

Pancasila in Modern Indonesian Legal Reform: Addressing Current Cases and International Debates on Ideology and Law

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Abstract

Pancasila, the foundational ideology of Indonesia, remains a cornerstone of the nation's legal and political frameworks. However, the application of Pancasila in modern legal reform faces significant challenges, particularly in addressing contemporary legal cases and navigating international debates on ideology and law. This study examines the dynamic interplay between Pancasila's principles and Indonesia's legal reform efforts, focusing on their relevance to pressing domestic and global issues. The urgency of this research arises from the increasing tension between Indonesia's ideological commitments and

the pressures of globalization, human rights norms, and transnational legal principles. This research contributes novelty by analyzing specific case studies that highlight the complexities of integrating Pancasila within modern legal practices. It also addresses critiques from international actors who question Indonesia's adherence to global legal standards while maintaining ideological authenticity. Using a doctrinal and socio-legal approach, this study evaluates the role of Pancasila in shaping legal doctrines, court decisions, and legislative reforms in Indonesia. The findings reveal that while Pancasila provides a robust framework for addressing social justice and national unity, its interpretation and implementation often encounter inconsistencies and resistance. By critically engaging with international debates on ideology and law, this research offers practical insights for aligning Pancasila with evolving legal and societal demands. It serves as a valuable resource for policymakers, legal practitioners, and scholars in Indonesia and beyond, fostering a deeper understanding of the ideological foundations of legal reform.

Keywords *Pancasila, Legal Reform, Ideology, Globalization, Human Rights*

Introduction

Pancasila, as the foundational philosophical doctrine of Indonesia, stands as the cornerstone of the nation's political, social, and legal framework.¹ Rooted in the country's history and cultural diversity, Pancasila was enshrined in the 1945 Constitution of Indonesia as the guiding ideology of the nation. Its five principles—Belief in one God, a just and civilized humanity, the unity of Indonesia, democracy through

¹ Komalasari, Selvi, Dea Amelia, and Masduki Asbari. "Pancasila as a Legal Development Paradigm." *Journal of Information Systems and Management (JISMA)* 1, no. 6 (2022): 18-23; Setya, Kartika Winkar, Abdul Aziz Nasihuddin, and Izawati Wook. "Fulfilling Communal Rights through the Implementation of the Second Principle of Pancasila towards the Regulation on Agrarian Reform." *Volksgeist: Jurnal Ilmu Hukum dan Konstitusi* 7, no. 1 (2023): 89-102.

deliberation, and social justice—seek to harmonize Indonesia's pluralistic society and promote national unity. The role of Pancasila in the modern legal system of Indonesia, however, remains a topic of ongoing debate, particularly as the country grapples with global legal trends and challenges in its pursuit of democratic governance and human rights protections.² This paper aims to explore how Pancasila influences contemporary Indonesian legal reform, addressing current legal cases and the international discussions surrounding its role in the globalized legal landscape.

In the wake of Indonesia's democratic transition in the late 1990s, significant legal reforms were initiated to ensure that the nation's legal system could reflect modern democratic principles while respecting its foundational ideology. Pancasila, while deeply embedded in the nation's political philosophy, has faced challenges in application, especially in the context of legal pluralism and the demands of globalization. Scholars and policymakers have argued that while Pancasila has been a guiding force, its actualization in law and legal practice remains inconsistent. This discrepancy between ideal and practice creates a gap in understanding how Pancasila should be interpreted in the face of contemporary issues such as human rights, minority rights, and legal certainty in Indonesia.³

Furthermore, the growing influence of international law presents another dimension to the debate surrounding Pancasila. As Indonesia becomes increasingly integrated into the global legal community, international treaties and conventions challenge the supremacy of

² See Formichi, Chiara. "The Limits of Pancasila as a Framework for Pluralism." In *Religious Pluralism in Indonesia: Threats and Opportunities*. (New York: Cornell University, 2021), pp. 1-14; Suatmiati, Sri, and Edy Kastro. "Legal and institutional framework on counter-terrorism in Indonesia." *Jurnal Media Hukum* 27, no. 1 (2020): 68-78; Weatherbee, Donald E. *Indonesia: the Pancasila state*. Institute of Southeast Asian Studies, 1985.

³ Aswandi, Bobi, and Kholis Roisah. "Negara Hukum dan Demokrasi Pancasila dalam Kaitannya Dengan Hak Asasi Manusia (HAM)." *Jurnal Pembangunan Hukum Indonesia* 1, no. 1 (2019): 128-145; Fadhilah, Elsa Aulia, Dinie Anggraeni Dewi, and Yayang Fuji Furnamasari. "Hak Asasi Manusia dalam Ideologi Pancasila." *Jurnal Pendidikan Tambusai* 5, no. 3 (2021): 7811-7818; Triputra, Yuli Asmara. "Implementasi Nilai-Nilai HAM Global Ke Dalam Sistem Hukum Indonesia Yang Berlandaskan Pancasila." *Jurnal Hukum Ius Quia Iustum* 24, no. 2 (2017): 279-300.

national ideologies, including Pancasila. In particular, issues such as freedom of expression, gender equality, and the protection of indigenous rights often collide with traditional interpretations of Pancasila, leading to tension between Indonesia's obligations under international law and its constitutional principles. These conflicts highlight the need for a clearer framework to integrate Pancasila with international legal standards while maintaining its relevance in Indonesian legal practice.⁴

The discourse surrounding Pancasila and legal reform also intersects with a variety of contemporary legal cases, particularly those that involve human rights violations, freedom of speech, and the rights of religious minorities. For example, the cases related to the persecution of religious minorities in Indonesia, such as the Ahmadiyya community, showcase the complex interplay between Pancasila's principle of belief in one God and the legal protections guaranteed by Indonesia's constitution and international law. These cases reveal the contradictions in applying Pancasila as a basis for national unity while simultaneously allowing legal decisions that restrict individual freedoms. Such contradictions raise fundamental questions about the capacity of Pancasila to guide legal reform in a manner that respects both its ideological principles and the evolving demands of a modern legal system.

Moreover, the international community's evolving understanding of human rights has led to increasing pressure on Indonesia to reconcile its national legal system with broader global norms. International human rights law, often seen as in conflict with traditional interpretations of Pancasila, has sparked debates on whether the nation's commitment to international human rights standards can coexist with its foundational legal ideology. The role of Pancasila in addressing the complex issues of freedom, justice, and equality is further scrutinized in

⁴ See Najicha, F. Ulfatun, and Supto Hermawan. "Law in the globalization and its influence on economic development and environmental preservation based on Pancasila and the Indonesian constitution of 1945." *3rd International Conference on Globalization of Law and Local Wisdom (ICGLOW 2019)*. Atlantis Press, 2019; Arifin, Ridwan. "Human Rights Interpretation in the Dimension of Pancasila Ideology." *Law Research Review Quarterly* 2, no. 4 (2016): 641-656; Rasdi, Rasdi, et al. "Reformulation of the Criminal Justice System for Children in Conflict Based on Pancasila Justice." *Lex Scientia Law Review* 6, no. 2 (2022): 479-518.

the face of international critique, leading to a reassessment of how Indonesia balances national values with global expectations.

Another significant gap in the literature is the insufficient exploration of Pancasila's role in environmental law and its application to issues such as climate change and sustainable development. As Indonesia faces increasing environmental challenges, particularly related to deforestation and biodiversity loss, there is growing recognition that legal reforms must align with Pancasila's principle of social justice. However, there remains limited academic inquiry into how Pancasila can effectively inform the development of environmental laws that address these pressing concerns. Bridging this gap is crucial for ensuring that Pancasila continues to guide Indonesian legal reforms in a way that addresses contemporary global challenges.

In addition, Pancasila remains an integral part of Indonesia's legal identity, yet its application in modern legal reform raises numerous questions and challenges. The tension between preserving its traditional values and responding to contemporary legal issues, both domestic and international, requires ongoing scholarly attention. This paper seeks to contribute to this discourse by analyzing key legal cases and international debates where Pancasila's principles intersect with modern legal dilemmas, proposing a framework for integrating these ideological elements into the evolving structure of Indonesian law. Through this analysis, the paper aims to offer insights into how Pancasila can both inform and be adapted in the context of legal reform, ensuring its continued relevance in an increasingly interconnected world.

Literature Review

The role of Pancasila in Indonesia's legal and political framework has been a subject of significant scholarly attention, with various studies examining its ideological relevance, challenges, and potential in the context of modern legal reform. One key work in this area is Iskandar's *The Pancasila Delusion*, which critiques the ideological use of Pancasila as a cohesive framework for addressing Indonesia's legal challenges.⁵ Iskandar argues that while Pancasila is meant to serve as the ultimate

⁵ Iskandar, Pranoto. "The Pancasila Delusion." *Journal of Contemporary Asia* 46, no. 4 (2016): 723-735.

guiding principle of Indonesian law and society, its application often falls short of its idealized vision, especially in light of contemporary political and legal issues. He points out that while Pancasila is instrumental in criminalizing ideological movements, there is a lack of consistent application, which undermines its foundational strength. This article underscores the persistent gap between the ideological aspirations of Pancasila and its practical legal implications, highlighting the need for a more coherent and holistic framework to guide Indonesia's legal reforms.

Similarly, Madung and Mere's work in *Constructing Modern Indonesia Based on Pancasila* engages with the ideological underpinnings of Pancasila and its application to human rights within the framework of Indonesian law.⁶ They explore how Pancasila intersects with positive law and its role in addressing the challenges of a modern secular society, which often limits the role of religion in governance. Their study argues that while Pancasila's principles offer a robust foundation for legal and political structure, they must be reinterpreted to align with contemporary norms, particularly in relation to international human rights standards. This critique reflects a broader concern in the literature about the tensions between Pancasila's traditional interpretations and the evolving demands of global legal frameworks.

In the context of criminal law reform, Hermanto's study on Indonesia's criminal law highlights the need for legal structures that reflect both national ideology and contemporary issues. He contends that Pancasila should be the central guiding principle in reshaping Indonesian criminal law, but questions remain about how effectively these principles can be applied in a modern legal system that incorporates both indigenous values and international legal norms. His work further complicates the discussion by noting that the presence of *adat* (customary) law in the criminal justice system presents additional challenges to the implementation of a uniform legal framework based on Pancasila.⁷

⁶ Madung, Otto Gusti Ndegong, and Winibaldus Stefanus Mere. "Constructing Modern Indonesia Based on Pancasila in Dialogue with the Political Concepts Underlying the Idea of Human Rights." *Journal of Southeast Asian Human Rights* 5, no. 1 (2021): 1-24.

⁷ Hermanto, Bagus. "Discover future prospect of Indonesia criminal law reform: Questioning adat criminal law existence, Material and Formal Legislation, and

The role of the Constitutional Court in safeguarding Pancasila's ideals within the legal system is addressed in Armia's study on Indonesia's constitutional courts and law reform.⁸ Armia emphasizes the Constitutional Court's role in protecting the values enshrined in Pancasila, particularly in cases related to constitutional interpretation and the protection of civil rights. This scholarly work contributes to the literature by analyzing how the Court balances Pancasila with constitutional principles, illustrating the challenges faced in reconciling national ideology with legal reform processes. However, like many other studies, Armia points to gaps in the Court's ability to fully integrate Pancasila's principles into its rulings, suggesting the need for greater clarity in the interpretation and application of Pancasila in judicial decision-making.

A notable contribution to the debate is Arizona's analysis of the use of Pancasila as a counter-rhetoric against the imposition of transnational Islamist ideologies.⁹ Arizona argues that Pancasila is increasingly being positioned as a defense against external ideological pressures, particularly those related to religious extremism. This perspective adds a geopolitical layer to the discussion of Pancasila, suggesting that its ideological role extends beyond national boundaries and engages with global political discourse. However, this work also highlights a key gap in the literature: the tension between protecting Pancasila as a state ideology and addressing global legal and human rights challenges that may conflict with certain interpretations of Pancasila.

In the realm of legal philosophy, Fitri addresses Pancasila as a legal science paradigm, discussing how it can guide the development of Indonesian law while remaining responsive to modern legal challenges.¹⁰ Fitri argues that Pancasila has the potential to be a comprehensive legal

Constitutional Court Decision Frameworks." *Paper was presented at International Seminar Udayana University and University of Melbourne*. Vol. 17. 2021.

⁸ Armia, Muhammad Siddiq. *Constitutional courts and law reform: a case study of Indonesia*. Diss. Anglia Ruskin Research Online (ARRO), 2023.

⁹ Arizona, Yance. "The Return of Pancasila: Political and Legal Rhetoric Against Transnational Islamist Imposition." *Constitutional Review* 5, no. 1 (2019): 164-193.

¹⁰ Fitri, Dini Amalia. "Pancasila as a Legal Science Paradigm." *International Journal of Law Reconstruction* 3, no. 2 (2019): 123-133.

framework, but its application requires a more nuanced understanding that incorporates both traditional and modern legal theories. This approach emphasizes the need for a dynamic interpretation of Pancasila to address contemporary legal dilemmas, such as the protection of individual rights and the enforcement of environmental laws, areas where the current legal system is often seen as inadequate.

Finally, the literature also includes critical perspectives, such as Hadiz's analysis of the failure of state ideology in Indonesia, which suggests that Pancasila has often been co-opted for political purposes, leading to its erosion as a unifying ideological force.¹¹ Hadiz's work underscores the challenges of implementing Pancasila as a true foundation for governance, particularly as Indonesia experiences ideological shifts toward religious nationalism and populism. This critique adds another layer to the ongoing debate about Pancasila's role in modern Indonesia, drawing attention to the ideological contestation that continues to shape the nation's legal and political landscape.

Furthermore, scholars continue to explore its potential as a guiding principle for law, politics, and society, yet there is a recognition that Pancasila must be reinterpreted to remain relevant in the face of contemporary challenges. Gaps in the literature persist, particularly regarding the integration of Pancasila into international legal frameworks, the role of the Constitutional Court, and the application of its principles in emerging legal fields such as environmental law. Further research is needed to address these gaps and develop a more coherent framework that balances national ideology with global legal standards.

Pancasila and Modern Legal Reforms in Indonesia

Pancasila, the official state philosophy of Indonesia, plays a crucial role in shaping the country's legal and political system. Its origins date back to the early days of Indonesia's independence movement, when founding father Sukarno proposed it as a set of five principles to unite

¹¹ Hadiz, Vedi R. "The failure of state ideology in Indonesia: the rise and demise of: Pancasila." In *Communitarian Politics in Asia*. (London: Routledge, 2004), pp. 162-175.

the diverse nation. These five principles — belief in the one and only God, just and civilized humanity, the unity of Indonesia, democracy guided by the inner wisdom of deliberations among representatives, and social justice for all — were designed to reconcile the myriad cultural, ethnic, and religious groups within the archipelago.¹² These ideals were adopted formally into the Indonesian Constitution in 1945, establishing Pancasila as the foundation for both state and law. Over the years, its meaning and application have evolved, reflecting Indonesia's efforts to maintain national unity while embracing modern legal principles and global ideals.¹³

The integration of Pancasila into Indonesia's legal framework is a significant aspect of its constitutional development. Article 1 of the 1945 Constitution of Indonesia explicitly states that Indonesia is a democratic republic, and Pancasila serves as the philosophical foundation of the state. The Indonesian constitutional structure is unique because Pancasila is not merely symbolic but deeply embedded

¹² Sari, Ratna, and Fatma Ulfatun Najicha. "Memahami Nilai-Nilai Pancasila Sebagai Dasar Negara dalam Kehidupan Masyarakat." *Harmony: Jurnal Pembelajaran IPS dan PKN* 7, no. 1 (2022): 53-58; Wardana, Dodi Jaya, et al. "Sosialisasi Pentingnya Nilai-Nilai Pancasila." *DedikasiMU: Journal of Community Service* 3, no. 1 (2021): 770-778. See also Kaelan, Kaelan. "Kesatuan Sila-sila Pancasila." *Jurnal Filsafat* 1, no. 1 (1996): 42-52. In addition, Kaelan explores the unity of the five principles that make up Indonesia's national ideology, Pancasila. He delves into how these five principles, which are: belief in one God, a just and civilized humanity, national unity, democracy, and social justice, are not isolated but interrelated and form a cohesive whole. Kaelan argues that understanding Pancasila as a unified system is crucial for its role in Indonesian society and politics. Kaelan discusses how these principles should not be viewed as standalone values but as a synergistic framework that provides a moral and political foundation for the nation. The article emphasizes the importance of maintaining the balance and integrity of these principles, especially in a multi-ethnic and pluralistic society like Indonesia, where diversity is prominent. Through philosophical analysis, Kaelan asserts that Pancasila's strength lies in its ability to unify various elements of Indonesian society by offering a shared set of values. He suggests that the implementation of Pancasila should prioritize the holistic integration of these principles into social and political life to ensure national cohesion and progress.

¹³ See also Asrori, Muhammad Abdul Roziq. "Integrasi nilai-nilai Pancasila dalam pendidikan karakter dan budaya bangsa yang berbasis pada lingkungan sekolah." *Jurnal Rontal Keilmuan Pancasila dan Kewarganegaraan* 2, no. 1 (2016).

in the legal fabric of the country.¹⁴ It acts as both a guiding principle for lawmakers and a standard for interpreting the Constitution. In this way, Pancasila has become a touchstone for legal decisions, ensuring that all laws and regulations are aligned with the foundational ideals of the state. Importantly, the constitutional Court of Indonesia often references Pancasila when reviewing cases, highlighting its continued relevance in the legal discourse.

As Indonesia moves through various phases of legal and political reform, the principles of Pancasila continue to shape modern legal developments. A prime example of this is the Omnibus Law, passed in 2020, which aimed to simplify regulations and boost economic growth. Critics of the law raised concerns that it could undermine labor rights, environmental protections, and indigenous land rights, but the government insisted that the law was designed to promote justice and economic equality, both of which are core tenets of Pancasila. By invoking Pancasila's commitment to social justice and human dignity, the government sought to justify the law's reforms. However, the law's controversial implementation revealed challenges in balancing these ideals with economic and political pressures, demonstrating that Pancasila's principles are sometimes subject to interpretation in contemporary legal and economic contexts.

Judicial reforms also provide an opportunity for analyzing how Pancasila influences modern legal processes. The principle of "*deliberative democracy*" embedded in Pancasila is particularly relevant to discussions around judicial review and the role of the judiciary in interpreting the Constitution. In several landmark cases, the Constitutional Court has relied on Pancasila to address conflicts between traditional practices and modern legal expectations. For example, in cases concerning religious freedom, the Court has referred to Pancasila's first principle — belief in the one and only God — to weigh the rights of minority religious groups against the majority's religious practices. In such cases, the Court has often tried to strike a balance, reaffirming Indonesia's commitment to religious pluralism

¹⁴ Rahayu, Derita Prapti. "Aktualisasi Pancasila sebagai landasan politik hukum Indonesia." *Yustisia* 4, no. 1 (2015): 190-202; De Gani, Firdaus Agitara, and Muammar Yury Gargarin Sembiring. "Mengenal Identitas dan Integrasi Nasional Indonesia." *Indigenous Knowledge* 1, no. 2 (2023): 166-178.

while recognizing the special place of Islam in the nation's cultural and historical context.¹⁵

Another area in which Pancasila's role is central is in the ongoing debates about environmental law and governance in Indonesia. Indonesia faces significant environmental challenges, including deforestation, climate change, and resource exploitation. Pancasila's emphasis on social justice and humanity aligns with growing calls for a legal framework that protects the environment and ensures sustainable development. In 2020, the Indonesian government introduced a new Environmental Protection and Management Law, which was hailed as a necessary reform to address pressing ecological issues. However, critics argued that the law did not go far enough in holding corporations accountable for environmental damage, leading to tensions between economic development and environmental protection. Pancasila's principles of social justice and humanity are invoked by environmental advocates to argue for stronger protections, while proponents of the law contend that the reforms balance the need for economic growth with environmental stewardship.¹⁶

¹⁵ Fatlolon, Constantinus. "Pancasila Democracy and the Play of the Good." *Filocracia* 3, no. 1 (2016): 70-92; Gumbira, Seno Wibowo, and Jamal Wiwoho. "The implication of the globalization on the Pancasila-based principles of local democracy in Indonesia." *Padjadjaran Journal of Law* 6, no. 2 (2019): 361-378; Nadir, Nadir, and Win Yuli Wardani. "Membangun Pendidikan Politik dalam Fatsun Demokrasi Pancasila dan Deliberative." *The Journal of Society and Media* 3, no. 1 (2019): 126-141.

¹⁶ Rianto, Agus. "Pengamalan/Aplikasi Nilai-Nilai Pancasila dalam Aspek Pengelolaan Lingkungan Hidup." *Jurnal Yustisia* 9, no. 6 (2006): 1-6; Yuwantika, Unfika. "Environmental Education as Part of Pancasila Moral Education." *Journal of Creativity Student* 3, no. 2 (2018): 157-178; Hasna, Salsabila. "Application and Practice of Pancasila in Environmental Preservation." *Jurnal Scientia Indonesia* 2, no. 1 (2016): 21-44; Khoirina, Nur Jannatul, Faqih Hakim Al-Majiid, and Keylie Alisah Great. "Pancasila character education for millennials in higher education: the future challenges for indonesia in global perspective." *Jurnal Panjar: Pengabdian Bidang Pembelajaran* 4, no. 1 (2022): 55-80. See also Arifin, R., R. Rodiyah, and R. Wulansarie. "Climate Justice in Indonesian Environmental Protection: Past, Present and Future Challenges." *IOP Conference Series: Earth and Environmental Science*. Vol. 1248. No. 1. IOP Publishing, 2023; Rohman, Agus Taufiqur, and Aminullah Ibrahim. "A Discourse of Islamic Law on Environmental Protection and Sustainability: How are religious values transferred into Indonesian Environmental Law?." *Indonesian Journal of Environmental Law and Sustainable*

Furthermore, Pancasila has played a key role in Indonesia's legal approach to issues surrounding democracy and human rights. The principle of democracy guided by the inner wisdom of deliberations among representatives has been central to the development of Indonesia's legal institutions and electoral system. In the post-authoritarian era, Indonesia has made significant strides in fostering a more open and democratic society. The legal framework reflects this transformation, with increasing emphasis on political rights, civil liberties, and the protection of marginalized communities. The Indonesian human rights framework, grounded in Pancasila, has been instrumental in ensuring that legal reforms align with democratic principles.¹⁷ However, challenges remain, especially regarding freedom of speech, and indigenous land rights, which have led to a complex dynamic where the interpretation of Pancasila must continue to adapt to evolving societal values.

Case studies from recent legal conflicts illustrate the tension between Pancasila's values and modern challenges. For example, debates over religious freedom have often brought Pancasila's second principle, just and civilized humanity, into question. The Indonesian legal system has sometimes struggled to reconcile religious freedom with the country's commitment to preserving national unity. In several high-profile cases, the courts have referenced Pancasila to find a balance between protecting minority religious rights and maintaining societal harmony. These rulings reflect the ongoing negotiation between Pancasila's commitment to human dignity and the political realities of maintaining a predominantly Muslim society that is also home to a range of other religious and ethnic groups.

Development 1, no. 2 (2022): 139-164; Arifin, R., R. Rodiyah, and R. Wulansarie. "Climate Justice in Indonesian Environmental Protection: Past, Present and Future Challenges." *IOP Conference Series: Earth and Environmental Science*. Vol. 1248. No. 1. IOP Publishing, 2023; Putro, Widodo Dwi, and Adriaan W. Bedner. "Ecological Sustainability from a Legal Philosophy Perspective." *Journal of Indonesian Legal Studies* 8, no. 2 (2023): 595-632.

¹⁷ Andiani, Tara Nadya, FX Hastowo Broto Laksito, and Jose Gama Santos. "Evidence from Indonesia on the legal policy confronting discrimination of minority groups based on race and ethnicity." *Wacana Hukum* 29, no. 2 (2023): 146-162; Eldridge, Philip. "Human Rights and Democracy in Indonesia and Malaysia: Emerging Contexts and Discourse." *Contemporary Southeast Asia* 18, no. 3 (1996): 298.

Moreover, in cases involving freedom of expression, Pancasila's role is significant. The Indonesian government has invoked Pancasila in both promoting free speech and regulating harmful speech, such as hate speech or defamation.¹⁸ The application of Pancasila in such cases demonstrates its capacity to serve as both a protector of individual freedoms and a tool for safeguarding national cohesion. The complexity of this balancing act becomes evident in high-profile cases involving political dissent or media freedom, where critics argue that the government sometimes uses the ideology of national unity to restrict freedoms. This tension underscores the challenges of applying Pancasila's democratic principles in a rapidly changing, interconnected world.

Pancasila remains a vital guiding force in Indonesian legal reforms, providing a foundation for balancing modern legal issues with the country's historical and cultural values. From economic development to human rights and environmental protection, Pancasila's principles are invoked to ensure that Indonesia's legal system remains aligned with its foundational values while addressing contemporary challenges. The application of Pancasila in legal cases, such as those concerning religious freedom, democracy, and environmental law, highlights the ongoing negotiation between tradition and reform. As Indonesia continues to evolve, Pancasila will likely remain a crucial instrument for guiding legal and societal development in ways that honor both national ideals and global legal standards.

¹⁸ Fernando, Zico Junius, et al. "The freedom of expression in Indonesia." *Cogent Social Sciences* 8, no. 1 (2022): 2103944; Melina, Cairin. "Freedom of expression in the era of democracy: Records of human rights enforcement." *Lex Scientia Law Review* 2, no. 2 (2018): 189-198. See also Zulaikha, Almira Novia. "Analysis of The Judge's Decision Regarding the Blasphemy's Cases." *The Digest: Journal of Jurisprudence and Legisprudence* 4, no. 2 (2023): 145-162; Yunus, Nur Rohim, and Annissa Rezki. "Government Preparation for Hoax Cases During the Covid-19 Pandemic to Preserve the Nation's Unity and Cohesion." *Jurnal Scientia Indonesia* 8, no. 1 (2022): 115-130.

The Role of Pancasila in Addressing Domestic and International Ideological Debates

Pancasila, as the foundational ideology of Indonesia, plays a significant role in mediating domestic ideological debates within the country. One of the primary tensions it addresses is the relationship between secularism and religion. Indonesia, as a majority Muslim nation with significant religious diversity, has historically grappled with how to balance Islamic values with the constitutional commitment to pluralism and democracy. Pancasila's first principle, "*Belief in the one and only God*," reflects the religious foundation of the state, but it is also inclusive of all faiths, ensuring that no single religion dominates the legal framework. This principle allows Indonesia to navigate the complexities of religious pluralism while maintaining national unity.¹⁹ Additionally, Pancasila's commitment to "Just and civilized humanity" and "*Democracy guided by the inner wisdom of deliberations among representatives*" offers a platform for engaging in ongoing dialogue between secular and religious factions, making it a vital tool in reconciling these ideologies.

Another key domestic debate addressed by Pancasila is the tension between nationalism and democracy. As Indonesia continues to develop politically and economically, questions about national identity, regional autonomy, and the role of the state in economic development often arise. Pancasila's fourth principle, which calls for democracy, is fundamental to addressing these issues, as it ensures that the voice of the people is heard and that the country remains responsive to its diverse population. However, this principle must also be balanced with Indonesia's national unity, encapsulated in the third principle, "*The unity of Indonesia*." The challenge lies in promoting a democratic system that accommodates regional diversity while fostering a sense of national cohesion. In this sense, Pancasila serves as both a guiding light and a

¹⁹ Mu'ti, Abdul, and Ahmad Najib Burhani. "The limits of religious freedom in Indonesia: with reference to the first pillar Ketuhanan Yang Maha Esa of Pancasila." *Indonesian Journal of Islam and Muslim Societies* 9, no. 1 (2019): 111-134; Azzahrah, Azka Aulia, and Dinie Anggraeni Dewi. "Toleransi pada warga negara di Indonesia berlandaskan sila Ketuhanan Yang Maha Esa." *De Cive: Jurnal Penelitian Pendidikan Pancasila dan Kewarganegaraan* 1, no. 6 (2021): 173-178.

moderating force, enabling the country to engage with these domestic ideological debates in a constructive and inclusive manner.

At the international level, Pancasila's influence on Indonesia's legal system shapes how the country engages with global legal norms. Indonesia's participation in international human rights frameworks is informed by Pancasila's principles, particularly those concerning justice, human dignity, and democracy. For instance, Indonesia's commitment to human rights is often discussed in terms of Pancasila's second principle, "*Just and civilized humanity*," which emphasizes the importance of respecting human dignity and the rights of individuals.²⁰ While Indonesia has made significant strides in aligning its legal system with international human rights law, there remains tension, particularly regarding issues like freedom of expression, the rights of minorities, and gender equality. Pancasila provides a framework for navigating these tensions, helping to balance Indonesia's adherence to international standards with its commitment to its own cultural and religious values.²¹

Similarly, in the realm of global environmental law, Pancasila's principles of social justice and humanity are pivotal in shaping Indonesia's approach to environmental issues. Indonesia has been at the forefront of debates about deforestation, climate change, and sustainable development, with its legal system often invoking Pancasila to justify environmental regulations. For example, Pancasila's commitment to social justice supports policies aimed at protecting vulnerable communities, such as indigenous peoples who rely on the land for their livelihoods.²² However, the country faces challenges in aligning its economic ambitions with global environmental norms, as seen in ongoing debates over logging practices and land use. Pancasila's

²⁰ Arifin, Ridwan, and Lilis Eka Lestari. "Penegakan dan Perlindungan Hak Asasi manusia di Indonesia dalam konteks implementasi sila kemanusiaan yang adil dan beradab." *Jurnal Komunikasi Hukum (JKH)* 5, no. 2 (2019): 12-25.

²¹ See also Priasih, Langgeng, Sindi Dwianjani, and Shilvy Apriliani. "Implementasi Sila Kemanusiaan Yang Adil Dan Beradab Dalam Konteks Hak Asasi Manusia." *Advances In Social Humanities Research* 1, no. 4 (2023): 331-336; Aristin, Rini. "Aktualisasi Sila Kemanusiaan Yang Adil dan Beradab di Era Reformasi." *Aspirasi: Jurnal Ilmiah Administrasi Negara* 1, no. 1 (2016): 27-36.

²² See Sutrisno, Endang, and Arief Prayitno. "Legal Essence of Pancasila as the Basis of The Reality of Indonesian Life: To Improve the Welfare of The Fishing Community." *Russian Law Journal* 11, no. 9S (2023): 290-296.

principle of "*Social justice for all*" can be a source of motivation for legal reforms that seek to protect both the environment and the rights of local communities while also promoting economic growth.

The tension between maintaining traditional values and adapting to modern challenges is one of the most significant challenges that Pancasila faces in the globalized legal landscape. While Pancasila offers a cohesive national ideology, it must also adapt to the pressures of globalization, where international legal norms often emphasize individual rights and liberal democratic values. Indonesia, as a growing global player, must balance the ideals of Pancasila with its commitments to international treaties and agreements. For example, in addressing issues like climate change, trade regulations, and human rights, Indonesia is often required to conform to global standards while ensuring that such conformance does not undermine its core values. Pancasila provides a framework for these negotiations, but the tension between tradition and modernity remains a key challenge in the country's legal and political processes.

In this context, a case study of Indonesia's engagement with the ASEAN Human Rights Declaration offers valuable insights. Indonesia, as a member of ASEAN, has been involved in shaping and interpreting the regional human rights framework, which sometimes conflicts with national laws and values. Pancasila, with its emphasis on human dignity and justice, provides a lens through which Indonesia navigates these regional human rights obligations. However, the implementation of international human rights standards within Indonesia often requires balancing the ideals of Pancasila with the realities of local norms, religious sensitivities, and political dynamics. While Indonesia has made significant strides in promoting human rights domestically, challenges persist in areas such as freedom of speech, gender equality, and the rights of religious minorities.²³

Another example of how Pancasila interacts with international debates is Indonesia's response to global climate change agreements. As one of the world's largest producers of palm oil, Indonesia has faced

²³ Akbar, Azhar Moeloek, et al. "Moral education and Pancasila in encouraging the prevention of intolerance in the era of globalization: Experiences of Indonesia and Malaysia." *Jurnal Panjar: Pengabdian Bidang Pembelajaran* 4, no. 2 (2022): 223-282.

significant criticism for its role in deforestation and environmental degradation. However, the country has also invoked Pancasila's principles to support policies that aim to balance economic development with environmental sustainability. Indonesia's legal response to climate change reflects an ongoing negotiation between adhering to global environmental norms and maintaining national sovereignty and economic interests. The integration of Pancasila in this context highlights the dynamic and complex role that domestic values play in shaping Indonesia's international legal posture.

Therefore, Pancasila continues to be a vital instrument in addressing both domestic and international ideological debates in Indonesia. Domestically, it plays a crucial role in reconciling national ideologies such as secularism versus religion, nationalism, and democracy, ensuring that Indonesia remains a cohesive and inclusive nation. Internationally, Pancasila influences Indonesia's interactions with global legal norms, particularly in areas like human rights and environmental law, where the country must balance national values with international expectations. The tension between traditional values and modern challenges underscores the complexity of applying Pancasila's principles in a rapidly changing, globalized world. However, through ongoing dialogue and legal adaptation, Pancasila continues to provide a framework for navigating these complex issues.²⁴

Conclusion

In conclusion, this paper has examined the role of Pancasila in shaping modern Indonesian legal reforms, particularly in addressing contemporary legal challenges and engaging with international debates on ideology and law. Pancasila, as the foundational philosophy of the Indonesian state, continues to serve as a guiding framework in the formulation and interpretation of laws that are responsive to both national needs and global developments. By exploring current legal

²⁴ See Rahman, Alip. "Nilai Pancasila kondisi dan implementasinya dalam masyarakat global." *Syntax Literate; Jurnal Ilmiah Indonesia* 3, no. 1 (2018): 34-48; Putri, Maharani Ardi, and Eko A. Meinarno. "Relevankah Pancasila dan globalisasi? Mengungkap hubungan pancasila dan identitas global." *Jurnal Ilmiah Pendidikan Pancasila dan Kewarganegaraan* 3, no. 1 (2018): 74-80.

cases, it is evident that Pancasila's principles offer a unique approach to balancing democratic values, human rights, and social justice within Indonesia's diverse society.

Furthermore, the paper has highlighted the dynamic tension between national legal reforms and international legal norms, underscoring the challenges Indonesia faces in harmonizing its traditional ideological principles with evolving global legal standards. Despite these challenges, Pancasila remains a vital ideological tool for promoting legal legitimacy and stability in Indonesia, reflecting the nation's aspirations for unity, justice, and equality.

As Indonesia continues to engage with both domestic legal reform and international legal discourse, the enduring relevance of Pancasila offers a pathway to navigating the complexities of modern governance. Future legal reforms should continue to ensure that Pancasila remains central to Indonesia's legal identity, fostering a just, inclusive, and globally aware legal system.

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