

Constitutional Reinforcement of the Integration of Indonesian and Islamic Values

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Abstract.

*The importance of reaffirming the fundamental values of Indonesian arises from the emergence of issues such as radicalism, terrorism, intolerance, ethnicity, religious, racial, and intergroup-related conflicts, social and economic inequality, poor law enforcement and justice system, and many other social problems. This situation is further exacerbated by additional social, political, legal, and constitutional challenges. In addressing these issues, strengthening the rule of law based on the protection of human rights remains an imperative. However, reinforcing the fundamental values of Indonesian is equally crucial. Indonesian fundamental values are deeply rooted in and derived from the national identity of its people. This article focuses on three research questions. How to put religion and its values in the Indonesian fundamental values? How do Indonesian fundamental values deal with current political and legal turbulence? How does the implementation of Indonesian fundamental value pluralism in the legal system? This article is based on doctrinal research involving secondary data. This study found that Pancasila as the foundation of the state constitutes a *modus vivendi* or noble consensus, or *mîtsâqon ghalîdzâ* in a religious sense, so Indonesian Muslims should accept Pancasila as *mîtsâqon ghalîdzâ*. The strength of the national bond also stems from the commitment to the implementation of a unitary national law that is rooted in Pancasila, which generates hierarchical laws based on the 1945 Constitution of the Republic of Indonesia. As the state ideology, Pancasila constitutes the primary source of all legal sources. There should be no law conflicting with the precepts of Pancasila.*

Keywords: *Indonesian values, Pancasila, Rule of law.*

INTRODUCTION

The recent situation in Indonesia, which has manifested a legal and political crisis, demonstrates a significant problem in interpreting Indonesian and Islamic values. The authors will begin by highlighting two crucial cases. HE (initial name), a



resident of Sukau Sub-district in the West Lampung Regency, a rural regency in Lampung Province, voted in the Indonesian 2024 general election.¹ Before election day, HE received a package of necessities and funds from the *Program Keluarga Harapan* (PKH/Family Hope Program) amounting to IDR 700,000 (seven hundred thousand Rupiah).² As HE received the package and funds, HE experienced a threat that HE would no longer receive any further necessities and financial aid if a particular candidate for president and vice-president failed the 2024 election. Many residents in the sub-district where HE was based shared a similar experience.³

Zarof Ricar, a former Supreme Court official, was charged as a case broker and bribe recipient.⁴ HE was responsible for linking those who were seeking to secure a case at the Supreme Court with judicial officers inside the Supreme Court, including judges and other officers. His way of executing such a corrupt act is similar to that of other judicial traffickers, as HE used his network within the Supreme Court institution to influence judicial proceedings by receiving bribes and gratification.⁵ Zarof was not the first official to do so. Over the past decade, Hasbi Hasan and Nurhadi have engaged in similar practices.⁶ Both of them used to be the Secretary of the Supreme Court.

The two cases illustrate the political and legal landscape of Indonesia these days. This turbulence, which is currently hitting Indonesian politics and law, should not be left unaddressed. This situation could, in the long term, lead this nearly seventy-nine-year-old Republic to collapse. The two cases represent a glimpse of many other issues that appear in the newspapers and television reports on a daily basis. In the political realm, for instance, in addition to the use of social assistance in elections, it is also reported that the police (“the brown party”) were mobilized to intimidate

¹ *Online Interview with HE*, April 24, 2024.

² Another story with the same narrative see Melynda Dwi Puspita, “Lima Bansos yang Digelontorkan Jokowi Menjelang Pemilihan Presiden,” *Tempo.co*, February 2, 2024, <https://www.tempo.co/ekonomi/lima-bansos-yang-digelontorkan-jokowi-menjelang-pemilihan-presiden-91358>.

³ See and compare to Edward Aspinall and Ward Berenschot, *Democracy for Sale: Pemilahan Umum, Klientelisme, dan Negara di Indonesia*, 1st ed., trans. Edisius Riyadi (Yayasan Pustaka Obor Indonesia, 2019).

⁴ Compared to Andrew Higgins and Inbar Levy, “What the Fair Minded Observer Really Thinks About Judicial Impartiality,” *Modern Law Review* 84, no. 4 (2021): 811–41, <https://doi.org/10.1111/1468-2230.12631>.

⁵ “‘Makelar Kasus di MA’ Zarof Ricar Divonis 16 Tahun Penjara – Siapa Zarof dan Bagaimana Kronologi Kasusnya?,” BBC News Indonesia, February 10, 2025, <https://www.bbc.com/indonesia/articles/cp82ek77yv7o>.

⁶ A data on poor rule of law index performance of Indonesia, see worldjusticeproject.org, *The World Justice Project Rule of Law Index® 2021* (World Justice Project, 2021), 221, <https://worldjusticeproject.org/sites/default/files/documents/WJP-INDEX-2021.pdf>.

voters to support a particular candidate, money politics were carried out, especially targeting religious leaders and *Pesantren* (Islamic School), and there were suspicions of the involvement of the election officials to favor a presidential candidate.⁷ In the legal realm, still remember the sexual abuse committed by one of the police chiefs in East Nusa Tenggara (NTT) against a child.⁸ There was also massive corruption involving the head of the South Jakarta District Court.⁹ At the grassroots level, a case of forced wearing of hijab for students of a vocational high school in Padang, West Sumatra, has added to the long list of intolerance issues that have arisen in schools.¹⁰ There are still many other political and legal cases and events that raise the question of whether this is the true face of Indonesian society.

Aiming for system and regulatory improvements is a key approach in addressing such political and legal turbulence. However, there are also fundamental values of nationhood in Indonesia that are supposed to be the foundation of the state philosophy and the citizens' social lives.¹¹ The foundation consists of genuine values derived from the true identity of the Indonesian and is defined in a consensus of values that constitute the fundamental values of the Indonesian. In addition to system and regulatory reforms, it is vital to reaffirm and reinforce these fundamental values so that they really become the foundation of Indonesian citizenship, the baseline of state policy, and the ethical standard for nationhood.

⁷ Pazit Ben-Nun Bloom et al., "Religion and Democratic Commitment: A Unifying Motivational Framework," *Political Psychology* 42, no. S1 (2021): 75–108, <https://doi.org/10.1111/pops.12730>.

⁸ Rumondang Naibaho, "Eks Kapolres Ngada Terbukti Lecehkan Anak hingga Berzina di Luar Pernikahan," *detiknews*, March 17, 2025, <https://news.detik.com/berita/d-7828274/eks-kapolres-ngada-terbukti-lecehkan-anak-hingga-berzina-di-luar-pernikahan>.

⁹ "Awal Terungkapnya Ketua PN Jaksel Jual Beli Vonis Korupsi Minyak Goreng," with Hammam Izzuddin and Hanin Marwah, *Tempo.co*, April 15, 2025, <https://www.tempo.co/hukum/awal-terungkapnya-ketua-pn-jaksel-jual-beli-vonis-korupsi-minyak-goreng-1231344>.

¹⁰ Jeka Kampai, "Eks Walkot Padang: Aturan Siswi Berjilbab Sudah 15 Tahun, Kok Baru Ribut?," *detiknews*, January 23, 2021, <https://news.detik.com/berita/d-5345873/eks-walkot-padang-aturan-siswi-berjilbab-sudah-15-tahun-kok-baru-ribut>; Rohidin et al., "Exclusive Policy in Guaranteeing Freedom of Religion and Belief: A Study on the Existence of Sharia-Based Local Regulations in Indonesia and Its Problems," *Cogent Social Sciences* 9, no. 1 (2023): 1–18, <https://doi.org/10.1080/23311886.2023.2202939>; Despan Heryansyah and Sahid Hadi, "Anomali Perlindungan Kebebasan Beragama dan Berkeyakinan di Mahkamah Agung," *Iustum: Jurnal Hukum Ins Quia Iustum* 31, no. 2 (2024): 434–60, <https://doi.org/10.20885/iustum.vol31.iss2.art9>; Chris Chaplin, "Salafi Islamic Piety as Civic Activism: Wahdah Islamiyah and Differentiated Citizenship in Indonesia," *Citizenship Studies* 22, no. 2 (2018): 208–23, <https://doi.org/10.1080/13621025.2018.1445488>.

¹¹ Compared to Emilian Mihailov, "Measuring Impartial Beneficence: A Kantian Perspective on the Oxford Utilitarianism Scale," *Review of Philosophy and Psychology* 14, no. 3 (2022): 989–1004, <https://doi.org/10.1007/s13164-021-00600-2>.

An essential and engaging aspect of Indonesian fundamental values of nationhood lies in the prominent status of religion in the country's national and social life. For a state with a deeply rooted historical and cultural background like Indonesia, it must be recognized that treating religion in such a way brings about a dilemma.¹² On the one hand, granting too much credence to religion could escalate inter- and intra-religious friction, which would further sharpen social segregation or lead the country into a so-called religion-based state.¹³ On the other hand, excluding and isolating religion from public discourse, or even opposing it, is, in fact, contrary to the protection, fulfillment, and respect of human rights.¹⁴ In the context of Indonesia, this signifies that becoming a religion-based or secular state would be contradictory to its deep-rooted historical and cultural background.¹⁵ Therefore, the path that has been taken so far, for at least up to the 79th year of the Republic of Indonesia, is to search for a moderate way or put the pendulum in a parallel position: neither heavily to the left nor in favor of the right. This moderate path was philosophically articulated in the first principle of *Pancasila*, *Ketuhanan Yang Maha Esa*, or 'Belief in Almighty God.'¹⁶

Considering the empirical reality and the need to reaffirm the Indonesian and Islamic values, as well as their connection to religious affairs, the authors are encouraged to provide a further analysis. The thesis statement formulated in this research is that the turbulence of political and legal issues that have occurred in Indonesia recently can be seen from the perspective of the weak integration of

¹² Thohir Luth et al., "Phylosophical and Constitutional Protection towards Religion in Indonesia," *Branwijaya Law Journal: Journal of Legal Studies* 3, no. 2 (2016): 151–75, <https://doi.org/10.21776/ub.blj.2016.003.02.04>; see also Nandang Sutrisno et al., "The Regulation of Defendant's Religious Identity in Court Decisions," *Bestuur* 10, no. 2 (2022): 85–104, <https://doi.org/10.20961/bestuur.v10i2.61409>.

¹³ M. Amin Abdullah, "Al-Ta'wīl al-ʿIlmī: Kearah Perubahan Paradigma Penafsiran Kitab Suci," *Al-Jami'ah: Journal of Islamic Studies* 39, no. 2 (2001): 359–91, <https://doi.org/10.14421/ajis.2001.392.359-391>; M. Amin Abdullah, *Islamic Studies Di Perguruan Tinggi: Pendekatan Integratif-Interkonektif*, 1st ed. (Pustaka Pelajar, 2006); compare with Yuval Noah Harari, *Homo Deus: Masa Depan Umat Manusia*, ed. Nunung Wiyati, trans. Yanto Musthofa (PT Pustaka Alvabet, 2018), 237–39.

¹⁴ Muhammad Mutawalli, "Implementasi Prinsip Konvensi Internasional Dalam Mengurai Pelanggaran HAM Di Indonesia," *Jurnal Arajang* 6, no. 1 (2023): 1–21, <https://doi.org/10.31605/arajang.v6i1.2829>; Paul M. Taylor, *Freedom of Religion: UN and European Human Rights Law and Practice*, 1st ed. (Cambridge University Press, 2005).

¹⁵ Abdul Jamil Wahab, *Manajemen Konflik Keagamaan: Analisis Latar Belakang Konflik Keagamaan Aktual*, 1st ed. (PT Elex Media Komputindo, 2014).

¹⁶ Al Khanif et al., eds., *Hak Asasi Manusia: Dialektika Universalisme Vs Relativisme di Indonesia*, 1st ed. (Penerbit & distribusi, LKiS, 2017); Tim Lindsey and Simon Butt, *Indonesian Law* (Oxford University Press, 2018).

Indonesian and Islamic values for public officials, both in the executive, legislative, and judicial sectors. The primary focus of this article consists of three main questions. How to put religion and its values in the Indonesian fundamental values? How do Indonesian fundamental values deal with current political and legal turbulence? How does the implementation of Indonesian fundamental value pluralism in the legal system?

METHODOLOGY

This article is rooted in doctrinal legal research.¹⁷ The authors did not solely focus on reviewing laws and regulations but also incorporated a philosophical aspect and Indonesian values. The authors did not put rules and regulations as the object of study, but emphasized the significance of Indonesian values as the foundation of the laws and regulations. The approach the author uses is a conceptual approach, where the author proposes the integration of Indonesian and Islamic values to answer various emerging republican issues. Secondary data is used, primarily generated from secondary legal materials. The collected data is presented in a series of ideas and analyzed to be descriptively presented in a qualitative method to strengthen and complement the authors' arguments.¹⁸

RESULT AND DISCUSSION

Relevance of Religion in Indonesian Fundamental Values

The Muslim community, especially in Indonesia, still frequently wonders about the religious-related theological foundations of the status of Islamic Shariah in the Indonesian constitutional system, which puts Pancasila as the primary source of all legal resources. Some Islamic legal principles address this concern with the main proposition that Pancasila is a *modus vivendi*, or noble agreement, which is often

¹⁷ Soetandyo Wignjosoebroto, *Hukum: Paradigma, Metode, dan Dinamika Masalahnya*, 1st ed. (Elsam: Lembaga Studi Dan Advokasi Masyarakat, 2002).

¹⁸ Mathew B. Miles and A. Michael Huberman, *Analisis Data Kualitatif: Buku Sumber tentang Metode Metode Baru*, trans. Tjetjep Rohendi Rohidi and Mulyarto (UI-Press, 2014).

referred to as *mîtsâqon ghalîdzâ* from the islamic perspective.¹⁹ This status is possible because the state ideology, which serves as the primary legal source, was concluded through an open deliberation, full of freedom, and mutual understanding. Therefore, Indonesian Muslims must acknowledge Pancasila as a *mîtsâqon ghalîdzâ*. Its theological reasons are traceable to the following arguments.

First, Muslims must worship Allah, as well as preach good and fight against evil (*amar makruf* and *nahi munkar*) to establish Islam as a blessing for all creations. “*Wa maa khalaqtul jinna wal insa illaa li ya’buduun*”²⁰ (And I did not create the jinn and mankind except to worship Me), “*Waltakun minkum ummatun yad’uuna ilal khairi ya’muruuna bil ma’ruuf wa yanhawna anil munkar*”²¹ (And let there be [arising] from you a group who calls to what is good, enjoins what is right, and forbids what is wrong), “*Wamaa arsalnaaka illaa rahmatan lil aalamien*.”²² (And We have not sent you except as a mercy to the worlds). Second, Muslims need a tool to fulfill their obligations. State and political power constitute tools to meet such obligations. Without state and political power, it is impossible to fulfill this obligation effectively. Thus, having an independent state becomes mandatory. The rationale rests on the proposition that the presence of a component that constitutes a prerequisite for the fulfillment of an obligation should also be mandatory, akin to the obligation to take ablution before prayer. The *ushul fiqh* rule says “*Maa laa yatimmul waajib illaa bihi fahuwa waajib*.”

Third, in the political context, the rule can be referred to as the opinion of al-Ghazali, who argued that the fight to establish religious teachings and to gain political power (*sulthaan*, state authority) is like a twin. Spiritual teachings are the foundation of the struggle, while *Sulthaan* serves as its guardian. Everything unguarded is doomed to failure. “*Addien wassulthaan taw’amaan, addienu ussun wassulthaanu haarisun, wa maa laa haarisa lahuu fahadamuhuu laazim*”.

¹⁹ Moh. Mahfud MD, “Kontribusi Nilai-Nilai Hukum Islam Pada Tataran Hukum Nasional,” General Lecture, General Lecture at IAIN Sultan Thaha Jambi, Jambi, November 24, 2015.

²⁰ The Qur’an, 51:56.

²¹ The Qur’an, 3:14.

²² The Qur’an, 21:107.

Fourth, to make the state of Indonesia a tool for fulfilling such an obligation, Indonesian Muslims fought for the foundation of an Islamic state, but the struggle was not entirely successful. The struggle of the Indonesian *Ummah* in the past had generated a noble agreement (*mîtsâqon ghalîdzâ*). In this regard, the rule “If you cannot fully acquire it, you should not leave it entirely behind” (*Maa laa yudraku kulluhu laa yutraku julluhu*) applies. If it is not possible to establish an Islamic-based country, then one should not leave the ground for struggle. The struggle can still be done through the best possible opportunities in line with the nation’s understanding.

Fifth, the rule “*Maa laa yudraku kulluhu laa yutraku julluhu*” in the context of Indonesia means that “If it is impossible to establish a country based on Islamic laws and principles formally, then one should not neglect the remaining opportunities to fight for the substantive values of Islamic laws, principles, and teachings as part of a substance contributable to national laws”. The rule for this is “*Al’ibrah fil Islaam bil jawhar laa bil madzhar*” (The leading standard in struggling for Islam is to fight for its substantive values, not the formalities and symbols).

Sixth, another rule that is commonly applied for ensuring that Islamic law does not rigidly refer to the written text but must be implemented in accordance with its original context/the purpose of sharia (*maqaashidus syar’ie*) is “*Laa yunkara taghayyurul ahkaam bitaghayyiril azmaan wal amkaan wal ‘awaa’id*” (It is undeniable that Islamic law can adapt to the changing times, places, and cultures). The current needs of Indonesian law, with its multicultural landscape, are obviously different from those of the past as well as those of other countries.

Indonesia’s founders have agreed on the state’s foundation following a long, deep, thoughtful, and respectful debate. In the Investigating Committee for Preparatory Work for Indonesia Independence (BPUPKI) and the Committee for the Preparation of Indonesian Independence (PPKI), the founding fathers deliberated whether Indonesia’s independence would be based on religion or nationalism. In the end, a *modus vivendi* (*mîtsâqon ghalîdzâ*) was reached, that the state would be founded on Pancasila with the religious-nation state formula. So did the Constituent Assembly that was established following the results of the 1955 elections.

The debate between the Islamic Nationalists and Secular Nationalists was so intense that President Soekarno eventually declared the Constituent Assembly deadlocked and threatened the security of the state. Thus, he dismantled the Assembly through a Presidential Decree on July 5, 1959. The Decree reinstated the 1945 Constitution (UUD 1945), which was enacted on August 18, 1945. Thus, the status of Pancasila as the fundamental values of the state was further solidified. An ideological debate continued after the issuance of the July 5, 1959, Presidential Decree. This continuation stemmed from the fact that there were still groups of people arguing that the Presidential Decree recognized the Jakarta Charter as an inseparable part of the 1945 Constitution, so that the formal implementation of Islamic sharia²³ for the Muslim community was still possible. However, such a view failed to be acknowledged by many others because the Decree did not apply the so-called *Mukaddimah* (Jakarta Charter) issued on June 22, 1945, but instead used the 1945 Constitution issued on August 18, 1945, with a revised Preamble based on the consensus of PPKI members. This debate was ended by Presidential Instruction No. 12 of 1968, which declared that the applicable Pancasila is the one contained in the Preamble of the August 18, 1945 Constitution.

A serious attempt to formalize Sharia, precisely Islamic law, had already been carried out, but, in the end, a compromise was reached to establish a Pancasila nation-state. In the Shariah perspective, such a political decision must be implemented consequently as a sort of *mîtsâqon ghalîdzâ* (noble agreement). It should not be violated. This is the reason for us to agree with the thoughtful statement of the *Rais 'Am* (General Leader) of Nahdlatul Ulama (1984-1998), KH Achmad Siddiq, who held the position that Pancasila and the Unitary State of the Republic of Indonesia are the foundation and final form of state for Indonesia. Indonesian Muslims do not need to question it further, but rather should implement it since it does not prevent Muslims from practicing their faith and practicing their religious teachings in accordance with Islamic sharia.

²³ Although their scopes are different, in this study, the term of "Islamic sharia" is used interchangeably with "Islamic law. see "Badrun et al., "Pancasila, Islam, and Harmonising Socio-Cultural Conflict in Indonesia," *Al-Jami'ah: Journal of Islamic Studies* 61, no. 1 (2023): 137–56, <https://doi.org/10.14421/ajis.2023.611.137-156>.

The idea of Belief in God Almighty brings a distinctive character to Indonesia. It is neither a secular state that separates religion from state affairs nor a religion-based state that puts a particular religion's teachings at the core of its organization. The nation-state of Indonesia is a country that recognizes the presence of God Almighty along with a just and civilized humanity. It is a nation-state that maintains the noble nature of society and upholds the aspirations of humanity as a creature of God, with all the rights and obligations.²⁴

In a more specific context, to translate Islamic religious values into national life, modern Muslim thinkers such as Fazlur Rahman²⁵ and later Abdullah Saeed²⁶ have always emphasized the importance of the ethico-legal dimension of the Qur'an. What is clear is that the Qur'an is not merely a book of law, nor is it a book of science, nor is it simply a guide to worship (rituals), but more importantly, it serves as a guide for human behavior in living life in this world, or ethics. The Qur'an teaches that three aspects are simultaneously needed as guides in national and state life: scriptural ethics derived from religious values and rational-critical ethics derived from the common sense and conscience of every human being. The relationship between the two is like the working pattern of a double axle in a car, where the car's engine will run powerfully, smoothly, and reach its destination safely if both axles function well under the control of the driver (the Holy Spirit), breathed by God. Both need to collaborate as strongly as possible to prevent the emergence of immoral, unethical, and insincere actions that are detrimental to society and the environment, health, economy, politics, social, cultural, religious, and so on.²⁷

²⁴ Despan Heryansyah, "Tanggung Jawab Pemuda Terhadap Masa Depan Pancasila," *Jurnal Hukum Ius Quia Iustum* 21, no. 4 (2014): 607–31, <https://doi.org/10.20885/iustum.vol21.iss4.art5>.

²⁵ Fazlur Rahman, *Islam and Modernity: Transformation of an Intellectual Tradition* (University of Chicago Press, 1984), 14.

²⁶ Abdullah Saeed, *Interpreting the Qur'ān: Towards a Contemporary Approach*, 1st ed. (Routledge, 2006), 126–44.

²⁷ M. Amin Abdullah, "Integritas Penegak Hukum Dan Hakim Dalam Perspektif Agama: Keteranyaman Etika Skriptural Dan Etika Rasional-Kritis," in *Bunga Rampai: Penegakan Dan Penguatan Integritas Peradilan* (Sekretariat Jenderal Komisi Yudisial Republik Indonesia, 2023), 25, https://www.komisiyudisial.go.id/storage/assets/uploads/files/kRsAoaLk_Buku%20BUNGA%20RAMPAI%202023.pdf.

Implementation of the Pancasila in Re-empowering Pluralism and Justice Values

The implementation of pluralism and justice values takes a critical spotlight in the development of contemporary Indonesia. Its importance concerns the emerging issues of radicalism, terrorism, intolerance, ethnic and racial-related violence, social and economic inequality, poor law enforcement and justice, and many other social issues. The review of the two fundamental values will begin with the function of ideology, given that studies on social history also concern the relevance of ideology for a country.

Contemplating the Future of Ideology

There are many issues that the state cannot address in accordance with the prescriptions given by its ideology. Thus, a question arises as to whether ideology is still necessary or at least worthwhile. This question has been debated for a long time. However, since the end of the U.S.-Soviet Cold War, the discussion has continued.²⁸ More than 50 years ago, Bell wrote 'The End of Ideology'²⁹, which later became an important subject of debate. According to Bell, ideology is losing its relevance for the future journey of humanity because an ideology-based comprehensive solution to humanity's problems is no longer acceptable. Ideology fails to provide a settlement because it oversimplifies issues, which traps it in the underlying ideas it discusses. Fukuyama supported Bell's argument. In the early 1990s, Fukuyama wrote 'The End of History'³⁰ by seeing the victory of US liberal capitalism over USSR Communism as the success of liberal capitalism theory over the idea of communism and socialism, which he considered outdated. Fukuyama assumes that every individual believes that Western-model Liberal Democracy, specifically Anglo-Saxon, is the only possible system for future life.

Regarding this notion, history is marked by three milestones: the end of the evolution of human ideology, the universalization of Western liberal democracy, and

²⁸ Moh. Mahfud MD, "Ideologi, Konstitusi, Dan Tata Hukum Kita," *Revitalisasi Ideologi Pancasila Dalam Arus Global Perspektif Negara Hukum* 2 (November 2016), <https://proceeding.unnes.ac.id/snh/issue/view/10>.

²⁹ Daniel Bell, *The End of Ideology: On the Exhaustion of Political Ideas in the Fifties: With "The Resumption of History in the New Century,"* 1st ed. (Harvard University Press, 2000).

³⁰ Francis Fukuyama, *The End of History and the Last Man*, 1st ed. (Hamish Hamilton, 1992).

the final form of government (liberal democracy). Fukuyama also argues that liberal democracy is the definitive form of government and, therefore, liberal democracy is the final point of the evolution of human ideology. However, Huntington challenged Bell and Fukuyama's endism through 'The Clash of Civilizations.'³¹ Strengthened by 'Tak Ada Jalan Keluar, Kesalahan-kesalahan Endisme,' (translation: No Way Out, The Errors of Endism)³², Huntington argued that the end of the Cold War did not mark the end of wars of ideology, diplomacy, economics, technology, and even military among various countries. Nor was it the end of the fight for dominance and influence. The end of the Cold War has brought issues that affect the state of global politics. Post-Cold War global politics has shifted to religious, ethnic, and international terrorism-related conflicts. Future wars will not necessarily be ones between countries but between cultures, and Islamic extremism will constitute the greatest threat to Western domination.

This article aims not to address or enter into the social and political history debate on ideology, as Bell, Fukuyama, and Huntington have put it. This article comes from a final and a priori perspective that for Indonesia, the ideology or ideological foundation of the state remains essential to maintain the country's existence. As such, this article focuses more on discussing the fundamental values of Pancasila that should be revitalized for Indonesia to achieve its constitutional goals. It is essential, as the current globalization era demands the revitalization of the state ideology. Experts argue that globalization, which is strongly driven by information technology, has four characteristics known as the global conscience, including the demands for democratization, protection of human rights, environmental preservation, and a free market economy. This global conscience requires us to revitalize the ideological foundation of the Indonesian "Pancasila."

³¹ Samuel P. Huntington, *The Clash of Civilizations and the Remaking of World Order*, 1st ed. (Penguin, 2014).

³² Samuel P. Huntington, "No Exit: The Errors of Endism," *The National Interest*, no. 17 (1989): 3–11, JSTOR, <http://www.jstor.org/stable/42896752>.

Unity in Diversity

The authors argue that state ideology remains essential for Indonesia. Its importance is rooted in the philosophy and history of the establishment of Pancasila as the state ideology. Pancasila contains genuine Indonesian values that must be applied as a pillar to lead Indonesia into the future. It is worth mentioning that Indonesia is an excellent laboratory for studying the process and facts of strong national integration.³³ With the marker '*Bhinneka Tunggal Ika*,' unity in diversity, Indonesia has managed to integrate a diverse and wide range of primordial bonds into a single national bond. Although the use of the term is less precise, some said that Indonesia has a *mukjizat*, or miracle, of Pancasila as a gift from God Almighty³⁴ that can integrate various diversity and wide primordial bonds so that a solid national foundation in Indonesia can be achieved through the idea of "unity in diversity". The unity in Indonesia's nation is remarkable.

The statement that Pancasila is an extraordinarily binding and unifying force for the nation is not an overstatement when it comes to the portrayal of Indonesia's diversity and plurality. On October 27, 2015, the author was invited to be a guest speaker in an interactive dialogue on democracy in Indonesia organized at the American University of Beirut, Lebanon.³⁵ At that time, the author argued that Indonesia had just become a nation-state since the mid-1940s.³⁶ However, Indonesia can be considered successful in managing various primordial diversities into one solid national bond. The Indonesian people are highly pluralistic, consisting of believers of major religions, races, tribes, regions, and languages. Indonesia's size is no less than that of 20 major European countries. According to the Ministry of Home Affairs in 2010, Indonesia's land area is

³³ Moh. Mahfud MD, "Merajut Tenun Kebangsaan Di Tengah Kemajemukan," International Symposium, Simposium Perhimpunan Pelajar Indonesia (PPI) Kawasan Timur Tengah & Afrika: "Revitalisasi Simpul Kebangsaan di Tengah Kemajemukan," Medina, Saudi Arabia, April 3, 2017, <https://www.scribd.com/document/593659805/3-Pak-Mahfud-Merajut-Tenun-Kebangsaan-di-Tengah-Kemajemukan>.

³⁴ The use of this term is inappropriate because, in terms of Islamic terminology, the term '*mukjizat*' is merely used to refer to extraordinary events that were granted only to Prophets. However, in popular understanding, '*mukjizat*' is commonly used in Indonesia to refer to a miracle. see Mohammad Imam Farisi, "Bhinneka Tunggal Ika [Unity in Diversity]: From Dynastic Policy to Classroom Practice," *JSSE: Journal of Social Science Education* 13, no. 1 (2014): 46–61, <https://doi.org/10.4119/JSSE-687>.

³⁵ Moh. Mahfud MD, "Democratic System of Indonesia in a Pluralistic Setting," Paper, Interactive Dialogue on Democracy in Indonesia, American University of Beirut, Beirut, Lebanon, October 28, 2015.

³⁶ On August 17, 1945. see MD, "Democratic System of Indonesia in a Pluralistic Setting."

about 1,910,931.32 km², and according to UNCLOS (1982)³⁷, Indonesia's sea area is about 3,544,743.9 km², which consists of 284,210.90 km² of territorial sea area, 2,981,211 km² of exclusive economic zone area, and 279,322 km² of 12-mile sea area. Indonesia has 17,504 islands³⁸, 1340 ethnic groups³⁹, and 726 local languages⁴⁰. It is truly remarkable. With such plurality, Indonesia can still maintain its integration firmly so that it continues to stand firmly to the present as an independent and sovereign country.

Of course, some minor incidents have inevitably occurred, but such incidents tend to be ordinary security issues that do not harm the strength of Indonesia's democratically managed pluralism. When a Special Envoy of US President Barack Obama to the Organization of Islamic Cooperation (OIC) countries, Rashad Hussain, visited the Constitutional Court in Jakarta, he asked about several incidents or abuses. He asked about the implementation of the constitutional guarantee in Indonesia on the freedom of religion and belief. The author answered that everything went well and was in compliance with the Constitution. Those incidents were ordinary security issues that were minor in scale and completely under control. It is something that cannot be entirely avoided due to the fact that Indonesia is a massive country.

One can imagine that the population of Indonesia reaches 247 million⁴¹, with a territory larger than 20 countries in Europe, consisting of tens of thousands of islands,

³⁷ United Nations Convention on the Law of the Sea, UNCLOS (1982), https://www.un.org/depts/los/convention_agreements/texts/unclos/unclos_e.pdf.

³⁸ *Identification of Islands and Standardization of Their Names*, UN Conference Working Paper E/CONF.105/115/CRP.115, with Geospatial Information Agency of Indonesia, 11th United Nations Conference on the Standardization of Geographical Names (United Nations, 2017), https://unstats.un.org/unsd/geoinfo/UNGEGN/docs/11th-uncsgn-docs/E_Conf.105_115_CRP.115_Agenda%209a%20Identification%20of%20Islands%20and%20Standardization%20of%20Their%20Names_BIG_Indonesia.pdf.

³⁹ In accordance with the census conducted by the Central Statistics Agency (BPS) in 2010. see Akhsan Na'im and Hendry Syaputra, *Kewarganegaraan, Suku Bangsa, Agama, Dan Bahasa Sehari-Hari Penduduk Indonesia: Hasil Sensus Penduduk 2010* (Badan Pusat Statistik, 2012), https://www.bps.go.id/id/publication/2012/05/23/55eca38b7fe0830834605b35/kewarganegaraan-suku-bangsa-agama-dan-bahasa-sehari-hari-penduduk-indonesia.html?utm_source=chatgpt.com.

⁴⁰ Hammam Riza, "Indigenous Languages of Indonesia: Creating Language Resources for Language Preservation," *Proceedings of the IJCNLP-08 Workshop on NLP for Less Privileged Languages*, Asian Federation of Natural Language Processing, January 2008, 113–16, <https://aclanthology.org/I08-3018/>.

⁴¹ Based on data from the Central Statistics Agency (BPS), in 2024 the population of Indonesia will be 281.6 million. see Badan Pusat Statistik Indonesia, "Jumlah Penduduk Menurut Kelompok Umur dan Jenis Kelamin, 2025 - Tabel Statistik," <https://www.bps.go.id/id/statistics->

and citizens living in a highly multicultural atmosphere and diverse primordial bonds.⁴² In countries with small territories and small numbers of people, there are cases involving inter-group conflicts. For example, there is the Northern Ireland issue in the UK and the Moro issue in the Philippines. Nations that share a common language and religion, such as the Arabic-speaking countries, are divided into at least 22 states. Learning about this from Jakarta, which has 22 embassies of Arabic-speaking neighboring countries. However, in Indonesia, pluralism and tolerance are well-developed in the democratic system adopted under its constitution.

Pluralism and Democracy Dilemma

One of the keys to maintaining a successful unity in diversity in Indonesia is the ability to construct pluralism within the democratic system or to construct democracy within the vast extent of plurality. It is not an easy task to do. Through 'The Integrative Revolution, Primordial Sentiments and Civil Politics in the New States,'⁴³ Geertz explained clearly that emerging nation-states adopting a democratic system were frequently at risk of failing to maintain the integrity or continuity of the state. In the name of democracy, certain primordial groups often take disintegrative steps and break the integrity of the nation. For example, certain primordial groups seek special autonomy and make efforts to separate themselves from their country to establish their respective states. In emerging countries, the practice of dual loyalty from various primordial bonds occurs relatively often. Aside from loyalty towards the state, communities in emerging nation-states generally share strong loyalties towards their primordial groups.

Primordial bonds also pose a dilemma of democracy and integration, which are difficult to reconcile in emerging nation-states, even though they are required concurrently. Emerging states with various primordial bonds are necessary to open the democratic net, as individuals and groups must be granted the opportunity to

table/3/WVc0MGeyMXBkVFUxY25KeE9HdDZkbTQzWkVkb1p6MDkjMyMwMDAw/jumlah-penduduk-menurut-kelompok-umur-dan-jenis-kelamin--ribu-jiwa-.html?year=2024.

⁴² Moh. Mahfud MD, "Menegaskan Kembali Identitas Dan Jatidiri Bangsa Indonesia Untuk Menegakkan Kedaulatan Dan Konsep Negara Bangsa," Conference Presentation, International Symposium of Persatuan Pelajar Indonesia (PPI) Sedunia, Cairo, Egypt, July 2016.

⁴³ Jason Leonard Finkle and Richard W. Gable, eds., *Political Development and Social Change*, 2nd ed. (Wiley, 1971).

express their aspirations and attitudes, and organize their interests in accordance with their political choices.⁴⁴ However, at the same time, the fulfillment of freedom-based political rights can pose a threat to the integrity of the state if politically contested groups are dissatisfied with the outcomes. In addition, primordial bond-based movements frequently engage in exploitation and political violence. Geertz argued that this occurs because of two different and conflicting motives that often cause instability. The first motive concerns the desire to be recognized as responsible agents whose desires and opinions matter. The second motive stems from the desire to foster an efficient and more dynamic state.

Therefore, the government is often required to take repressive or non-democratic measures to secure the continuity of the state and to maintain the integration of the nation and the existence of the state. The dilemma lies right this way. Democracy will open fair political channels and contests, but, at the same time, non-democratic measures are also necessary to maintain the integration of the nation, which is equally important. What is contradictory here is that democracy demands freedom for every individual and various groups of people. At the same time, integration sought restrictions on the people so that the nation-states did not disintegrate on account of freedom.

Geertz argued that nation-states come with primordial groups and their sentiments. Such a nature frequently sparks conflicts. Religion, race, ethnicity, regionalism, and language were the five primordial bonds that generally form the foundation of group ties within a nation-state.⁴⁵ Religious or sectarian conflicts, racial conflicts, ethnic conflicts, Central-Local conflicts, and language conflicts frequently shred nation-states. The birth of Pakistan, which pulled away from India due to primordial religious ties, can be referred to as an ever-present example that loyalty to primordial relations can lead to political disintegration or separation by establishing

⁴⁴ compared to Mutawalli, "Implementasi Prinsip Konvensi Internasional Dalam Mengurai Pelanggaran HAM Di Indonesia."

⁴⁵ compared to Wahab, *Manajemen Konflik Keagamaan: Analisis Latar Belakang Konflik Keagamaan Aktual*.

another state.⁴⁶ A similar example occurred with the birth of Bangladesh, which seceded from Pakistan due to primordial ties, including local, religious, and linguistic sentiments.⁴⁷

How does Indonesia manage its politics and governance in a massively pluralistic nation?⁴⁸ The following arguments address this question. First, Indonesia has succeeded in managing plurality through a democratic system because the unity of the Indonesian nation in diversity was built from the bottom up for hundreds of years and was not an imposition from the top. The unity grew and developed in an organic process. The life of fate and struggle to break away from colonialism has given birth to a sacred promise (*modus vivendi*) of all elements of the Indonesian nation, known as the 1928 Youth Pledge, which promoted the commitment to have only one country, one motherland, and one language, namely Indonesia.

Second, when the fight reached the top of success by liberating itself from colonialism and forming an independent state called Indonesia, all elements of the nation agreed to bind in unity over diversity through one foundational state ideology known as Pancasila. The philosophy used is “Bhinneka Tunggal Ika” (unity in diversity). The five precepts of Pancasila are (1) *Ketuhanan Yang Maha Esa* (Belief in Almighty God); (2) *Kemanusiaan yang Adil dan Beradab* (A Just and Civilized Humanity); (3) *Persatuan Indonesia* (The Unity of Indonesia); (4) *Kerakyatan yang Dipimpin oleh Hikmat Kebijaksanaan dalam Permusyawaratan/Perwakilan* (Democracy); and (5) *Keadilan Sosial bagi Seluruh Rakyat Indonesia* (Social Justice).⁴⁹

Third, the consensus on the willingness to unite in diversity is accompanied by an understanding (*resultant*) to organize a government under democracy (sovereignty

⁴⁶ Pakistan separated from India and declared its independence on August 14, 1947. Pakistan’s most prominent founders were Ali Jinnah. see Betty Miller Unterberger, “American Views of Mohammad Ali Jinnah and the Pakistan Liberation Movement,” *Diplomatic History* 5, no. 4 (1981): 313–36, <https://doi.org/10.1111/j.1467-7709.1981.tb00786.x>.

⁴⁷ Bangladesh was originally a part of Pakistan and is located in the eastern region dominated by West Pakistan. The most prominent founder of Bangladesh was Mujibur Rahman who declared the independence of Bangladesh on March 26, 1971. see Bangladesh Awami League, “Mujibnagar Government: First Milestone of ‘Bangladesh,’” April 16, 2025, <https://albd.org/articles/news/31116/>.

⁴⁸ Khanif et al., *Hak Asasi Manusia: Dialektika Universalisme Vs Relativisme di Indonesia*.

⁴⁹ The five principle of Pancasila are then incorporated in the Preamble of the 1945 Constitution which by law cannot be changed as it is above the Constitution. see Undang-Undang Dasar Negara Republik Indonesia (1945).

of the people) and *nomocracy* (sovereignty of the law). Thus, every citizen and community group with various primordial bonds can freely express their interests and channel their political aspirations. However, it has to be in accordance with democratically established laws and regulations.

Fourth, the understanding of unity in diversity, which is based on the democratic system and the Pancasila ideology, was written as the fundamental rule for the nation and state in the 1945 Constitution. The basic rules of the ideology and constitution were then closely guarded through further implementing laws and day-to-day state administration.

Pluralism dan Tolerance

Indonesia, whose characteristics are strongly plural, has committed and managed to safeguard its unity in diversity with a democratic government system.⁵⁰ Furthermore, the author elaborates on the ideas related to pluralism, the constitution, and democracy that were built in Indonesia.⁵¹

Pluralism is commonly understood as a framework for interaction where everyone or a group shows respect and tolerance for others.⁵² To put it differently, pluralism emphasizes respect for differences and diversity in society. Pluralism should not be a mere discourse but should be manifested in the behavior of life. Tolerance and mutual respect are crucial for pluralism. Madjid, an Indonesian Muslim scholar, defined pluralism with a beautiful sentence that is a genuine engagement of

⁵⁰ Eko Riyadi and Despan Heryansyah, eds., *Optimalisasi Peran FKUB: Menujudkan Indonesia Damai*, 1st ed. (PUSHAM UII, 2018).

⁵¹ Moh. Mahfud MD, "Pluralism Versus Intolerance: A Review Based on Indonesian Constitution and Law," Conference Presentation, Pluralism vs Intolerance: Implication for Democracy and Governance in Indonesia, Centre for Democratic Institutions, Department of Political and Social Change, Australian National University, Canberra, Australia, November 26, 2012.

⁵² Such a definition has been criticized, including by Diana L. Eck, Director of The Pluralism Project at Harvard University. According to Eck, pluralism is not just about tolerance. Furthermore, Eck said that tolerance arises from those who are in a strong position. Someone can tolerate many minority groups if he or she is powerful, but if he or she belongs to a minority group, what does tolerance mean? see Diana L Eck, "A New Religious America: Managing Religious Diversity in a Democracy - Challenges and Prospects for the 21st Century," paper presented at MAAS International Conference on Religious Pluralism in Democratic Societies, Kuala Lumpur, Malaysia, *Religious Pluralism in Democratic Societies*, MAAS: Malaysian Association for American Studies, August 20, 2002, <https://www.pcc.edu/illumination/wp-content/uploads/sites/54/2018/05/article-a-new-religious-america..pdf>.

diversities within the bounds of civility. In line with this definition, Wahid⁵³ describes pluralism as like seeing this country as a house with many rooms. There are different groups of entities in each room, not only based on religion but also on other factors. For the sake of the unity of the house, each inhabitant of the room must show mutual respect. It is not justifiable for one to claim superior rights over the ownership of the house. This is a simple analogy, but it is perfect for understanding pluralism.⁵⁴

In such a definition, pluralism becomes a convenient environment for diversity because diversity itself is inherent to humanity. Therefore, if there is resistance to pluralism, such a practice occurs because of a misunderstanding or misinterpretation of pluralism. The debate on the concept of religious pluralism can be put forward as an example. Pluralism is not a concept that relativizes or compromises the beliefs (aqidah) of various religions by, for example, saying that all religions are equally truthful. Religious pluralism in no way seeks to claim that all religions are the same. Respecting the beliefs or teachings of other religions does not equate to saying and understanding that all religions are the same. The differences in the religious teachings clearly demonstrate the differences between one religion and another. Each religion has its particular context, so all religions cannot be the same. In this case, pluralism requires active recognition and mutual respect for each religion.⁵⁵ One must respect other religions the same way he/she want his/her religion to be respected by others.⁵⁶

For pluralism to be present as an agent of national welfare, there are at least three universal values that must be implemented. They are freedom, justice, and

⁵³ A pluralist figure, even informally referred to by some groups in Indonesia as the Father of Indonesian Pluralism. He was also the former fourth president of the Republic of Indonesia. see Neng Nurya Safitri, "Gus Dur's Philosophical Approach to Pluralism: Insights for Social Harmony in Indonesia," *Islamic Thought Review* 2, no. 2 (2024): 129–39, <https://doi.org/10.30983/itr.v2i2.8790>.

⁵⁴ compared to Sunaryo, *Perihal Keadilan Kentamaan dan Dasar Hidup Bersama* (Penerbit Buku Kompas, 2021).

⁵⁵ Haedar Nashir, "Bottom Up-Sharia Formalization in Indonesia's Nation State," *Jurnal Studi Pemerintahan* 8, no. 3 (2017): 352–82, <https://doi.org/10.18196/jgp.2017.0052.352-382>.

⁵⁶ Al Makin, "Not a Religious State": A Study of Three Indonesian Religious Leaders on the Relation of State and Religion," *Indonesia and the Malay World* 46, no. 135 (2018): 95–116, <https://doi.org/10.1080/13639811.2017.1380279>.

deliberation.⁵⁷ Freedom is a prerequisite for pluralism. The institution of plurality requires not only the protection of the right to life but also the opportunity to express identity in the public sphere. In this case, the human rights of citizens must be guaranteed without exception. There should be no discrimination against anyone who expresses their opinions and aspirations to show their existence, as long as it is conducted responsibly.

Furthermore, to achieve justice, the majority-minority dichotomy must be removed. This dichotomy not only threatens justice but also leads to disintegration. Pluralism not only requires a willingness to recognize the right of other religious groups to exist but also implies a willingness to be equitable to other groups based on peace and mutual respect. Finally, deliberation demands a participative mindset and attitude. It is not only a social and practical matter to live together in a community, but it must also be a theological matter. Tolerance must be practiced wholeheartedly. To accept diversity is simply inadequate. What must also be strived for is to ensure that diversity leads to usefulness. Historically, pluralism has primarily been understood by some of the people in Indonesia as simply acknowledging the differences that exist without expressing a heartfelt attitude towards the differences.⁵⁸

Pluralism of Indonesian Values in Legal Order

Unity and Plurality of Laws

The unity in diversity remains in place when a strong legal system and enforcement protect it. Thus, our nationhood bond must be secured by an understanding of the application of a unified national law that stems from Pancasila, resulting in hierarchical laws that are subordinated to the 1945 Constitution of the Republic of Indonesia. As a state ideology, Pancasila is the primary source of all legal sources. There should be no law that opposes the values of Pancasila. Therefore, four guiding principles are used as a benchmark in Indonesia's law-making. First, maintaining the

⁵⁷ Steven Pinker, *Enlightenment Now: The Case for Reason, Science, Humanism, and Progress* (Viking, 2018).

⁵⁸ "Meninjau Kembali Negara Organik: Hak Asasi Manusia Dan Demokrasi Pasca-Reformasi Di Indonesia," in *Kultur Hak Asasi Manusia Di Negara Liberal*, ed. Robertus Robet and Todung Mulya Lubis (Marjin Kiri, 2020).

integration of the nation and the entire homeland, both in territorial and ideological terms, and second, developing a balanced democracy and *nomocracy*, and Third, fostering social justice, and fourth, promoting religious tolerance.

Incorporation of Pancasila into Laws

Pancasila has many statuses and functions. For example, Pancasila is the foundation of the state ideology, a tool for unifying the nation, the nation's culture, and the nation's way of life. Pancasila, as the foundation of the state, implies that it is the primary source of all legal sources that give rise to various laws and regulations. The rules and regulations are ordered hierarchically to address the issue of conflicting legal norms. Law No. 12/2011 covers the current aspect of laws and regulations in Indonesia, which consists of the 1945 Constitution of the Republic of Indonesia, MPR Decrees, Legislation/Presidential Decrees, Government Regulations, Presidential Regulations, Regional Regulations, and so on.

Enforceable and Unenforceable Laws

In Pancasila and the 1945 Constitution of the Republic of Indonesia, there are many philosophical guidelines and principles.⁵⁹ For instance, "the Indonesian nationals believe in the omnipotence of God Almighty" or "the State must protect human dignity and treat it equally." The state cannot enforce these philosophical provisions and principles by implementing and imposing legal sanctions before those provisions are incorporated into legislation. A person declaring to have no God, for example, cannot be sentenced because no law requires citizens to have a God, coupled with penalties for those who disobey it, even though this confession is considered to be incompatible with Pancasila and the 1945 Constitution of the Republic of Indonesia. A person who violates philosophical provisions or principles cannot be subjected to heteronomous sanctions (imposed by the state apparatus). However, he/she may receive autonomous sanctions (coming from his/her conscience, such as feeling guilty, ashamed, and fearful). Nor do people who claim

⁵⁹ Moh. Mahfud MD, "Revitalisasi dan Revalidasi Pancasila untuk Menjadi Sumber Hukum dan Perundang-Undangan dalam Kehidupan Berbangsa dan Bernegara," Dewan Pertimbangan Presiden Republik Indonesia (Wantimpres RI), April 27, 2017.

to be atheists, communists, Marxists, and Leninists. They cannot be brought to trial to be charged because no legislation formally prohibits them from declaring those beliefs, coupled with the penalties attached to it. However, suppose they encourage people not to believe in religious truths or encourage people to follow Communist and Marxist teachings. In that case, such actions can be punished, but not for directly violating Pancasila. Instead, the reason would be the violation of existing laws, namely the Criminal Code and Law No. 1/PNPS/1965. Thus, there are still many philosophical values in Pancasila and legal principles in the 1945 Constitution of the Republic of Indonesia that cannot be legally imposed because they have not been incorporated into legislation. Based on the principle of legality, "*Nullum delictum noela poena sine previa lege poenale*", no one can be considered to have committed a crime and, therefore, cannot be punished for committing an act that is not prohibited and threatened with specific penalties by law.

Eclectic Legal Sources

In Indonesia, Pancasila is the primary source of all legal sources. This status implies that there are other legal sources than Pancasila. The legal source does not necessarily constitute a law in the literal sense of legislation. Religion could be a legal source because Indonesia believes in God Almighty. However, religion does not constitute a law if it has not been legislated. In this case, religious law is considered a material legal source, not a formal legal source that is applicable and enforceable. To be appropriate, religious standards must first be formalized in a specific form. For example, their validity is defined by an authoritative institution. So, the legal source can be construed in two ways. First, the legal source is the material used to make the law. This status is usually called the material legal source. Second, the legal source in the sense of laws and regulations. This status is attached to officially binding laws because an authoritative institution has defined its enforceability.

It is commonly misunderstood that Islamic law must be applicable because the teachings of Islam are a legal source. In fact, it should always bear in mind that all religions, *adat* (customs), cultures, and so on can be legal sources in Indonesia. All legal sources can be integrated based on Pancasila's primary source. In this case,

Pancasila is a primary source of all legal sources, including laws and regulations. National laws derived from Pancasila are the result of the eclecticization of various material legal sources. Therefore, Indonesian national law constitutes an eclectic product of various material legal sources that exist in society, such as Islamic Law, *Adat* Law, Western Law, and international conventions.

The Rise of Concerns

In recent years, there have been concerns about the weakening of our national bonds. This is marked by the emergence of symptoms involving radicalism, intolerance, and others. Indeed, our national life has recently been plagued by issues of primordialism or intolerant attitudes among religious communities.⁶⁰ Religious harmony, in fact, has strengthened the life of the nation and state. This country became powerful and united because of the unity among its citizens. It has made the nation not only respected but also greatly admired by other nations as an example of the most effective pluralism.⁶¹

As an undeniable symptom, the author argues that disharmony or intolerance may not be the main problem. Looking at the lives of the people, it can be sensed that religious life and tolerance among various primordial bonds remain reasonably good. Therefore, the author considers harm to harmony as an “issue” or symptom that can be addressed because our unity has been firmly inherited both philosophically and structurally in the legal system.

Once a diagnosis is made, it becomes clear that the cause is not conceptual deficiency or ideological obsolescence but rather a poor law enforcement and justice system coupled with economic and social inequality. This situation is aggravated by rampant corruption. The problem of law enforcement and the justice system has persisted for a long time in Indonesia, namely since the New Order regime. With all

⁶⁰ At the moment of drafting this article, for example, the political situation in Jakarta is getting crowded because in the next two weeks, on April 19, 2017, there will be a vote for the second round of the Jakarta governor election whose campaign is filled with religious issues, see Cahyo Pamungkas and Qusthan A. H. Firdaus, “Coping with Intolerance and Separatism in Indonesia: The Pancasila Principles,” in *Beyond the Spirit of Bandung*, ed. Frans Dokman and Antoinette Kankindi, vol. 2, *Philosophies of National Unity: Secular or Religious?* (Radboud University Press, 2023), JSTOR, <http://www.jstor.org/stable/jj.9474309.5>.

⁶¹ MD, “Merajut Tenun Kebangsaan Di Tengah Kemajemukan.”

its strengths and weaknesses, the New Order government has ignored the rule of law and justice for so long that it has created obstacles that are difficult to address until this post-New Order period. Poor law enforcement and justice have led to unlawful behavior and mutual hostage-taking. This phenomenon causes difficulties in upholding law and justice to this day. In the daily political situation, the problem of poor law enforcement and justice is further exacerbated by rampant corruption, which is then coupled with primordial sentiments that harm the nation's unity. Thus, in fact, the main issues we are facing at present are not related to the concept and commitment of unity but rather to the law enforcement and justice system.

Poor law enforcement and justice, as well as the growing gap between the economically strong and the weak (as can be seen in the Gini ratio index), have frequently become a means to provoke or organize ethnic, religious, racial, and intergroup-based moves, or to fuel radicalism. Many people are trapped in radical movements or political resistance due to issues, instead of disbelief in Pancasila and the 1945 Constitution of the Republic of Indonesia. Thus, the primary key to maintaining our nationhood is effective law enforcement and the justice system, since there is no issue with the preservation of unity in diversity in society.

There is Still Hope

There are generally promising developments in our nationhood. Indonesian democracy has grown relatively well, although there are opinions that the implementation of democracy in Indonesia currently still puts more weight on procedural democracy and less on substantive democracy. General elections can be carried out freely because the people can vote independently.⁶² The law has also provided an electoral judicial institution, the Constitutional Court, to handle election-related violations. Although state actors have recently appeared to exercise

⁶² In the implementation of elections, including the 2024 election, there have indeed been issues of fraud; however, with all its pros and cons, the overall results of election in Indonesia can generally be accepted as part of constitutional democracy. see M. Miftahul Hidayat, "The 2024 General Elections in Indonesia: Issues of Political Dynasties, Electoral Fraud, and the Emergence of a National Protest Movements," *IAS: Journal of Localities* 2, no. 1 (2024): 33–51, <https://doi.org/10.62033/iasjol.v2i1.51>.

pressure directly, it is still insufficient to claim that the current situation shows the core trend of Indonesia's democracy.

Indonesia might be glad, for example, to compare Indonesia's elections with those of democracy in Zimbabwe, which for decades has been strongly hegemonized by the authoritarian President Robert Mugabe. Whenever there is electoral fraud in Indonesia, through money politics, for instance, such practices are not committed unilaterally by the authorities but rather by political actors themselves on the ground, involving cross-political activists and the local community. Electoral tribunals that never existed back in the day can still control such practices.

The press landscape, regardless of any deviation from political neutrality, is generally quite good. The press is currently free to report anything it perceives and considers necessary while maintaining compliance with the law. A conducive situation for strengthening our national bonds has developed in the current era of direct local elections. This implies that the merging of political choices among political parties with different primordial foundations has also grown well in the direct local elections regime.

Nowadays, there is no permanent coalition or opposition based on primordial bonds and political party groupings. Opposing political parties or coalitions at the central level may merge or swap their coalitions at the local level. The Indonesian Democratic Party-Struggle, which opposed Gerindra, Golkar, and the National Amanat Party in the national general election, for example, can work together and fluidly swap their political allies in local elections. This practice should be seen as part of the advancement or strengthening of our nationhood. To conclude, Indonesia still has hope and substantial capital to move forward with Indonesian values.

CONCLUSION

This article concludes that: First, the rules of Islamic law regarding the relevance of religion in the fundamental values of Indonesian explain that Pancasila as the foundation of the state constitutes a *modus vivendi* or noble consensus, or *mîtsâqon*

ghalîdzâ in a religious sense. As *mîtsâqon ghalîdzâ*, Indonesian Muslims should accept Pancasila because this ideology, which should be the source of national laws, has been concluded through an open deliberation, full of freedom and mutual understanding. It is no longer necessary for Indonesian Muslims to contest its existence but rather to implement it since Pancasila has nothing to prevent Muslims from practicing their religion in accordance with Islamic sharia. This context implies that, indeed, there is no place for the enactment of Islamic sharia in Indonesia. However, Islamic values, including other values from other religions, may be internalized in the public sphere as an acceptable universal value.

Second, Indonesia possesses fundamental values drawn from and embedded in the national identity of the Indonesian people. The importance of reaffirming the basic values of Indonesian arises from the emergence of issues of radicalism, terrorism, intolerance, ethnicity, religious, racial, and intergroup-based moves, social and economic inequality, poor law enforcement and justice system, and many other social issues.

Third, the strength of the national bond also stems from the commitment to the implementation of a unitary national law that is rooted in Pancasila, which generates hierarchical laws based on the 1945 Constitution of the Republic of Indonesia. As the state ideology, Pancasila constitutes the primary source of all legal sources. There should be no law conflicting with the precepts of Pancasila. Thus, there are four guiding principles, as well as benchmarks, for law-making in Indonesia. First, maintaining the integration of the nation and the entire homeland, both in territorial and ideological terms, and second, developing a balanced democracy and *nomocracy*, and third, fostering social justice, and fourth, establishing civilized religious tolerance. In Indonesia, Pancasila is the primary source of all legal sources, which implies that other sources of law remain in addition to Pancasila.

COMPETING INTEREST

The authors have no conflict of interest in the publication of this article.

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