

Transformation of Pancasila and the Rule of Law: A Comparative Study and Analysis of National Development Before and After Government Reformation

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Abstract. This paper explores the evolution of Pancasila and the rule of law in Indonesia before and after the government reform era. A comparative analysis examines how changes in governance structures and policies have influenced national development. The study highlights shifts in legal frameworks, political ideologies, and societal values, emphasizing their impact on economic stability, social justice, and governance effectiveness. Insights from historical and contemporary perspectives illuminate the complexities of Indonesia's socio-political landscape, offering lessons for other developing nations grappling with similar challenges of democratic transition and institutional reform. This research contributes to a deeper understanding of the dynamic interplay between foundational principles like Pancasila and legal norms in shaping a nation's trajectory toward democratic consolidation and sustainable development.

1 Introduction

Significant socio-political transformations have marked Indonesia's journey since its independence in 1945, none more pivotal than the evolution of Pancasila as a guiding philosophy and the development of its legal framework [1]. Central to this evolution is the interplay between Pancasila, the rule of law, and the broader context of government reform initiatives. Pancasila, encapsulating Indonesia's foundational principles of unity, democracy, social justice, and religious harmony, has shaped the nation's legal and political landscape. Concurrently, reforms aimed at enhancing governance effectiveness and accountability have sought to align legal institutions with democratic ideals[2].

The concept of the rule of law within Indonesia's context has evolved alongside these transformations. Initially rooted in Dutch colonial legal systems, it underwent reinterpretation and adaptation post-independence to reflect indigenous values and aspirations. The rule of law serves as a critical framework for ensuring equity, justice, and stability, yet historical legacies and socio-political dynamics have often challenged its application.

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Government reform initiatives, particularly those following the fall of the New Order regime in 1998, have aimed to strengthen democratic governance and institutional transparency. These reforms, influenced by global trends and domestic imperatives, have sought to address corruption, improve legal certainty, and enhance the protection of human rights. However, their implementation has been fraught with challenges, reflecting the complexities of balancing democratic aspirations with socio-economic realities.

The discourse surrounding the rule of law, the Pancasila has long been a focal point in academic discussions. Despite ongoing debates, there is a consensus that the concept of the rule of law in Indonesia diverges from the broader *rechtsstaat* concept. The Indonesian rule of law is rooted in the nation's ethos, defined as the Pancasila. Pancasila, formulated by Indonesia's founding fathers Sukarno and Mohammad Hatta, emerged from the struggle for independence from Dutch colonial rule[3]. It aimed to unify a diverse nation with shared values that transcended religious and ethnic divides. Pancasila's principles resonated with a population yearning for a new social and political order. Enshrined in the 1945 Constitution, Pancasila became the official ideology, serving as a guiding light for national development[3].

While the principles of an Indonesian rule of law based on Pancasila have been well articulated, their practical implementation and institutionalization still need to be completed. Consequently, there is a pressing need for a systematic and extensive effort to embed the Pancasila-influenced rule of law across public and state domains, particularly in the development of national legislation. This prompts the inquiry into how Indonesian law can effectively serve as a mechanism for achieving national objectives, particularly the establishment of a just and prosperous society. Historically, differing perspectives emerged in the early 20th century during the Dutch East Indies period, notably between Nederburgh and Nollst Trenite, and Cornelis Van Vollenhoven[4]. Nederburgh and Nollst Trenite advocated for the harmonization and codification of law in the Dutch East Indies aligned with Dutch legal norms, while Van Vollenhoven supported legal pluralism through the application of "*Adat Rechtsbringeren*" commonly addressed as Customary Law.

These debates persist among contemporary scholars. Advocates of customary law as the foundational basis for state law include Professors Djojodigono, Koesnoe, and Malikoel Saleh. Conversely, Professors Bustanil Arifin and Hazairin advocate for Islamic law to occupy a central role in national legislation, particularly for the Muslim community. Those advocating for the unification and codification of national law include Professors Djoko Soetono, Sudiman Kartohadi Prodjo, Soenaryo, and Subekti. In contrast, Prof. Mochtar Kusumaatmadja proposes a nuanced approach of partial unification and codification, suggesting that less contentious areas of law be standardized, while more complex legal domains evolve through jurisprudence or legislative processes, thereby becoming part of national law[4].

Following a period of political instability, General Suharto's rise to power in 1966 ushered in the New Order era. This period prioritized stability and economic development. Pancasila was interpreted in a way that prioritized national unity and order over individual freedoms[5]. This emphasis on stability translated into a one-party dominant system namely *Golkar*, and limited political participation. Dissenting voices were stifled, and dissent equated with disloyalty to the nation[6].

The New Order's focus on stability had a profound impact on the rule of law. The judiciary lacked independence, often subservient to the executive, and legal processes were frequently manipulated for political gain, with rampant corruption eroding public trust in the legal system[6]. While economic growth was prioritized, it came at the expense of transparency and accountability. This created an environment where powerful individuals could exploit legal loopholes for personal gain, hindering the development of a robust legal framework.

Using a comparative research method, this paper analyzes the transformation of Pancasila and the rule of law in Indonesia's national development trajectory. The study investigates the impact of changes to governance frameworks on legal norms, societal standards, and economic performance through a comparative analysis from before and after the reformation. This research maps patterns of continuity and change in the legal and political landscapes of Indonesia through a combination of qualitative historical analysis with empirical data collection. Using academic literature, case studies, and previous data on the topic, *The Heilbronn Comparative Analysis* contains an assessment of the role legal reforms can play in affecting changes to democratic governance and sustainable development.

Aside from the findings, this study helps expand the current conversations about how legal systems in different nations shape a country's development trajectory over time, effects on national identity and development paradigms, and inclusive growth prospects. This study contrasts new order and post-reformation models of national development analyzing how both have differently interpreted Pancasila and the rule of law. Furthermore, it also looks into the overall economic development that occurred during the New Order regime and at the same time analyses the weaknesses of the New Order regime in the provision of social justice and environmental conservation.

2 Discussion and Analysis

The transformation of Pancasila, Indonesia's foundational ideology, has played a crucial role in shaping the nation's rule of law and national development. Pancasila, which comprises five core principles—belief in one God, humanitarianism, national unity, democracy, and social justice—has been the ideological bedrock of Indonesian governance since its independence in 1945. The interpretation and implementation of these principles have varied significantly over time, particularly between the authoritarian New Order era and the democratic post-reformation period. This part shall explore the evolving relationship between Pancasila and the rule of law, setting the stage for a deeper examination of national development strategies before and after government reformation.

In the New Order era, under President Suharto's regime, Pancasila was employed to justify centralized authority and rapid economic growth, often at the expense of political freedoms and human rights. However, the post-reformation era marked a dramatic shift towards democratization, decentralization, and greater adherence to civil liberties, driven by public demands for reform and accountability. By examining these contrasting approaches, we can better understand how Pancasila's application has influenced Indonesia's governance and development. The following discussion delves deeper into these dynamics, offering a focused discussion and analysis of how Pancasila has been interpreted and implemented across different political landscapes and its impact on national development.

2.1 Pancasila and the Concept of Rule of Law in Indonesian Jurisprudence

The idea of the supremacy of the law is one more objective facet of democratization that has attracted scholars' attention and numerous discussions across the globe. In Indonesia, the idea of the rule of law has dominated the country's legal/political thinking since the country's existence[7]. There has been a myriad of approaches that scholars have undertaken to explain or define the rule of law. While there is no universally agreed-upon definition, several key principles are commonly associated with the rule of law, including[8]: While there is no universally agreed-upon definition, several key principles are commonly associated with the rule of law, including Equality before the law: The equality of all people is a main principle of the school; people do no matter their social class, economic status, or political beliefs. Non-retroactivity of laws: It must be understood that laws cannot be retroactively applied to

penalize activities that were legal at the time of their commission. Presumption of innocence: There exists a proviance held in every single person of being innocent unless the contrary is proved in a court of law. Independence of the judiciary: A self-governing judiciary means that it should not be threatened, influenced, or interfered with by either the executive or the legislative arm of government. Accountability of government officials: All the individuals who are in government are not immune to the law and therefore can be charged with their deeds.

The principle of the rule of law for Indonesia was put in Indonesian law with the establishment of the 1945 constitution. The preamble of the Constitution of the Republic of Indonesia says that Indonesia is a “state of law” meaning that the law is the highest authority in the country. However, the establishment of the rule of law in Indonesia has never been an easy process because it is bounded by quite considerable factors such as political unstable conditions, economical development, and cultural context[9].

As articulated in the elucidation of the 1945 Constitution, the Indonesian state operates as a *Rechtsstaat* rather than a *Machtsstaat*, emphasizing governance guided by legal principles over arbitrary power[10]. The Amendment to the 1945 Constitution underscores Indonesia's status as a constitutional state with elevated constitutional values, notably affirmed in Article 1, Paragraph (3) of the Constitution, which explicitly declares Indonesia as a constitutional state[11]. Post-amendment, the term *Rechtsstaat* was phased out in favor of a broader interpretation aligned with the rule of law[12]. This raises inquiries into whether Indonesia's notion of the rule of law, post-amendment, leans more towards *Rechtsstaat* or the rule of law, and whether pre-amendment Indonesia strictly adhered to the *Rechtsstaat* concept.

To assess the adoption of the rule of law in Indonesia, a thorough examination of the Preamble and Articles of the 1945 Constitution is essential, as they serve as the fundamental source of legal principles in the country. These constitutional texts encapsulate the objectives, legal ideals, and foundational norms of Indonesian statehood, reflecting both the bedrock and aspirations of Indonesian legal governance. Moreover, they embody distinct values derived from Indonesian cultural heritage and ancestral wisdom.

From this analysis, it becomes evident that Indonesia's concept of the rule of law, spanning from independence to the present, diverges from traditional *Rechtsstaat* principles or conventional rule of law frameworks. Instead, it evolves into a distinct variation rooted in the philosophical underpinnings of the Indonesian people, particularly crystallized in the Pancasila[2]. The Pancasila serves as the foundational norm (*grundnorm*) of Indonesian statehood and guides the ideals (*rechtsidee*) of Indonesian law, acting both normatively as a basis for positive law and constitutively in shaping legal principles towards established ideals[13].

Legal philosophy significantly influences the creation and modification of laws in Indonesia, reflecting the evolving needs of the populace. Over the years, this philosophy has prompted the replacement of several legal systems and regulations, starting from Tap XX/MPRS/1966 to the comprehensive hierarchy outlined in the Law of the Republic of Indonesia No. 12 of 2011. By aligning legal needs with the country's developmental progress, legal philosophy serves as a critical guide. This necessitates a thorough examination and understanding of legal philosophy, especially by those in power, to ensure a deep comprehension of its principles and positive impacts on national life. Pancasila, as Indonesia's philosophical foundation, meets the criteria of a philosophical system with its unified values, interrelated principles, and alignment with the 1945 Constitution. Consequently, all laws and regulations must be based on Pancasila[14].

Pancasila's role as the state ideology and legal philosophy mandates that all legal frameworks in Indonesia adhere to its principles and the 1945 Constitution. The Law No. 12 of 2011 delineates the hierarchy of laws, emphasizing that Pancasila underpins all legal

statutes, including the Constitution, laws, government regulations, presidential decrees, and regional regulations[15]. This ensures that every legal product aligns with Pancasila's values, preventing legal inconsistencies and promoting a structured legal system. Recognized not only as the state philosophy and ideology but also as a source of living law, Pancasila encapsulates the values of belief in God, humanity, unity, social values, and justice, which are integral to the Indonesian legal system and society[16].

Incorporated into the Preamble of the 1945 Constitution, the Pancasila stands as the principal cornerstone of the state's fundamental principles, known as *staatsfundamentalnorm*. This constitutional state model, based on Pancasila, distinguishes Indonesia's legal system as unique among global legal frameworks, characterized in the literature as prismatic law—a synthesis of beneficial elements from diverse legal systems to form a comprehensive and cohesive legal structure.

The characteristics of the Pancasila-constitutional state are multifaceted. Firstly, Indonesia embodies a familial state ethos, prioritizing collective interests over individual rights, albeit acknowledging human and property rights. This approach resonates with Indonesia's societal values rooted in *gemeinschaft* (community), while also adapting to modern shifts towards *gesellschaft* (society based on group identity). This stands in contrast to Western rule of law concepts emphasizing broad individual freedoms and communist-socialist legal states focusing on communal interests. In the Pancasila-constitutional state, there is a concerted effort to harmonize individual and societal interests, allowing state intervention when necessary to maintain national and state order in line with Pancasila principles.

Secondly, Indonesia upholds a rule of law characterized by legal certainty and justice within its prismatic constitutional state framework. This amalgamation draws from *Rechtsstaat* and Rule of Law principles, ensuring that legal certainty precedes justice, adhering closely to Pancasila's tenets. Thirdly, Indonesia is a religious state, not secular or theocratic, but one where national life is rooted in a belief in God Almighty, allowing citizens freedom to practice their chosen religions. Consequently, atheism and communism are proscribed due to their contradiction with belief in God.

Fourthly, Indonesian law serves as a vehicle for societal change and mirrors cultural values, maintaining and promoting societal values to foster positive progress aligned with Pancasila principles. While endorsing national legal unity under the principle of "unity in diversity" (*Bhinneka Tunggal Ika*), Indonesia prioritizes legal unification cautiously to accommodate diverse perspectives, striving for inclusivity.

Lastly, the formulation of national laws adheres to neutral and universal legal principles rooted in Pancasila's ideals. These principles include equality among groups, cooperation, tolerance, shared vision, and mutual trust, ensuring a balanced legal framework that reflects Indonesia's diverse societal fabric while advancing national goals.

2.2 National Development under the New Order: Growth with Unequal Distribution

During President Suharto's administration, Pancasila was established as the sole foundation for political and social organizations. This period began with the issuance of MPR Decree No. II/1978 on the dissemination of Pancasila values. This decree served as the basis for the implementation of P-4 training for all societal sectors. The regime's methods of promoting Pancasila gave the impression that the interpretation of Pancasila ideology was a product of the New Order regime (a singular ideological interpretation) that was in power at the time[16]. Pancasila's principles guided the New Order's economic policies, emphasizing national unity, social justice, and democracy[5]. The regime promoted a centralized approach to governance, justifying it as necessary for maintaining stability and implementing cohesive

development strategies. Pancasila was used to legitimize state control over critical economic sectors and to foster a sense of national identity and purpose. This ideological framework supported the government's efforts to attract foreign investment while maintaining state sovereignty and control over key resources.

The New Order's economic strategy undeniably yielded impressive results. Indonesia witnessed rapid economic growth, fueled by foreign investment and resource exploitation. These efforts resulted in remarkable GDP growth, averaging around 7% per year during the 1970s and 1980s[17]. Key sectors such as manufacturing, mining, and agriculture flourished, transforming Indonesia into one of Southeast Asia's most dynamic economies[18]. The government also pursued large-scale infrastructure projects, including roads, bridges, and urban development, which facilitated economic activities and connectivity across the archipelago[19]. However, this growth was unevenly distributed, with wealth concentrated in the hands of a select few. Social inequalities widened, and environmental concerns were largely ignored. This unsustainable development model sowed the seeds of discontent that would eventually erupt in the late 1990s[20].

Despite the impressive economic growth, the benefits of development under the New Order were unevenly distributed. Wealth and resources were concentrated in the hands of a small elite, including military officials, politicians, and business conglomerates closely linked to the regime. Rural areas and less developed regions, particularly in eastern Indonesia, lagged in terms of economic opportunities and access to basic services[20]. This disparity was exacerbated by policies that favored urban and industrial centers over agricultural and rural development. The Asian financial crisis of 1997 exposed the vulnerabilities of the New Order's development model. The economic downturn triggered widespread social unrest, with students emerging at the forefront of pro-democracy demonstrations. Public anger was directed towards Suharto's regime and its crony capitalism[20]. The crisis catalyzed reform, culminating in Suharto's resignation in 1998.

The New Order era in Indonesia is characterized by a paradox of impressive economic growth accompanied by stark inequalities in wealth and resource distribution. While Pancasila provided a unifying ideological framework that facilitated national development, its implementation under the New Order often prioritized stability and growth at the expense of equitable distribution and social justice. The legacy of this period underscores the importance of addressing socio-economic disparities to achieve truly inclusive and sustainable development in line with Pancasila's principles. Suharto consistently underscored the symbiotic relationship between the New Order regime and the Indonesian military (ABRI), united under the banner of Pancasila. Political activities deemed permissible were those aligned with the state ideology, while movements contrary to Pancasila were perceived as fundamental threats to national stability and development. In a speech to an ABRI assembly in Pekanbaru on March 27, 1980, Suharto emphasized ABRI's duty to confront any challenges to Pancasila, both present and future, insisting on aligning with allies who wholeheartedly supported the ideology to maintain state supremacy[5].

The implementation of Pancasila under the New Order regime also highlighted its failure to articulate a clear and achievable vision for Indonesia's future. Back in those years, growing internal criticism within the government, reflecting a perceived loss of direction and confidence in its abilities is seen by the public. This uncertainty was evident in various incidents, including the June 1980 Petition of Fifty, anti-Chinese riots in central Java in November 1980, and the April 1981 hijacking of a Garuda airliner[5]. The regime's decision to initiate a nationwide political indoctrination program may be interpreted as a response to this insecurity, an attempt to rekindle a sense of purpose. However, these efforts appear indicative of a broader struggle to adapt to inevitable social changes and articulate a new ideological framework capable of guiding Indonesia's development effectively.

2.3 National Development in the Post-Reformasi Era: Balancing Growth with Equity

The *Reformasi* era marked a significant shift in Indonesia's political landscape. Democratization took center stage, with a renewed focus on human rights and civil liberties. The interpretation of Pancasila began to emphasize individual freedoms and democratic values alongside national unity[21]. This shift necessitated reforms to strengthen the rule of law. Efforts were undertaken to enhance judicial independence and accountability within the legal system[22]. While challenges such as corruption and uneven legal enforcement remain, these reforms marked a step towards a more just and equitable legal system.

The former President Habibie succeeded President Suharto, who resigned on May 21, 1998, due to pressure from various factions. In response to this shift, Habibie abolished the P-4 indoctrination programs. During his tenure, the resonance of Pancasila diminished, as the Habibie administration was preoccupied with numerous political issues, both domestic and international. Additionally, the agency responsible for the socialization of Pancasila values was dissolved under Presidential Decree No. 27 of 1999, which revoked Presidential Decree No. 10 of 1979 concerning the Agency for the Implementation of Guidelines for Understanding and Practicing Pancasila (BP-7). Although the decree mentioned the establishment of a similar institution, to date, no specialized body dedicated to studying, developing, and safeguarding Pancasila has been created[16].

During the presidency of Abdurrahman Wahid, there was a discourse on the potential abolition of TAP NO. XXV/MPRS/1966, which banned the Communist Party of Indonesia (PKI) and the dissemination of communist ideologies. This period was marked by a greater emphasis on freedom of expression, which resulted in a diminished focus on the ideology of Pancasila[16]. During President Megawati's administration, the formal role of Pancasila as an ideology diminished with the enactment of Law No. 20 of 2003 on the National Education System (SISDIKNAS). This law did not mandate the inclusion of Pancasila education as a compulsory subject from elementary school through higher education[16].

The administration of SBY, spanning two terms, can be seen as not particularly attentive to the importance of Pancasila as the state ideology. This is evident from the absence of efforts to establish an authoritative institution tasked with safeguarding and upholding Pancasila as the foundation and state ideology, as mandated by Presidential Decree No. 27 of 1999. The political atmosphere was largely characterized by political rivalries aimed at seizing power or garnering maximum votes during elections[16]. During the ongoing Jokowi's presidency, Pancasila served as Indonesia's foundational state ideology, guiding national policy and governance. Emphasizing unity amidst diversity, it promotes democracy, social justice, and religious harmony. Jokowi reaffirmed Pancasila's relevance in national discourse, advocating its principles as a unifying force in a diverse archipelago[23].

The post-reformation era witnessed a shift in national development strategies. The focus broadened to include considerations of social justice and environmental sustainability alongside economic growth[24]. The legal framework has been instrumental in promoting national development that balances growth with equity. Reforms in this era included the enactment of laws that aimed at decentralizing power, thereby empowering local governments to address region-specific needs. For instance, the decentralization laws allowed for greater local autonomy, enabling regions to manage their resources and development agendas more effectively. This shift was designed to ensure a more equitable distribution of development benefits across the archipelago, reducing the developmental disparities that were prevalent during the New Order[21].

Key reforms included the amendment of the 1945 Constitution, the establishment of new institutions such as the Corruption Eradication Commission (KPK), and the implementation of laws to enhance judicial independence and human rights protection. These reforms were designed to dismantle the centralized power structure of the New Order regime and promote

transparency, accountability, and legal certainty. The introduction of the Constitutional Court in 2003 was a pivotal step towards strengthening the rule of law. This institution has the authority to review laws against the Constitution and has played a critical role in protecting civil liberties and ensuring that legislation aligns with constitutional principles. Furthermore, the decentralization laws enacted in 1999 and revised in subsequent years aimed to empower local governments, enhance public participation, and improve the responsiveness of the legal system to local needs.

One of the major achievements of the post-Reformasi era has been the implementation of economic reforms that have facilitated sustained growth. These reforms included the liberalization of trade and investment, improvements in the business environment, and measures to stabilize the macroeconomic framework. The decentralization of power allowed for more localized economic policies, fostering regional development and addressing local needs. As a result, Indonesia experienced consistent GDP growth, averaging around 5% annually from 2000 to 2019[25]. The country's middle class expanded, and poverty rates declined significantly[26].

Balancing economic growth with social equity has been a central focus of Indonesia's post-Reformasi development strategy. Various social policies were introduced to address disparities and improve the welfare of disadvantaged groups. Programs such as the National Community Empowerment Program (PNPM), the Family Hope Program (PKH), and the Health Insurance for the Poor (*Jamkesmas*) aimed to enhance social protection, reduce poverty, and improve access to healthcare and education[27]. These initiatives have contributed to reductions in poverty and inequality, although challenges remain in reaching the most marginalized communities.

However, the implementation of these reforms has not been without challenges. While the legal framework supports a more equitable distribution of resources and development, issues such as corruption and bureaucratic inefficiency continue to hinder progress. Additionally, while democratization has allowed for greater political participation, it has also led to political fragmentation and occasional instability, which can affect development outcomes.

In the past recent years, there has been a notable increase in illiberal tendencies in Indonesian governance. President Jokowi's administration has been marked by interventions into opposition parties' internal affairs, the adoption of new legal measures enabling the unilateral banning of NGOs without judicial oversight, and the criminalization of numerous opposition figures under the guise of combating disinformation and hate speech[28]. Furthermore, the government has demonstrated a heightened readiness to employ coercive tactics in handling protests, exemplified by the use of tear gas and water cannons by security forces during student demonstrations in 2019 and 2020. Threats of university expulsion were also issued to dissuade further student mobilization.

Overall, the shrinking space for dissent in Indonesia underscores a decline in civil society's ability to exercise accountability. This trend correlates with increased executive illiberalism and religious polarization. Both progressive pro-democracy forces and reactionary Islamist groups have faced constraints due to the tightening grip of the state. Concurrently, the Jokowi presidency has witnessed a consolidation of oligarchic influence within the highest echelons of government. More oligarchs held positions in Jokowi's cabinet during his second term than in his first or during the Yudhoyono administration. This oligarchic sway over state institutions was prominently displayed in the passage of contentious legislation, notably the Omnibus Law on Job Creation in 2020, despite widespread opposition from students and civil society organizations[29]. Criticism of the law centers on its perceived bias towards corporate interests at the expense of labor rights and environmental safeguards.

The Reformasi era ushered in a substantial transformation in gender politics within Indonesia's governmental framework. Originally established in 1975 to respond to international pressures, the Ministry of Women was restructured into the Ministry for Women's Empowerment during this period, assuming a more assertive role in advancing policies aimed at gender equality[30]. This shift precipitated the proliferation of new women's groups, networks, and unions, while existing state corporatist organizations, mandated under the New Order to uphold state gender ideologies, adapted to facilitate increased participation. Concurrently, civil society organizations dedicated to women's rights emerged as active advocates on issues ranging from gender-based violence and labor rights to reproductive health, women's education, access to social protection programs, and support for female-headed households.

At the national level, there was a notable rise in women's engagement in political parties and government, largely driven by governmental policies responding to lobbying efforts from women's rights activists seeking to rectify gender disparities in political participation[31]. A significant milestone was the introduction of a gender quota in 2008, mandating political parties to include a minimum of 30 percent female candidates and implementing a "zipper system" ensuring equitable representation on party lists[30]. These measures yielded considerable results, with over 40 percent of candidates and 20 percent of seats in the 2019 elections held by women, marking a stark increase from a mere 7 percent in 1999[31].

Despite these advancements, entrenched patriarchal norms continue to impede further progress in gender equality and women's political participation. The post-1998 period witnessed the rise of political Islam, forging alliances with political entities to advocate conservative religious policies, thereby complicating gender equality advocacy efforts[29]. This ideological contestation is evident in legislative trends, such as the passage of the Anti-Pornography Bill in 2008, which imposed conservative dress codes for women, and the proliferation of Sharia-based local regulations restricting women's attire, behavior, and mobility[32]. Moreover, increasing religious polarization, exacerbated by mass protests, prompted governmental responses that oscillated between symbolic gestures, like allowing choice in wearing the jilbab in state schools, and judicial reversals, such as the Supreme Court's 2021 decision mandating its compulsory use[33]. Simultaneously, discriminatory practices and violence against Indonesia's LGBT community have surged, while the enactment of the new Criminal Code in 2022 further encroaches upon women's rights[33]. These developments underscore that, despite gains in formal electoral representation, broader democratic challenges have curtailed the civil liberties of women and sexual minorities in Indonesia.

Shifting to other challenges, Indonesia's environmental civil society organizations are increasingly ensnared in the country's democratic downturn. They face mounting challenges navigating intensified pressures stemming from criminalization, surveillance, and censorship. These trends highlight the complexities of environmental activism within a context where civil liberties are increasingly constrained, impacting the ability of these organizations to effectively pursue their environmental agendas[34]. Environmental activists are akin to other civil society sectors and employ a diverse array of strategies including community mobilization, lobbying, legal actions, political contention, and non-violent resistance in their advocacy efforts. Larger NGOs focused on ecological modernization and aligning with the United Nations' sustainable development goals also engage directly with the state, particularly the Ministry of Environment and Forestry, to implement conservation initiatives and influence environmental policies. This landscape reflects broader trends in Southeast Asia, where environmental civil society operates amidst competing interests of hegemonic "green growth" strategies and social-ecological transformation approaches[34].

3 Conclusion

The Indonesian case underscores the dynamic relationship between a nation's foundational ideology, the rule of law, and its development path. While Pancasila has remained the cornerstone of Indonesian national identity, its interpretation and implementation have evolved alongside the country's political landscape. The post-reformation emphasis on a stronger rule of law, underpinned by a more inclusive interpretation of Pancasila, presents a promising avenue for achieving balanced and sustainable development in Indonesia.

The principle of the rule of law is fundamental to a fair and just society, ensuring that all individuals and institutions are accountable to the law, which is fairly applied and enforced. In the context of Indonesia, the post-Reformasi legal reforms aimed to align the nation's legal framework more closely with this principle. The contrasting approaches to Pancasila and the rule of law under the New Order and post-reformation periods demonstrably influenced national development trajectories. The New Order's prioritization of stability fostered rapid economic growth but at the cost of social and political inequalities. The post-reformation era's emphasis on democratization and the rule of law has led to a more inclusive development model, but economic growth has slowed down.

Under the New Order, the rule of law was often subordinated to the interests of the regime, with laws applied selectively to maintain political control and suppress dissent. The judiciary lacked independence, and corruption was rampant, undermining public trust in legal institutions. In contrast, the post-Reformasi era has seen efforts to establish a legal system where laws are transparent, consistent, and applied equally to all citizens.

Despite these efforts, challenges remain. Corruption persists within the judiciary and other state institutions, and enforcement of laws can be inconsistent. While significant progress has been made in strengthening legal institutions, the full realization of the rule of law in Indonesia requires ongoing reforms and vigilant enforcement.

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