

# THE RETURN OF PANCASILA: POLITICAL AND LEGAL RHETORIC AGAINST TRANSNATIONAL ISLAMIST IMPOSITION\*

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## Abstract

The rise of transnational Islamist movements in Indonesia in the last two decades recurrences the old debate between Pancasila and Islamism. This kind of fundamental Islamic movements widespread with their conservative view and it has had detrimental effects on the Indonesian society's social cohesion. President Joko Widodo seeks to revive Pancasila to confront this threat. This is not for the first time Pancasila is used by the Indonesian government to resolve the tension between Islamic values and nation-state principles. Both President Sukarno and Suharto also used Pancasila as a vehicle to discipline their political opponents. Adopting a non-essentialist approach to Pancasila, I argue that the return of Pancasila in recent years would be more complicated because of the narrative of Pancasila revivalism as an adversarial ideology is bounded by traditionalism and lack of progressive interpretation. Instead of locating Pancasila as the counterpart to Islamism, what is needed is re-interpretation of Pancasila as a unifying ideology.

**Keywords:** Pancasila, Ideology, Transnational Islamism, Non-Essentialist Approach.

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## I. INTRODUCTION

The debate on the relationship between Islam and Pancasila remains one of the most prominent conversations in social and political discourse in contemporary Indonesia.<sup>1</sup> The immediate cause for the contemporary resurfacing of this debate lay in 2017 when Islamic supporters used religious rhetoric to defeat Basuki Tjahaya Purnama, a Christian-Chinese incumbent governor of Jakarta then running for his second election. Radical Islamic organisations accused Basuki of committing blasphemy to Islam. Basuki's supporters teach *Bhineka Tunggal Ika* (unity in diversity), a concept central to the Pancasila movement and their stance for inclusivity and equality among citizens with different ethnic and religious backgrounds. President Joko Widodo answered the threat of transnational Islamic movements by releasing a Regulation in Lieu of Law to dissolve the Hizbut Tahrir Indonesia (HTI), an Islamic organisation that rejects democracy and supports the establishment of a Caliphate.<sup>2</sup> Moreover, the President created a novel Presidential Unit (*Unit Kerja Pemantapan Ideologi Pancasila/UKPIP*), dedicated to the implementation of Pancasila state ideology in public life, which later became the Board for the Implementation of Pancasila State Ideology (*Badan Pembinaan Ideologi Pancasila/BPIP*).

The debate between Pancasila and Islamism has existed since the founding of the Republic of Indonesia in 1945 and proceeds from the tension between Islamism and secularism in Indonesian society. On the one hand, as a country with a majority Muslim population, there exists a strong tendency to Islamize the state and society. Islamic religious principles play a significant role in Indonesia's legal system. Consider the many state regulations which promote Islam, like the Law on Religious Courts, Zakat, (alms), Waqf (religious endowment) and the Hajj (pilgrimage). There are no similar, special regulations to accommodate

<sup>1</sup> Nadirsyah Hosen, *Shari'ah and Constitutional Reform in Indonesia* (Singapore: ISEAS, 2007); Seung-Won Song, "Back to Basics in Indonesia? Reassessing the Pancasila and Pancasila State and Society, 1945-2007" (Dissertation, Department of History and the College of Arts and Sciences of Ohio University, 2008); Robert Cribb, 'The incredible shrinking Pancasila: Nationalist propaganda and the missing ideological legacy of Suharto' in *The return to constitutional democracy in Indonesia*, ed. Thomas Reuter (Caulfield: Monash Asia Institute, 2010).

<sup>2</sup> Giri Ahmad Taufik. "Proportionality Test in the 1945 Constitution: Limiting Hizbut Tahrir Freedom of Assembly," *Constitutional Review* 4, no. 1 (May 2018) 55-6.

religions other than Islam. On the other hand, Indonesia is not a self-proclaimed Islamic state, and the persistent popularity of the Pancasila movement highlights the popularity of secular ideals enjoy in Indonesia alongside Islam.<sup>3</sup>

Theoretically, the intertwining between religion and the nation-state is inseparable because it has been rooted in the birth of the concept of the modern nation-state. In 1648, the Treaty of Westphalia established the core principles of the modern conception of statehood and was the final result of a religious war of Protestants against the Holy Roman Empire. The Holy Roman Empire's loss provided an opportunity to the Lutheran and the Calvinist followers to perform their worship freely. The Westphalia Treaty is the fundamental constitution of the secular state. This treaty not only separates state and religion, but it also establishes as a general principle that the state has to treat different religions similarly.<sup>4</sup> Therefore, the position of the state is above religious institutions.<sup>5</sup>

In addition to religious struggle, the notion of the modern nation-state has also been shaped by political ideology. In the 20<sup>th</sup> century, liberalism, communism and fascism, as the three dominant political ideologies, outlined the features of the modern nation-state and the global political constellation.<sup>6</sup> In Indonesia, founders of the Republic formulated Pancasila to serve as the state ideology for the newly formed nation. Pancasila consists of five principles, accommodating the most important aspirations the Republic's founders had for the new state in 1945: belief in one supreme God, justice and civility among peoples, the unity of Indonesia, democracy through deliberation and consensus among representatives and social justice for all the people of Indonesia.

In Indonesia, the contention between Pancasila and Islamism continuously shapes and reshapes the nation-state especially in moments of political transition. Admittedly, the conflict between Pancasila and Islamism did not play a

<sup>3</sup> Nadirsyah Hosen, "The Constitutional Court and 'Islamic' Judges in Indonesia," *Australian Journal of Asian Law* 16, no 2 (2016): 1-11 and Jan Michiel Otto, "Introduction: investigating the role of sharia in national law," *Sharia Incorporated* (2010): 29 and 41.

<sup>4</sup> Abdullah Ahmed An-Na'im, *Islam and the Secular State: Negotiating the Future of Shari'a*, (Cambridge, Massachusetts, London, England: Harvard University Press, 2008). 267-8.

<sup>5</sup> Benjamin Straumann, "The Peace of Westphalia (1648) as a Secular Constitution," *Constellations* 15, no. 2 (June 2008) (ILJ Working Paper No. 2007/07): 21.

<sup>6</sup> Yuval Noah Harari, *Homo Deus: Masa depan umat manusia* (Jakarta: Pustaka Alvanbet, 2018), 285.

significant role in the political transition in 1998 and the attendant constitutional amendment debate.<sup>7</sup> However, the new democratic environment in Indonesia, characterised by a dramatic increase in freedom of association and expression, proved fertile ground for transnational Islamic movements. The government's decentralisation policy, adopted in 1999, also allowed radical Islamic movements to gain influence by actively encouraging district governments to accommodate Islamic norms into local regulations. This fundamentalist groups also regularly persecuted minority groups that they presumed contradict their interpretation of Islamic law such as the followers of Ahmadiyya in Cikeusik and the Shia in Sampang.<sup>8</sup> Since 1998, accusations of blasphemy are also on the rise due to the increasing popularity of hard-line Muslim groups, which are more likely to decide against defendants.<sup>9</sup>

At the same time, Muslim identity politics or, more specifically, the image of the good Muslim as the only bulwark against the destructive influence of globalisation, has succeeded in attracting many Indonesians. At the global level, transnational Islamist movements present Muslims as the primary victims of Westerners' greed, pointing to the recent invasions of Muslim countries such as Afghanistan and Iraq after the 9/11 tragedy.<sup>10</sup> Islamist movements further their agenda drawing on the public's dissatisfaction with globalisation and the modern nation-state. The Islamic State of Iraq and Syria (ISIS) promotes the Caliphate Islamiyah as a solution to these global problems resulting from westernization. Other transnational Islamist movements include Wahabi, the Muslim Brotherhood (*Ikhwanul Muslimin*) and Hizbut Tahrir.<sup>11</sup> Through the

<sup>7</sup> Nadirsyah Hosen, *Shari'ah and Constitutional Reform in Indonesia*.

<sup>8</sup> Melissa Crouch, "Judicial Review and Religious Freedom: The Case of Indonesian Ahmadis," *Sydney Law Review* 34 (2012): 545.

<sup>9</sup> Rafiqah Qurrata A'yun, "Di balik meningkatnya kasus penodaan agama di Indonesia [Behind the increasing blasphemy in Indonesia]," *The Conversation*, May 14, 2018, <http://theconversation.com/di-balik-meningkatnya-kasus-penodaan-agama-di-indonesia-96354>.

<sup>10</sup> Jan Michiel Otto, "Introduction: investigating the role of sharia in national law," *Sharia Incorporated* (2010): 29 and 41.

<sup>11</sup> Abdurrahman Wahid, *The illusion of an Islamic State: How an Alliance of Moderates Waged a Successful Campaign Against Radicalization and Terrorism in the World's Largest Muslim-Majority Country* (Jakarta: LibForAll Foundation, 2011), viii and Noorhaidi Hasan, "Transnational Islam in Indonesia," in *Transnational Islam in South and Southeast Asia: Movements, Networks, and Conflict Dynamics*, edited by Peter Mandaville et al. (NBR Project Report: April 2009).

support of big funding organisations from the Middle East, transnational Islamist movements inject the local and the national political situation in Indonesia with their radical agenda.<sup>12</sup> Their objective is to convert Muslims who cherish modern ideas, such as democracy, liberalism, pluralism, and traditional (non-Islamic) ways of life into exponents of ‘pure Islamic societies’ – i.e. societies free from either western or local, traditional (non-Islamic) influences.<sup>13</sup>

The nationalist and liberal scholars perceive the emergence of transnational Islamism as a threat to nationhood, solidarity and tolerance. As stated above, President Joko Widodo employed Pancasila as a weapon to limit the influence of radical Islam. However, the use of Pancasila to deal with this problem is not a new approach. As noted in many analyses, Sukarno and Suharto had used Pancasila to serve as the ideological basis for their authoritarian governments. Referring to the historical path and applying a non-essentialist approach to Pancasila, the central question of this article: To what extent can Pancasila rhetoric be used to undermine the transnational Islamist movements’ influence in Indonesia? This question will be addressed by an investigation into the history of the movement and the contention between its exponents and Islamists in Indonesia.

## II. HISTORICAL AND POLITICAL SETTING

### 2.1. The Historical Contention between Islam and *Pancasila*

During the 19<sup>th</sup> century, Indonesia’s rural population often drew on Islam in their rhetoric for popular resistance and rebellion against the colonial rulers.<sup>14</sup> Even though the acquisition of land and resources was arguably the primary motivation for most leaders of the resistance against colonial rule, they used Islamic language to persuade ordinary people to join their cause. Furthermore, in the early 20<sup>th</sup> century, many modern Muslim organisations were established with the support of intellectuals and traders, such as Sarekat Islam (1912),

<sup>12</sup> Abdurrahman Wahid, *The illusion of an Islamic State*, x.

<sup>13</sup> *Ibid.*

<sup>14</sup> For instance, the Paderi War (1821-1832), the Java War during Diponegoro (1825-1830), the Banjar War (1854-1864), and the Aceh War (1875-1903).

Muhammadiyah (1912) and Nahdlatul Ulama (1926).<sup>15</sup> Note that, at the same time, many other organisations were also established on the basis of nationalist, communist, and socialist principles.

During the Indonesian decolonisation war of 1945-1949, Nahdlatul Ulama (NU), the most prominent Indonesian Islamic organisation, released a 'Jihad Resolution', calling all Muslims to fight against the Dutch for Indonesian independence. After their regular involvement in wars against the colonial rulers, Islamic groups claimed that they contributed most to Indonesian independence. During the formation of the Republic, Islamic leaders, therefore, demanded the institution of Islamic law (*sharia*) throughout the country. This attempt had succeeded as evidenced by the first Jakarta Charter,<sup>16</sup> which stated that the first principle of the Republic of Indonesia is "believe in almighty God with the obligation to practice Islamic Sharia to its adherents". However, the Jakarta Charter was revised by the PPKI on August 18, 1945.<sup>17</sup> More specifically, the seven words concerning the obligation for Muslims to practice Sharia in the Jakarta Charter had been revoked in the preamble of the 1945 Constitution.<sup>18</sup> Deeply regretful of the removal of the obligation to observe Islamic law, Muslim leaders vowed to restore the seven words in the formulation of Indonesia's permanent constitution in the future. They found momentum in the Constitutional Assembly (*Konstituante*)<sup>19</sup> meetings held between 1955 and 1959. The primary task of the Constitutional Assembly was to formulate a new and robust constitution of Indonesia to replace the 1945 Constitution. In addition to restoring the seven

<sup>15</sup> Vedi R. Hadiz, *Islamic Populism in Indonesia and the Middle East* (Cambridge University Press, 2016), 53.

<sup>16</sup> Jakarta Charter is a negotiation document between Islamist and Nationalist group in the formulation of the Indonesian constitution. This charter formulated by nine members of the Indonesian Investigation Committee for Preparatory Work for Indonesia Independence on June 22, 1945. Later, on August 18, 1945, the Jakarta Charter was revised by eliminating the obligation for Muslim to abide by Sharia,

<sup>17</sup> Panitia Persiapan Kemerdekaan Indonesia (PPKI) or the Preparatory Committee for Indonesian Independence was a body established on 7 August 1945 to prepare for the transfer of authority from the occupying Japanese to Indonesia. On August 18, 1945 after the Proclamation, PPKI elected the first Indonesia President and Vice President as well as determining an interim constitution.

<sup>18</sup> The seven words is 'with the obligation to practice Islamic Sharia to its adherents' (In Indonesian: '*dengan kewajiban menjalankan syariat Islam bagi pemeluk-pemeluknya*').

<sup>19</sup> Konstituante (the Constitutional Assembly) was a parliamentary body that established as the result of the 1955 election. The Konstituante has an obligation to draw up a permanent constitution for the Republic of Indonesia. It sat between November 10, 1956 and July 2, 1959. Later, it was dissolved by then President Sukarno on July 5, 1959 which reimposed the 1945 Constitution.

words from the first Jakarta Charter, these Islamic leaders, including Mohammad Natsir (Masyumi), Kasman Singodimoedjo (Muhammadiyah/Masyumi), and Abdul Wahab Chasbullah (Nahdlatul Ulama), desired the formation of modern Islamic Democratic State (*Negara Demokrasi Islam*), with Islamic principles serving as the new state's foundation. Unlike contemporary Islamist movements, these leaders did not go so far as to call for the installation of a theocratic state or caliphate Islamiyah.<sup>20</sup>

In 1959, President Sukarno argued that the Constitutional Assembly had failed to fulfil its obligation to produce a new constitution. No proposal succeeded in obtaining the required 2/3 majority vote, due to the equal representation of Islamists and *Pancasila's* supporters in the assembly. In July 1959, Sukarno released a presidential decree to dissolve the Constitutional Assembly and return to the 1945 Constitution. Subsequently, Sukarno imposed the Guided Democracy system to replace parliamentary democracy system that had functioned in Indonesia since it became independent. Sukarno used his power to exterminate the Islamic rebellion which was promoting the formation of an Islamic State by guerrilla-warfare in Pasundan, South Kalimantan, Sulawesi and Aceh during the 1950s to 1960s. In that period, Sukarno strategically used rhetoric inspired by *Pancasila* to maintain his political power against the onslaught of the promoters of an Islamic State.

Suharto similarly employed *Pancasila* to deal with Islamist groups during the 32 years he was in power (1967-1998). Suharto took the Presidency after the 1965 Tragedy when seven high military commanders were assassinated. He accused the Indonesia Communist Party (PKI) of masterminding the killings. At the beginning of his rule, Suharto received support from Islamic organisations to eliminate communism, including the support of Nahdlatul Ulama and Muhammadiyah. Furthermore, Suharto continued Sukarno's policy of displaying respect for Islam as a private religious practice, while attempting to limit Islam's influence in the political sphere.<sup>21</sup> In doing so, Suharto made

<sup>20</sup> Muhammad Natsir Opinion in *Risalah Sidang Konstituante* (Konstituante Republik Indonesia, 1958), 41; Kasman Singodimedjo, *ibid.*, 259 ; and Abdul Wahab Chasbullah, *ibid.*, 347.

<sup>21</sup> Nadirsyah Hosen, *Shari'ah and Constitutional Reform in Indonesia* (Singapore: ISEAS, 2007), 71.



*Pancasila* the sole ideology to receive state support and forced the Islam-based political parties to merge into the United Development Party (*Partai Persatuan Pembangunan/PPP*).<sup>22</sup> Muslim intellectual and political elites who rejected Suharto's plans stood accused of subversive conduct and jailed. Nahdlatul Ulama and Muhammadiyah responded to this policy by adopting *Pancasila* as the official basis of their organisation. Instead of seeing Islam and *Pancasila* as adversarial, Muslim scholars connected to these organisations argued that the two are compatible and largely depart from the same values. This strategy successfully changed Indonesian Muslims' perception of *Pancasila*. Nadirsyah Hosen described this period as the honeymoon of the *Islam-Pancasila* relationship resulted in increased cooperation between the Indonesian military and Islamic organisations.<sup>23</sup> To illustrate this rapprochement between Islamic groups and the *Pancasila* movement, he pointed to, among other things, the enactment of judiciary law in favour of the religious court to decide on matters of family law. In that period, Suharto became more religious and changed his name to Haji Muhammad Suharto after a visit to Mecca.<sup>24</sup> Towards the end of his rule, Suharto increasingly presented himself as the leader of Indonesian Muslims. Similarly to Hosen, Martin van Bruinessen also argued Islamic thought during the Suharto period reached a comparatively high level of intellectual sophistication, due to the emergence of Liberal Muslims, represented by two leading figures: Nurcholis Madjid and Abdurrahman Wahid.<sup>25</sup>

The new era of the debate between *Pancasila* and Islamism takes place in the Post-New Order period. The multi-party system introduced in 1999 allows for the existence of Islamic political parties not bound by *Pancasila* ideology. PPP, PBB<sup>26</sup> and PK<sup>27</sup> are the Islamic political parties that have declared Islam as

<sup>22</sup> Jan Michiel Otto, *Sharia Incorporated*, 446.

<sup>23</sup> Nadirsyah Hosen, *Sharia and Constitutional Reform in Indonesia*, 72-4.

<sup>24</sup> Jan Michiel Otto, *Sharia Incorporated*, 449.

<sup>25</sup> Martin van Bruinessen, "What happened to the smiling face of Indonesian Islam? Muslim intellectualism and the conservative turn in post-Suharto Indonesia" (RSIS Working Papers, Singapore, 2011), 1.

<sup>26</sup> Partai Bulan Bintang (PBB) is led by Yusriz Ihza Mahendra, and it has strong connection with the Masyumi Party. Yusril himself was the assistance of Muhammad Natsir, the former leader of Masyumi Party.

<sup>27</sup> Partai Keadilan (PK) is founded by university activists who have a connection to the Muslim Brotherhood (*Ikhwanul Muslimin*).



their organisational foundation. The PBB party, led by Yuzril Ihza Mahendra, presents itself as the heir to the Masyumi Party – its political platform revolves around the promotion of Sharia law and the formation of an Islamic State. The PBB did not perform well in the 1999 election, showing that the idea of incorporating Sharia in the national laws has little public support.<sup>28</sup> During the amendments to the 1945 Constitution (1999-2002), there were no serious attempts from the Islamic political parties to restore the Jakarta Charter, because the main political parties such as the PKB (the majority supported by NU voters) and PAN (the majority backed up by Muhammadiyah voters) had been supporting *Pancasila* since the New Order period. This time, the refusal to restore the first Jakarta Charter was not followed by state-coercion of Islamist groups, likely because it was arrived at by political consensus in parliament.<sup>29</sup> At the turn of the century, the leading promoters of the Islamic state in the past, such as Nahdlatul Ulama and Muhammadiyah, no longer argued for the incompatibility of Islamic values and *Pancasila*. Both leaders of these organisations, Abdurahman Wahid and Syafii Maarif, supported a substantive approach to the Islam-*Pancasila* relationship<sup>30</sup> and they stressed the similarities between Islam and the nation-state rather than sharpening the divide.<sup>31</sup>

However, several attempts to formalise Islamic norms into national law have been made at the district-level through locally introducing sharia-based regulations, so-called *Perda Syariah*.<sup>32</sup> According to Tim Lindsey, around 160 such regulations were enacted in at least 24 of Indonesia's 33 provinces.<sup>33</sup> Interestingly, the effort to create local regulation with Islamic features not only came from Islamic parties but was also supported by other non-Islamic parties such as Golkar, PDIP and the Democratic Party.<sup>34</sup> Even secular political elites favoure

<sup>28</sup> Nadirsyah Hosen, *Sharia and Constitutional Reform in Indonesia*, 82.

<sup>29</sup> *Ibid.*, 85.

<sup>30</sup> *Ibid.*, 93-4.

<sup>31</sup> Syafii Maarif, *Islam dan Pancasila sebagai Dasar Negara: Studi tentang perdebatan dalam konstituante* (Jakarta: LP3ES, 2006).

<sup>32</sup> Jan Michiel Otto, *Sharia Incorporated*, 452. See Also Melissa Crouch, "Judicial Review and Religious Freedom", 569.

<sup>33</sup> Timothy Lindsey (2008), "When words fail. Syariah law in Indonesia: Revival, reform or transplantation?," in *Examining practices, interrogating theory: Asian Comparative legal studies*, ed. P.Nicholson & S. Bidolph (Leiden: Brill, 2008), 107-8.

<sup>34</sup> Jan Michiel Otto, *Sharia Incorporated*, 482.

Islamic features to acquire votes and build a clean political image in the context of pervasive corruption at the local level. Radical Islamic organisations use this situation to obtain the support of local politicians for their illegal activities and persecution of minorities at the grassroots level.

After Suharto's administration, transnational Islamist movements and other radical Islamic organisations gained popularity and influence. In 2017, the situation worsened under Jokowi's presidency and reached its peak with the Basuki Tjahaya Purnama blasphemy case, which was followed by an upsurge of persecution and discrimination toward ethnic and religious minorities. What are transnational Islamist movements and how could it widespread in contemporary Indonesia? The next part of this article uncovers the imposition of the transnational Islamist movement into the Indonesian context.

## **2.2. Transnational Islamist movement and its imposition to Indonesia**

After the 9/11 tragedy, we have witnessed a new notion of Islam as a transnational political identity gaining traction around the world. Since that tragedy, the West increasingly regards Islam as a source of terrorism and stigmatises Muslims as purists opposed to modernity. This negative stigma is particularly applied to the inhabitants of Islamic countries in the Middle East where Islam originated. The manner in which the 9/11 tragedy changed the world order is similar to the effects of the end of the Cold war described by Samuel P. Huntington in his seminal book *The Clash of Civilizations and the Remaking of World Order*.<sup>35</sup> Huntington argued that in the Post-Cold War era, contention among cultures and religions will be the most important source of global conflict.

The West sees Islam as a major cause of the disruption of global stability. Therefore, the West, led by the USA, conducted political and military interventions in a number of Islamic countries. Soon after the 9/11 tragedy, the USA invaded Afghanistan and Iraq. Following the Arab Spring, Syria became a theatre of war for Western countries to expand their control over oil resources.

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<sup>35</sup> Samuel P. Huntington, *The Clash of Civilizations and the Remaking of World Order* (Simon and Schuster, 1996).

Meanwhile, the resulting waves of migration from the Middle East to Europe and Australia were considered a threat to the West. The presence of Islam in the West is not something new. On the contrary, Muslims have lived in Europe for centuries. However, after the 9/11 tragedy, Islam was increasingly perceived as a dangerous threat to western civilisation, leading to the emergence of anti-Muslim parties in western countries.

Western Islamophobia, coupled with the fact that Muslim countries largely failed to benefit from the advances of the West, resulted in the formulation of a new Islamic political identity. The failure of Muslims to adapt to modernity strengthens the appeal of fundamentalist groups seeking to insert an alternative form of society, based on Islamic values and free from western influence.<sup>36</sup> From this standpoint, the idea of the caliphate has been developed under the narrative of Islamic politics. The formation of Islam as a new political identity is in line with Michel Foucault's views on subject formation. Despite the fact that Foucault's work is commonly used to study female and LGBTs subjectivity, I found that his theory on subject formation could be applied to analyse the formation of Islam as a new global political identity. For Foucault, a subject is formed by the experience of discrimination, exploitation, and subjection.<sup>37</sup> The persecution of Islam by the West has led to the formation of a new Muslim identity centered around victimhood.

Contemporary discourse on transnational Islamism centers around the utopian concept of the Caliphate. Although the idea of the Caliphate is never stated explicitly in the Qur'an, radical Islamic transnational groups nevertheless propose this concept as a superior alternative to the western model of democracy and neoliberal economics. The establishment of ISIS presents a remarkable attempt to realise this ideal. Other transnational Islamic movements with different method and purposes are Wahabi and Ikhwanul Muslim. These movements are affiliated with a variety of organisations, including Partai Keadilan Sejahtera,

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<sup>36</sup> Syafii Maarif, Prologue in Abdurrahman Wahid (ed). *The illusion of an Islamic State: How an Alliance of Moderates Waged a Successful Campaign Against Radicalization and Terrorism in the World's Largest Muslim-Majority Country*, Jakarta: LibForAll Foundation, 2011), 2.

<sup>37</sup> Michiel Foucault, "The Subject and Power" *Cultural Inquiry* 8 (Summer 1982).

Hizbut Tahrir Indonesia, the Islamic Defenders Front and Jamaah Islamiyah.<sup>38</sup> Wahabism is not new to Indonesia, in fact it was introduced to Sumatra in the colonial period, Wahabism has spread out in Sumatra, and it generated to Padri War led by Tuanku Imam Bonjol. These transnational Islamic movements use various strategies to further their common aim of incorporating Islam into national law and societal life.<sup>39</sup>

Wahabis and Salafis practice Islam in a rigid, monolithic fashion. The prevailing attitude in these groups is to accuse others of being gentile (*kafir*) persons. They denounce different teachings of Islam (particularly Shia Islam) and are even willing to violently persecute those with different religious beliefs.<sup>40</sup> Jan Michiel Otto uses the term Islamic Puritanism to describe this attitude,<sup>41</sup> while Martin van Bruinessen labels it conservative and fundamentalist.<sup>42</sup> These movements obtained significant support from Islamic countries and international organisations. According to Abdurrahman Wahid, former president of the Republic of Indonesia, the Kingdom of Saudi Arabia is the most significant supporter of Wahabism. The Saudi government channels this support through the International Islamic Relief Organisation (IIRS).<sup>43</sup> In Indonesia, the IIRS funded a number of organisations engaged in the spreading of Wahabism, including Dewan Dakwah Islamiyah Indonesia (DDII), Majelis Mujahidin Indonesia and Kompak.<sup>44</sup>

Transnational Islamic movements not only persecute the followers of religions other than Islam but also adherents of different teaching in Islam itself, such as the Ahmadiyya Muslims in Cikeusik and Shia in Madura. These

<sup>38</sup> Noorhaidi Hasan, "Transnational Islam in Indonesia," in *Transnational Islam South and Southeast Asia: Movements, Networks, and Conflict Dynamics*, ed. Peter Mandaville et al. (NBR Project Report: April 2009), 122. See also Van Bruinessen, "What happened to the smiling face of Indonesian Islam?" 3 and Abdurrahman Wahid, *The illusion of an Islamic State*, 88.

<sup>39</sup> Van Bruinessen, "What happened to the smiling face of Indonesian Islam?" 9.

<sup>40</sup> Syafii Maarif, "Prologue," 2-3.

<sup>41</sup> Jan Michiel Otto, *Sharia Incorporated*, 39.

<sup>42</sup> Van Bruinessen uses the term "conservative" refers to the various currents that reject modernist, liberal or progressive re-interpretations of Islamic teachings and adhere to established doctrines and social order. By "fundamentalist", He means those currents that focus on the key scriptural sources of Islam—Qur'an and hadith—and adhere to a literal and strict reading thereof. Van Bruinessen, "What happened to the smiling face of Indonesian Islam?" 7.

<sup>43</sup> Jan Michiel Otto, *Sharia Incorporated*, 45.

<sup>44</sup> Abdurrahman Wahid, *The illusion of an Islamic State*, 75.

movements have been able to proliferate because of the extensive interpretation of the freedom of association in Indonesia and the absence of effective legal enforcement in response to the violation of minority rights. In some cases, the state apparatus even facilitates radical Islamic groups in doing persecution.<sup>45</sup>

The current objective of transnational Islamic groups is to replace the Unitary State of Indonesia and *Pancasila* with a Caliphate based on their interpretation of Islam.<sup>46</sup> Their rhetoric of defending Islam is primarily a political agenda to create Islam as weapons of their purposes. They not only intend to replace the formal structure of the nation-state but also want to replace the traditional culture of the archipelago with Middle Eastern culture, notably the *Wahabi-Ikhwani Muslim*.<sup>47</sup>

Abdurrahman Wahid also notes that the transnational Islamist movements in Indonesia infiltrate moderate Islamic organisations, such as NU and Muhammadiyah. According to Wahid, they consider these organisations obstacle to achieving their goals.<sup>48</sup> Among the Muhammadiyah, this infiltration has become known as “the virus tarbiyah” and resulted in a severe response by Muhammadiyah leaders. Moreover, Wahid found that 75% of the hard-line Muslim organisation leaders have ties to Muhammadiyah.<sup>49</sup> The infiltration of the NU mainly proceeds by Wahabi organisations, affiliated to the PKS and/or HTI, acquiring poorly maintained mosques. These organisations subsequently exert control over what is preached and use the mosques in political campaigns for local and national elections.

The Indonesia Ulama Council (Majelis Ulama Indonesia/MUI) also became targets of these groups.<sup>50</sup> The MUI was established by the Suharto regime to exert control over Islamist, but today it has turned into a bunker for fundamentalist groups.<sup>51</sup> Since 1998, the MUI has shifted from a pro-government

<sup>45</sup> Melissa Crouch, “Judicial Review and Religious Freedom: The Case of Indonesian Ahmadis,” *Sydney Law Review* 34 (2012): 545.

<sup>46</sup> Abdurrahman Wahid, *The illusion of an Islamic State*, 75.

<sup>47</sup> *Ibid.*, 22.

<sup>48</sup> *Ibid.*, 22-5. See also Jan Michiel Otto, *Sharia Incorporated*. p.483.

<sup>49</sup> Abdurrahman Wahid, *The illusion of an Islamic State*, 28.

<sup>50</sup> Giri Ahmad Taufik, “Proportionality Test in the 1945 Constitution,” 57.

<sup>51</sup> Abdurrahman Wahid, *The illusion of an Islamic State*, 35.

role to a somewhat oppositional, Islamist stance.<sup>52</sup> In 2005, the MUI released a *fatwa* stating that secularism, pluralism, and religious liberalism – or SiPiLis, in a suggestive acronym coined by their fundamentalist opponents – are all incompatible with Islam.<sup>53</sup> The quasi-state status of MUI made this organisation become an effective transmitter for radical Islamic groups to spread their exclusive interpretation of Islam.

National political elites perceived the rise of transnational Islamist movements as a serious threat, especially after witnessing its potential to gather millions of supporters and defeat Basuki Tjahaya Purnama in the Jakarta election for Governor in 2017. Beyond the political elites' anxiety, at the grassroots level, this situation also threatens the social harmony of a society characterised by highly diverse identities and backgrounds. To overcome this problem, President Joko Widodo reawakened *Pancasila* to counteract the negative influence of transnational Islamist movements. Before analyzing how *Pancasila* is currently employed, we will look at how it has been utilised for political purposes in the past. I employ a non-essentialist approach to *Pancasila*, understanding it as an ideological construction developing through time, instead of a fixed, unchanging doctrine.

### III. ANALYSIS AND DISCUSSION

#### 3.1. The Political Use of *Pancasila*

##### 3.1.1. *Pancasila* as a Unifying Ideology

*Pancasila* emerges as an answer to a philosophical question by Radjiman Widiodiningrat, the chairman of BPUPKI.<sup>54</sup> During the BPUPKI's meetings in 1945, Radjiman asked the committee's members what could serve as the philosophical foundation for the new Indonesian state. In response to this question, Sukarno introduced *Pancasila* to the committee on 1 June 1945. His

<sup>52</sup> Jan Michiel Otto, *Sharia Incorporated*, 456.

<sup>53</sup> Van Bruinessen, "What happened to the smiling face of Indonesian Islam?" 3-4.

<sup>54</sup> Badan Penyelidikan Usaha Persiapan Kemerdekaan Indonesia (BPUPKI) is an investigating committee that was set up in March 1945 by the Japanese military authority during the Japanese Occupation of Indonesia. The BPUPK held two plenary meetings; the first was from 29 May to 1 June 1945, and the second was between 10 and 17 July 1945.

speech centred around *Pancasila's* five principles: (1) Indonesian nationalism; (2) internationalism or humanism; (3) consensus or democracy; (4) social prosperity; and (5) and believe in God culturally.<sup>55</sup> Sukarno claimed to have derived these five principles from traditional Indonesian values that he discovered by studying Indonesian history.

Prior to Sukarno, Supomo and Muhammad Yamin – both legal scholars – answered Radjiman's question by proposing their own respective ideas about a proper ideological foundation for the new Indonesian state. Interestingly, both their proposals also contained five core principles.<sup>56</sup> In order to develop a robust state foundation to prepare for the proclamation of Indonesian independence, BPUPKI created a working committee also known as *Panitia 9*. As its name suggests, this committee consisted of nine members consisted of Islamist and Nationalist representative.

*Panitia 9* held a meeting on 22 June 1945 and produced a consensual document – the aforementioned Jakarta Charter. Although the wording was slightly different from Sukarno's version, the charter essentially incorporated his five principles. The five principles in the Jakarta Charter were accommodated to the preamble of the Indonesian Constitution on 18 August 1945, with a small but important modification: a phrase affirming an obligation for Muslims to adhere to Sharia was removed. Islamist representatives accepted the elimination with an objection because of protest from the Indonesian representative from the eastern part of Indonesia. An important motivation for Islamic groups to compromise was the narrow window of time in which the Constitution had to be enacted in a narrow time of utilising moment where Japan was going to lose its power after Hiroshima and Nagasaki nuclear bombs.

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<sup>55</sup> Current *Pancasila* has grammatical different from Sukarno's notion on June 1, 1945. The five principles as stated in the preamble of the 1945 Constitution contained: (1) Belief in the One and Almighty God; (2) A just and civilized humanity; (3) A unified Indonesia; (4) Democracy, led by the wisdom of the representatives of the People; (5) Social justice for all Indonesians.

<sup>56</sup> Supomo's five principles consist of unity, familiness, consensus and democracy, social prosperity, and believe in the only and one God. Meanwhile, Muhammad Yamin's five principles consist of the belief in the One and Almighty God, a united nation of Indonesia, a just and civilised sense of humanity, democracy led by wisdom in deliberation and representation, and social justice for all Indonesian peoples.



Who should be regarded as the original founder of Pancasila and which text should be considered its founding document are controversial matters. Whether it comes from Sukarno, Supomo, Muhammad Yamin, the Jakarta Charter or the preamble of the 1945 Constitution? Instead of searching for the origin of Pancasila in a single text and an exact moment in history, Yudi Latif understands Pancasila as a historical intellectual project. According to Latif, its earliest beginnings can be traced back to the work of Indonesian intellectual-activists involved with Sumpah Pemuda (Youth Pledge) in the 1920s, until the formulation and endorsement process of Pancasila in 1945.<sup>57</sup> From this point of view, Pancasila should not be understood as a static, unchanging doctrine but as a collective historical project.

The primary function of *Pancasila* at the beginning of the Republic of Indonesia was to provide a common platform for adherents to various ideologies, namely: Islamism, nationalism, socialism, communism and traditionalism. Beside this unifying function, *Pancasila* was also intended to serve as an ideological alternative to other global ideologies, i.e. fascism, communism, liberalism and pan-Islamism. Sukarno regarded *Pancasila* as Indonesian's world view (*Weltanschauung*) to enter the new world of the modern nation-state.

### 3.1.2. *Pancasila* and Guided Democracy

At the start of Indonesia's independence, *Pancasila* was successfully employed to unify diverse political groups in pursuit of national interest. *Pancasila* got its privileged position after the enactment of the preamble of the 1945 Constitution. However, the 1945 Constitution was intended to be an interim constitution. To establish a permanent constitution, a Constitutional Assembly was established after the first general election in 1955. As discussed in the previous chapter of this article, the Islamist and *Pancasila* supporters failed to reach a consensus and decide on an ideological foundation for the new constitution. After the Constitutional Assembly's failing, *Pancasila* lost its unifying appeal and became an ideology for those opposed to Islamism.

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<sup>57</sup> Yudi Latif, *Negara Paripurna: Historisitas, rasionalitas, dan aktualitas Pancasila* (Jakarta: Gramedia Pustaka Utama, 1976), 17.

Moreover, Sukarno was impatient and unsatisfied with the liberal multi-party system. Supported by the military, Sukarno dissolved the Constitutional Assembly and returned to the 1945 Constitution.<sup>58</sup> Sukarno subsequently introduced Guided Democracy to replace liberal democracy, thereby substituting a politics based on consensus with a directive approach. After the Presidential Decree of 5 July 1959, Sukarno reinforced *Pancasila* with new rhetoric to integrate between nationalism, Islamism, and communism (*Nasionalisme, Agama [Islam], and Komunisme/NASAKOM*). This strategy failed due to the deep political divisions between Indonesia's political parties. In the era of Guided Democracy, Sukarno employed *Pancasila* as a means to overcome political and ideological differences with repression, rather than through discourse aimed at achieving consensus.

### 3.1.3. *Pancasila* as the Ideology of the Authoritarian Regime

Suharto took over the presidency with a position to defence and to implement *Pancasila* and the 1945 Constitution in 'pure and consequently'. During the Suharto presidency, there was no room for constitutional reform to accommodate public demands. The fact that the 1945 Constitution did not set a term limit for the presidency allowed Suharto to maintain his position for more than 30 years. Suharto, strongly influenced by traditional Javanese values, utilised *Pancasila* to further his own political agenda. In 1966, the Peoples' Consultative Assembly enacted resolution number XX/MPRS/1966, concerning *Pancasila* as a source of all Indonesian legislation. Moreover, Suharto mystified *Pancasila* by enacting the sacred day of *Pancasila*. For Suharto and his supporters, the most important to be celebrated is the sacred day of *Pancasila* on October 1, instead of the birth of *Pancasila* on June 1.<sup>59</sup> This effort simultaneously encouraged by the Suharto regime to eliminate Sukarno historical influence in the formulation of *Pancasila*.

Under Suharto's regime, communism was made illegal. This political view supported by the People's Consultative Assembly resolution number XXV/

<sup>58</sup> Daniel S. Lev, *The transition to guided democracy: Indonesian Politics 1957-1959* (Ithaca, NY: Cornell University, Southeast Asia Program, 1966).

<sup>59</sup> Nugroho Notosusanto, *Naskah Proklamasi yang Otentik dan Rumusan Pancasila yang Otentik* (Jakarta: Departemen Pertahanan dan Keamanan, 1976), 19-21. See also A.G. Pringgodigdo, *Sekitar Pantjasila* (Pandaan: SU.5, 1970), 9.

MPRS/1966 and it remains prohibited to propagate communism in public space. Suharto used Pancasila to justify his repression of communism. The hostility of the Pancasila movement against communists under the Suharto regime is quite puzzling. After all, the communist party PKI joined nationalist groups in pledging its support to Pancasila in the Constitutional Assembly Meeting in 1956-1959. D.N Aidit, the Chairman of the PKI even wrote a book to defend his support of the Pancasila movement.<sup>60</sup> This reversal of Pancasila's attitude towards communism illustrates how successful Suharto was in transforming Pancasila to support his authoritarian style of government. Under Suharto, critics of the government were regularly accused of being against Pancasila, against Indonesia's development and/or of being PKI members. Moreover, Suharto started the P4 project to indoctrinate Indonesia's using ideas and rhetoric from the Pancasila state-ideology.<sup>61</sup> P4 was a comprehensive training program aimed at teaching Indonesian citizens how to behave in their family, social and political lives. Thus, Pancasila became a perfect disciplinary tool in Suharto's hands, which he used to control Indonesian social and political life.<sup>62</sup> During the Suharto period, the notion of Pancasila stressed Indonesian exceptionalism, which is rooted in ancient Javanese wisdom.<sup>63</sup>

### 3.2. Relocating Pancasila

After Suharto's resignation in 1998, Pancasila lost its privileged political position and started being used as a scapegoat for many problems in Indonesia's past.<sup>64</sup> In the new political atmosphere, organisations are free to choose any

<sup>60</sup> D.N. Aidit, *Membela Pancasila* (Jakarta: Yayasan Pembaruan, 1964).

<sup>61</sup> Pedoman Penghayatan dan Pengamalan Pancasila (P4) is a mandatory program conducted by Suharto administration to indoctrinate Indonesian from primary school student to office workers. This is also a lustration program to filter other ideologies that can be condemned as opponents of Pancasila. See David Bourchier, "Indonesianising Indonesia: Conservative indigenism in an age of globalisation," *Social Semiotics* 8, no. 2 (1998): 207-8. DOI: 10.1080/10350339809360408. See also Robert Cribb, "The incredible shrinking Pancasila: Nationalist propaganda and the missing ideological legacy of Suharto," in *The return to constitutional democracy in Indonesia*, ed. Thomas Reuter (Caulfield: Monash Asia Institute, 2010), 67-69.

<sup>62</sup> David Bourchier, *Pancasila Versi Orde Baru dan Asal Mualas Negara Organik (Integralistik)* (Yogyakarta: Aditya Media Yogyakarta dan Pusat Studi Pancasila UGM, 2007). 348-66.

<sup>63</sup> David Bourchier, "Indonesianising Indonesia: Conservative indigenism in an age of globalisation," *Social Semiotics* 8, no. 2 (1998): 205. DOI: 10.1080/10350339809360408. See also Pranoto Iskandar, "The Pancasila Delusion," *Journal of Contemporary Asia* 45, no. 3 (2016); Michael Morfit, "The Indonesian State Ideology According to the New Order Government" *Asian Survey* 21, no. 8 (Aug, 1981), 839-40.

<sup>64</sup> Tedi Sudrajat, "Harmonization of Regulation Based on Pancasila Values Through the Constitutional Court of Indonesia," *Constitutional Review* 4, no. 2 (December 2018), 304.

ideological foundation apart from communism, which remains prohibited by law. This new situation proved fertile ground for radical Islamic groups. Even Hizbut Tahrir Indonesia, an organisation forbidden in many democratic countries, succeeded in attracting a significant following.

Although Pancasila has lost its status as the dominant ideology in Indonesia,<sup>65</sup> a large number of Indonesian – both members of the political elite and ordinary citizens – still passionately support the ideology. On 1 June 2011, Pancasila commemoration day, President Susilo Bambang Yudhoyono, along with former presidents BJ. Habibie and Megawati Sukarnoputri expressed the need to revitalise Pancasila. There exists considerable public support for such a revival in Indonesia. In a 2011 survey conducted by Statistics Indonesia (*Badan Pusat Statistik*), 79% of the respondents desired a revival of Pancasila in social and political life. However, the respondents had little trust in the political elite's ability to revitalise the movement by properly educating the public on Pancasila (3%). Out of all the groups inquired after, the respondents felt academic institutions is the best suited to revitalize the movement (43%), followed by community and religious leaders (28%) and specialised agencies to be formed by the government (20%). Despite considerable support among Indonesians, no significant steps to revitalize Pancasila were taken until the end of the Yudhoyono administration in 2014. In contrast, many acts of religious intolerance occurred during the Yudhoyono government, for instance, what happened to the Ahmadiyya and Shia.<sup>66</sup>

The subsequent President Joko Widodo inherited the rise in religious intolerance from the Yudhoyono government. A recent striking example of such intolerance is the massive demonstration by the GNPF-MUI<sup>67</sup> calling for Jakarta's Governor Basuki Tjahaya Purnama to be sentenced for blasphemy in 2017. The effort was successful and heightened the tensions between supporters of radical Islamists and pluralists in Indonesian society.

<sup>65</sup> Robert Cribb, "The incredible shrinking Pancasila," 71-72.

<sup>66</sup> Melissa Crouch, "Judicial Review and Religious Freedom".

<sup>67</sup> GNPF-MUI is the National Movement Supporter of the Indonesian Ulama Council's Stance (Gerakan Nasional Pengawal Fatwa Majelis Ulama Indonesia)

### 3.3. The Revival of *Pancasila*: Political and Legal Strategies

President Joko Widodo is searching for a suitable approach to deal with the rise of religious fundamentalism in Indonesia. The president announced new regulation in lieu of law on the Mass Organisation (*Perppu Ormas*) and added a provision regarding the dissolution of mass organisation. This regulation is not only prohibited mass organisation that promotes communism but also organization engaged in the spreading of an ideology that contradicts with Pancasila. It is generally understood in Indonesia that *Perppu Ormas* was created to allow law enforcement to subdue Islamic fundamentalism and transnational Islamism. A few days after *Perppu Ormas* was instituted, the Ministry of Law and Human Rights nullified the registration of Hizbut Tahrir Indonesia as a legal entity. HTI thereby became an illegal organisation under Indonesian law. HTI and other societal organisations have challenged the *Perppu Ormas* in the Constitutional Court, arguing that the regulation constitutes a violation of their human rights (i.e., their freedom of assembly and association). Human rights activists warn that this action can be used to limit freedom of assembly in a broader sense, and it is dangerous for democracy.<sup>68</sup>

In parallel with *Perppu Ormas*, Joko Widodo also created a Presidential Unit dedicated to reviving Pancasila as a state ideology (*Unit Kerja Pemantapan Ideologi Pancasila/UKPIP*) in June 2017. He appointed Yudi Latif, a prominent intellectual with a Muslim background who produced a seminal book on the history of Pancasila, as the chairman of the UKPIP.<sup>69</sup> Several senior with diverse social, religious and political background appointed as supervisory board members of UKPIP.<sup>70</sup>

<sup>68</sup> Wahyu Djafar, "Perppu ormas tak sejalan dengan negara hukum [The Government Regulation in lieu of law is not in line with the state law]," accessed on May 16, 2019, <https://tirto.id/perppu-ormas-tak-sejalan-dengan-negara-hukum-cs83>.

<sup>69</sup> Yudi Latif. *Negara Paripurna: Historisitas, rasionalitas, dan aktualitas Pancasila* (Jakarta: Gramedia Pustaka Utama, 1976).

<sup>70</sup> Member of UKPIP supervisory board includes former President and daughter of Sukarno, Megawati Sukarnoputri; former Vice President of Suharto with military background, Try Sutrisno; chairman of Majelis Ulama Indonesia, that later become candidate for Jokowi's Vice President, Ma'ruf Amin; former chairman of Muhammadiyah and prominent Muslim modern scholar, Ahmad Syafii Maarif, the chairman of Nahdlatul Ulama as the biggest Muslim organization in Indonesia, Said Agil Siradj; former chairman of the Indonesian Constitutional Court, Moh Mahfud MD; business person with Budha background, Sudhamek; a Catholic leader, AA Yewangoe; and a retired military elite, Wisnu Bawa Tenaya.

As a new government body, UKPIP suffers from bureaucratic problems. In the beginning, UKPIP is designed to supply recommendations to the President and to implement Pancasila values into the state apparatus. Due to its weak official status, UKPIP could largely fail to influence other government agencies. Therefore, one of the first aims of the unit is to improve its position to be able to further the president's interests in other government agencies. In this regard, UKPIP transforms to be the Board for Implementation Pancasila State Ideology (*Badan Pembinaan Ideologi Pancasila/BPIP*). In its new form, the agency obtained higher status, more budget and expanded its structure, but became even more caught up in bureaucratic technicalities such as planning, implementing, and monitoring projects. Its ability to implement the Pancasila state ideology remains limited, despite the fact that its mandate was enlarged to promote Pancasila in society at large, in addition to the state apparatus. In June 2018, Yudi Latif resigned as the Head of BPIP indicating that such institutional reform to implement Pancasila through government body was very challenging. Another challenge is promoting Pancasila to millennials that were not with a part of the 'indoctrination project' administered by Suharto's regime.

After two years of UKPIP and BPIP, nothing special has been produced by these bodies. Many intellectuals argue that this type of strategy by the government was destined to fail in its objectives. This also shows the limits of government narrative and technique to use political and legal intervention to reduce the adverse effect of transnational Islamism in the political and social sphere. According to Iskandar, the ultimate problem with Pancasila promoters is its capture by traditionalist forces, preventing the development of a liberal and progressive interpretation of its principles.<sup>71</sup> Moreover, in post-New Order Indonesia, none of the ideological visions formed into a political program,<sup>72</sup> including Pancasila. None political parties really effective in transforming political ideologies into political programs. So, whether this limitation would generate a positive impact on practical social life? What can be alternative rhetoric to

<sup>71</sup> Pranoto Iskandar, "The Pancasila Delusion," 727.

<sup>72</sup> Farabi Fakah, "Reading ideology in Indonesia today," *Bijdragen tot taal, land en volkenkunde* 171 (2015), 348.

revitalise Pancasila? In the next part, I suggest a new interpretation of Pancasila not as an adversarial ideology, but an arena of contesting ideologies.

### 3.4. Toward a New Interpretation of Pancasila

Above I discussed how the government conducted a reactive rather than a systematic approach to address the threat posed by transnational Islamist movements. The Government needs a new narrative of Pancasila to restore its central position in social and political life. However, I argue that the old notion of Pancasila, as the sole state ideology and disciplinary device used by Presidents Sukarno and Suharto will be less relevant to Indonesia's contemporary democratic society. Therefore, redefinition and reposition of Pancasila are required.

In the past, Sukarno and Suharto had used Pancasila as a vehicle to discipline the population and maintain their political power. That approach can only be successful when the government is prepared to use coercive force on a large scale, which is deemed unacceptable in a democratic society. An alternative interpretation of Pancasila does not conceive of it as a coercive ideology, but rather a discursive arena for various social and political interests which need not having anything in common but respect for Pancasila's five core principles. By contrast, during the Suharto regime, scholars tended to understand Pancasila as a set of intrinsic values which should serve as the only and ultimate justification for the government's decisions and regulation; as the state's philosophical foundation and a basis for nation building;<sup>73</sup> or Indonesian values that have to be located at the centre of social and political dynamics.<sup>74</sup> I argue, rather than locating it at the centre, top, or basis of the social and political process, Pancasila should be constructed from the ground up, as a discursive arena for social and political contention, including political ideologies.

<sup>73</sup> Notonagoro, *Beberapa Hal Mengenai Falsafah Pancasila: Pengertian inti-isi-mutlak daripada Pancasila dasar falsafah negara, pokok pangkal pelaksanaannya, secara murni dan konsekuen* (Jakarta: Pantjuran Tudjuh, 1970).

<sup>74</sup> J.W. Sulandra, "Hubungan antara Proklamasi 17 Agustus 1945 dengan Pembukaan dan Batang Tubuh UUD 1945" in *Santiadji Pancasila: Suatu tinjauan filosofis, historis dan yuridis konstitusional*, ed. Dardji Darmodihardjo et al. (Malang: Laboratorium Pancasila IKIP Malang, 1975). See also Kuntjoro Purbopranoto, 1975. 'Pancasila Ditinjau dari Segi Hukum Tata Negara, in Dardji Darmodihardjo et al., *Santiadji Pancasila: Suatu tinjauan filosofis, historis dan yuridis konstitusional*, Malang: Laboratorium Pancasila IKIP Malang.



By underpinning a non-essentialist approach to Pancasila, therefore, the revival of Pancasila shall be more focus on the use of Pancasila rather than its pure and genuine values. The historical investigation found that Pancasila has been used for different political purposes in the past. However, we have to consider the emerging Pancasila as a guide for Indonesian independence and constitution-making in 1945. Pancasila bound by the spirit of the time (*Zeitgeist*) and political agreement to build the Republic of Indonesia. Therefore, Pancasila blew up the spirit of Indonesian constitutionalism. I argue, there were three basic principles of the Indonesian constitution when it was constituted in 1945.

First, the idea of constitutional liberation. In many Western countries, the concept of constitutionalism appeared as a response to the despotic power of Kings, while in Indonesia and many post-colonial countries, the Constitution was created as a means for and symbol of liberation against colonialism. It implies an idea of empowering citizens to participate in developing civilisation as stated in the second principle of Pancasila. However, the challenges faced by our current society no longer arise from colonialism. Instead, the challenge is to liberate vulnerable groups from injustices caused by the unfair political and economic system of neoliberalism. When in the colonial context, to struggle meant to fight for colonial agrarian capitalism, in the modern context to struggle means to argue successfully against neoliberal economic policies. The spirit of the Indonesian constitution generates empowerment of the vulnerable groups. Therefore, protection and affirmation of minorities rights an active element in Indonesian constitutionalism.

Second, the idea of maintaining social plurality. Although it was not stated expressly in the Constitution, the concept of pluralism is inherent to Indonesian history. It is expressed in principle three of Pancasila to preserve Indonesian unity. It is also recorded at the symbol of the Republic of Indonesia, Garuda: *Bhineka Tunggal Ika*. The original meaning of *Bhineka Tunggal Ika* was not pluralism, but syncretism.<sup>75</sup> Later, this maxim turns the meaning of ‘unity in

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<sup>75</sup> I Gusti Bagus Sugriwa, *Ringkasan Tjerita Sutasoma* (Denpasar: Pustaka Balimas, 1956).

diversity'. However, during the New Order era, *Bhineka Tunggal Ika* has used to legitimise the state's superiority that any diversity should comply with the state interpretation of plurality. Therefore, *Bhinneka Tunggal Ika* should be reinterpreted as an umbrella of various diversities, including religious and ideological diversities.

Third, freedom of religion and spirituality. Pancasila contained the principle 'belief in God' as the state foundation. The constitutional framers believe that Indonesians have spirituality element in their daily life. It is a guarantee that the state recognises religious freedom. However, in practice, there are still many restrictions on religious freedom because the government only acknowledges six official religions. It excludes many traditional beliefs of indigenous groups that are not considered proper religions, although they do have spirituality elements. Therefore, to expand the scope of the Constitution, I argue that freedom of spirituality should be promoted to complete the concept of religious freedom.

In this part, I would like to stress that the new interpretation of Pancasila should be attached to the idea of constitutionalism rather than elite political interest. It is required a productive debate supported by freedom of the press, reduce hoaxes and strong law enforcement. At this point, the constitutional legal mechanism can be utilised as an arena for public discourse on ideological debates. During the constitution-making period in 1945, BPUPKI and PPKI were forums for ideological debate and so was the Constitutional Assembly from 1956 to 1959. During the period of constitutional amendments (1999-2002), such ideological debate received little attention, but the focus more on the prevention of authoritarianism by imposing the rule of law principles. The instalment of the Constitutional Court as a result of the constitutional amendments in 2003, provided a new arena for ideological debate through adjudicating the statutes that are presumed violate the constitutional arrangement.<sup>76</sup>

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<sup>76</sup> More detail about the role of the Constitutional Court in adjudicating constitutional cases related to religious freedom. See Dian AH. Shah, *Constitutions, Religion and Politics in Asia: Indonesia, Malaysia and Sri Lanka*, Cambridge University Press, 2017; Melissa Crouch, "Judicial Review and Religious Freedom: The Case of Indonesian Ahmadis," *Sydney Law Review* 34 (2012): 545; Nadirsyah Hosen, "The Constitutional Court and 'Islamic' Judges in Indonesia"; and Yance Arizona, Endra Wijaya, and Tanius Sebastian, *Pancasila dalam Putusan Mahkamah Konstitusi*, Jakarta: Epistema Institute, 2014.

## IV. CONCLUSION

This article has examined how political elites has been employed Pancasila to overcome the transnational Islamist movements. Referring to historical inquiry, the revival of Pancasila as an adversarial ideology to Islamism likely will fail to reach its objectives. Creating a central agency to impose Pancasila state ideology would not be effective without the full support of coercive power and a strong state.<sup>77</sup> However, in a democratic society, coercive power by the government is often understood as a human rights violation and leading to more resistance to the government. Moreover, the interpretation of Pancasila as the product of 'Indonesian exceptionalism' by many Indonesian scholars is a romantic view that provides legitimacy to the government to use of Pancasila as a basis against their political opponents

This article, therefore, called for a reinterpretation of Pancasila from a closed-state-focused ideology to an open arena for contesting ideologies. Such a new interpretation of Pancasila preserves the main principles and the original use of Pancasila as a unifying ideology. Therefore, instead of using Pancasila as a standard to condemn other ideologies such as communism and Islamism,<sup>78</sup> Pancasila should be located as an arena for ideological debate. Through this approach, Pancasila is subject to perennial deliberation process of obtaining the objective of Indonesian independence. This narrative can effective with the support of strong legal enforcement. Therefore, persecution and human right violation by radical Islamic organisations should be prosecuted by legal apparatus, without limiting their aspiration to involve in ideological debates.

Legal institutions can be one of the legal fora for ideological debate to improve the resilience of Pancasila against the Islamic fundamentalist agenda. Even though this article is too much focus on legal instrumentalist approach for exploring the role of the legal institution for ideological debates, another approach can be used to complete the big picture on the return of Pancasila. For

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<sup>77</sup> Zezen Zaenal Mutaqin, "The Strong State And Pancasila: Reflecting Human Rights in the Indonesian Democracy" *Constitutional Review* 2, no. 2 (December, 2016), 161 and 184.

<sup>78</sup> Tedi Sudrajat, "Harmonization of Regulation Based on Pancasila Values," 314.

instance, how to explain that the selection of Ma'ruf Amin, a prominent leader of Nahdlatul Ulama and the chairman of MUI, as the running mate of Joko Widodo for his second term as a political strategy to limit Islamic fundamentalist agenda. In this respect, how to understand the intertwined between the return of Pancasila with Islam Nusantara (Archipelago Islam), promoted by Nahdlatul Ulama. Moreover, out of political elites dynamics, Seung-Won Song, for instance, investigating the positive effect of the discourse on the revival of Pancasila for grassroots society. This is an invitation to go deeply to the local context to understand the use of Pancasila in societal practice.<sup>79</sup>

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<sup>79</sup> Seung-Won Song, 2008. *Back to Basics in Indonesia*.

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