

# **Pancasila in the Context of Indonesian Legal Reform: A Critical Evaluation and International Debate**

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## **Abstract**

Pancasila, as Indonesia's foundational ideology, plays a central role in shaping the country's legal framework. However, its application in contemporary legal reform presents significant challenges amidst evolving societal dynamics and international legal debates. This study critically evaluates the incorporation of Pancasila within Indonesia's legal reform processes, emphasizing its relevance in addressing domestic and global tensions. The urgency of this research stems from growing critiques of Indonesia's legal alignment with international standards while preserving its ideological roots. Concurrently, the rise of globalization and pluralism demands an adaptive yet principled approach to Pancasila's integration into modern legal structures. This

research provides a novel perspective by analyzing specific legal cases and policy reforms where Pancasila principles have been contested or reinterpreted. Through a doctrinal and socio-legal analysis, the study examines the compatibility of Pancasila with contemporary global legal norms, including human rights, environmental law, and economic governance. Furthermore, it explores Indonesia's engagement in international debates on the role of ideology in law, offering insights into the challenges of balancing national identity with global expectations. The findings reveal that while Pancasila remains a unifying framework, its inconsistent application risks undermining its potential to guide inclusive and sustainable legal reforms. This study contributes to the broader discourse by proposing actionable recommendations for harmonizing Pancasila with international legal developments while safeguarding Indonesia's ideological integrity. It serves as a critical resource for scholars, policymakers, and practitioners navigating the intersection of ideology, law, and globalization.

**Keywords** *Pancasila, Indonesian Legal Reform, Ideology in Law, Globalization, International Legal Debates*

## Introduction

The legal framework of a nation plays a crucial role in shaping its governance, societal values, and national identity. In Indonesia, this framework is deeply intertwined with Pancasila, the state philosophy, which serves as the foundation of the country's legal and political systems.<sup>1</sup> Pancasila, comprising five principles—belief in one God, just and civilized humanity, the unity of Indonesia, democracy guided by the inner wisdom of consensus, and social justice for all—embodies the

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<sup>1</sup> Ismayawati, Any. "Pancasila sebagai Dasar Pembangunan Hukum di Indonesia." *YUDISIA: Jurnal Pemikiran Hukum dan Hukum Islam* 8, no. 1 (2018): 53-74; Pinasang, Dani. "Falsafah Pancasila Sebagai Norma Dasar (Grundnorm) dalam Rangka Pengembangan Sistem Hukum Nasional." *Jurnal Hukum UNSRAT* 20, no. 3 (2012): 1-10.

core values that inform Indonesian law and governance.<sup>2</sup> However, as Indonesia experiences rapid legal reform to meet the challenges of a globalized and modernized world, the role of Pancasila in shaping the nation's legal landscape has come under critical examination.<sup>3</sup> This paper seeks to explore how Pancasila influences contemporary Indonesian legal reform while evaluating its relevance and effectiveness in the context of global legal debates.

Over the past few decades, Indonesia has undergone significant political and legal transformations, particularly following the fall of the New Order regime in 1998. The shift toward democracy brought about a renewed focus on legal reform aimed at addressing human rights, corruption, and justice system weaknesses. Pancasila, as the guiding philosophy of the state, continues to serve as a reference point in the reform process, but its application has been the subject of considerable debate.<sup>4</sup> Advocates for Pancasila argue that it is a timeless and adaptable framework that ensures social harmony, justice, and unity in Indonesia's diverse society. Critics, however, contend that Pancasila's influence on

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<sup>2</sup> See Hidayat, Arief. "Revitalisasi Ideologi Pancasila dalam Aras Global Perspektif Negara Hukum: Sebuah Pandangan Indonesia Terkini." *Seminar Nasional Hukum Universitas Negeri Semarang*. Vol. 2. No. 1. 2016; Prasetyo, Teguh. "Membangun Hukum Nasional Berdasarkan Pancasila." *Jurnal Hukum dan Peradilan* 3, no. 3 (2014): 213-222.

<sup>3</sup> Fadilah, Nurul. "Tantangan dan penguatan ideologi Pancasila dalam menghadapi era revolusi industri 4.0." *Journal of Digital Education, Communication, and Arts (DECA)* 2, no. 2 (2019): 66-78; Muslimin, Husein. "Tantangan terhadap pancasila sebagai ideologi dan dasar negara pasca reformasi." *Jurnal Cakrawala Hukum* 7, no. 1 (2016): 30-38; Mukaromah, Siti Afifatul, Ari Gusmawan, and Jeremiah Munandar. "The Lunge of Global Ideologies: The Challenges of Pancasila Ideology Education in the Middle of Global Existence in the Era of Globalization." *Jurnal Panjar: Pengabdian Bidang Pembelajaran* 4, no. 1 (2022): 1-30.

<sup>4</sup> Bolo, Andreas Doweng. "Demokrasi di Indonesia: Pancasila sebagai kontekstualisasi demokrasi." *Melintas* 34, no. 2 (2018): 145-167; Wahyudi, Agus. "Ideologi Pancasila: Doktrin yang Komprehensif atau Konsepsi Politis?." *Jurnal Filsafat* 16, no. 1 (2006): 94-115; Budi, Mohammad Wahyu Adji Setio. "Indonesian State System Based on Pancasila and the 1945 Constitution: A Contemporary Developments." *Indonesian Journal of Pancasila and Global Constitutionalism* 1, no. 1 (2022): 1-16; 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.

legal reform has been inconsistent and sometimes incompatible with international human rights norms and contemporary legal principles.

A key aspect of the debate surrounding Pancasila's role in legal reform is its tension with international law, particularly regarding human rights, freedom of expression, and the rule of law. Indonesia, as a member of the international community, is bound by various international treaties and agreements that shape its legal obligations.<sup>5</sup> In this context, Pancasila's principles, rooted in Indonesia's specific historical, cultural, and religious context, are often challenged by global standards.<sup>6</sup> This paper critically evaluates how Pancasila interacts with international legal norms and how it influences the domestic legal system in Indonesia. The tension between national identity and international obligations forms a central theme of this evaluation.

In addition to its interaction with international law, the role of Pancasila in Indonesia's legal reform also raises important questions about the relationship between law and culture. Indonesia's legal system is a complex amalgamation of civil law, customary law, Islamic law, and state philosophy, all of which are meant to reflect the nation's diverse cultural and religious heritage.<sup>7</sup> Pancasila plays a crucial role in maintaining national unity amidst this diversity. However, the modern legal landscape, shaped by global influences such as the global economy and international human rights discourse, has led to tensions between

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

<sup>6</sup> See Arifin, Ridwan. "Human Rights Interpretation in the Dimension of Pancasila Ideology." *Law Research Review Quarterly* 2, no. 4 (2016): 641-656; Purwadi, Hari, Adi Sulistiyono, and Adriana Grahani Firdausy. "Konsekuensi Transplantasi Hukum terhadap Pancasila sebagai Norma Dasar dan Hukum Lokal." *Yustisia* 4, no. 1 (2015): 73-88; Syarif, Syarif, and Suparno Suparno. "Legal Ideal of Pancasila on Legal Politic in the Formulation of Laws and Regulations." *Proceedings of the 1st International Conference on Law, Social Science, Economics, and Education, ICLSSEE 2021, March 6th 2021, Jakarta, Indonesia*. 2021.

<sup>7</sup> Mangesti, Yovita Arie. "Pancasila Value-Based Humanist Law in Order to Revitalize Ideology at the Global Level." *Law Research Review Quarterly* 2, no. 4 (2016): 567-584; Nolte, A. J. "The Indonesian Difference: Nationalism, Islam, and Pancasila Pluralism from State Formation to the Present." *The Palgrave Handbook of Religion and State Volume II: Global Perspectives*. (Cham: Springer International Publishing, 2023), pp. 323-346.

traditional values and contemporary legal practices. This paper will examine these tensions, assessing whether Pancasila can effectively bridge the gap between Indonesia's cultural uniqueness and the demands of international legal norms.

Furthermore, the foundational role of Pancasila in Indonesia's legal framework has been widely acknowledged by scholars as the principal guiding philosophy for the nation's legal system. According to Kameo and Prasetyo<sup>8</sup>, Pancasila is seen not only as a set of moral and ethical values but as the ultimate source of law, deeply embedded in Indonesia's Constitution and serving as a benchmark for legal interpretation and reform. This understanding of Pancasila's role as the source of all laws aligns with Wiratmadinata et al.<sup>9</sup>, who argue that the philosophy provides a unique conceptual legal paradigm distinct from the Continental European and Anglo-Saxon models. The Pancasila framework integrates principles of justice, democracy, and unity, forming the bedrock of legal reform and contributing to the governance of a pluralistic society.

One significant area of legal reform tied to Pancasila is its incorporation into civic education, as highlighted by Prakoso et al.<sup>10</sup> The idea is that embedding Pancasila's values in education could strengthen societal commitment to legal principles and the rule of law. This reform seeks to address the broader issue of legal consciousness and responsibility, fostering an ethically driven and law-abiding populace. The concept aligns with Hangabei et al.<sup>11</sup>, who stress the importance of instilling the religiosity inherent in Pancasila as a necessary component of Indonesia's legal identity. By focusing on these educational initiatives, Indonesian legal reform is framed within a larger effort to

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<sup>8</sup> Kameo, Jeferson, and Teguh Prasetyo. "Pancasila as the First and Foremost Source of Laws: A Dignified Justice Philosophy." *Journal of Legal, Ethical and Regulatory Issues* 24 (2021): 1-8.

<sup>9</sup> Rani, Faisal A., Eddy Purnama, and Husni Djalil. "Construction of Legal Paradigm of Pancasila: A Conceptual Perspective." *Journal of Legal, Ethical and Regulatory Issues* 23 (2020): 1-6.

<sup>10</sup> Prakoso, Prakoso, Fathur Rokhman, and Eko Handoyo. "Pancasila as a Foundation for Legal Reform: Evaluating the Impact of Civic Education on Indonesian Legal Systems." *Journal of Law and Legal Reform* 5, no. 3 (2024): 1429-1468.

<sup>11</sup> Hangabei, Sinung Mufti, et al. "The Ideology of Law: Embodying the Religiosity of Pancasila in Indonesia Legal Concepts." *Law Reform* 17, no. 1 (2021): 77-94.

ensure that citizens understand and apply the values of Pancasila in their daily lives, thereby promoting social harmony and justice.

The integration of Pancasila into legal reform also has implications for business law and economic development, with scholars like Asmah et al.<sup>12</sup> discussing the importance of aligning business practices with the principles of justice and social welfare. The Pancasila economy framework calls for a balanced approach to capitalism that safeguards equitable competition and reduces systemic inequality. Such economic policies, grounded in Pancasila, aim to ensure that Indonesia's rapid economic development does not sacrifice social justice. This sentiment is echoed by Sudrajat<sup>13</sup>, who examines how the harmonization of laws through the Constitutional Court has helped align regulations with the values of Pancasila, ensuring that economic laws reflect broader ethical principles.

A more pressing concern for Pancasila's role in Indonesian legal reform is its ability to address contemporary challenges such as corruption, inefficiency, and human rights violations. Scholars such as Najih<sup>14</sup> and Prakoso et al.<sup>15</sup> have pointed out that while Pancasila espouses values of justice and social welfare, the Indonesian legal system still grapples with deeply entrenched corruption and institutional inefficiencies. This issue has led to calls for a more effective implementation of Pancasila's ethical principles in curbing corruption and promoting a transparent justice system. Hangabei et al.<sup>16</sup> suggest that the legal system must evolve to better reflect Pancasila's commitment to fairness, advocating for reforms in criminal law to ensure a more just and transparent process. In this context, Pancasila's

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<sup>12</sup> Asmah, Asmah, et al. "Pancasila's Economic Existence in Business Development: The Efforts to Realize Justice in Business Law." *Jurnal IUS Kajian Hukum dan Keadilan* 11, no. 2 (2023): 265-280.

<sup>13</sup> Sudrajat, Tedi. "Harmonization of Regulation Based on Pancasila Values Through the Constitutional Court of Indonesia." *Constitutional Review* 4, no. 2 (2018): 301-325.

<sup>14</sup> Najih, Mokhammad. "Indonesian Penal Policy: Toward Indonesian Criminal Law Reform Based on Pancasila." *Journal of Indonesian Legal Studies* 3, no. 2 (2018): 149-174.

<sup>15</sup> Prakoso, et.al., "Pancasila as a Foundation for Legal Reform: Evaluating the Impact of Civic Education on Indonesian Legal Systems."

<sup>16</sup> Hangabei, et al. "The Ideology of Law: Embodying the Religiosity of Pancasila in Indonesia Legal Concepts."

role must be continually redefined to address the evolving nature of corruption and other systemic challenges within the justice system.

Further complicating Pancasila's application in legal reforms are ongoing issues of nationalism and cultural pluralism. As noted by Madung and Mere<sup>17</sup>, Indonesia's diverse population necessitates a careful balance between respecting cultural and religious differences and ensuring national unity. The principle of national unity in Pancasila remains a crucial tool in mitigating vertical and horizontal conflicts, but it must be applied carefully to avoid exacerbating tensions between ethnic and religious groups. The integration of Pancasila into legal reform, therefore, not only requires a commitment to justice but also a sensitive approach to maintaining Indonesia's unity amidst its diversity. This challenge is further underscored by the rise of legal positivism, which sometimes comes into conflict with the more flexible and moral philosophy of Pancasila, as discussed by Aldyan and Negi.<sup>18</sup> This tension calls for a reevaluation of legal practice that blends strict legal adherence with the pursuit of justice and social harmony.

Lastly, the incorporation of human rights principles remains a significant challenge for Pancasila's implementation in legal reforms. While Pancasila's emphasis on human dignity and social justice is central to its philosophy, scholars such as Sinaga et al.<sup>19</sup> argue that its application often falls short of global human rights standards. The evolving nature of international human rights norms has led to tensions between Indonesia's legal framework and international expectations, particularly in areas such as religious freedom and individual liberties. These tensions highlight the need for ongoing dialogue between national and international legal frameworks to ensure that Pancasila's values are not only preserved but also harmonized with global legal

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<sup>17</sup> Madung, Otto Gusti Ndegong. "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.

<sup>18</sup> Aldyan, Arsyad, and Abhishek Negi. "The model of law enforcement based on Pancasila justice." *Journal of Human Rights, Culture and Legal System* 2, no. 3 (2022): 178-190.

<sup>19</sup> Sinaga, Lestari Victoria, Zico Junius Fernando, and Jupenris Sidaauruk. "Kirpan Sikh in Indonesian Legal Context: An Analysis of Religious Freedom Protection and the Dynamics of Criminal Law Reform." *Journal of Southeast Asian Human Rights* 8, no. 1 (2024): 57-88.

standards. The challenge, therefore, is to ensure that Pancasila remains relevant and effective in addressing contemporary legal issues while maintaining its role as the cornerstone of Indonesia's legal identity.

Therefore, this paper will explore the practical implications of Pancasila in the day-to-day functioning of the Indonesian legal system. While Pancasila is enshrined in the Indonesian Constitution and serves as the foundation of the state, its application in legal practice is not always clear-cut. This ambiguity often results in conflicting interpretations of the principles, particularly in matters related to human rights, freedom of speech, and religious tolerance. The paper will provide an analysis of how legal practitioners, policymakers, and judges navigate these complexities in their work. By examining case law, legislative practices, and policy reforms, this study will offer insights into the ongoing challenges of aligning Pancasila with Indonesia's evolving legal landscape.

Finally, the paper aims to contribute to the broader international debate on the relationship between national legal philosophies and global legal standards. As Indonesia seeks to position itself as a major player in the global arena, the role of Pancasila in its legal reform process presents an opportunity for comparative analysis with other nations that have similarly unique state philosophies or legal traditions. This paper will compare Indonesia's experience with that of other countries in the Global South, analyzing how their legal reforms balance national identity with international legal obligations. Through this critical evaluation, the paper will offer recommendations on how Indonesia can better integrate Pancasila into its legal reforms while maintaining alignment with international legal norms.

## **Pancasila as the Foundation of Indonesia's Legal System**

Pancasila, as the foundational ideology of Indonesia, holds a central role in the country's legal system, deeply influencing the nation's constitutional and legal framework. Enshrined in the Preamble to the 1945 Constitution, Pancasila serves as the ultimate source of law, guiding both legislative processes and judicial practices. The five principles of Pancasila—belief in one God, humanitarianism, national



unity, democracy, and social justice—form the ethical and legal framework that defines Indonesia's legal identity. This integration of Pancasila into the legal system ensures that laws are not merely technical instruments but reflect the moral values and aspirations of the Indonesian people, such as justice, unity, and social welfare. Over the years, Indonesia has increasingly aligned its legal reforms with these values to address societal challenges, reinforcing Pancasila's role as the cornerstone of the legal order.<sup>20</sup>

The impact of Pancasila's five principles on Indonesia's legal system can be seen in various areas, particularly in the development of human rights, social justice, and democracy. For example, the principle of "*belief in one God*" underscores the importance of religious freedom in Indonesia's legal framework, which guarantees the rights of individuals to practice their religion without interference, as reflected in the 2006 Law on Religious Harmony. This principle also allows for the accommodation of Islamic law in certain areas, such as family law and Islamic finance, while maintaining the secular nature of the state. The "*humanitarianism*" principle, in turn, has influenced the development of laws promoting human dignity and equality. Indonesia's 1999 Law on Human Rights and its constitutional amendments provide strong protection for civil liberties, seeking to ensure the protection of citizens from discrimination and human rights abuses. Meanwhile, the principle of "*national unity*" is embedded in legal provisions that foster the accommodation of Indonesia's diverse ethnic and cultural groups, aiming to maintain national cohesion while respecting local customs and practices.<sup>21</sup>

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<sup>20</sup> Umar, Nasarudin. "Konsep Hukum Modern: Suatu Perspektif Keindonesiaan, Integrasi Sistem Hukum Agama dan Sistem Hukum Nasional." *Walisongo: Jurnal Penelitian Sosial Keagamaan* 22, no. 1 (2014): 157-180; Wibowo, Sugeng. "Integrasi Epistemologi Hukum Transendental Sebagai Paradigma Hukum Indonesia." *Legal Standing: Jurnal Ilmu Hukum* 1, no. 1 (2017): 61-88. *See also* Prawiranegara, Sjafruddin. "Pancasila as the sole foundation." *Indonesia* 38 (1984): 74-83.

<sup>21</sup> *See* Picard, Michel. "Introduction: 'Agama', 'adat', and Pancasila." In *The politics of religion in Indonesia*. (London: Routledge, 2011), pp. 1-20; Badrun, Badrun, et al. "Pancasila, Islam, and Harmonising Socio-Cultural Conflict in Indonesia." *Al-Jami'ah: Journal of Islamic Studies* 61, no. 1 (2023): 137-156.

Pancasila's role in shaping Indonesia's legal system extends beyond ethical principles to influence the governance of the state. The "democracy" principle, for example, has guided the establishment of the electoral system and political rights, ensuring that elections are conducted fairly and that the democratic process is accessible to all citizens. The country's commitment to democracy is reflected in the 2008 Law on General Elections, which allows for direct presidential elections and guarantees freedom of political participation. Similarly, the principle of "social justice" underpins a wide range of policies and legal reforms aimed at addressing poverty and inequality<sup>22</sup>, such as the 2003 Law on National Social Security System, which seeks to ensure equitable access to healthcare, education, and social services. These legal frameworks aim to create a society that upholds social welfare, reflecting the core values of Pancasila and providing a tangible expression of justice in Indonesia's legal practices.

The integration of Pancasila into Indonesia's legal system also requires balancing it with other sources of law, including Islamic law, customary law (*adat law*), and civil law. Islamic law has been incorporated into various legal areas, particularly in family law, where the Marriage Law of 1974 and the 1989 Religious Courts Law allow for

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<sup>22</sup> Furthermore, the problem of social justice in Indonesia stems from economic disparity, unequal access to education and healthcare, and legal inconsistencies. Wealth concentration in urban areas contrasts starkly with rural poverty, exacerbating inequality. Indigenous communities and marginalized groups often face discrimination, limiting their opportunities. Corruption and weak law enforcement further hinder justice, allowing elites to evade accountability while the poor struggle for legal protection. Labor rights violations, land disputes, and environmental injustices also highlight systemic issues. Addressing social justice requires stronger policies, equitable resource distribution, and inclusive governance to bridge the socio-economic gap and protect vulnerable populations. See Herawati, Yunie. "Konsep Keadilan Sosial dalam Bingkai Sila Kelima Pancasila (The Concept of Social Justice within the Fifth Principle Framework of Pancasila)." *Paradigma: Jurnal Masalah Sosial, Politik, dan Kebijakan* 18, no. 1 (2014); Apaut, Yosep Copertino, and Randy Vallentino Neonbeni. "Justice as A Law Sacrament: Measuring Justice in Pancasila Philosophy." *International Journal of Social Service and Research* 3, no. 4 (2023): 952-955; Rosidah, Zaidah Nur. "Coherence of the Rules of Sharia Against Pancasila." *Bestuur* 8, no. 1 (2020): 40-52; Rahayu, Derita Prapti. "Aktualisasi pancasila sebagai landasan politik hukum Indonesia." *Yustisia* 4, no. 1 (2015): 190-202.

the adjudication of cases based on Islamic principles, particularly for Muslim citizens. Additionally, the Indonesian Islamic banking system, regulated by the 2008 Law on Islamic Banking, exemplifies how Pancasila provides a framework for integrating religious principles into the broader legal structure without compromising Indonesia's secular identity. This approach ensures that Pancasila's principles of justice and social welfare align with the nation's religious values, enabling a legal system that accommodates Indonesia's Muslim majority while respecting the country's pluralistic foundation.<sup>23</sup>

Similarly, *adat law* remains an essential component of Indonesia's legal framework, especially in rural and indigenous communities. The legal recognition of *adat law* has been reinforced by Pancasila's emphasis on "*national unity*," allowing local customs to coexist within the broader legal system. The 2013 Law on Villages further acknowledges the role of *adat law* in local governance, providing space for indigenous communities to exercise their rights while maintaining the integrity of the national legal system. However, *adat law* is subject to the principle of Pancasila, ensuring that practices that violate fundamental human rights or national values do not go unchallenged. This balance enables Indonesia to maintain its pluralism while ensuring that all legal practices adhere to the universal principles of justice and social welfare espoused by Pancasila.

The relationship between Pancasila and Indonesia's civil law system, derived from the Dutch legal tradition, represents another area of complex interaction. Although the civil code remains a foundational component of Indonesian law, Pancasila's ethical principles serve as the guiding force for interpreting and applying the code. Legal reforms have sought to infuse civil law with Pancasila's values, particularly in areas of family law, business law, and human rights law. For example, the 2012 Law on Corporations emphasizes corporate social responsibility,

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<sup>23</sup> Hidayah, Sita. "The Politics of Religion the Invention of "Agama" in Indonesia." *Jurnal Kawistara* 2, no. 2 (2012). See also Raillon, François. "The return of Pancasila: secular vs. Islamic norms, another look at the struggle for state dominance in Indonesia." *The Politics of Religion in Indonesia*. (London: Routledge, 2011), pp. 92-113; Hefner, Robert W. "Introduction: Indonesia at the crossroads: imbrolios of religion, state, and society in an Asian Muslim nation." In *Routledge Handbook of Contemporary Indonesia*. (London: Routledge, 2018), pp. 3-30.

ensuring that businesses operate with a sense of moral obligation to society. Additionally, the ongoing reform of the Criminal Code, which aims to better reflect the nation's values of justice and humanity, demonstrates how Pancasila has shaped the evolution of civil law to better serve the needs of Indonesian society.

Pancasila's role as the ultimate source of law in Indonesia is integral to the development and operation of the country's legal system. By embedding Pancasila's five guiding principles into various aspects of Indonesian law, the country has been able to create a unique legal framework that balances its religious, cultural, and social diversity. Through this process, Pancasila continues to shape legal reforms aimed at advancing justice, democracy, and social welfare, while maintaining national unity and respect for Indonesia's pluralistic society. However, as Indonesia faces new challenges—such as globalization, human rights concerns, and economic inequality—it remains crucial for Pancasila to evolve alongside these issues to maintain its relevance in the ever-changing legal landscape.<sup>24</sup>

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<sup>24</sup> Indonesia's foundational ideology, Pancasila, has long served as a guiding framework for law, governance, and national unity. However, as the country faces new challenges, such as globalization, human rights concerns, and economic inequality, the relevance and application of Pancasila must evolve to address these pressing issues. Globalization has brought economic opportunities but also increased competition, digital transformation, and cultural shifts. Indonesia must navigate foreign influence while maintaining its sovereignty and national identity. Policies guided by Pancasila should balance economic openness with the protection of local industries, traditions, and values. Human rights concerns pose another challenge. As Indonesia seeks to uphold democratic principles, debates over freedom of speech, religious tolerance, and gender equality continue. While Pancasila emphasizes harmony and unity, legal interpretations must align with international human rights standards to protect all citizens fairly. Economic inequality remains a pressing issue despite rapid development. Wealth is concentrated in urban centers, while rural communities struggle with poverty and limited access to education and healthcare. The principle of social justice (*Keadilan Sosial*) in Pancasila must guide policies that promote equitable resource distribution and inclusive growth. For Pancasila to remain effective, its principles must be interpreted dynamically, ensuring justice, democracy, and national stability in an ever-changing legal landscape.

## Pancasila and Legal Reforms: Challenges and Opportunities

Pancasila, the foundational philosophical doctrine of Indonesia, plays a pivotal role in guiding the country's legal and political framework. Enshrined in the 1945 Constitution, Pancasila encapsulates five core principles—belief in one God, a just and civilized humanity, national unity, democracy guided by consensus, and social justice. While Pancasila serves as an ideal guiding framework, the practical challenges of implementing legal reforms within Indonesia's rapidly evolving political, social, and economic landscape have created notable tensions. These challenges are particularly evident in key areas such as anti-corruption measures, criminal law reforms, and the protection of human rights.

In addition, the central ethical and moral principles of Pancasila, particularly those emphasizing justice, humanity, and social welfare, are crucial in guiding Indonesia's legal reforms. However, the tension between these idealistic values and the practical constraints of a rapidly changing society presents challenges in their implementation. One of the primary challenges is the conflict between the moral aspirations embedded in Pancasila and the economic, political, and social pressures faced by the country's legal system.

### A. Anti-Corruption Reforms and Pancasila's Role

Corruption has been a persistent issue in Indonesia, undermining public trust in the government and hindering socioeconomic development. The legal reforms in the anti-corruption sector, particularly those spearheaded by the Corruption Eradication Commission (*Komisi Pemberantasan Korupsi*, KPK), have been an area where the influence of Pancasila's ethical principles is most evident. The moral principles of Pancasila advocate for justice and integrity, yet the implementation of these values within the legal and political spheres remains a significant challenge.<sup>25</sup>

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<sup>25</sup> See Nugroho, Andre Setyo. "Pancasila as a Source of Law in Enforcing Corruption in Indonesia." *Indonesian Journal of Pancasila and Global Constitutionalism* 2, no.

While Indonesia has made strides in prosecuting high-profile corruption cases, the legal framework still suffers from gaps that allow corruption to flourish, such as the lack of transparency, accountability, and an often weak judicial system. Political resistance, particularly from elites who benefit from the status quo, frequently obstructs significant reforms. Despite the introduction of more stringent anti-corruption laws and the establishment of bodies like KPK, the challenges of corruption persist due to these systemic issues. This dynamic underscores the tension between Pancasila's moral and ethical principles and the practical limitations imposed by entrenched power structures and political realities.<sup>26</sup>

## B. Criminal Law Reforms and Socio-Cultural Issues

Criminal law reforms in Indonesia are influenced by Pancasila's principle of justice and humanity, which emphasizes respect for human dignity. However, these reforms often clash with existing cultural norms, resulting in a fragmented approach to justice. For example, Indonesia's stringent laws regarding narcotics and its application of the death penalty for certain crimes are contentious, particularly in the international human rights context. The principle of human rights, integral to Pancasila's ethical foundation, clashes with the application of harsh criminal laws, resulting in debates over the balance between justice and human dignity.

Legal reforms in criminal law also face challenges in aligning with Pancasila's spirit of democracy and social justice. Indonesia's legal system has been criticized for its inconsistent application of laws,

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1 (2023): 103-138; Aninda, Catleya Azka. "Pancasila Values in the Study of Corruption Cases in Indonesia." *Jurnal Scientia Indonesia* 3, no. 1 (2017): 35-46; Wijayanti, Maggie Amaliza. "Prevention of Corruption Crimes Through Anti-Corruption Education and Pancasila Morals." *Journal of Creativity Student* 4, no. 1 (2019): 27-48.

<sup>26</sup> Salsabila, Adelia. "The Role of Pancasila to Eradicate the Crime of Corruption." *Journal of Creativity Student* 4, no. 1 (2019): 93-118; Hilsania, Safa Agrita. "Corruption, Corruptors, Indonesia, and Pancasila: Various Current Views." *Jurnal Scientia Indonesia* 4, no. 2 (2018): 121-144; Falah, Muchamad Fajrul. "Corruption and Human Rights in the Dimension of Pancasila Values." *Indonesian Journal of Pancasila and Global Constitutionalism* 2, no. 2 (2023).

particularly regarding marginalized groups, such as indigenous people and women. Furthermore, Indonesia's rapid modernization and urbanization have created new social challenges, including increasing crime rates and social inequality, which the existing legal system struggles to address effectively.

### C. Human Rights Protection and Pancasila's Universalism

Human rights have long been a contested issue in Indonesia, particularly in the context of political freedoms, freedom of expression, and minority rights. Pancasila enshrines a commitment to human dignity and social justice, but in practice, the protection of these rights has been uneven, and there have been instances where human rights violations remain unaddressed or inadequately remedied.

One notable case is the issue of the rights of the Papuan people, whose demands for greater autonomy and recognition have led to violent clashes with security forces. Despite Indonesia's commitment to human rights under Pancasila, there remains a gap between the nation's legal commitments and its implementation on the ground. The challenge here is not just legal but also political: the reluctance of the state to address regional grievances and the presence of vested interests, particularly in the resource-rich Papua region, hinder meaningful reforms in human rights.<sup>27</sup>

Additionally, Indonesia's criminalization of same-sex relations, particularly under the Criminal Code, demonstrates a conflict between Pancasila's universalistic principles of justice and the prevailing conservative cultural attitudes in certain segments of society. While Pancasila promotes justice and equality, the legal system remains slow to reform laws that would guarantee protection for LGBTQ+

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<sup>27</sup> See Rees, Susan, and Derrick Silove. "Speaking out about human rights and health in West Papua." *The Lancet* 370, no. 9588 (2007): 637-639; Hernawan, Budi. "Papua." *The Contemporary Pacific* 35, no. 1 (2023): 177-188; Zam, Moh Ali Zumi, and Didik Himmawan. "Manajemen Konflik Dalam Penyelesaian Kasus Papua." *Diplomasi: Jurnal Demokrasi, Pemerintahan dan Pemberdayaan Masyarakat* 1, no. 1 (2023): 1-10.

individuals, reflecting the tension between progressive moral values and entrenched social conservatism.<sup>28</sup>

## D. Case Studies of Legal Reforms: Successes and Failures

The establishment of the Corruption Eradication Commission (KPK) in 2003 was a critical milestone in Indonesia's fight against corruption, reflecting a significant application of Pancasila's principle of justice. The commission has been instrumental in prosecuting high-profile cases involving corrupt officials and in promoting transparency within the government. This alignment with Pancasila's moral values of integrity and fairness has made the KPK a symbol of hope for many Indonesians. However, the commission has faced substantial challenges that hinder its full potential. Political resistance, particularly from elites who are entrenched in the system of corruption, has been a significant obstacle. The KPK's independence has been threatened by proposed amendments aimed at weakening its powers, such as reducing its authority to conduct independent investigations and limiting its reach in prosecuting corruption at high levels. These political efforts reveal a stark contrast between the ethical principles embedded in Pancasila and the entrenched political interests that seek to preserve the status quo. As a result, while the KPK has had notable successes, its institutional fragility highlights the complexities of implementing Pancasila's ethical framework in the face of systemic political resistance.<sup>29</sup>

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<sup>28</sup> See Putri, Windy Virdinia, Gumilang Fuadi, and Muh Endrio Susila. "The Criminal Punishment of LGBTQ: A Comparative Study of Nigerian and Indonesian Laws." *Audito Comparative Law Journal (ACLJ)* 4, no. 3 (2023): 147-158. See also Din, Mohd, Ali Abubakar, and Azhari Yahya. "Punishments for Homosexuals in Indonesian Criminal Policy Perspective." *Kanun Jurnal Ilmu Hukum* 25, no. 2 (2023): 190-221; Polymenopoulou, Eleni. "LGBTI rights in Indonesia: A human rights perspective." *Asia-Pacific Journal on Human Rights and the Law* 19, no. 1 (2018): 27-44.

<sup>29</sup> See Wahyuningrum, Kartika Sasi, Hari Sutra Disemadi, and Nyoman Serikat Putra Jaya. "Independensi Komisi Pemberantasan Korupsi: Benarkah Ada?." *Refleksi Hukum: Jurnal Ilmu Hukum* 4, no. 2 (2020): 239-258; Mochtar, Zainal Arifin. "Independensi Komisi Pemberantasan Korupsi Pasca Undang-Undang Nomor 19 Tahun 2019." *Jurnal Konstitusi* 18, no. 2 (2021): 321-344; Parama, Jovial Falah, and Sholahuddin Al-Fatih. "Kajian Yuridis Ambivalensi Pergeseran Independensi Komisi Pemberantasan Korupsi (KPK) Ke dalam



Indonesia's continued use of the death penalty, particularly for drug-related offenses, remains one of the most controversial aspects of the country's criminal justice system. This issue brings to light the tension between Pancasila's moral commitment to human dignity and the state's legal framework. The government justifies the death penalty as a necessary deterrent against the growing threat of drug trafficking, a response rooted in public concerns about safety and national security. However, this policy has been heavily criticized by human rights organizations, both domestically and internationally, who argue that it violates the universal principles of justice and humanity promoted by Pancasila. The application of the death penalty, especially in cases involving foreign nationals, has drawn condemnation from the global community, emphasizing the discord between Indonesia's legal practices and its philosophical commitment to human rights. The use of capital punishment thus underscores the broader challenges in reconciling the government's legal decisions with the moral aspirations embedded in Pancasila's vision of a just and humane society.<sup>30</sup>

The case of Papua further exemplifies the failure to translate Pancasila's principles into meaningful action in certain regions. Papua has long been a flashpoint for tension between the central government and local independence movements, with the state justifying its military presence in the region as necessary to maintain national unity. However, this approach has resulted in numerous human rights violations, including arbitrary arrests, torture, and extrajudicial killings, raising serious questions about the government's commitment to Pancasila's values of justice and humanity. Despite the official stance that Pancasila

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Rumpun Lembaga Eksekutif." *Jurnal Komunitas Yustisia* 4, no. 1 (2021): 57-65; Susanto, Mei. "Hak angket DPR, KPK dan pemberantasan korupsi." *Integritas: Jurnal Antikorupsi* 4, no. 2 (2018): 99-127.

<sup>30</sup> See Purwanto, Agus. "Death penalty and human rights in Indonesia." *International Journal of Criminology and Sociology* 9 (2020): 1356-1362; Rifai, Eddy. "An analysis of the death penalty in Indonesia criminal law." *Sriwijaya Law Review* 1, no. 2 (2017): 190-199; Rusito, Rusito, and Kaboel Suwardi. "Development of death penalty in Indonesia in human rights perspective." *Ganesha Law Review* 1, no. 2 (2019): 38-54; Fajrin, Yaris Adhial, et al. "Death Penalty for Corruptors in Indonesian Human Rights Perspective." *Unnes Law Journal* 6, no. 2 (2020): 287-404. See also Gunawan, Ricky, and Raynov T. Pamintori. "The death penalty in Indonesia: Developments and prospects." In *Crime and Punishment in Indonesia*. (London: Routledge, 2020), pp. 276-308.

guides the nation's legal and political actions, the treatment of the Papuan people reflects a significant gap between the country's moral framework and its practical implementation. The military's heavy-handed tactics have only deepened the grievances of the Papuan people, undermining the legitimacy of the state's actions and highlighting the difficulty of achieving true social justice in regions where political, economic, and cultural factors create deep divides. This ongoing conflict in Papua illustrates how deeply rooted political and economic interests, coupled with limited legal reforms, continue to marginalize certain groups, preventing Pancasila from realizing its ideals of equality and human dignity in all parts of the nation.

These case studies—spanning anti-corruption measures, criminal law reforms, and human rights issues—underscore the ongoing tension between Pancasila's ethical principles and the realities of legal reform in Indonesia. While the country has made significant strides in areas such as anti-corruption, the challenges posed by entrenched political power and cultural resistance remain formidable. The complexities surrounding the death penalty and human rights violations in Papua highlight the persistent gaps between Indonesia's legal framework and its moral aspirations, suggesting that Pancasila, while a powerful philosophical guide, must be reconciled with the socio-political complexities of a diverse and evolving nation. To achieve meaningful legal reforms that align more closely with Pancasila's ideals, Indonesia must address these challenges by not only strengthening institutional frameworks but also fostering a more inclusive political environment that can balance the moral and ethical aspirations of Pancasila with the practical realities of governance.

## **Pancasila in the International Context: Balancing National Identity and Global Legal Standards**

Pancasila, as the state ideology of Indonesia, encapsulates the philosophical and moral framework that underpins the nation's legal system and governance. Established in 1945, Pancasila articulates five principles: belief in one God, a just and civilized humanity, national unity, democracy guided by inner wisdom, and social justice for all. While these principles serve as a unifying foundation within the

Indonesian context, they also present complex challenges in light of global legal standards, particularly concerning human rights, religious freedom, and democracy. This section will explore the conflicts and synergies between Pancasila's principles and international legal norms, with particular attention to how Indonesia's interaction with global legal frameworks, such as treaties, conventions, and human rights obligations, shapes its legal identity.

## A. Conflicts Between Pancasila and International Legal Norms

### 1. *Human Rights*

The relationship between Pancasila and international human rights law is multifaceted. The first principle of Pancasila—belief in one God—has been a subject of debate, especially in relation to the universal right to freedom of religion. Scholars like Tim Lindsey and Simon Butt have argued that while Pancasila guarantees religious freedom in principle, its emphasis on monotheism creates a restrictive framework that may be incompatible with international human rights norms, particularly those found in the International Covenant on Civil and Political Rights (ICCPR), which Indonesia has ratified. Article 18 of the ICCPR guarantees the right to freedom of thought, conscience, and religion, including the freedom to change one's religion.<sup>31</sup>

In practice, Indonesia has faced criticism for laws that are seen as discriminatory against religious minorities, particularly in areas where the application of Sharia law has been integrated into local governance. A notable example of such tension can be found in the case of Ahmadis in Indonesia. The Ahmadiyya community, whose beliefs are considered heretical by some Muslim groups, has faced persecution and violence, an issue that has drawn international condemnation. The Human

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<sup>31</sup> See Lindsey, Tim, and Simon Butt. "State power to restrict religious freedom: An overview of the legal framework." *Religion, law and intolerance in Indonesia* (2016): 19-41. Also see Lindsey, Tim. "Retreat from democracy?: The rise of Islam and the challenge for Indonesia." *Australian Foreign Affairs* 3 (2018): 69-92; Lindsey, Tim. "Minorities and discrimination in Indonesia: the legal framework." *Contentious Belonging: The Place of Minorities in Indonesia* (2019): 36-54; Lindsey, Tim, and Helen Pausacker. "Introduction: Religion, Law and Intolerance in Indonesia." *Religion, Law and Intolerance in Indonesia*. (London: Routledge, 2016), pp. 1-15.

Rights Committee, which monitors compliance with the ICCPR, has repeatedly raised concerns about Indonesia's treatment of religious minorities, highlighting a discrepancy between the nation's constitutional guarantees of religious freedom and the reality on the ground.<sup>32</sup>

## 2. *Religious Freedom*

Indonesia's adherence to Pancasila presents both challenges and opportunities regarding religious freedom. The country's second principle of a "*just and civilized humanity*" envisions a pluralistic society, but this is often challenged by the dominance of Islam as the state religion and the government's reluctance to fully embrace the protection of minority religious practices in line with international norms. International legal frameworks, such as the Universal Declaration of Human Rights (UDHR), advocate for the equal treatment of all religious beliefs, which includes the freedom to change one's religion or belief. In contrast, Indonesia's blasphemy laws, which penalize individuals for religious expressions deemed offensive to Islam, create friction with these global standards.

The case of Jemaah Ahmadiyah, the Indonesian branch of the Ahmadiyya movement, offers an illustration of these tensions. The Indonesian government, in line with Pancasila's emphasis on unity, has justified its actions against the Ahmadiyya as necessary to preserve national harmony. However, many international human rights experts, argue that Indonesia's actions contradict its international commitments under the International Covenant on Civil and Political Rights and the UDHR, particularly regarding the rights to freedom of belief and expression.<sup>33</sup>

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<sup>32</sup> See Irawan, Andi Muhammad, and Zifirdaus Adnan. "The Ahmadiyya, Blasphemy and Religious Freedom: The Institutional Discourse Analysis of Religious Discrimination in Indonesia." *Muslim World Journal of Human Rights* 18, no. 1 (2021): 79-102; Burhani, Ahmad Najib. "Fundamentalism and religious dissent: the LPPI's mission to eradicate the Ahmadiyya in Indonesia." *Indonesia and the Malay World* 44, no. 129 (2016): 145-164; Marshall, Paul. "The ambiguities of religious freedom in Indonesia." *The Review of Faith & International Affairs* 16, no. 1 (2018): 85-96.

<sup>33</sup> Azhar, Haris. "The Human Rights Struggle in Indonesia: International Advances, Domestic Deadlocks." *SUR-International Journal on Human Rights* 11, no. 20

### 3. *Democracy*

Pancasila's fourth principle advocates for democracy guided by "*inner wisdom in the unanimity arising out of deliberations among representatives*." While this form of democracy emphasizes consensus and deliberation, some scholars and critics suggest it may hinder political freedoms and the protection of minority rights. Robert Cribb and Merle C. Ricklefs suggest that while Indonesia has made significant strides in developing a democratic system, the consensus-based model embedded in Pancasila sometimes leads to compromises that undermine the democratic freedoms championed by international instruments like the ICCPR and the European Convention on Human Rights (ECHR).<sup>34</sup>

The Indonesian approach to democracy, though based on representative institutions, has been criticized for creating a political culture that limits dissent. The government's tendency to suppress opposition voices, particularly in the context of electoral politics and civil society, can sometimes be seen as incompatible with the international commitment to political pluralism and the free expression of political views. For instance, the 2017 Jakarta gubernatorial election, where political candidates were restricted in their expression of religious beliefs and political critiques, prompted discussions about the compatibility of Indonesia's political system with the universal principles of democratic governance.<sup>35</sup>

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(2014); Staples, Clara. "Freedom of Speech in Indonesian Press: International Human Rights Perspective." *Brawijaya Law Journal* 3, no. 1 (2016): 41-59; Nurhidayatulloh, Nurhidayatulloh, and Febrian Febrian. "ASEAN and European Human Rights Mechanisms, What Should be Improved?." *Padjadjaran Jurnal Ilmu Hukum (Journal of Law)* 6, no. 1 (2019): 151-167.

<sup>34</sup> See Cribb, Robert, and Colin Brown. "Modern Indonesia." *A History since 1945* (1995); Ricklefs, Merle C., G. Lloyd, and S. Smith. "Indonesian Views of the Future." *Indonesia Today: Challenges of History* (2001): 234-43.

<sup>35</sup> See Mujani, Saiful. "Religion and voting behavior: Evidence from the 2017 Jakarta Gubernatorial Election." *Al-Jami'ah: Journal of Islamic Studies* 58, no. 2 (2020): 419-450; Nugroho, Stefani. "Jakarta's 2017 gubernatorial election." *Education About Asia* 23, no. 1 (2018); Sumaktoyo, Nathanael Gratias. "Ethnic and religious sentiments in Indonesian politics: evidence from the 2017 Jakarta gubernatorial election." *Journal of East Asian Studies* 21, no. 1 (2021): 141-164.

## B. Synergies Between Pancasila and International Legal Norms

### 1. *Human Rights and Social Justice*

One of the notable strengths of Pancasila is its fifth principle: social justice for all. This principle aligns closely with international human rights law, particularly with respect to economic, social, and cultural rights. Experts such as David C. Korten have noted that Pancasila's commitment to social justice has fostered domestic policies that seek to address poverty, inequality, and access to education<sup>36</sup>, in line with the International Covenant on Economic, Social and Cultural Rights (ICESCR), which Indonesia ratified in 2006. Indonesia has used Pancasila as a framework to argue for comprehensive social policies aimed at reducing poverty and promoting equitable access to resources, aligning with the Sustainable Development Goals (SDGs) and global human rights standards.

A significant example of this synergy is Indonesia's ongoing efforts to combat poverty through initiatives such as the National Poverty Reduction Program. This program, which focuses on equitable access to education, healthcare, and job opportunities, reflects Pancasila's social justice principle and resonates with international commitments to social and economic rights.<sup>37</sup>

### 2. *Pluralism and Religious Tolerance*

Indonesia's commitment to pluralism, enshrined in Pancasila's second principle, offers a potential framework for aligning domestic policies with international human rights norms on religious freedom and tolerance. Despite challenges, Indonesia's constitution provides for freedom of religion, and the state has worked toward promoting

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<sup>36</sup> Korten, David C. "The management of social transformation." In *Democracy, bureaucracy, and the study of administration*. (London: Routledge, 2018), pp. 476-497.

<sup>37</sup> Balisacan, Arsenio M., Ernesto M. Pernia, and Abuzar Asra. "Revisiting growth and poverty reduction in Indonesia: what do subnational data show?." *Bulletin of Indonesian Economic Studies* 39, no. 3 (2003): 329-351. See also Suryahadi, Asep, Gracia Hadiwidjaja, and Sudarno Sumarto. "Economic growth and poverty reduction in Indonesia before and after the Asian financial crisis." *Bulletin of Indonesian Economic Studies* 48, no. 2 (2012): 209-227.

interfaith dialogue and religious harmony. Chandra Muzaffar, a noted scholar on Islamic thought, argues that Pancasila's pluralistic vision offers a potential pathway for reconciling Indonesia's diverse religious communities with the international legal standards of religious tolerance and non-discrimination.<sup>38</sup>

The Interfaith Dialogue initiatives promoted by the Indonesian government, especially following the 2005 Bali bombings, which involved international support for anti-terrorism and religious reconciliation efforts, demonstrate how Indonesia is attempting to align national values with global legal norms.<sup>39</sup> These initiatives are in line with the principles of the International Covenant on Civil and Political Rights (ICCPR), which calls for the protection of religious minorities and the freedom of individuals to practice their faith freely.

### ***3. Democratic Participation and International Norms***

Despite criticisms, Indonesia's political system, based on Pancasila's principles, shows clear synergies with international norms of democratic participation. Indonesia has, in many ways, aligned itself with global standards by holding regular, multi-party elections and ensuring political pluralism within the constraints of its unique political system. As Marcus Mietzner argues, Indonesia's post-1998 democratic transformation, which saw the fall of President Suharto's authoritarian regime, marked a significant alignment with international principles of democracy and the rule of law.<sup>40</sup>

Indonesia's participation in the United Nations (UN) and its ratification of core human rights treaties illustrate its commitment to fostering democratic principles, including freedom of expression, assembly, and political participation, as defined under the UDHR.

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<sup>38</sup> Muzaffar, Chandra. *Rights, Religion and Reform: Enhancing human dignity through spiritual and moral transformation*. (London: Routledge, 2014).

<sup>39</sup> Harsawaskita, Adrianus, and Evan A. Laksmana. "Rethinking terrorism in Indonesia: lessons from the 2002 Bali Bombing." *Revista UNISCI* 15 (2007): 63-85; Lewis, Jeff. "Paradise defiled: The Bali bombings and the terror of national identity." *European Journal of Cultural Studies* 9, no. 2 (2006): 223-242.

<sup>40</sup> Mietzner, Marcus. *Military politics, Islam, and the state in Indonesia: from turbulent transition to democratic consolidation*. (Singapore: Institute of Southeast Asian Studies, 2009). See also Mietzner, Marcus. *Money, power, and ideology: Political parties in post-authoritarian Indonesia*. (Singapore: NUS Press, 2013).

Despite challenges, such as the suppression of certain political dissent in recent years, Indonesia's legal reforms and its commitment to international human rights frameworks demonstrate the synergies between national principles and global standards.

### **C. The Role of Pancasila in Indonesia's Interaction with International Law**

Indonesia's engagement with international law, shaped by the ideals of Pancasila, is a complex process that seeks to balance national identity with global legal obligations. Indonesia's participation in international treaties and conventions, particularly those related to human rights, serves as a key indicator of its efforts to reconcile its domestic legal principles with global standards. Indonesia's membership in international organizations such as the UN and its ratification of the Convention on the Elimination of All Forms of Racial Discrimination (CERD) and the Convention on the Rights of the Child (CRC) reflect its commitment to upholding international human rights norms, though challenges remain in fully aligning domestic policies with these frameworks.

Indonesia has the opportunity to use Pancasila as a basis for promoting a unique form of international legal engagement. By emphasizing social justice, pluralism, and democratic participation, Indonesia can continue to align its policies with global human rights standards while preserving its cultural and national identity. Indonesia's active participation in the Association of Southeast Asian Nations (ASEAN) and other regional organizations offers an opportunity to shape regional norms that reflect both international standards and the values of Pancasila.

One of the primary challenges for Indonesia is maintaining a balance between its national identity, defined by Pancasila, and its international obligations, particularly in areas such as human rights, religious freedom, and democracy. While Indonesia has made significant strides in aligning its policies with global standards, tensions between domestic law and international legal frameworks, especially regarding freedom of religion and expression, continue to pose challenges. Indonesia's commitment to resolving these tensions will



determine its ability to maintain both its national legal identity and its active participation in the global legal community.

Therefore, Indonesia's complex interaction with international law, shaped by the principles of Pancasila, is both a challenge and an opportunity. By navigating conflicts and synergies between its national legal identity and global legal norms, Indonesia can contribute to global dialogues while safeguarding its distinct cultural and philosophical heritage. The ability to reconcile these principles will be key to Indonesia's continued development as a nation that respects human rights, fosters democratic participation, and protects religious freedom in a globalized legal context.

## Conclusion

In conclusion, Pancasila remains a cornerstone of Indonesia's national identity and legal system, providing a philosophical framework that shapes the country's approach to governance and law. Its emphasis on social justice, pluralism, and democracy aligns with international human rights standards, particularly in areas such as economic, social, and cultural rights. Indonesia's commitment to these principles is evident in its legal reforms aimed at reducing poverty, promoting education, and fostering religious tolerance. In this regard, Pancasila serves as both a guiding force and a tool for reconciling domestic policies with global human rights expectations.

However, the application of Pancasila in Indonesia's legal reform also presents significant challenges, particularly concerning issues of religious freedom, political expression, and human rights. The monotheistic foundation of Pancasila has been criticized for restricting religious liberties, especially in a pluralistic society, which at times conflicts with international norms that emphasize the freedom of belief and conscience. Additionally, Indonesia's democratic practices, though evolving, have been criticized for suppressing political opposition and limiting freedom of expression in ways that are inconsistent with global democratic principles. These tensions underscore the complexities of balancing Indonesia's cultural identity with its international obligations.

Ultimately, the future of Pancasila in Indonesian legal reform depends on its ability to adapt to both national and international legal

frameworks. Indonesia must navigate the delicate balance between preserving its unique identity and complying with global human rights standards. By fostering a legal system that respects both local values and international norms, Indonesia has the potential to continue playing a vital role in the global legal community while maintaining its national integrity and promoting human rights within its borders.

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