the development of the living constitution in Indonesia is shaped by judicial interpretation, legislative processes, and governance practices. Pancasila plays a central role in guiding this development by providing a stable yet flexible normative foundation. The interaction between legal norms and societal change allows the Constitution to evolve in a meaningful way. However, ensuring consistency and methodological clarity remains a key challenge. Strengthening the integration of Pancasila in constitutional interpretation will be crucial for the future of Indonesia's constitutional system.

C. Conclusion

Pancasila has been proven to function as a *living constitution* in Indonesian constitutional practice, as it not only serves as the philosophical foundation of the state but also operates as a dynamic normative framework in constitutional interpretation, institutional practice, and constitutional adjudication. The values of Pancasila are consistently used as a reference in interpreting the 1945 Constitution, particularly by the Constitutional Court in conducting substantive

[43] M Agus Santoso, "Perkembangan konstitusi di Indonesia," Yustisia 2, no. 3 (2013).

judicial review, ensuring that legal development remains aligned with the principles of justice, humanity, democracy, and social justice. Furthermore, the implementation of Pancasila in legislative processes and executive policies demonstrates that the Constitution is not merely normative but also operational in governance practice. However, challenges persist in the form of inconsistent interpretation and the absence of a standardized methodological framework for applying Pancasila in legal reasoning. Therefore, strengthening the integration of Pancasila values in constitutional interpretation and institutional practice is essential to ensure that the Indonesian constitutional system remains adaptive to social change while maintaining its ideological identity, thereby supporting the advancement of democracy, legal certainty, and the protection of constitutional rights in a sustainable manner.

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Ashfiya, N U R Atqiya, Muhamad Mustain Nasoha Ahmad, N U R Azizah Amy, Pangestuti Marta, Dan Salsabila Pramono Khairina. "Analisis Peran Pancasila dalam Pembentukan Norma Hukum Nasional." *AKTIVISME: JURNAL ILMU PENDIDIKAN, POLITIK DAN SOSIAL INDONESIA Учредители: Asosiasi Seni Desain dan Komunikasi Visual Indonesia* 2, no. 1 (2024): 23–31.

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