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Harmonizing Diversity: Pancasila's Role as The Cornerstone of Multi-Cultural Harmony as Legal Discours

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This study examines Pancasila's pivotal role in harmonizing Indonesia's diverse cultural, religious, and social landscape through legal discourse. As the foundational philosophy of Indonesia, Pancasila embodies principles that not only forge national identity but also guide the legal framework towards promoting unity, justice, and human dignity. Employing a Juridical Normative Research method, this paper delves into how Pancasila influences legal norms, principles, and decision-making processes, ensuring that Indonesia's legal system reflects its rich cultural diversity while upholding the values of social justice and national unity. The findings highlight Pancasila's dynamic adaptability and its enduring relevance in addressing contemporary challenges, such as globalization and radical ideologies, by fostering a legal and societal framework that is inclusive, just, and humane. By integrating Pancasila's principles into legal discourse, Indonesia presents a unique model of how foundational philosophies can harmonize multicultural societies. This research underscores the importance of Pancasila in shaping not only legal discourse but also in nurturing a cohesive national identity amidst diversity, offering insights into its potential application in other multicultural contexts worldwide.

1. Introduction

Pancasila as the foundation of Indonesian philosophical value embodied the quintessence of the nation's identity and serves as the bedrock upon which the country's legal system is constructed. This unique social ideology is encapsulated in five guiding principles, not only articulating the spiritual and social aspects but also shows its character in the formulation and interpretation of Indonesian Law and Policies. The five principles of Pancasila has collectively foster an inclusive legal landscape that aims to harmonize the diverse cultural, religious, and social elements within the country (Suseno 2018). Therefore, Pancasila is very instrumental in shaping a legal system that is not only reflective of the richness of Indonesian culture but also committed to uphold human dignity, promoting social justice, and ensuring national unity (Aituru and Andrias 2023). Through its pervasive influence on legal norms, Pancasila has established a distinctive paradigm for governance and jurisprudence that seeks to balance traditional values with modern principles of democracy and human rights.

Pancasila historical trajectory reveals its dynamic adaptability and enduring relevancies in addressing contemporary challenges as it grows within Indonesian society. As the ideological cornerstone, Pancasila has withstood the vicissitudes of political upheavals, economic transformations, and social changes that reinforced the nation's commitment to a balance and peaceful country (Aldyan and Negi 2022). The philosophical doctrine of Pancasila has not only guided the formulation of law and its application in the society but also has permeated the collective consciousness of the Indonesian people, fostering a sense of national unity amidst diversity (Darmaputera 1988). The strategic position of Pancasila in educational curriculum and public discourse further exemplifies its integral role in shaping civic values and social ethics, thus facilitating a cohesive national identity that transcends ethnic, religious, and cultural differences. Pancasila has stood as a testament to Indonesia's resilient pursuit of harmonious coexistence, highlighting its significance as both historical legacy and a contemporary compass for societal development and national integration.

Pancasila is not merely a set of ideal norms but acts as a guiding philosophy that permeates every aspect on Indonesian society including its legal system. Pancasila has a role as the pivot point of Indonesian legal discovery process, the principles that are contained in Pancasila serve as a compass for judicial decision-making and as legal interpretation to ensure that the legal system remains anchored in the nation's core values, promoting legal stability and justice that resonates with the Indonesian Ethos (Amin 2023). Apart from the five principles that are called as Sila, there is another important principle found in Pancasila called "Bhineka Tunggal Ika" that translate to "Unity in Diversity". The Principle of Bhineka Tunggal Ika emphasizes Pancasila's ethos of unity in diversity which is very crucial in order to manage the complex mosaic of Indonesian society (Azhari and Rosyad 2023). The reinforcement of national unity through legal means is very important to harmonize the different culture, race, and beliefs in Indonesia. The implementation of Pancasila values has been fostered since the early age of every Indonesians through education, this underlined the Pancasila's role not only as a legal and philosophical foundation, but also as a cultural cornerstone that shapes and is shaped by the Indonesian people's way of life (Sulistyarini, Dewantara, and Adha 2023).

The existence of Pancasila has brought Indonesian justice and legal system towards a more humane and just legal system that resonates with Pancasila's second principle, justice and civilized humanity (Gunarto, Laia, and Wahyuningsih 2023). It Showcases how indigenious

values, underpinned by Pancasila can inform and refine legal sanctions in Indonesia to ensure that those punishments are fair and reflective of social values.

Indonesia as a country that stood on the pillar of Pancasila confronts an array of ever-rising challenges that test the resilience and adaptability of Pancasila as its foundational philosophy (Saputri, S., & Dewi 2022). The forces of globalization, the specter of radicalism, and the dynamics of political change stand as significant hurdles in the path of maintaining the relevance and applicability of Pancasila. Globalization is a dual-edged sword that has brought economic opportunities and cultural exchanges, while simultaneously posing threats to traditional values and societal cohesion, necessitating a delicate balancing act to safeguard national identity. Similarly, the rise of radical ideologies both religious and political, challenges the pluralistic and inclusive essence of Pancasila, prompting the nation to fortify its moderate and inclusive ethos against the divisive tendencies of extremism. Furthermore, Indonesia's political evolution, characterized by democratization and decentralization, demands a nuanced reinterpretation of Pancasila in governance and legal frameworks to ensure that these reforms resonate with its core principles.

In response to these multifaceted challenges, Indonesia has embarked on strategic initiatives to ensure that Pancasila remains a guiding light for the nation. Through educational reforms, the country aims to instill the values of Pancasila in its citizens from an early age, fostering a sense of national identity that is resilient to external influences and internal divisions. Legal and policy reforms are also undertaken to align national governance and legal practices with the principles of Pancasila, ensuring that democracy, social justice, and national unity are upheld (Samekto and Purwanti 2021). Moreover, Indonesia's approach to countering radicalism by promoting a moderate and inclusive discourse on religion and politics serves as a testament to its commitment to maintaining social harmony and cohesion. These efforts exemplify Indonesia's proactive stance in navigating the complexities of modern governance while staying true to the philosophical underpinnings of Pancasila, thereby showcasing its potential as a unique model for achieving balance between tradition and modernity on the global stage.

Conducting research on "Harmonizing Diversity: Pancasila's Role as the Cornerstone of Multicultural Harmony as Legal Discourse" is vital for comprehensively understanding how Pancasila influences Indonesia's legal framework and fosters multicultural harmony (Suseno 2018). Investigating Pancasila's role in legal discourse allows for insights into how its principles are applied to accommodate diverse cultural, religious, and social backgrounds, promoting national unity and identity (Herhana, Rusnaini, and Nuryadi 2023). Such research can shed light on how Pancasila addresses issues of social justice, legal reform and human dignity, particularly in the face of contemporary challenges like globalization and radical ideologies. Findings from this research can inform policy decisions aimed at integrating Pancasila's principles further into legal discourse, potentially serving as a model for other multicultural societies worldwide grappling with similar diversity and unity issues.

2. Research Method

Juridical Normative Research method will be employed in this research to find the essence of “Harmonizing Diversity: Pancasila’s Role as the Cornerstone of Multicultural Harmony as Legal Discourse”. This method involves analyzing legal norms and principles within the context of Pancasila's philosophical framework to understand how they shape Indonesia's legal system and promote multicultural harmony. The research will begin by conducting a comprehensive review of legal documents, including constitutional provisions, statutes, regulations, and judicial decisions, to identify the explicit and implicit influence of Pancasila on legal discourse (Sunggono 2019). Additionally, scholarly literature on Pancasila, legal theory, multiculturalism, and related topics will be reviewed to provide theoretical insights and contextual understanding. The analysis will focus on identifying the application of Pancasila principles in legal interpretation, decision-making processes, and the formulation of policies aimed at harmonizing diversity within Indonesian society. Furthermore, comparative analysis may be conducted to assess how other legal systems address multicultural challenges and the potential applicability of lessons learned to the Indonesian context. The research will culminate in synthesizing findings to elucidate the role of Pancasila as a guiding principle for promoting multicultural harmony within Indonesia's legal framework.

3. Result and Discussion

Pancasila as Staatsfundamental Norm

The concept of the staatsfundamental norm, originating from legal philosopher Hans Kelsen's theory of the Grundnorm, refers to the foundational norm upon which an entire legal system is based. In the context of Indonesia, Pancasila serves as the staatsfundamental norm, embodying the quintessence of the nation's identity and guiding principles. As the highest legal norm within the Indonesian legal order, Pancasila establishes the framework for the validity of all other legal norms and principles (Suroto 2018). It functions as the ultimate point of reference for legal interpretation and decision-making, reflecting Indonesia's commitment to unity in diversity, social justice, democracy, and human rights. Pancasila's role as the staatsfundamental norm underscores its significance in shaping Indonesia's legal landscape and fostering national unity amidst cultural, religious, and social diversity.

Pancasila as the staatsfundamental norm profoundly influences the legal system, ensuring that laws and regulations are in accordance with its foundational principles. The opening of the Undang-Undang Dasar Negara Republik Indonesia Tahun 1945 (UUD 1945), specifically the fourth paragraph, explicitly underscores the paramount importance of Pancasila as the philosophical foundation of the Indonesian state. This constitutional provision declares that the state is based on Pancasila as mentioned on UUD 1945 Pasal 1 ayat (1), emphasizing its role as the guiding principle for national governance and legal order. By enshrining Pancasila in the constitution's preamble, the Indonesian legal system is fundamentally anchored in its values of unity, justice, democracy, social welfare, and belief in an eternal God. This ensures that legislation, judicial decisions, and legal interpretations are aligned with Pancasila's principles, thereby promoting a legal framework that reflects the nation's ethos and aspirations.

The UUD 1945 occupies the highest position in Indonesia's legal hierarchy, serving as the supreme law of the land. As articulated in the constitutional theory, the UUD 1945 is the grundnorm, or the basic norm, from which all other legal norms derive their validity. Given that the UUD 1945 explicitly declares Pancasila as the philosophical foundation of the state, this constitutional document is inherently spirited by Pancasila's principles. Consequently, Pancasila exerts a direct and indirect influence on lower laws and regulations. Directly, Pancasila's principles inform the drafting and interpretation of specific laws, ensuring they align with the broader goals and values outlined in the constitution. Indirectly, the spirit of Pancasila permeates the entire legal system, guiding lawmakers, judges, and legal scholars in their endeavors to create and apply laws that uphold the nation's foundational principles (Soekarno 1947). Thus, Pancasila's influence extends beyond the constitution itself, shaping the entire legal landscape of Indonesia at every level of governance and jurisprudence.

Pancasila permeates lawmaking and legal practice at various levels, affirming its pivotal role in shaping the country's legal landscape and governance (Argawati 2024). The preamble of the Indonesian Constitution explicitly declares Pancasila as the philosophical foundation of the state, establishing it as the grundnorm from which all other legal norms derive their validity. Legislative enactments frequently reference Pancasila in their preambles, acknowledging its significance as a guiding principle for governance and its making. Judicial decisions often invoke Pancasila to interpret laws and uphold constitutional principles, particularly in cases involving religious freedom, social justice, and human rights. Moreover, legal scholarship extensively discusses Pancasila's implications for lawmaking and legal practice, analyzing its influence on Indonesia's legal system and its relevance in contemporary legal discourse. Government policies and initiatives similarly reflect Pancasila's principles, emphasizing values such as social justice, democracy, and unity in diversity (Prawiranegara 1984). These multifaceted manifestations underscore Pancasila's enduring importance as the cornerstone of Indonesian law and governance.

Therefore, Pancasila as the Staatsfundamental norm of Indonesia, possesses a unique capacity to address future challenges by providing a cohesive and adaptable philosophical framework that unites diverse societal elements (Sugara 2017). Its principles of belief in an eternal God, humanitarianism, national unity, democracy through deliberation, and social justice embody timeless values that can guide the nation through evolving social, political, and technological landscapes. The universality and flexibility of Pancasila allow it to serve as a moral compass and a basis for legal norms, ensuring that Indonesia's development remains aligned with its core values while promoting inclusivity and harmony.

Protection of Minorities and Cultural Plurality

The protection of minorities and the promotion of cultural plurality through Pancasila, as Indonesia's foundational philosophical theory, presents a nuanced subject for scholarly investigation, especially given the nation's vast diversity in terms of culture, religion, and ethnicity. This discussion delves into the scientific findings concerning the role of Pancasila in safeguarding minority rights and fostering cultural diversity, incorporating comparisons with another research in the same domain.

The first principle of Pancasila, which underscores the "Belief in an eternal God" aims to establish a religiously inclusive environment. Research by Tanamal and Siagian (2021)

highlighted this principle's pivotal role in encouraging religious inclusivity among Indonesia's varied religious communities. However, the application of this principle has shown variability, sometimes resulting in the dominance of majority religious interpretations over minority rights. This inconsistency is often rooted in the diverse understandings of monotheism, which can lead to exclusivity rather than inclusivity

The principle of "Just and Civilized Humanity" emphasizes the respect for human dignity and rights, laying a theoretical foundation for minority protection. Tanamal and Siagian (2021) demonstrated how this principle has driven legal reforms for protecting minority rights. Nonetheless, a disconnect between legal frameworks and their practical application persists, largely due to prevailing societal norms and biases that overshadow constitutional protections. Drawing parallels with Malaysia's multicultural policy framework, particularly the Rukun Negara principles, reveals similar challenges in both countries regarding foundational national principles and their real-world effectiveness. Both nations exhibit a constitutional commitment to minority protection, yet the impact varies significantly due to socio-political dynamics and historical factors (Dwijayanto and Rohmatulloh 2021).

The latter principles of Pancasila, focusing on nationalism, democracy, and social justice, collectively aim to support cultural plurality and minority protection. A positive correlation was found between the advocacy of these principles and the enhancement of minority rights protection over time. However, the commitment to these principles has shown fluctuation, influenced by political changes, current situation and economic considerations, the fundamental theory should be aligned with the application in order to create an ideal society (Kennedy 2024). The observed variability in protecting minorities and promoting cultural plurality through Pancasila can be attributed to several factors. Firstly, the inconsistent interpretation and enactment of Pancasila principles reflect the complex relationship between national identity and Indonesia's diverse society. Secondly, external socio-political pressures significantly influence these principles' enforcement. Lastly, the gap between legal mandates and societal attitudes indicates an ongoing need for education and cultural shifts towards true inclusivity (Yuliana 2021).

While Pancasila offers a strong theoretical base for minority protection and cultural diversity, scientific findings reveal considerable variability in its practical application. This variability highlights the necessity of not merely legal and constitutional actions but also fostering societal norms and attitudes that resonate with Pancasila's inclusive principles. Future research should aim at devising methods to narrow the gap between Pancasila's theoretical underpinnings and their practical application, ensuring Indonesia's vision of a pluralistic and inclusive society. Insights from the experiences of other countries, like Malaysia, could provide valuable lessons for improving these strategies and their outcomes.

Legal and Social Harmony Through Pancasila

Research indicates that Pancasila serves as a crucial variable in the maintenance of legal and social harmony within Indonesia (Suroto 2018). For instance, studies have shown a significant correlation between the principles of Pancasila and lower levels of social conflict and higher legal compliance among the population. One such study, conducted by Adha and Susanto (2020), found that regions with higher adherence to Pancasila principles experienced fewer instances of communal conflict and civil unrest. This phenomenon can be attributed to Pancasila's emphasis on unity and social justice, which fosters a sense of collective identity and mutual respect among Indonesia's diverse ethnic and religious

groups.

Another variable trend observed is the relationship between the implementation of Pancasila in educational systems and the level of civic engagement and legal awareness among citizens. Research by Semadi (2019) demonstrated that educational programs that rigorously incorporated Pancasila's principles resulted in a generation of citizens who were more likely to engage in lawful and harmonious social practices. This effect is scientifically explainable by the role of education in shaping individuals' values and attitudes, making them more inclined to adhere to legal norms and contribute to social cohesion.

Research conducted in other countries with similar foundational philosophies, such as the principle of 'Bhinneka Tunggal Ika' (Unity in Diversity) in India, reveals parallel findings. Researchers like Ray and Singh (2015) have found that societies with a strong emphasis on foundational principles similar to those of Pancasila tend to exhibit greater social harmony and legal compliance. However, it's noteworthy that the effectiveness of such principles in promoting harmony significantly depends on their implementation and the societal context. For instance, Pancasila's impact is particularly pronounced in Indonesia due to its unique cultural, religious, and ethnic composition, which necessitates a strong unifying ideology to maintain harmony.

The scientific basis behind the protective role of Pancasila in maintaining legal and social harmony lies in its comprehensive approach to addressing the multifaceted nature of societal issues. By promoting principles that emphasize unity, justice, and democratic values, Pancasila creates a conducive environment for the peaceful resolution of conflicts and adherence to legal norms (Meifanny 2016). These findings confirm the research hypothesis that Pancasila significantly contributes to the protection of legal and social harmony in Indonesia. The scientific explanation for this trend involves the principles of social cohesion and legal normativity, which suggest that societies with strong, shared values are more likely to exhibit harmonious interactions and compliance with legal frameworks.

In conclusion, the scientific investigation into the role of Pancasila in protecting legal and social harmony reveals a clear correlation between the adherence to these principles and the maintenance of a harmonious society. These findings are supported by adequate scientific phenomena and comparative analysis with similar research, thus confirming the hypothesis posed in the introduction. Even though there are a lot of deviation between *Das Sein* (the reality) and *Das Sollen* (existing rules & regulations) such as infringement on equality or even basic human rights either directly or indirectly (Kennedy and Wartoyo 2024), Pancasila's effectiveness as a unifying and guiding philosophy for Indonesia underscores the importance of foundational national values in fostering legal compliance and social peace.

Applicability in The Ever-Changing World

In the evolving landscape of global and national politics, the applicability and protection of Pancasila, as Indonesia's foundational philosophy, presents a compelling case for scientific exploration. Pancasila, embodying the principles of belief in an eternal God, a just and civilized humanity, the unity of Indonesia, democracy guided by the inner wisdom in the unanimity arising out of deliberations amongst representatives, and social justice for all Indonesian people, offers a robust framework for governing a diverse nation. However, its

application in an ever-changing world necessitates a detailed scientific examination, especially in the context of globalization, digital transformation, and shifting geopolitical dynamics (Meifanny 2016).

Recent research highlights that the applicability of Pancasila faces both challenges and opportunities in the contemporary era. Scientific studies, employing quantitative and qualitative methodologies, reveal a variable trend in the perception and implementation of Pancasila values among Indonesian society. For instance, a longitudinal study conducted over the past decade observed a gradual decline in the public's understanding and practice of Pancasila principles, attributed to the digital information overload and the rising popularity of globalized cultural norms that often conflict with local ideologies (Subyakto 2021). However, why did such a trend emerge? Scientifically, this can be explained by the concept of cultural diffusion and the impact of technological advancements on ideological transmission. The internet and social media have introduced a new dynamic in the dissemination of ideas, where global cultures often overshadow national identities, leading to a dilution of traditional values (Putri and Andrian 2020). This phenomenon is not unique to Indonesia; however, the contrast becomes more pronounced given the country's rich cultural diversity and the foundational role of Pancasila.

Pancasila's applicability in an ever-changing world underscores its enduring relevance amidst global and local challenges. Despite the observed trends of dilution in traditional values, the strategic adaptation and integration of Pancasila within contemporary societal frameworks have showcased its resilience. This study not only confirms the research hypothesis but also contributes to the broader discourse on national ideologies' relevance in the global era, providing a comparative perspective and scientific grounding for future policy-making and educational endeavors aimed at preserving national identity in a globalized context.

The contemplation of Pancasila's universal principles—belief in an eternal God, social justice, democracy, and unity—reveals its potential to inspire nations beyond Indonesia. However, the direct application of Pancasila in other countries faces significant hurdles due to differences in cultural practices, political systems, and historical contexts. While the essence of Pancasila resonates globally, its integration into the fabric of another nation's identity would necessitate a nuanced adaptation to local conditions. Particularly, the consensus-based democratic model, a distinctive feature of Pancasila, may not align seamlessly with the democratic traditions elsewhere, underlining the importance of contextual relevance in the adoption of such foundational philosophies.

In the legal sphere, Pancasila's integration with Indonesia's constitution and legal framework exemplifies how foundational philosophies can shape legal systems. Adapting Pancasila's principles to other legal traditions requires careful consideration of existing norms and values to ensure that reforms inspired by Pancasila are both culturally apt and legally viable. The principle of social justice within Pancasila, for instance, could guide legal reforms aimed at promoting equity in other nations. Furthermore, Pancasila's emphasis on unity and international cooperation could influence international law, advocating for a legal order based on mutual respect and collaboration (Wedijodiningrat 1958). Thus, while Pancasila's direct adoption by other countries may be impractical, its principles offer valuable insights for legal reform and international relations, underscoring the transformative potential of foundational philosophies in global legal discourse.

4. Conclusion

In concluding the journal "Harmonizing Diversity: Pancasila's Role as the Cornerstone of Multicultural Harmony as Legal Discourse," it's imperative to underscore that Pancasila is not merely Indonesia's philosophical heritage but a universal paradigm that offers profound insights into managing diversity through legal and societal norms. Its five principles—belief in an eternal God, just and civilized humanity, the unity of Indonesia, democracy guided by wisdom through deliberation, and social justice for all—formulate a cohesive framework that not only upholds Indonesia's rich cultural tapestry but also promotes an inclusive legal landscape. This framework is instrumental in safeguarding human dignity, advancing social justice, and ensuring national unity amidst a myriad of cultural, religious, and social dynamics.

Pancasila's enduring relevance is evident in its adaptability to contemporary challenges, showcasing its potential as a guiding light beyond Indonesian borders. The ideology's universal appeal lies in its core values of unity, justice, democracy, and respect for human dignity, which are applicable to any multicultural society striving for harmony. The principles of Pancasila, transcending cultural and religious boundaries, offer a model for global governance that emphasizes inclusivity, mutual respect, and understanding in an increasingly interconnected world.

However, the direct applicability of Pancasila in other countries necessitates careful consideration of local contexts and cultural nuances. While the foundational values of Pancasila are universally resonant, their implementation must be tailored to fit the unique societal fabrics of different nations. This adaptability underscores the ideology's strength, suggesting that while Pancasila itself may not be directly transplanted, its principles can inspire similar frameworks that align with the core values and aspirations of other societies. The successful application of Pancasila's principles in addressing issues of diversity, governance, and social justice in Indonesia serves as a testament to its potential as a model for other nations grappling with similar challenges. By fostering dialogue, encouraging empathy, and promoting a balanced approach to development, countries can develop their own versions of Pancasila, rooted in their unique historical, cultural, and societal contexts.

In essence, Pancasila embodies a philosophical blueprint for harmonizing diversity through a legal and societal approach that respects and celebrates the plurality of human existence. Its role in Indonesian discourse as a cornerstone of multicultural harmony underscores its significance not only as a historical legacy but also as a contemporary compass for societal development and national integration. As nations navigate the complexities of modern governance and seek to harmonize diversity within their borders, Pancasila offers valuable lessons in unity, justice, and human dignity that resonate with the shared aspirations of humanity.

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