

**Pancasila,  
The Living *Staatsfundamentalnorm*  
Of The Indonesian Nation-State:  
The Norms, the Institutions,  
and the Performance<sup>1</sup>**

**Saafroedin Bahar<sup>2</sup>**

Abstract

Pancasila was proposed, frequently refined, continuously reinterpreted and institutionalized as a conceptual basis for a new nation-state for all Indonesian people, disregarding their racial, ethnic, or religious background.

---

<sup>1</sup> Paper presented at the 2<sup>nd</sup> International Yale Indonesia Forum, on 'Pancasila's Contemporary Appeal: Re-legitimizing Indonesia's Founding Ethos', Juli 1-2, 2009 Sanata Dharma University, Yogyakarta.

<sup>2</sup> Associate Researcher, Nusantara Institute, Jakarta; Chair, Board of Experts, National Secretariat of the Indigenous Peoples (Sekretariat Nasional Masyarakat Hukum Adat (Setnas MHA), Pekanbaru; Lecturer on Ethnicity and National Integration, Post Graduate Program, Gadjah Mada University, Yogyakarta; Assistant to the Minister Secretary of State, 1989-1999; Commissioner of the Indonesian Commission of Human Rights (Komisi Nasional Hak Asasi Manusia, (Komnas HAM) 1995-2007.

Since Pancasila is not self-executing, it needs appropriate institutions, both at the national and at the local level.

In accordance with the unitary state format and the presidential system of government, Indonesian presidents play a crucial role in the implementation of Pancasila. As the only one-man state institution, the organization and management of the Presidency should be objectively institutionalized to take advantage of the personal strengths and to minimize the personal weakness of Presidents.

The ultimate test of Pancasila lies not only in its *orthodoxy* but also in its *orthopraxis*, i.e. in the implementation of the four Government functions as reiterated in the Preamble of the 1945 Constitution.

## Preface

It must be assumed, that having frequently failed for centuries in their fights for independence, both in local military confrontations and in the political movements, the Indonesian leaders heartily welcomed the opportunity to gain their independence at the end of the Second World War. In mid 1945, facing impending defeat against the Allies, Japan's Southern Military Theater Command headquarter in Saigon gave the green light to Mr. Soekarno, Mr. Mohammad Hatta and Dr. Radjiman Wedyodiningrat — as the most prominent leaders of the independence movement — to proceed in the preparation of Indonesian independence<sup>3</sup>. Understandably, even though they have expected independence at long last, nevertheless at the time they were practically taken by surprise, particularly because they have not visualized a clear vision of what the future independence will be.

---

<sup>3</sup> The Republic of Indonesia, 1998, 4<sup>th</sup> edition, *Risalah Badan Penyelidik Usaha-usaha Persiapan Kemerdekaan Indonesia (BPPKI)-Panitia Persiapan Kemerdekaan Indonesia (PPKI), 28 Mei 1945-22 Agustus 1945*. Sekretariat Negara. Jakarta.

The Japanese Southern Military Theater Command did not only give the green light, but also established two Investigative Committees for the Preparation of Independence (Badan Penyelidik Usaha-usaha Persiapan Kemerdekaan [Indonesia] or *Dokuritu Zyunbi Coosakai*) – one for Java and one for Sumatra. Of these two preparatory committees, the Java committee under the leadership of Dr. Radjiman Wedyodiningrat had the insight to formulate a philosophical basis for the new multi-ethnic independent state. The most important problems they have to immediately respond to was: on what philosophical basis and what forms of state model the future Indonesian state and government would be established ?

Undoubtedly, they were fully aware of the heterogeneity of the Indonesian people and its implications, not only in racial and ethnicity terms, but also in adherence to world's religions, philosophies, and ideologies<sup>4</sup>. At the local level, the basic societal unit in the multiethnic society of Indonesia was the traditional autonomous village (*the desa, marga, huta, or nagari*), aptly named by Dutch scholars as the 'village republic' (*dorps republiek*). The villagers adhered to a plethora of traditional beliefs, Hinduism, Buddhism, Islam, Christianity and Confucianism. All of these village republics belong to different indigenous ethnic groups<sup>5</sup>.

These 'village republics' had been ruled for centuries by hundreds of kings and traditional chieftains, most of whom not only have engaged in a long history of internecine warfare, but also have already been systematically co-opted by the Dutch colonial administration, and were mostly inimical

---

<sup>4</sup> See Koentjaraningrat, 1987. 11<sup>th</sup> edition. *Manusia dan Kebudayaan di Indonesia*. Penerbit Jambatan. Jakarta; and Nasikun. 2003. *Sistem Sosial Indonesia*. PT Radja Grafindo Press. Jakarta. Also: Warnaen, Prof. Dr. Suwarsih. 2002. *Stereotip Etnis dalam Masyarakat Multietnis*. Penerbit Matabangsa. Yogyakarta.

<sup>5</sup> In National Sensus 2000, it has been officially recorded that there are 1.072 ethnic groups in Indonesia.

towards independence movements<sup>6</sup>. At the supra-local level they were aware of the existence of the long-forgotten but still cherished Criwijaya and Majapahit empires. In some regions, however, particularly in West Java and in the Outer Islands, Criwijaya and Majapahit empires did not enjoy favorable reputations amongst the general population.

Hence, none of the Founding Fathers in 1945 even considered a return to the traditional kingdoms and empires as a model for the new State<sup>7</sup>. As a consequence, in establishing a new nation-state, these leaders had to practically started from scratch. The only available alternative political model was those from the West, in all its varieties<sup>8</sup>. Theoretically speaking, then, the establishment of a new nation-state in the old multi-ethnic society in Indonesia is a problem of inculcating new and modern Western political concepts into the framework of the traditional and feudalistic Eastern societies<sup>9</sup>. After hastily discussed the alternatives the Founding Fathers decided to establish a republic based on Pancasila as a unitary state and a presidential form of government.<sup>10</sup>

---

<sup>6</sup> Suyono, Capt. R.P., 2003, *Peperangan Kerajaan di Nusantara, Penelusuran Kepustakaan Sejarah*, Grasindo, Jakarta. For contemporary information see Bamualim, Chaider S et.al, 2002. *Communal Conflicts in Contemporary Indonesia* Pusat Bahasa dan Budaya IAIN Syarif Hidayatullah and the Konrad Adenauer Foundation, Jakarta.

<sup>7</sup> Just for the record, in 1945 six Yogyakarta members of the Investigative Committees for the Preparation of Independence (Badan Penyelidik Usaha-Usaha Persiapan Kemerdekaan [Indonesia], BPUPK, or *Dokuritu Zyunb Coosakai*) did suggest the adoption of kingdom as a form of the future Indonesian state, but they were quickly outvoted by the other 56 members of the committee.*op.cit.*

<sup>8</sup> The Indonesian intellectuals were influenced by the Dutch model rather than the Anglo Saxon model. See Burns, Dr Peter, 1999. *The Leiden Legacy: Concepts of Law in Indonesia*. PT Pradnya Paramita, Jakarta.

<sup>9</sup> Russell, Bertrand, 2001, *History of Western Philosophy*, Routledge, London; and James Mannion, 2002, *Essentials of Philosophy: the Basic Concepts of World's Greatest Thinkers*, Fall Rivers Press, New York.

<sup>10</sup> Even though the reasons for the adoption of the republican form of state – not a kingdom – were duly elaborated in the proceeding, nevertheless here is no

It should immediately be mentioned here, that even though the Japanese offered the opportunity for the Indonesian leaders to engage in the preparation of independence, nevertheless the August 17<sup>th</sup>, 1945 Proclamation of Independence was the decision that the leaders themselves made, because on August 12<sup>th</sup>, 1945 the Japanese Empire unconditionally surrendered to the Allies. In fact, after the formal surrender the Japanese occupation forces in Indonesia hindered any moves by the Indonesians to proceed in the establishment of the new nation-state.

The problem we are now facing, after nearly 65 years of independence, with the majority of our people is living in poverty, is: how can we take advantage of our past experience with Pancasila in order to create a better future for our people, in accordance with the spirit of our Founding Fathers?<sup>11</sup>

### **The Norms**

Pancasila as we know today does not come out of the blue. It is a result of a long series of intensive political discourse and practices by successive waves of Indonesian leaders, from 1926 to 1945, and from 1945 to 1998.

### *Phase One*

To begin with, let us remember, that during the highly repressive Dutch colonial era, there was no opportunity,

---

official record why the presidential form of government was chosen. The most probable cause was their disillusionment with the West European parliamentary practices.

<sup>11</sup> In this matter the writer is deeply inspired by Hans Nawiaski's paradigm about the hierarchical norms in law, introduced by Prof Dr. A. Hamid Attamimi, S.H. in "Pancasila, Cita Hukum dalam Kehidupan Bangsa Indonesia", in The Republic of Indonesia, Oetojo Oesman and Alfian, eds, 1990. *Pancasila sebagai Ideologi dalam Berbagai Bidang Kehidupan Bermasyarakat, Berbangsa, dan Bernegara*. BP-7 Pusat. Jakarta.

however slim, to confer on a broad-gauged national ideology that can be agreed upon by the leaders of independence movements. To exacerbate the situation, they themselves adhered to several — sometimes conflicting — political ideologies. It was in this situation that in 1926 Soekarno wrote his well-known article titled 'Nasionalisme, Marxisme, Islamisme' (*Nationalism, Marxism, Islamism*) recognizing the existence of the three underlying ideologies adhered to by the independence movements in Indonesia, which in actual practice developed into three political forces. At that time Soekarno did not give a hint that the three popular ideologies were to be developed into a philosophical basis of the future Indonesian nation-state.

Therefore, it can be safely assumed that on the eve of the independence in 1945, none of the Founding Fathers had a philosophical concept needed for the coming nation-state. Not even Soekarno. Most of their past political agendas were concerned with inculcating some degree of national awareness to the mostly illiterate Indonesian masses living in the villages, by pointing out that even though they were ruled by a repressive foreign power, they have a right and an opportunity for a future better life.

Out of the 62 members of the Java Committee, some members gave substantial conceptual contributions in the first three days of the first session of the BPUPK meeting presented impromptu, among those were Soepomo, Hatta, Yamin, and Ki Bagus Hadikusumo. Soepomo deliberated three kind of ideologies, i.e. individualism, collectivism, and — interestingly enough — what he called the *integralistic concept of the state*, modeled after the Italian, German, and Japanese fascism. Hatta proposed a nationalistic concept of the state, while Yamin suggested a greater Indonesia concept, consisting of not only the then Netherland East Indies, but also of Malaya, The Philippines, and Portuguese Timor. Based on demographic arguments, Ki Bagus Hadikusumo proposed Islam as the basis of the new state.

It is a historical fact that the deliberations were later on focused on two ideologies, i.e. Indonesian nationalism *vis*

a vis universal Islamism<sup>12</sup>. It must be noted that even though most of the deliberations in the Committee were conducted in a calm and mature manner, nevertheless in this crucial issue some degree of emotion can be clearly identified. Soekarno, who has recognized and has written on the power of these ideologies back in 1926, was acutely aware of potential deadlock of the discussions in the committee unless the ideological conflict was gracefully resolved. According to Soekarno on the eve of his *Pancasila* speech on June 1, 1945 he seriously pray to God to inspire him for his speech in the next morning in order to save the highly emotional situation.

God seemed to be kind enough to gracefully answer his prayer and Soekarno had his flash of ingenuity. In a nearly two hour frequently-applauded speech, Soekarno eloquently presented to the committee the five pillars of for the coming independent Indonesia state, which he called *Pancasila*<sup>13</sup>.

In essence, Soekarno's appeal and proposal rests on the assumption that there are common elements in the multi-ethnic culture and history of the Indonesian people, that can be used as a philosophical basis for the future Indonesian national state. Pancasila was the summing up of those common cultural elements<sup>14</sup>. Based on those common elements Soekarno insisted that the Indonesian people should voluntarily cooperate for their common welfare.

---

<sup>12</sup> There is no formal Marxist representative in the Investigative Committee for the Preparation of Independence (Badan Penyelidik Usaha-Usaha Persiapan Kemerdekaan Indonesia - BPUPK or BPUPKI). Nationalist, Christian, and other non-Muslim members of the BPUPK were grouped by Soekarno in the nationalist camp, even though some of the nationalists were Muslims.

<sup>13</sup> In Soekarno's Pancasila, the phrase and the sequence of the five silas were as follows: nationalism, internationalism, social justice, democracy, and belief in God.

<sup>14</sup> Soekarno himself acknowledged that in his search for the common cultural elements he was inspired by the arithmetical method of *grootste gemeene deler*. As an alternative, Soekarno offered an abridged version of his Pancasila as Trisila, or EkaSila, which he described simply as *Gotong Royong*, or mutual cooperation of all Indonesian peoples.

Soekarno described his five principles, in Dutch as *filosofische grondslag*, or philosophical basis; and in German as *Weltaanschauung* or Worldview, or *Staatsfundamentalnorm* or the Basic Norm of the State<sup>15</sup>. Soekarno insisted, that after the establishment of an independent state, any differences of aspirations and interests amongst the Indonesian populations can be deliberated upon and democratically reconciled in the Parliament<sup>16</sup>.

### *Phase Two*

Soekarno's ideals and proposals were adopted, refined and then found its way into the draft Constitutional Preamble prepared by a nine-man sub-committee, also chaired by Soekarno, and consisted of eminent nationalist and Islamic leaders. The sub-committee did not only rephrase and rearrange Soekarno's Pancasila, but also added a philosophical vision on freedom and independence, the ultimate aim and character of the State, the role of God the Almighty in the Indonesian independence, the principle of popular sovereignty, and the four missions of the Government. In other words, the nine-man subcommittee developed and perfected Soekarno's personal proposal into a more important constitutional document<sup>17</sup>.

### *Phase Three*

The draft Preamble contained a sub-phrase in the first Sila deemed as discriminatory by the Christians, which says

---

<sup>15</sup> The writer personally doubted the appropriateness of these terms, because no philosophy or worldview ever thought of or formulated in one night. However, the writer agrees the use of the term *Staatsfundamentalnorm*.

<sup>16</sup> The ideological issue about Pancasila vs Islam continue to emerge in later years, particularly in the sessions of Constituent Assembly. See Yusran. A.R. 2001. *Debat Dasar Negara, Islam dan Pancasila, Konstituante 1957*. Penerbit Pustaka Panjimas. Jakarta.

<sup>17</sup> This draft Preamble was widely known as 'the Jakarta Charter' a name coined by Mr. Muhammad Yamin.



'Belief in One God the Almighty *with the obligation to obey Islamic Shariah Law for its adherents*'. Even though the sub-phrase was intended for Muslims only and does not imply the obligation for the followers of other religions, nevertheless the wordings were unpalatable. Their reactions was such that if the sub-phrase was not deleted, the Christians decided not to join the new Republic, which automatically meant the failure to establish the united nation-state of Indonesia.

In this moment of truth, August 18, 1945, in not more than ten minutes, five important members of the Preparatory Committee for Indonesian Independence (*Panitia Persiapan Kemerdekaan Indonesia, PPKI*), consisted of Mohammad Hatta, Tengku Mohammad Hassan, Ki Bagus Hadikusumo, Wahid Hasyim, and Kasman Singodimedjo, made a quick – and historic – decision. They all agreed to delete the offensive sub-phrase, and hence pave the way toward the establishment of the Republic Indonesia, by the promulgation of the 1945 Constitution and the establishment of the government of the Republic of Indonesia.

#### *Phase Four*

In his long reign as the first president of the Republic Indonesia, from 1945 – 1967, Soekarno had to face two Dutch military aggressions, one US subversive and military intervention<sup>18</sup>, the tensions of US- Soviet Cold War, and a series of domestic rebellions erupted all over the Archipelago, mostly motivated by economic, political, and ideological backgrounds<sup>19</sup>. Soekarno the Founding Father has become

---

<sup>18</sup> Kahin, Audrey R and George McTurnan Kahin. 1995. *Subversion as Foreign Policy: The Secret Eisenhower and Dulles Debacle in Indonesia*. The New Press. New York.

<sup>19</sup> Out of this political and military turmoil grew the political role of the Indonesian Armed Forces, which was later on consolidated into the Dual Function doctrine, first suggested in 1958 by the then Army Chief of Staff Colonel (later General) Abdul Haris Nasution. See Salim Said, 1992, *Genesis of Power: General Sudirman and the Indonesian Military in Politics, 1945-1949*, ISEAS Singapore and Pustaka Sinar Harapan, Jakarta.

Soekarno the President, who has to provide determined revolutionary leadership to his people in the new uncharted post-Second World War era.

Unable to secure a consistent support from the capitalist West for his vision and political agenda, Soekarno turned his attention and hope to the then seemingly powerful Marxist-Leninist Eastern bloc, which was called 'the wave of the future', championed by the then Soviet Union, and later on by the Peoples' Republic of China, ignoring the fact that there was a big gap — or even a contradiction — between the *gotong royong* ideals he advocated in 1945 and the 'class struggle' doctrine of the Marxist-Leninist ideology he endorsed or advocated in the 1960s. Defying all criticisms, he did not only reformulate and reinterpret Pancasila as 'Marxism inculcated in Indonesia' — and labeled the military operation against the rebellion in Central Sumatra in 1958 as 'the Pancasila Crusade' — but also instructed his new — and personalized — version of Pancasila and other speeches as a part of the so-called 'The Seven Main Sources of Indoctrination' (*Tujuh Bahan Pokok Indoktrinasi, Tubapi*) to be studied by all Indonesians, young and old alike.

Interestingly enough, that even though he consistently appealed to the general population to study and to internalize his teachings, he was not only unhappy with those groups who tried to systematize and to enrich his teachings into a more coherent doctrine, but also formally endorse the Marxist-Leninist doctrines advocated by the Communist Party of Indonesia. He disbanded the *Barisan Pendukung Soekarno* ('Supporters of Soekarno League') and the writings of Mr. Sayuti Melik — one of his staunch admirers — but also openly endorsed the aggressive policies of the Communist Party of Indonesia. These actions meant that Soekarno not only did not try to further develop a more consistent and more coherent philosophy of Pancasila that he advocated in 1945, but also has deviated from his original proposal.

The alleged Communist Party-inspired coup of the 30<sup>th</sup> September Movement and its bloody aftermath in 1965-1967 not only caused the downfall of Soekarno as the president,

but also the demise of his Marxist-Leninist version of Pancasila<sup>20</sup>.

#### *Phase Five*

The new President, General Soeharto, did not even try to philosophize or to ideologize Pancasila<sup>21</sup>. Soeharto even opened the avenue for Pancasila dialogue for the general public, by stating that Pancasila is an 'open ideology'. Out of his numerous speeches, from 1966-1978, Soeharto suggested to the Peoples' Consultative Congress (*Majelis Permusyawaratan Rakyat, the MPR*) as the supreme organ of the state, to extract a 36 points personal and social ethics principles, which were later on promulgated and advocated as *The Pedoman Penghayatan dan Pengamalan Pancasila, the P4 (Guide for the Internalisation and the Implementation of Pancasila)*. This Pancasila Guide was advocated for nearly 20 consecutive years, from 1978-1998, so that most of the present adult Indonesians were aware of these 36 points, even if they did not happy about the advocacy process<sup>22</sup>.

In contradiction with Soekarno's Marxist-Leninist oriented and personalized Pancasila, Soeharto's Pancasila was intentionally and institutionally linked with Western-oriented national development policy. Instead of stating that 'Pancasila is Marxism inculcated in Indonesia' as Soekarno

---

<sup>20</sup> Brackman, Arnold C, 1963, *Indonesian Communism: A History*, Frederick A Praeger Publishers, New York; The Republic of Indonesia, 1995, *The September 30<sup>th</sup> Movement: The Attempted Coup by the Indonesian Communist Party*, The State Secretariat of the Republic of Indonesia, Jakarta ;Sudisman, 2000, *Pledoi Sudisman: Kritik Oto Kritik Seorang Politburo CC PKI*. Teplok Press, Jakarta.

<sup>21</sup> In 1990, however, for educational purposes Badan Pendidikan Pelaksanaan P-4 Pusat, the BP-7 Pusat (*The Central Office for the Education and the Implementation of the Guide for the Internalisation and Actualization of Pancasila*) published a compilation of 14 articles about the ideological perspective of Pancasila. See Petojo Oesman and Alfian, eds. 1990. *Pancasila sbagai Ideologi dalam Berbagai Bidang Kehidupan Bermasyarakat, Berbangsa, dan Negara*. NP-7 Pusat. Jakarta. So far there is no official Pancasila philosophy and ideology as the equivalent of Marxist-Leninist philosophy and ideology.

<sup>22</sup> Wahyono, Prof. Padmo, S.H. 1984. *Op.cit.*

did, Soeharto insisted that 'national development as the implementation of Pancasila'.

Assisted by his peers in the Indonesian Armed Forces Soeharto pioneered and led a long term development strategy and planning, aptly titled "*Akselerasi Modernisasi Pembangunan 25 tahun*" or "The 25-year Accelerated Modernization [and Development]", beginning in 1969. In this development strategy, he coined two other guidance, i.e. *Trilogi Pembangunan* (The Development Trilogy, consisted of Stability, Growth, and Equity) and *Delapan Jalur Pemerataan* (The Eight Paths of Equity).

There was, however, an unfortunate Soeharto ideological venture, when in he in 1983 insisted that Pancasila be respected and treated as 'the sole basis for the Society, the Nation, and the State' (*satu-satunya asas dalam kehidupan bermasyarakat, berbangsa, dan bernegara*). This ideological venture – inadequately elaborated and advocated – was responded by a strong opposition from the Muslim community, who suspected that Soeharto tried to elevate Pancasila at a par with religion. The Tanjung Priok incident in 1984 was one of the most conspicuous Muslim protest against this concept, in which scores of people died or wounded in a physical clash with government soldiers. Most of Soeharto's era was marked by the not-so-friendly relation with the Muslim community.

Soeharto government were later on marred by allegations of corruption, collusion, and nepotism, the so-called KKN — which greatly decreased his popularity and once admired charisma. The fall of Soeharto in 1998, in the aftermath of the 1997 Asian Economic monetary crisis ended the Soeharto version of Pancasila, but unfortunately was not followed by an Amien Rais version of Pancasila<sup>23</sup>.

---

<sup>23</sup> Amien Rais the Gadjah Mada University professor turned politician, was successful in bringing down three presidents, i.e. Soeharto, Habibie, and Abdurrahman Wahid, but failed in his bid for the presidency in 2004. He did not developed his own vision for the new reformed Indonesia he successfully pioneered.

### Phase Six

It is interesting to note that the leaderless Reformation movement, from 1998 on, did not – or could not – develop a newer version of Pancasila. Nearly all of the politicians and activists of the Reformation movement reaffirm their appreciation and loyalty to the Preamble of the 1945 Constitution. Moreover, frequent public opinion polling proves that most Indonesians accepted Pancasila as the most appropriate *Staatsfundamentalnorm* for Indonesia<sup>24</sup>. With these latest developments, Pancasila has ultimately found its secure constitutional, institutional, and sociological foundation.

It should be pointed out that, despite the relative success of Soeharto's interpretation of Pancasila for more than three decades of his rule, nevertheless the hatred and enmity of the Reformation politicians was such that most of the organization and management of Soeharto's era was dismantled, without replacing them with equal or better mechanisms of government and of economic development.

It is intriguing indeed to ask the possible background of the present popular acceptance of Pancasila. One of the most possible interpretations are as follows. Aside from the fact that Pancasila – as promulgated in the Constitutional Preamble – gives a nation-wide political umbrella for the multi-ethnic Indonesian peoples, there are two other factors that might be considered as crucial, namely the unpopularity of two competing ideologies, i.e. Marxism-Leninism and political Islam; and the strong support of two influential Muslim

---

<sup>24</sup> From July 28 to August 3, 2006 The Lingkaran Survei Indonesia (LSI) conduct a public opinion survey in 33 provinces involving 700 respondents using a multi-stage random sampling method, with a margin of error of 3,8 %. In general, 66.7 % of the respondents felt that Pancasila is the symbolic ideology most suited to the existing ethnic, religious, customs, racial, and groups heterogeneity. In religious terms, while 67.4 % Muslims supported Pancasila, 81.7 Christians and 90.9 % other religious adherents did so. Data sent to the media by donmanurung@yahoo.com on August 28, 2006.

organization, the *Nahdatul Ulama* and the *Muhammadiyah* movements.

Even though it should be assumed that Marxism-Leninism as a political philosophy has still its own adherents amongst the population<sup>25</sup>, nevertheless it has ceased to be 'the wave of the future' as it was once assumed. Nowadays it has already become 'the wave of the past'. Repeated efforts to openly revive Marxism-Leninism and the Communist Party of Indonesia did not succeed to garner popular support. Moreover, no present state that can be used as a model of success of the Marxist-Leninist political philosophy<sup>26</sup>.

Repeated general election results proved that the Indonesian people make a very clear distinction between religious Islam and political Islam. There is a marked tendency of the growing strength of religious Islam, as seen through its social, cultural, and economic activities. Since 1984, the *Nahdatul Ulama* and the *Muhammadiyah* repeatedly assured that Pancasila and the Republic of Indonesia as a Unitary State is the 'final format' the Muslim community are striving for.

In contradiction to the religious Islam, the political Islam – as represented by 'islamic' political parties and the exclusive sects engaged on violent activities – not only can not satisfactorily formulate their vision of the future in the Indonesian context, and can not unify their strengths, but also can not adequately convince the mostly moderate Indonesian Islamic community.

Hence, Pancasila is nowadays the only available and acceptable alternative as an open-ended political formula and common reference to hold the Indonesian multi-ethnic nation together.

---

<sup>25</sup> There are indications that young generations of those allegedly involved in the attempted 1965 communist coup have now reorganized themselves, demanding compensation and rehabilitation from the State.

<sup>26</sup> Some of its young cadres joined the PDI-Perjuangan political party, led by Mrs Megawati Soekarnoputri.

### *Phase Seven*

However, the Reformation movement focused its attention not only to discard and to dismantle most of the political and economic concepts of the Suharto era, but also to amend the outdated articles of the 1945 Constitution in accordance of modern concepts of democracy and good governance, in such a way that many observers conclude that the four-times amended 1945 Constitution can be aptly named as the 2002 Constitution<sup>27</sup>. Due to the relative unsystematic format of the amended 1945 Constitution, presently the Regional Representative Council (*Dewan Perwakilan Daerah, DPD*) prepared a comprehensive draft for the fifth Amendment of the Constitution<sup>28</sup>.

In other words, while the Constitutional Preamble is still exactly the same, nevertheless the state institutions that implement it were totally overhauled. One old state institution was abolished, i.e. the Supreme Advisory Council, and five new state institutions were established, i.e. the Regional Representative Council (*Dewan Perwakilan Daerah, DPD*), Constitutional Court (*Mahkamah Konstitusi, MK*), the Judicial Commission (*Komisi Yudisial, KY*), Corruption Eradication Commission (*Komisi Pemberantasan Korupsi, KPK*) and the General Election Commission (*Komisi Pemilihan Umum, KPU*).

### *Pancasila Norms in the Globalised World*

It is intriguing to ask: is Pancasila still relevant in today's globalised world? how will Pancasila be implemented in the new, more open, and globalized society? Is the lack of a more coherent, consistent, and ideologized Pancasila a hindrance or an opportunity?

---

<sup>27</sup> Asshiddiqie, Prof. Dr. Jimly, S.H. 2007. *Pokok-pokok Hukum Tata Negara Indonesia Pasca Reformasi*. PT Pustaka Bhuana Populer. Jakarta.

<sup>28</sup> The Republic of Indonesia. 2009. *Naskah Amandemen Komprehensif Undang-Undang Dasar Negara Republik Indonesia Tahun 1945*. Dewan Perwakilan Daerah RI. Jakarta.

To begin with, let us realize that consecutive efforts to formulate a rigid philosophical and ideological version of Pancasila, both by Presidents Soekarno and Soeharto, have failed miserably. In many aspects, Indonesian peoples are too heterogeneous to agree upon a detailed philosophical and ideological thoughts. All that can be expected out of this heterogeneity is a broad consensus on moral principles, missions, and objectives, and these issues have been adequately dealt with in the Constitutional Preamble. There is a wide latitude for successive waves of Indonesians to adjust the implementation of the moral principles, missions, and objectives promulgated in the Constitutional Preamble to the challenges they face in their own time.

Therefore, the fact that Pancasila is not [yet] a philosophy or an ideology in the strictest sense of the word is not a hindrance but is indeed an opportunity. Pancasila is essentially a proposal, a hypothesis and a political contract, created and formulated in one night through a flash of ingenuity of Mr. Soekarno as a prominent nation builder, believed to be bestowed by God the Almighty with an insight. Never did Soekarno seriously write an in-depth, consistent, and coherent philosophical treatise on Pancasila, in the usual sense of the term. Pancasila can also be acknowledged as a founding ethos in the establishment of the new modern Indonesian nation-state.

The relevance of Pancasila most probably lies not in its formulation as such, but in its place and its role in the implementation of the four paragraphs of the Constitutional Preamble, as institutionalized in the subsequent national documents., and implemented in the day to day operation of the Republic. In other words the relevance of Pancasila lies in its constitutional context and serves as the living *Staatsfundamentalnorm* of the dynamic Indonesian nation-state.

It will immediately become sterile once it is taken out of context. Hence, the gauge of the success or failure of Pancasila as the founding ethos of the Indonesian nation-state should not be measured by its semantic *orthodoxy*, but by its *orthopraxis*, i.e. in the outcome of all national endeavours



to implement the four missions clearly stated in the Preamble of the 1945 Constitution.

Lessons learned in the downfall of the ideologically-orthodox USSR and the survival of the ideologically-reformed PRC taught us that in the highly dynamic global information society there is no room for a rigid political philosophy or ideology. Any post-Second World War nation-state had to creatively face a whole new world, undreamed of during the years of its creation. Interpreted in other version, long entrenched political philosophy or ideology can still be adhered to, but had to provide more room for needed policy and strategic maneuverability.

## **The Institutions**

### *Relevance of the Institutions*

We have to constantly remind ourselves that Pancasila was not formulated as mere academic exercise, but essentially as a conceptual frame of reference for the whole process of nation- and state-building. In addition to the present unitary form of the state and the presidential form of government, the Republic of Indonesia has experimented with two other constitutions<sup>29</sup>, the federal form of state from December 1949 to August 1950, and parliamentary form of government from August 1950 to July 1959. Even though stated and elaborated in different phrases, however, Pancasila was respected and referred to in all these documents and forms of governments.

The Republic of Indonesia today has grown from a new simple post-Second World War state with a population of 60 millions struggling for its survival, into a large nation state with a population four times as big, a burgeoning – and corrupt

---

<sup>29</sup> The two other constitutions were the 1949 Constitution [of the Federal Republic of Indonesia]; and the 1950 Provisional Constitution.

— bureaucracy, and with natural resources increasing depleted.

It is a historical fact, that it is not easy to implement the sublime ideals of Pancasila, formulated by idealists, humanists, and dedicated nation- and state-builders, into the complexity of modern government programs and budgets, planned and implemented by politicians and professionals, most of whom probably are not too ideological in their orientation. Deviations and abuse of powers were common, reminding us about Lord Acton's seasoned warning that 'power corrupts and absolute power corrupts absolutely.' Therefore in order to have a comprehensive and realistic understanding of Pancasila in action, adequate attention should be duly paid to its institutions and its actual practice.

It should be acknowledged that the most crucial intervening variable that determined the difference between success and failure of Pancasila's implementation, is the President. As the 'chief executive officer' of the Republic, he and he alone that must bear the ultimate responsibility<sup>30</sup>.

It is interesting to note that even though the Republic of Indonesia has grown both in its size and in its complexity, seldom did Indonesian presidents pay adequate attention to the organizational and managerial aspects of the Presidency in general or his - or her - job in particular. Successive Indonesian cabinets were organized and ministers are appointed and dismissed on an *ad hoc* basis, seemingly unrelated to the over all national policy deduced from the Constitutional Preamble.

The writer has an impression that the present organization and management of the Presidency is vague, inefficient, and ineffective, which directly or indirectly are responsible for the poor performance of the Republic Indonesia

---

<sup>30</sup> Former US President Harry S. Truman used to display placard on his working table in the White House, with the inscription: 'The buck stops here', implying that the president can not pass the buck to other officials.

in carrying out its constitutional mandate. In other words, streamlining the Presidential organization and management will undoubtedly help the President and the Nation to achieve more spectacular achievements<sup>31</sup>.

### *The President as a One-Man State Institution*<sup>32</sup>

The unitary state format and the presidential type of government as stipulated in the 1945 Constitution entrust the ultimate political responsibility to guarantee the outcome of the four government missions on the shoulders of ruling presidents<sup>33</sup>. Different with the other state organs, the Presidency has a special feature, that it is basically a one-man [or one-woman] state institution. Even though assisted by the vice president, ministers and heads of non-department state agencies, commander of the armed forces, the chief of national police, scores of governors, and hundreds of regency

---

<sup>31</sup> See Dhani, Rendro. 2004. *Centang-perenang Manajemen Komunikasi Kepresidenan, dari Soekarno sampai Megawati*. Jakarta; and Lesmana, Prof Dr. Tjipta. 2008. *Dari Soekarno sampai SBY: Intrik dan Lobi Politik para Penguasa*. Penerbit PT Gramedia Pustaka Utama. Jakarta.

<sup>32</sup> Hess, Stephen. 1988. Second edition. *Organizing the Presidency*. The Brookings Institution. Washington.D.C.; Patterson, Bradley H, Jr. 1988. *The Ring of Power: The White House Staff and Its Expanding Role in Government*. Basic Books Inc. Publishers. New York; Barber, James David. 1992. *The Presidential Character: Predicting Performance in the White House*. Prentice-Hall, Englewood Cliffs, N.J; Davis, James W. 1992. *The President as Party Leader*. Praeger. New York; 1993. Osborne, David and Ted Gaebler. *Reinventing Government: How Entrepreneurial Spirit is Transforming the Public Sector*. Penguin Books. New York; Nurhasim, Moch and Ikrar Nusa Bhakti, 2009. *Sistem Presidensial & Sosok Presiden Ideal*. Pustaka Pelajar. Yogyakarta..

<sup>33</sup> Article 5 of Law No. 42, 2008 stipulates 18 terms for Indonesian presidential candidates, a.o. loyalty to Pancasila as the state's foundation, 1945 Constitution, and the ideals of the 1945 Proclamation [of Independence] ; never was a member of prohibited Communist Party of Indonesia, including its mass organization, or not directly involved in the 30<sup>th</sup> September Movement/ Communist Party of Indonesia; and lastly has a vision, mission, and programs in the implementation of the government of the Republic of Indonesia. Interestingly, the Indonesia law-makers deemed it is adequate for someone who has a high school diploma to join as a candidate a presidential election. University degree is not required.

chiefs and mayors, nevertheless the executive powers and ultimate responsibility belong to the president alone.

It is therefore logical that, given the colossal tasks and powers of the Indonesian presidents, coupled with their inherent human constraints, special care should be given not only to the personality and character of the presidents but also to the organization and management of the Presidency vis a vis the other branches of the government<sup>34</sup>.

History has proven that for more than 53 years – 1945 to 1998 – the Indonesian nation has been held sway by the personal strength and weakness of the presidents. Correct presidential policy and strategy have been proven beneficial for the whole nation, while bad presidential decisions, by design or by default, may wreak havoc in the smooth functioning of national life<sup>35</sup>.

---

<sup>34</sup> In this case, Indonesia can emulate the well-proven organization and management of the US Executive Office of the President, and – if needed – establish a similar Center for the Study of the Presidency. In 1939, President Franklin Delano Roosevelt accepted the recommendations of the Brownlow Committee for a reformed Executive Office of the President which – with some minor modifications – served successive US Presidents well until today. In 1993, under the auspices of the Academy for Educational Development (AED) and the Institute of Public Administration, the writer led a 22-member delegate consisted of echelon 2 and echelon 1 officials, to study the U.S. presidential system of government, focusing on three subjects: 1) government policy, budget, and management; 2) the reformation of legal drafting process and dissemination to support the development of government apparatus; and 3) enhancing the professionalism of civil servants. In May 2009, the writer wrote an 'Atensi Raport Number 2', i.e. a staff study about the urgency of establishing a more effective and efficient State Secretariat, modeled after the U.S. Executive Office the President. The original report – in Indonesian – was sent to the election committee of one of the presidential candidate, is enclosed with this paper.

<sup>35</sup> Two bad presidential decisions can be cited as examples, i.e. Soekarno's decision to join the Eastern bloc in the 1960s, and Soeharto's decision to invade East Timor in 1975 and to agree upon IMF's conditionalities in 1998. It can be understood, that the Reformation movement since 1998 tried to curtail presidential powers to such a degree that the President can not fulfill his or her obligations without the consent of the Parliament, which in turn informally transformed a presidential form of government into a parliamentary, at least a semi-parliamentary, government.

Despite the existence and the operations of all democratic attributes such as political parties, the media, civil societies, general elections, parliaments, and the courts, in reality the role of the presidents overshadowed them all. While practically no one remembers the names of the other institutions' leaders, the nation avidly remembers the achievements and the problems left behind by successive presidents, including their role in the implementation of Pancasila and the four functions of the government. Hence the need for a more institutionalized Presidency<sup>36</sup>.

It should be added, however, that from 1945 to 1998 Presidents Soekarno and Soeharto governments' executive power were greatly strengthened by the extra ordinary authority stipulated in the Emergency Laws, put into operation to quell the regional rebellions that flared around the country<sup>37</sup>.

Soekarno contributed the first comprehensive idea of Pancasila as the *Staatsfundamentalnorm*, and led the nation-state in its most dangerous phase, from 1945 to 1967. It must be acknowledged that Soekarno's leadership was not too successful in bringing about the just and prosperous society he promised. His obsession and preoccupation with revolutions, not only in Indonesia but also for the whole world, diverted the scarce resources away from needed economic development<sup>38</sup>. He erroneously gambled in the Cold War era, by putting his stake in the Communist bloc, which ultimately brought his bloody downfall in the tumultuous years from 1965 to 1967. It should also be noted that obsessed by his idea of 'Guided Democracy' in the 1960s, Soekarno

---

<sup>36</sup> Pieris, Dr John, SH, MS. 2007. *Pembatasan Konstitusional Kekuasaan Presiden RI*. Penebit P. Cendekia. Jakarta.

<sup>37</sup> Harijono, 2008. *Penerapan Status Bahaya di Indonesia, Sejak Pemerintah Kolonial Belanda hingga Pemerintah Orde Baru*. Penerbit Pensil 324. Jakarta.

<sup>38</sup> His eagerness to centralize the whole government authority in his own hands reminded us the Javanese concept of the undivided power.

established some extra constitutional institutions with dubious powers, such as The National Council (*Dewan Nasional*) and the Supreme Operational Command (*Komando Operasi Tertinggi, KOTI*).

Soeharto, to some extent succeeded to deliver the Indonesians from dire poverty and initiated a well-proven development policy, strategy, and mechanisms, but he left behind the bitterness of the combined military and judicial operation against the alleged coup of the communist-inspired 30<sup>th</sup> September movement, the East Timor problem, and a rampant habit of corruption, nepotism, and collusion. Interestingly enough, Soeharto was now deemed responsible for the present weakness of the TNI (*Tentara Nasional Indonesia*), by not allocating adequate budget for national defence and by playing off one general against the other. President Soeharto effectively influenced and directed most of the state organs through the ruling party, Golkar, whose leadership were consisted of active and retired armed forces officers, and through the existence of extra constitutional quasi state organs such as the Kopkamtib (*Komando Pemulihan Keamanan dan Ketertiban*, Peace and Security Restoration Command) Soeharto was able to exercise complete control to the nation. Even though Soeharto established a National Commission of Human Rights in 1993 (*Komisi Nasional Hak Asasi Manusia, Komnas HAM*) he was frequently criticized for his human rights record.

B.J. Habibie laid the legal foundation for the whole Reformation by promulgating more than 160 acts of parliaments and initiated a precedent not to proceed in his candidacy for president when the Peoples' Consultative Assembly (*Majelis Permusyawaratan Rakyat, MPR*) turned down his presidential report, but left behind the equally bitter memory of the 1999 Act of Free Choice, administered by the United Nations, which resulted in East Timor breakaway from Indonesia. He will also be remembered as the president who began the implementation of the *Letters of Intent* signed by former President Soeharto and the International Monetary Fund (IMF).

Abdurrahman Wahid will be remembered as the president who opened the Presidential Palace to the public, his support for the recognition of Confucianism as a religion, his closeness with the non-government organizations, and reduced the political role of the Armed Forces. But he was criticized for his erratic behavior, his frequent visits to the tombs of famous Nahdlatul Ulama leaders in East Java, his involvement in an alleged corruption, and lastly his endorsement of the independent movements in Papua and Aceh. Wahid continued the privatization of state-owned enterprises as agreed with the IMF.

Megawati Soekarnoputri will be remembered as the silent president, and as the president who was successful in building and leading a new party and brave the repression of President Soeharto. But, despite the oratory of *wong cilik* (colloquial term for common people or 'the little people'), the lady will be remembered by her relative inattention to presidential duties and to the plight of the poor, and her continued privatization of state-owned enterprises. She was also responsible for the promulgation of the special autonomy scheme for Papua, which acknowledge the racial basis of regional representation.

Susilo Bambang Yudhoyono – the present President – is the first directly elected President in Indonesia, trying to govern in the post-Reformation adverse mood for the presidential powers, led the nation in the most difficult era of natural disasters, local bloody conflicts, and – with the mediation of former Finland president – solved the military quagmire in Aceh<sup>39</sup>. He distributed cash allowances for the poor (the *Bantuan Langsung Tunai*, *BLT*) to help them during times of crisis. He also engaged in the first presidential debate in the history of the Republic. Nevertheless, Yudhoyono will

---

<sup>39</sup> In the present political campaign, Vice President M.Yusuf Kalla reiterated his crucial role in the solution of local conflicts in Ambon, Poso, and also in Aceh, which Susilo campaign teams criticized because the ultimate powers still rest in the President's hands.

be remembered as the president who increased Indonesia's foreign debts, his perfectionism, and his sensitivity toward criticisms.

### *The Cultural Context of the Presidential Leadership*

There is another factor in the Indonesian presidency that should be taken into consideration, that is the inherent risk of cultural alienation of the mostly Javanese-born presidents with the culturally different Outer Islanders<sup>40</sup>. Indonesian political history proved the frequent misunderstanding of different Indonesian leaders who came from different cultural background<sup>41</sup>.

The cultural alienation will become greater because so far the central government does not only discourage the study of ethnology or cultural anthropology in order to study the inherent heterogeneity of the Indonesian people, but also suspect that any manifestation of racial and ethnic identity

---

<sup>40</sup> Javanese political culture condones the absolute power concept of kings and does not endorse the idea of the division of power. See Moertono, Soemarsaid. 1985. *Negara dan Bina-Negara di Jawa Masa Lampau: Studi tentang Masa Mataram II Abad XVI Sampai XIX*. Yayasan Obor. Jakarta. Also: Antlov, Hans and Sven Cederroth. Tr by P Soentoro. *Kepemimpinan Jawa: Perintah Halus Pemerintahan Otoriter*. Yayasan Obor Indonesia. Jakarta.

<sup>41</sup> Undoubtedly the most prominent conflict with a cultural background was the political conflict between Soekarno, a Javanese, who liked the idea of a 'guided democracy' and Mohammad Hatta, a Minangkabau, who preferred the idea of 'peoples' sovereignty'. Even though these two gentlemen remained as close friends until their demise, nevertheless Hatta felt that their political preferences could not be reconciled, so that he voluntarily resigned in 1956 - after the 1955 General Election - to give Soekarno 'a fair chance' to prove his idea' At the same time, Hatta predicted that Soekarno ideas will last during Soekarno's life time, and will disappear in his death.

We can trace the same cultural background in the present political conflict of President Susilo Bambang Yudhoyono and Vice President Muhammad Yusuf Kalla, which - after they both were trying hard to conceal - nevertheless fully emerged into the public arena when both gentlemen compete for the 2009-2014 Presidency. Even though Kalla has repeatedly expressed to Yudhoyono his willingness to be Yudhoyono's vice president, Yudhoyono never gave a clear answers, and through an artificial selection criteria and mechanisms, Yudhoyono selected Boediono instead, also a Javanese, for his running mate. It is very clear that highly courteous Yudhoyono was not very comfortable with the candid Bugis style of Kalla.



in the regions will be automatically interpreted as inimical to the unity of the nation and may encourage separatist tendencies<sup>42</sup>. It is in the light of the basically Javanese bias, that even though the Founding Fathers acknowledged the existence of village communities and their traditional rights – highly relevant in the Outer Islands – nevertheless successive acts of parliament and presidential policies from 1960 onward practically disregard their existence and took over their traditional communal lands and natural resources<sup>43</sup>.

### *The Importance of the 2009 Presidential Debate*

Of the six presidents in Indonesian political history, five presidents were indirectly elected, and only one was directly elected by the people, i.e. the present incumbent President Susilo Bambang Yudhoyono. By this mostly elitist method electing past presidents, It can be assumed that the majority of Indonesians do not exactly know what happened behind the scenes before the president-elect and the vice-president-elect were announced to the public.

In 2009, election law stipulates that presidential and vice presidential candidates should engage in a series of presidential debates. These debates were to be broadcast alive so that their vision and mission – and their personality – could be exposed to the hitherto politically ignorant public.

The impact was terrific. The Indonesian public now know exactly the quality of the presidential hopefuls, both their

---

<sup>42</sup> See Haris, Syamsuddin, et.al, eds. 1999. *Indonesia Di Ambang Perpecahan? Kasus Aceh, Riau, Irian Jaya, dan Timor Timur*. Penerbit Erlangga. Jakarta.

<sup>43</sup> One of the most notorious Act of Parliament was the now-defunct Law No. 5, 1979, which abolished all traditional villages in the Outer Islands, and established new villages model after the Javanese village. Nowadays, despite the formal recognition in the 1945 Constitutions, the Outer Islands' traditional communities are fighting hard for the more positive legal recognition of their existence and their traditional rights. See Simarmata, Rikardo, 2006. *Pengakuan Hukum terhadap Masyarakat Adat di Indonesia*. RIPP UNDP. Jakarta; and Latief, Budhy S.E. 2008. *Buku Referensi Perlindungan Hak Konstitusional Masyarakat Hukum Adat*. Sekretariat Nasional Masyarakat Hukum Adat. Jakarta.

strengths and their weaknesses. They can judge for themselves which candidates are most suitable for their interests and aspirations, and then can decide accordingly. Successive public opinion polls shows that having been equipped with the direct knowledge of the personality, character, the vision and mission of candidates, potential voters can not be expected to stay loyal to their former leaders or parties. Indonesian politics will never be the same after the 2009 presidential elections.

### **The Performance**

Having been adhered to and implemented for more than six decades, two basic questions regarding the implementation of Pancasila in its constitutional and institutional context stand out : a) in domestic affairs, why on earth the majority of Indonesians are still living in poverty and backwardness, while the natural resources — intended to bring them to a just and prosperous society — are depleted in an alarming rate due to overexploitation on land and at sea? b) in external affairs, why on earth the territory of the Indonesian nation-state are continually transgressed and violated by the neighboring countries with practical impunity?

The answer to these questions depends to a large degree on the leadership quality of the President, i.e. on his or her ability of to integrate the combined power and potentialities of the three constituent parts of the Indonesian nation-state, i.e. the people, the territory, and the government, to implement the four functions of the State and the Government to attain the ultimate objectives of the State as stipulated in the Preamble of the 1945 Constitution<sup>44</sup>.

---

<sup>44</sup> See Bahar, Saafroedin, "Konvensi Montevideo 1933 sebagai Rujukan Struktural bagi Proses Nation- and State-Building di Indonesia", in *Jurnal Negarawan*, No. 02, November 2006. Also: Drake, Christine, 1989. *National Integration of Indonesia: Pattern and Policies*. University of Hawaii Press. Honolulu.

In other words, those two questions and their answers are subjects that belong to the realm of long term national policy and grand strategy, implemented by appropriate public administration, and good governance.

It must be acknowledged that in this post-Reformation politically liberal era it will be very difficult for the president – in fact for everyone – to have an integrated policy and strategy to those questions, not only because of the dismantling of the *Garis-garis Besar Haluan Negara, GBHN* (the Broad Outlines of State Policy), but also because all that is formally required by law for the presidential candidates is their own five-yearly short term vision and mission. The consequence of this short-sighted vision and mission to the long term needs of the nation-state is devastating, that can be described succinctly as follows.

### *The Territory*

Even though God the Almighty has endowed Indonesia with a wealth of natural resources, both on land, at sea, and in the air, nevertheless the Republic can not make use of it effectively and efficiently for the sake of its own people.

Existing legal system allowed competing claims on the traditional lands, by the local communities and the state, in such a way, that occasional physical clash do occur.

The Department of Forestry continues to issue permits for large scale plantation and mining companies without the concomitant ability to supervise its implementations, so that large areas not only are illegally operated, but also large tracts of land are damaged and destroyed. Damaged and destroyed land mass then give rise to natural disasters. Moreover, the same ministry distributed the lands traditionally owned by the Indonesian indigenous peoples disregarding the universal principles of 'free, prior, and informed consent', which directly or indirectly induced physical or non-physical resistance by the indigenous peoples. These resistances were later severely punished by the government security apparatus.

The Armed Forces of the Republic can not effectively secure the border areas, not only due to obsolete and inadequate weaponry and the meager budget allocated by the Government, but also because of the doctrinal negligence to peripheral areas. Hence, Sipadan and Ligitan islands were occupied by Malaysia, which were later legalized by the International Court of Justice on the basis of 'effective occupation' principle. After successfully occupied Sipadan and Ligitan, now Malaysia provoke military confrontation in the nearby Ambalat bloc.

At sea, Indonesia can not secure its exclusive economic zone and inland waters in such a way that foreign vessels can fish illegally with impunity, which in caused state's losses trillions of rupiahs in revenue.

### *The People*

Human Development Index (HDI) data periodically published by the United Nations indicated that Indonesia does not rank very high in comparison with the neighbouring countries. Considering the wealth of natural resources belonging to Indonesia, those data proves that Indonesia is undoubtedly an underachiever. Many observers are in doubt whether Indonesia can achieve the eight points Millennium Development Goals (MDG) in 2015, or not.

Even though the existence of ethnic groups and indigenous peoples are formally recognized, nevertheless scores of acts of parliament made artificial conditionalities for its implementations, in such a way that those recognition is practically meaningless.

There is a wide sociological and psychological gap between the millions of poverty-stricken masses and a miniscule of wealthy middle class and the elite groups. This sociological and psychological gap has political significance, because there are indications that in order to stay in power the middle class and the elite groups are trying hard to buy votes from the poor masses. This vote-buying strategy has

effectively altered the nature of Indonesian politics, from idealistic to more pragmatic<sup>45</sup>.

### *The Government*

The history of the post-independence Indonesian government can be divided into three phases: 1) the Soekarno administration from 1945 to 1966, which focused its attention on the survival of the Republic; 2) the Soeharto administration, from 1967 to 1998, which was able to plan and to carry-out a long-range development activities, assisted by foreign debts and assistance<sup>46</sup>; 3) post-Reformation administration by four presidents, focusing its attention to the dismantling of Soeharto's political heritage, paving the way for extensive civil liberties, and launch extensive damage control policy to surmount post-1997 economic crisis, and coping with a series of natural disasters, also with foreign debts and assistance.

It is interesting to note, that while the Soekarno and Soeharto administrations placed Pancasila at the core of their overall national policy, nevertheless — despite the oratory of Pancasila — the post-Reformation administrations did not do so. There are convincing indications that by the so-called 'structural arrangements clause' included in successive *Letters of Intent* with the International Monetary Fund (IMF), the four post-Reformation presidents had to implement the IMF neo-liberalist economic policy, which a.o focused on privatization of state-owned enterprises, open the market for foreign investments, and promulgate new laws friendly to the open market principle.

---

<sup>45</sup> The bad effects of the so-called 'money politics' toward the morale and ethics of the nation is really appalling. Practically none of the state's institutions is free from corruption, collusion, and nepotism, hence the high reputation enjoyed by the Corruption Eradication Commission (Komisi Pemberantasan Korupsi, KPK), until the recent love affair of its Chair, Antasari Azhar.

<sup>46</sup> The Soeharto administration utilized both the Broad Outlines of State Policy promulgated by the MPR and the Accelerated Modernization and Development Strategy initiated by the Indonesian Armed Forces.

Therefore, while supported the greater political freedom enjoyed by Indonesians, many Indonesian economic experts severely criticized the post- Reformation economic policy and performance and demand change<sup>47</sup>.

It is still an open question what kind of development policy and strategy will be adopted by future Indonesian governments, particularly if seen from the Pancasila perspectives. According to the writer, basically there are two implementation strategies of Pancasila, i.e. the deductive strategy and the inductive strategy. The deductive strategy deals with a rigid logical inference from general principles of Pancasila into a concrete situation, while the inductive strategy starts from the actual situation and develop creative policies and strategies thereon as long as they are not in violation with Pancasila's general principles. Out of these two basic strategies a third, combined, strategy can be developed.

Lessons learned from 64 years of independence proved that deductive strategy of President Soekarno could not deliver, not only because it was highly speculative but also because the dynamics of the actual situation which make any plan obsolete.

On the other hand, the present inductive strategy closely resembled the neo-liberalism idea, which gives ample opportunity to the 'market' to follow its course, with the occasional government intervention for the sake of the general public. Conceptually, this inductive strategy is not in line with the principle adhered to in the Preamble of the 1945 Constitution that entrusts to the state an active role to promote the general welfare.

The combined strategy was pioneered by General Soeharto, who started with the long range 25-years

---

<sup>47</sup> The issue whether to continue or to alter the IMF-induced government strategy is now the hotly debated item in the present presidential campaign theme.

development strategy, and implemented in a series of five yearly development plans, to be formulated with the full participation from the regions. This combined strategy can be implemented simultaneously with the subsidiary principle<sup>48</sup> and the decentralization system, in which the line people has the right to make the initiative, while the higher strata of the organization provides support and back-up system.

## **Conclusions**

### **a. The Norms**

- 1) In its normative aspects, the Pancasila as the living *Staatsfundamentalnorm* has developed in seven phases, beginning from the personal proposal of Soekarno; rephrased, refined and developed into a constitutional documents by the subcommittee of nine in the BPUPK; revised by Soekarno in the 1960's; systematically implemented in the development context by General Soeharto for more than three decades; and lastly reconfirmed and popularly supported by the majority of the Indonesian people in the Reformation era. In fact, just because Pancasila was not rigidly formulated that gives it the flexibility urgently needed in the dynamic era of the globalization.
- 2) As the *Staatsfundamentalnorm* of the Indonesian nation-state, Pancasila should nowadays be understood and implemented within its constitutional context, not only as part and parcel of the Preamble of the 1945 Constitution, but also in relation to the implementation of the four functions of the State and the Government promulgated therein by other government agencies.

---

<sup>48</sup> The subsidiary principle holds that it is the right of the society to autonomously take care of their own affairs. Only if they are unable to do so, or if they need help, the government can intervene.

- 3) Understood and implemented out of context, Pancasila will immediately become sterile.
- 4) Indonesian political history has proven that the philosophization and ideologization of Pancasila was not only practically impossible but also counter-productive, due to the cultural and religious heterogeneity of Indonesian society. Pancasila should be accepted as such: a historical document, containing five-item agreements of the Founding Fathers, to be consistently and coherently followed-up through national and state policy, strategy, and programs.
- 5) Past consensus of Pancasila as an open ideology opens the way of adopting later global developments in human rights and international cooperation.

b. *The Institutions*

- 1) Since Pancasila is systematically related to the 1945 Constitution, serious attention should be given to the effective and efficient organization and management of the State, which includes effective and efficient management of the territory, the people, and the government<sup>49</sup>.
- 2) The unitary state format and the presidential form of government have an inherent risk of overcentralization and insensitivity toward the plight of the people living in the periphery.
- 3) As the only one-man institution in the implementation of national policy and strategy, with wide ranging power and influence to the nation, special care should be given to the organization and management of the Presidency so that the personal strength of the

---

<sup>49</sup> See Lijphart, Arend, 1999. *Patterns of Democracy: Government Forms and Performance in Thirty-Six Countries*. Yale University Press, New Haven and London.



incumbent can be taken advantaged of and his or her weakness can be institutionally neutralized.

- 4) To help the President in carrying his or her constitutional and other duties, it is urgent to establish a strong, effective, and efficient State Secretariat.
- 5) Since the Founding Father has acknowledged that the traditional village community has the unalienable right of precedence (*hak asal usul*) and that any State policy dealing with them should respect this right, a special law should be enacted for the protection of their rights, particularly due past and present violations of their rights.

#### c. *The Performance*

- 1) Despite the high-sounding ideals of Pancasila, nevertheless the Republic of Indonesia has not been able to alleviate the majority of the Indonesian masses from their poverty and its concomitant misery.
- 2) The most important factor which determined between success and failure of the attainment of the ideals is the quality of leadership of Indonesian presidents, who not only held powerful executive office but also control political parties and other government agencies.
- 3) Future Indonesian presidents should focus their attention to the implementation of the four constitutional functions of the Government as stipulated in the Preamble of the 1945 Constitution.[]

POST SCRIPTUM:

**The 2009 Presidential Election  
And Its Relevance With Pancasila**

The main thesis of this paper is that since Pancasila is not self-executing, it needs appropriate institutions, and the most important institution for the implementation of Pancasila is the Presidency. It is up to the President and his or her team of ministers and advisers to make Pancasila performs or not. The reason is obvious: Indonesia is a unitary state with a presidential form of government. The President and the Presidency is one and the same. It is a one-man-institution, or a one-woman-institution.

As if by coincident, Professor R. William Liddle of Ohio State University – a prominent Indonesian expert – came to same conclusion in relation with the July 8<sup>th</sup>, 2009 Presidential Election, that Indonesia is now entering a new phase in its political history, when it is the personality of the leader that counts, not ideology or political parties<sup>50</sup>. According to Professor Liddle, the *santri-abangan-priyayi* paradigm of Clifford Geertz is over. Undoubtedly, the election of the three pair presidential candidates is the election of three pair of personalities, with their strengths and weaknesses. A series of open presidential debates – the first of its kind in Indonesia – gave the Indonesian public a rare opportunity to judge for themselves the personalities who will lead them for the next five years. Professor Liddle also reminds us of other pertinent factors in the presidential election, i.e. the importance of organization, the mastery of campaign techniques, and – of course – the availability of ample financial resources.

---

<sup>50</sup> Kompas, July 7<sup>th</sup>, 2009.

It is interesting to note that the *Kompas* daily — in cooperation with a team of psychologists under the leadership of Dr. Niniek L.Karim — conduct a psychopolitical analyses to the three presidential candidates, and published their findings on the eve of the presidential election<sup>51</sup>. They not only predicted the psychological compatibility or incompatibility of the pairs, but also published the policy they adhere to when they come to power. Since the Susilo Bambang Yudhoyono-Boediono pair has won the election, we can now predict how Pancasila will be institutionally implemented for the next five years.

The writer thinks that the presidential candidates statements of policy and the public's reactions to the policy are none other than the contextual implementation of Pancasila for the time frame 2009-2014, which will be implemented in many governmental programs, both at the central and at the provincial government. In an indirect way, the 2009 Presidential Election may pave a new approach for the future study of Pancasila and the Indonesian politics.[]

---

<sup>51</sup> *Ibid.*

## LAPORAN ATENSI / 2

MASALAH : PEMERINTAHAN

### 1. PERSOALAN

Bagaimana menata lembaga kepresidenan yang lebih terpadu dan mampu melayani proses pembuatan keputusan presidensial secara tepat, komprehensif, dan dinamis dalam lingkungan strategis yang berkembang secara dinamis.

### 2. INTISARI KEADAAN

- a. Bentuk negara kesatuan dan sistem pemerintahan presidensial sesungguhnya memungkinkan pengelolaan dan pengendalian lembaga-lembaga pemerintahan secara lebih terarah, terpadu, efektif, dan efisien.
- b. Kemajemukan bangsa Indonesia yang terdiri dari 1.072 etnik - menurut Sensus Nasional tahun 2000 - dan yang mendiami 17.558 buah pulau menimbulkan kompleksitas masalah pemerintahan yang perlu ditangani secara lebih melembaga.
- c. Sejak tahun 1945 belum pernah diadakan kajian serta diletakkan kebijakan kepresidenan mendasar tentang bagaimana lembaga kepresidenan itu seharusnya ditata untuk menunaikan empat tugas utama pemerintahan yang tercantum dalam Pembukaan Undang-Undang Dasar 1945.
- d. Organisasi dan manajemen pemerintahan Republik Indonesia selama ini disusun secara fragmentaris, *ad hoc*, dan tanpa suatu 'grand design', walaupun Republik Indonesia telah tumbuh dan berkembang dari sebuah republik sederhana menjadi sebuah negara besar, dan sedang menghadapi masalah dalam negeri dan masalah luar negeri yang luar biasa kompleks.

e. Ada lima akibat dari organisasi dan manajemen pemerintahan tanpa 'grand design' tersebut, yaitu:

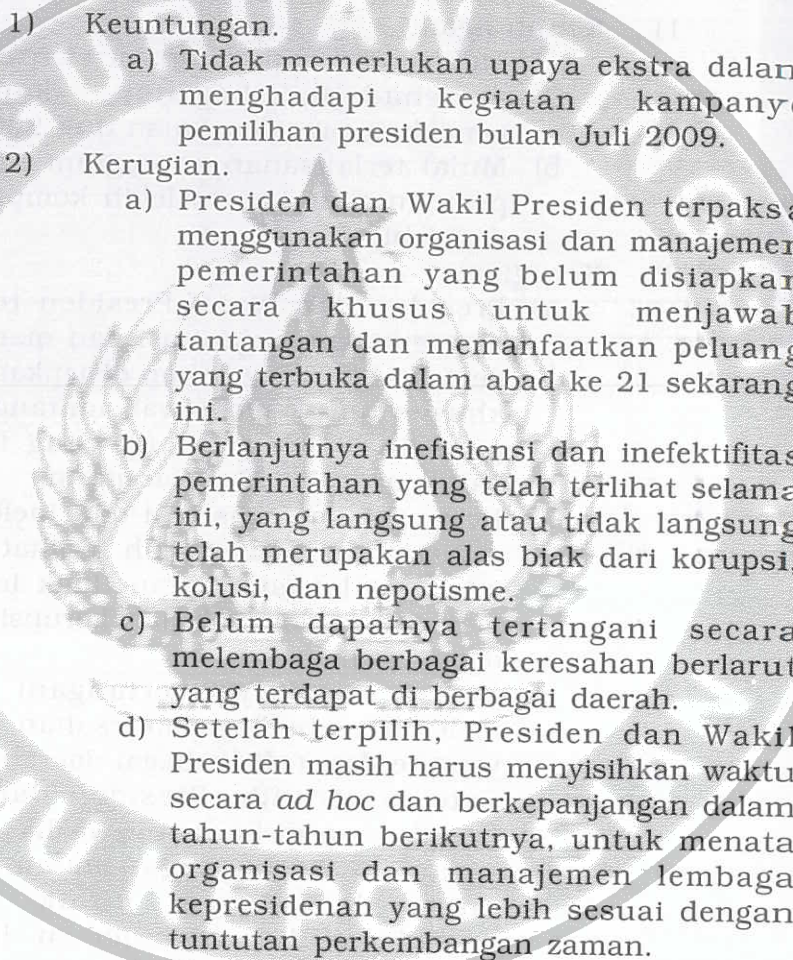
- 1) Timbulnya kecenderungan pendekatan yang sangat sektoral dari departemen-departemen pemerintahan.
- 2) Sulitnya koordinasi dan komunikasi lintas lembaga-lembaga pemerintahan — yang terdiri dari departemen, lembaga pemerintah non-departemen, komisi-komisi nasional, dan pemerintahan daerah — yang cepat atau lambat menimbulkan inefektifitas dan inefisiensi pemerintahan.
- 3) Sulitnya diperoleh gambaran menyeluruh dari kinerja pemerintahan.
- 4) Lahirnya berbagai undang-undang yang materinya tidak - atau kurang - serasi dengan semangat Undang-Undang Dasar 1945, yang kemudian dimohonkan uji materinya ke Mahkamah Konstitusi.
- 5) Tidak terpantaunya dan berlarutnya keresahan dan ketidakpuasan masyarakat di tingkat daerah karena tidak tertanganinya masalah-masalah dan keluhan daerah pada waktunya.

f. Sebagai presiden pertama yang dipilih secara langsung oleh Rakyat Indonesia, Presiden SBY memperoleh peluang sejarah yang langka untuk memberikan sumbangan mendasar terhadap sistem pemerintahan presidensial dalam Negara Kesatuan Republik Indonesia, setara dengan sumbangan Presiden Franklin Delano Roosevelt dalam tahun 1939 meletakkan landasan lembaga kepresidenan Amerika Serikat yang masih berfungsi sampai saat ini.

### 3. PILIHAN KEBIJAKAN

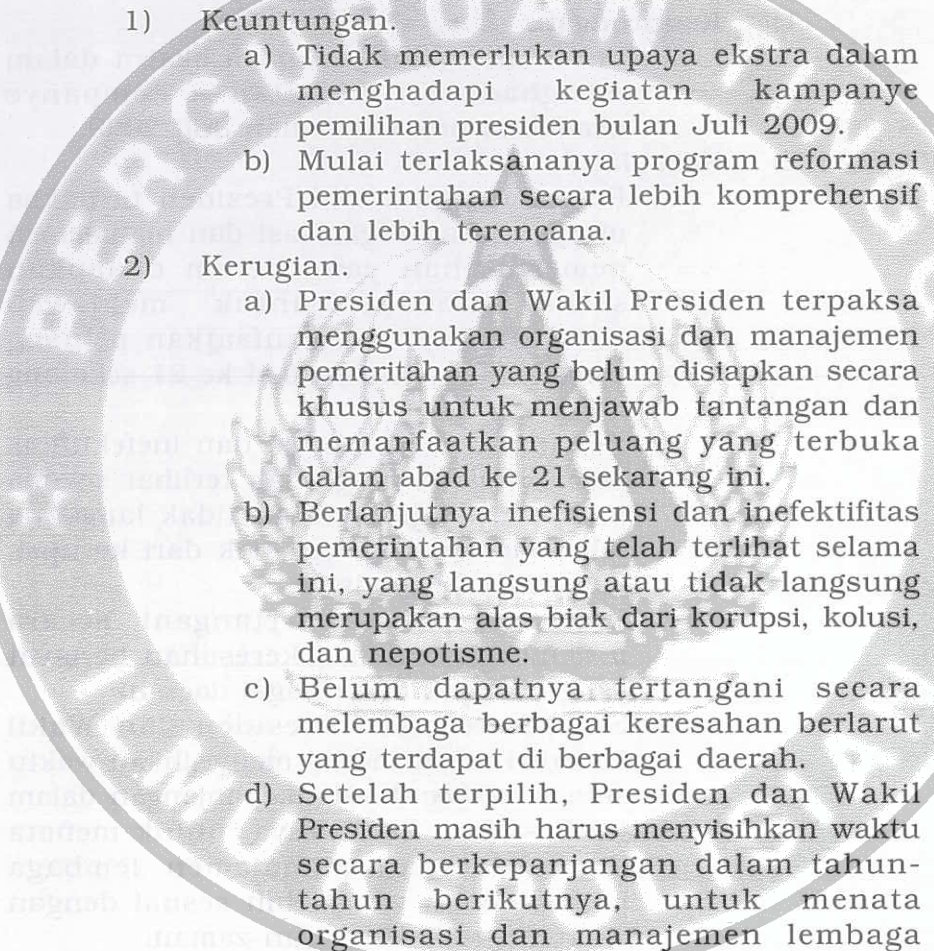
a. Pilihan pertama.

Meneruskan struktur organisasi dan manajemen pemerintahan seperti yang ada sekarang ini.

- 
- 1) Keuntungan.
    - a) Tidak memerlukan upaya ekstra dalam menghadapi kegiatan kampanye pemilihan presiden bulan Juli 2009.
  - 2) Kerugian.
    - a) Presiden dan Wakil Presiden terpaksa menggunakan organisasi dan manajemen pemerintahan yang belum disiapkan secara khusus untuk menjawab tantangan dan memanfaatkan peluang yang terbuka dalam abad ke 21 sekarang ini.
    - b) Berlanjutnya inefisiensi dan inefektifitas pemerintahan yang telah terlihat selama ini, yang langsung atau tidak langsung telah merupakan alas biak dari korupsi, kolusi, dan nepotisme.
    - c) Belum dapatnya tertangani secara melembaga berbagai keresahan berlarut yang terdapat di berbagai daerah.
    - d) Setelah terpilih, Presiden dan Wakil Presiden masih harus menyisihkan waktu secara *ad hoc* dan berkepanjangan dalam tahun-tahun berikutnya, untuk menata organisasi dan manajemen lembaga kepresidenan yang lebih sesuai dengan tuntutan perkembangan zaman.
    - e) Kurang dimanfaatkannya kurun waktu antara bulan Mei sampai bulan Oktober 2009 untuk mempersiapkan organisasi dan manajemen kepresidenan yang lebih sesuai untuk mendukung tugas-tugas yang lebih berat dalam masa jabatan kedua.

b. Pilihan kedua.

Mengadakan penataan kembali struktur organisasi dan manajemen pemerintahan secara gradual setelah bulan Oktober 2009.

- 
- 1) Keuntungan.
    - a) Tidak memerlukan upaya ekstra dalam menghadapi kegiatan kampanye pemilihan presiden bulan Juli 2009.
    - b) Mulai terlaksananya program reformasi pemerintahan secara lebih komprehensif dan lebih terencana.
  - 2) Kerugian.
    - a) Presiden dan Wakil Presiden terpaksa menggunakan organisasi dan manajemen pemerintahan yang belum disiapkan secara khusus untuk menjawab tantangan dan memanfaatkan peluang yang terbuka dalam abad ke 21 sekarang ini.
    - b) Berlanjutnya inefisiensi dan inefektifitas pemerintahan yang telah terlihat selama ini, yang langsung atau tidak langsung merupakan alas biak dari korupsi, kolusi, dan nepotisme.
    - c) Belum dapatnya tertangani secara melembaga berbagai keresahan berlarut yang terdapat di berbagai daerah.
    - d) Setelah terpilih, Presiden dan Wakil Presiden masih harus menyisihkan waktu secara berkepanjangan dalam tahun-tahun berikutnya, untuk menata organisasi dan manajemen lembaga kepresidenan yang lebih sesuai dengan tuntutan perkembangan zaman.
    - e) Kurang dimanfaatkannya kurun waktu antara bulan Mei sampai bulan Oktober 2009 untuk mempersiapkan organisasi dan manajemen kepresidenan yang lebih sesuai untuk mendukung tugas-tugas yang lebih berat dalam masa jabatan kedua.

c. Pilihan ketiga.

Mempersiapkan pokok-pokok kebijakan kepresidenan untuk penyusunan struktur organisasi dan

manajemen pemerintahan yang lebih komprehensif dan terpadu, sejak bulan Mei sampai dengan bulan Oktober 2009.

1) Keuntungan

- a) Presiden dan Wakil Presiden akan mempunyai tatanan organisasi dan manajemen pemerintahan yang dirancang secara komprehensif dan integral untuk menunaikan empat tugas utama pemerintahan yang tercantum dalam Pembukaan Undang-Undang Dasar 1945. Sebagai model dan dengan modifikasi seperlunya, dapat dipakai struktur organisasi dan manajemen lembaga kepresidenan dari *The U.S. Executive Office of the President*.
- b) Kurun waktu antara bulan Mei sampai dengan Oktober 2006 cukup panjang untuk menyusun draft kebijakan dasar tentang mekanisme organisasi dan manajemen lembaga kepresidenan yang lebih terpadu, efektif, dan efisien.
- c) Setelah struktur organisasi dan manajemen lembaga kepresidenan ini selesai disusun dan dilaksanakan, untuk pertama kalinya Republik Indonesia mempunyai struktur organisasi dan manajemen lembaga kepresidenan yang dirancang secara khusus dan dapat menjadi sarana dan wahana yang efektif dan efisien bagi presiden-presiden berikutnya.
- d) Tersedianya mekanisme organisasi dan manajemen pemerintahan yang mampu melembagakan dan mengoperasionalkan empat pilar kebangsaan dan kenegaraan yang dicanangkan oleh Presiden SBY yaitu Pancasila, Undang-Undang Dasar 1945,



Negara Kesatuan Republik Indonesia, dan Bhinneka Tunggal Ika.

- e) Tertanggunginya secara mendasar berbagai inefisiensi dan inefektifitas pemerintahan yang telah terlihat selama ini.
  - f) Tercegah dan tertanggunginya pendekatan yang sangat sektoral dari departemen-departemen pemerintahan selama ini.
  - g) Tersusunnya rancangan undang-undang yang lebih koheren dan konsisten dengan empat tugas pemerintahan yang tercantum dalam Pembukaan Undang-Undang Dasar 1945.
  - h) Tersedianya secara melembaga mekanisme pemerintahan untuk memantau dan menangani berbagai keresahan yang terdapat di daerah-daerah.
  - i) Terselenggaranya reformasi birokrasi pemerintahan secara terencana dan tanpa gelojak-gelojak.
- 2) Kerugian.
- a) Perlu ad-an bulan Juli 2009 yang akan datang.

#### 4. SARAN KEBIJAKAN

- a. Perlu dibentuk segera sebuah tim kecil untuk menyusun kerangka acuan dan rancangan peraturan presiden tentang reorganisasi dan manajemen lembaga kepresidenan yang lebih terpadu, yang bekerja secara purna waktu, dan harus menyelesaikan tugasnya sekitar bulan September 2009.
- b. Kantor kepresidenan dan kantor wakil presiden, serta Sekretariat Negara, Sekretariat Negara, dan Sekretariat Kabinet harus diintegrasikan menjadi

suatu kesatuan yang utuh, menurut model *The U.S. Executive Office of the President*.

c. Untuk mencegah timbulnya kegelisahan dan resistensi dari kalangan birokrasi, perlu diperhatikan tiga hal:

- 1) Seluruh proses penyusunan organisasi dan manajemen lembaga kepresidenan yang lebih terpadu ini perlu diwadahi dalam kerangka Reformasi Birokrasi Pemerintahan.
- 2) Pelaksanaan reorganisasi dan manajemen lembaga kepresidenan dilaksanakan secara bertahap, dimulai dengan lingkaran dalam kepresidenan.
- 3) Perlu diadakan masa transisi yang memadai dari struktur organisasi dan manajemen pemerintahan yang bersifat fragmentaris sekarang ini ke arah struktur organisasi dan manajemen pemerintahan yang lebih terpadu.

Selesai.[]