

The Pancasila Ideological Direction Bill (RUU-HIP): A Missed Opportunity?

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Submitted: 16 October 2023 **Accepted:** 12 March 2024 **Published:** 30 April 2024

Issue: This article is part of the issue “Indonesian Heroes and Villains: National Identity, Politics, Law, and Security” edited by Nathan Franklin (Charles Darwin University) and Hans Hägerdal (Linnaeus University), fully open access at <https://doi.org/10.17645/pag.i380>

Abstract

Indonesia faces a number of acute developmental challenges, hence, there is a need for evidence-based policies to address a range of socio-political issues. This article examines the rise and fall of an ill-fated bill introduced into parliament in 2020 (the “RUU-HIP”) which sought to reshape the nation’s understanding of the state philosophy, Pancasila, while promoting “policy based on national science and technology.” The article argues that Pancasila, which mandates “Belief in the One and Only God” as its first tenet, has a number of unintended and damaging consequences; it limits freedom of religion and thought; bolsters the position of powerful mainstream religious organisations; contributes to extremist, marginalising religious stances; and acts as a potent and pervasive barrier to innovation at all levels of social and political life. As a lens through which to view Indonesia’s national ideology, the article examines the RUU-HIP and takes account of the historical roots of the state ideology and the pivotal role of its main progenitor, Soekarno. It examines some of the deleterious effects of Pancasila outlined above and concludes that the first *silā*, along with a controversial Blasphemy Law, ought to be amended and repealed respectively, to allow for greater freedom of religion and thought. The article concludes that while amending Pancasila may, contrary to prevailing legal thought, be theoretically possible, in the current socio-political climate this would be unthinkable for most Indonesians.

Keywords

blasphemy; constitutional law; freedom of religion; Indonesia; national ideology; Pancasila

1. Introduction

Indonesia is a highly religious society and home to the world’s largest population of Muslims (Lindsey & Pausacker, 2016). It is not, as sometimes inaccurately reported, the “world’s largest Muslim country”

(Tharoor, 2014) because it is not a “Muslim country.” The national ideology is not Islam, it is Pancasila—a uniquely Indonesian state philosophy comprised of five (*panca*) principles (*sila*). The first *sila*, as any Indonesian can tell you, is *Ketuhanan Yang Maha Esa*, or Belief in the One and Only God. This article argues that the first *sila*, which occupies the prime position in the order of principles, is of key importance to understanding Indonesian society and politics. The article examines the rise and fall of an ill-fated bill which sought to reshape the nation’s understanding of Pancasila while promoting “policy based on national science and technology” (Setjen, 2019). Introduced into parliament in 2020 the Pancasila Ideological Direction Bill (RUU-HIP) sought to build a more open and educated Indonesian society, stem intolerance, and “develop policy in all fields of life...based on national science and technology” (Setjen, 2019). The bill’s swift demise was due to a short but controversial reference to Soekarno’s original thoughts on the national ideology. Perceived as a threat to conservative religious groups, intense debate and disagreement led to mass street protests and opposition resulting in the bill being removed from the legislative agenda in January 2021.

The article’s methodology uses a transdisciplinary, qualitative, legal doctrinal examination of key legal texts—Indonesia’s Constitution, legislation such as Law No. 1 of 1965 on the Prevention of the Abuse of Religion and/or Blasphemy (hereinafter “the Blasphemy Law”), and the RUU-HIP bill—combined with analysis of historical documents, media and academic commentary, interview data, and the author’s socio-cultural observations from over 20 years living in Indonesian society. The article examines the historical roots of Indonesia’s Pancasila with a particular focus on the first *sila* (*Ketuhanan Yang Maha Esa*) and the role of its main progenitor, Soekarno, who went on to become Indonesia’s first president. Examining the historical record of Soekarno’s seminal speech of 1 June 1945 (Badan Penyelidik Usaha Persiapan Kemerdekaan Indonesia [BPUPKI], 1945), it argues that *Ketuhanan* was not of primary significance to Soekarno, for two main reasons: Soekarno offered two alternatives to Pancasila, including Trisila and Ekasila, which contains no reference to God, and because in his original iteration of Pancasila, *Ketuhanan* was not placed in the first position, rather in the fifth and last position. It was in subsequent discussions of the “Committee of Nine” that *Ketuhanan* was moved up the list to the first position with the addition of the words “*Yang Maha Esa*” (“One and Only”). The precise meaning and translation of the phrase *Ketuhanan Yang Maha Esa* is idiomatic and contested with various translations including “One Almighty,” “One and Only,” and “the oneness of God denoting belief in God” among others (Ropi, 2017). Where this article uses an English translation it adopts the Certified Translation of the 1945 Indonesian Constitution from the International Commission of Jurists (2002) “Belief in the One and Only God.”

Moving forward from 1945 to 2020, the article examines the primary text of the RUU-HIP and argues that it was an ambitious, expansive bill aimed at promoting “science and technology” and “efficient, transparent, planned, measured, responsible” policy and governance. Further, the brief reference to Trisila and Ekasila in Article 7 of the bill, was not only the source of the bill’s defeat but also a public relations failure of the government to explain the benefits and need for the bill to create a space for a rational public discussion about the national ideology. This failure allowed religious groups to create a dominant counter-narrative, resurrecting the twin straw-man threats of communism and atheism. This strategy was successful and the president removed the bill from the legislative agenda in January 2021. The article argues that the defeat of the RUU-HIP was a missed opportunity to shift the national trajectory away from its current drift towards religious ethnocentrism and intolerance towards a public policy agenda emphasising education, innovation, technology, critical thinking, and development. The bill’s objective was to emphasise the inclusive, secular aspects of Pancasila, promote clean governance, evidence-based policy, and ultimately greater prosperity for

the Indonesian people. It was the short, incongruous reference to Trisila and Ekasila which catalysed intense opposition from Indonesia's religious conservative establishment.

The article concludes by examining important questions raised by the RUU-HIP and its demise. Rather than acting as a panacea for all of Indonesia's ills, does the first *sila* create or contribute to them, and in what ways? Should the first *sila* be revised or amended, and is this even possible given its near "sacred" status? The article concludes that the first *sila* unduly limits freedom of religion and thought; bolsters the position of powerful mainstream religious organisations; contributes to extremist, marginalising religious stances; and acts as a potent and pervasive barrier to innovation at all levels of social and political life. For those reasons, Indonesian society ought to consider amending the first *sila* (and simultaneously repealing the controversial Blasphemy Law), and that a precedent for doing so exists. The article concludes that, in reality, the thought of revising or amending the Pancasila would be unthinkable for most Indonesians at this time.

2. Pancasila in the Past

2.1. Soekarno's Original Thoughts on National Ideology

The word "Pancasila" was created around Indonesia's independence in 1945 by fusing two Sanskrit words; *panca* and *sila*, hence the "five principles," the first of which is *Ketuhanan Yang Maha Esa* ("Belief in the One and Only God"). What younger Indonesians and non-Indonesians may not know is that when Soekarno first formulated and presented his version of Pancasila to a pre-independence committee on 1 June 1945 (BPUPKI, 1945), belief in God was not the first *sila*, it was the fifth—behind other values such as nationalism, internationalism, democracy, and social prosperity. After presenting his thoughts on Pancasila, Soekarno went on to present two alternatives: the Trisila and Ekasila, the three principles and the one principle (BPUPKI, 1945, pp. 74–75).

Soekarno dedicated an entire speech to how he created the *philosophische grondslag* (philosophical basis) or *weltanschauung* (worldview) of the nascent Republic of Indonesia. The word *weltanschauung* appears over 20 times as Soekarno describes the philosophical foundations of other countries, including Hitler's Nazi Germany, Lenin's Soviet Russia, Ibn Saud's Arabia based on Islam, the Three Principles of Sun Yat-sen in China, and Imperial Japan's *Tennoo Koodoo Seishin*. He acknowledged that Sun Yat-sen's ideology of nationalism particularly impacted him (BPUPKI, 1945).

After explaining the contents of his proposed Pancasila, Soekarno continued:

Or perhaps there are those of you who do not like the number five? I can squeeze them until there are just three...socio-nationalism, socio-democracy, and divinity. If you like the symbolism of three, then take these three. But perhaps not all of you gentlemen are happy with this *tri sila*, and ask for one, just one basic principle? Very well, I will gather all into one. What is that one?...If I squeeze the five into three, and the three into one, I arrive at a genuine Indonesian word: *gotong royong*. The nation of Indonesia that we build must be a nation of *gotong-royong*! How great that is! A *gotong-royong* nation!...This, gentlemen is what I propose to you. *Panca sila* became *tri sila*, *tri sila* became *eka sila*. But it is up to you gentlemen which one to choose: *tri sila*, *eka sila* or *panca sila*? I have already explained the content. (BPUPKI, 1945, p. 75)

When Soekarno squeezed the five into three and the three into one, he arrived at a “truly Indonesian word” *gotong-royong*—teamwork, pulling together, community spirit, effort, contribution, especially in the face of adversity and regardless of ethnic or religious differences. *Gotong-royong* in a sense encapsulates the ideal of unity despite diversity. If Soekarno, a founding father and first president, was forced to crystallise the essence of Indonesian-ness into one idea, this is the one he espoused. There is no reference to God in the Ekasila. It is a deeply humanistic ideal which encompasses harmony, shared prosperity, fairness, community, consensus, and collectivism.

To say that belief in God was not the first *sila* of Soekarno’s Pancasila, or that it was not contained in the Ekasila, does not mean that religion and belief in God were not important to Soekarno. There are several passages in his 1 June 1945 speech that clearly indicate the opposite. “If you opened my chest, and saw I had a heart, gentlemen, you would find none other than a heart of Islam” (BPUPKI, 1945, p. 70), he said. However, he also said, “A thousand apologies if my practice of Islam is far from perfect” (BPUPKI, 1945, p. 70). Soekarno’s religious tendencies, as expressed in this speech, were not superior, or self-righteous, they were conciliatory, inclusive, respectful, and tolerant—“We must advance toward world unity, a world of brotherhood,” he implored. Religion and God were not the defining elements of his worldview, they supported it. When he revealed his fifth *sila*, *Ketuhanan*, he quickly emphasised that different religions worship in different ways, and that “religious egoism” and “chauvinism” must be avoided (BPUPKI, 1945, p. 73). He underlined the civilising aspects of religion and that religious traditions teach mutual respect. Despite Soekarno’s later tendency toward authoritarianism, in this speech, his version of *Ketuhanan* was one based on tolerance, pluralism, inclusiveness, civility, and mutual respect.

2.2. Evolving Pancasila by Committee: The Jakarta Charter

The story of the Pancasila does not end with Soekarno’s 1 June speech. Sometime between 1 June and 22 June when the BPUPKI convened again, a smaller, informal committee, the “Committee of Nine” (of which Soekarno was part) had met, deliberated, and redrafted the national ideology (BPUPKI, 1945, pp. 331–403). It is difficult to ascertain a detailed account of the deliberations of the Committee of Nine; however, certain things are clear. Firstly, Soekarno’s suggestions for the Trisila and Ekasila were not adopted. The reformulated ideology still consisted of five principles and Soekarno’s suggested name of Pancasila was retained. Secondly, *Ketuhanan* had been moved from the fifth *sila* position to the first, and seven words had been added: “The nation shall be based on *Ketuhanan* with the obligation for Muslims to follow Shariah” (Galih, 2016). Much academic and non-academic discourse has been devoted to the addition, and subsequent deletion, of these “seven words” in the “Jakarta Charter” (a term specifically used to describe the first draft of the Constitution with the seven words obligating Muslims to follow Shari’a included in the preamble). Much less has been given to the symbolic significance of the move from fifth position to the top of the list. Abdoelgani, in the Konstituante discussions of the 1950s, rejected the idea that because *Ketuhanan* was fifth in Soekarno’s original formulation it meant that it was of less importance (Dewan Perwakilan Rakyat, 2020). However, reading Soekarno’s speech in its entirety, its emphasis is on nationalism, humanitarianism, deliberations, consensus, and prosperity, as well as tolerance, inclusiveness, and civility in his discussion about religion. If we apply the definition of “Islamist” provided by Fealy and Borgu (2005), that is, someone who views the world “through the prism” of Islam; in other words, that Islam as an ideology should be applied to and influence all aspects of human relations including political, economic, social, and legal systems. Soekarno was clearly a Muslim but not an Islamist.

Moving *Ketuhanan* to the first position had profound consequences on generations of Indonesians who came after independence. As noted above, *Ketuhanan Yang Maha Esa* is a contested concept. As Ropi (2017, p. 73) explains, it is an idiomatic phrase that was likely suggested by Hatta as a replacement for “the seven words” on 18 August 1945. While nuances of the meaning of *Ketuhanan Yang Maha Esa* may be debated, i.e., whether it accommodates monotheism or polytheism, this article posits that there is no interpretation offered by any source in which it accommodates a rejection of belief in God, that is atheism, or even a position that acknowledges a lack of knowledge such as agnosticism. While it was invented as a compromise between “the nationalists” and “the Muslims,” its ambiguity led to ideological battles to claim its meaning, and ultimately, “within a certain time of the formative period of the Indonesian nation-state, the government embraced the interpretation of the Muslims and this led to partisan government policies and neglectful policies towards other religious groupings” (Ropi, 2017, p. 90). Ropi (2017, p. 90) notes:

Among the earliest Indonesian Muslims to “interpret” *Ketuhanan Yang Maha Esa* was Hamka, a prominent activist and scholar....Hamka argued in detail how *Ketuhanan Yang Maha Esa* was the very backbone (*urat tunggang*) of the wider principles of the Pancasila. For Hamka and other Muslim intellectuals, like Agus Salim, *Ketuhanan Yang Maha Esa* was nothing other than the translation of the concept of *tawhid*, or monotheism, which is the central tenet of all Islamic teaching.

Thus, rather than being a supporting element of an essentially moderate, democratic, inclusive philosophy, the first *sila* became the central, dominant tenet of the state philosophy. It is the one that all Indonesians can easily recite and is deeply embedded as a condition of being Indonesian—reciting the tenets of Pancasila is mandatory for all students attending state elementary schools (Kholisah & Dewi, 2022; Rahmani et al., 2021; Wardani et al., 2023). In theoretical terms, taken from the field of intercultural communication, cultural norms learned at an early age, known as “basic assumptions,” are among the deepest and most influential shapers of how individuals perceive the world around them, and in most cases, individuals themselves are “unaware of their influence” (Nunez et al., 2014, p. 15). Hence, generations of Indonesian children since independence have been inculcated in Indonesian schools “to accept the existence of God as a fundamental belief, and a quality of their Indonesian-ness” (Fenton, 2016, p. 195). The Constitutional Court made this explicit in a 2009 decision (Constitutional Court of the Republic of Indonesia, 2009, para 3.34.10), where it emphasised that Indonesia is a “religious state” declaring Indonesia “positions ‘Almighty God’ as the primary principle, and...religious values underlie the life of the nation and the state. It is not a state that separates religion and state.” This article therefore posits that belief in God is not negotiable in Indonesia—it is the first, defining characteristic of what it means to *be* Indonesian.

3. Pancasila in the Present

A growing body of literature has documented Indonesia’s slide towards pietism and religious intolerance (Fealy, 2016; Lindsey & Pausacker, 2016; Mackey & Dolven, 2021; Menchik, 2014; B. Prasetyo et al., 2020; Ricklefs, 2012; Sebastian & Arifianto, 2020; Sidel, 2007). Religious piety alone is not necessarily problematic; however, reports have documented how recruiters for violent extremist groups in Indonesia often begin by seeking out the most eager and pious members of religious study groups (Institute for Policy Analysis of Conflict, 2018). Ricklefs (2012) noted that most Javanese were previously nominal Muslims, seemingly resistant to Islam’s calls for greater piety, but in recent years “that society has changed profoundly to become an extraordinary example of the rising religiosity that marks the modern age” (p. 600). For example,

in *Islamisation and Its Opponents in Java*, Ricklefs (2012, pp. 274–275) notes that in the 1970s, academic seminars began with a simple “*selamat pagi or selamat sore*” (good morning or good afternoon) but by the turn of the 21st century, “a seminar must begin with *assalaamu’alaikum wa rahmatullahi wa barakatuh* (peace be with you, and God’s mercy and blessing) or a similar pious phrase.” Academic theses once began with thanks to family and supervisors, now they universally begin with thanks to God (Ricklefs, 2012). In the late 1970s, Smith-Hefner reported that “less than 3 percent of female students wore the *jilbab*” on the Gadjah Mada University campus; by 2002, that number was above 60% (Ricklefs, 2012, p. 293). Lindsey and Pausacker (2016) have devoted an entire edited book to *Religion, Law and Intolerance in Indonesia*. Prosecutions using the Blasphemy Law have dramatically increased since *reformasi*, with some notable cases including Meiliana, the woman who was gaoled because she complained about the volume of her local mosque (Monza & Chairunnisa, 2018), Alexander Aan gaoled for stating on his Facebook page that he embraced atheism (“Atheist Alexander Aan gets prison,” 2014), and most famously, Jakarta’s former governor, Ahok, who was gaoled (Atriana, 2017) for essentially urging voters to think for themselves (Fenton, 2016). These are just a few examples from the hundreds of prosecutions under the Blasphemy Law (Lindsey & Pausacker, 2016) since the fall of Soeharto.

This article submits that the greatest foundational principle which supports the rising religiosity and intolerance in Indonesia is Pancasila and the first *sila* in particular. By providing absolute state endorsement for the principle of “Belief in the One and Only God,” it bolsters the position of the religious establishment by validating its most fundamental premise, the existence of a monotheistic deity. A substantial literature on the interpretation of the first *sila* to valorise monotheism, deny pluralism, and the reinterpretation of major religions to reframe them as monotheistic exists (see, for example, Coppel, 2012; Makin, 2016; Morfit, 1981). This article submits that the first *sila* not only bolsters mainstream institutions—such as the Majelis Ulama Indonesia (MUI), a quasi-governmental council of Islamic scholars which has gained considerable political and social influence over the decades since *reformasi* (Hasyim, 2020)—but also the narratives offered by more extremist religious groups such as terrorist groups and Islamist organisations like the Islamic Defenders’ Front (Nurhajati & Fenton, 2021). Makin (2012, p. 3) similarly notes “the dilemma between religious freedom and the growing pressure of Islamic orthodoxy which often shows muscle to control political and social dimensions.” Where a conservative religious establishment is able to exert political pressure of this kind, this article argues that it compromises efforts to bring about an evolution in approaches to public policy. The swift demise of the RUU-HIP bill is offered as evidence of this phenomenon.

3.1. Faith Versus Reason

The advent of a global pandemic underlined more than ever the need for public policy which is unequivocally based on solid science and data (Situmorang, 2021). For some Indonesians, including those at the highest levels of government, unscientific and superstitious statements and beliefs are not uncommon. Himawan (2014, p. 4), discussing pervasive levels of “magical thinking” within various levels of Indonesian society stated: “Paranormal beliefs, for example, still exist among the Indonesian parliamentary representatives, which manage, organize and are responsible for the country...the existing evidence also shows how individuals of higher socio-economic status are still influenced by magical thinking practices.” Belief in the existence of supernatural beings such as “demons” and “jinn” is highly prevalent in Indonesia and “embedded” in cultural beliefs and practices (Ahmad, 2018; Leong, 2022; van Dijk, 2010). Bruce (2003, p. 131) notes: “Question almost any Javanese person on their supernatural beliefs and their response will be

in the affirmative....A belief in ghosts is an unwavering constant on this Indonesian island.” In over two decades of living in Indonesia, teaching and lecturing Indonesian students, and informally questioning them about their supernatural beliefs, the author cannot recall a student, or indeed any Indonesian, ever saying that they did not believe in “ghosts” or “spirits.”

To be clear, this article does not claim that religious believers or believers in the supernatural are incapable of critical thinking. Rather that, at a societal level, a state philosophy which mandates an irrational belief in an almighty deity, and leaves no room for debate in the public sphere about reasonable alternatives such as atheism (which is the current socio-political-legal reality in Indonesia) has a powerful dampening effect on critical reasoning, challenging of received wisdom, innovation, and rational inquiry that is the essence of scientific knowledge. Further, the first *sila* is a robust strut, among others, upon which the weight of this societal dimension rests. As discussed above, Pancasila is “the source of all sources of law,” according to a majority of legal scholars. Its teachings are intentionally permeated into every level of social, political, educational, and legal thinking.

Alongside this socio-political reality, Indonesia records some of the highest rates of climate change denial in the world (Renaldi, 2019), low literacy rates which contribute to radicalism (“Low literacy rate leads to fanaticism,” 2016), widespread corruption (Transparency International, 2021), dangerous levels of pollution in the air (Walton, 2019) and waterways (van Emmerik, 2020), and is sliding towards illiberalism and abandonment of democratic values (Aspinall & Mietzner, 2019).

This article posits that a multi-dimensional, cross-sectoral approach is needed which emphasises science and research, critical thinking, evidence, and data in the formation of the new policies and law reform needed to tackle major environmental and socio-political issues faced by Indonesia. Further, the article argues that such an approach was at the core of the RUU-HIP bill which was defeated by Indonesia’s powerful religious establishment—the same religious establishment which is greatly empowered by the first tenet of the national ideology.

In an interview, a political observer and lecturer in politics and economics at Trisakti University, Koramen Hausian Sirait, explained the background of the RUU-HIP:

Why did we need the RUU-HIP? Because over recent years there have been many movements that are not nationalistic, that are not “Pancasilaistic.” In many regions, we see acts of intolerance. This was an attempt to make Pancasila a “way of life.” To become a truly multicultural society like what was intended in the Pancasila. That was the thinking behind this bill. (K. H. Sirait, personal communication, 15 March 2021)

Commenting on the emphasis on public policy based on science and technology in the bill, Sirait stated:

Another goal is to create an open-minded society. We can build it with education. Education is very important to build a new paradigm in our society, in our country. That’s why in the bill there is an emphasis on science and technology. So that, as the Indonesian nation becomes more educated, it is hoped that the mindset will not be intolerant any more and society will become more open overall. And a more open mindset about a shared future together will develop. (K. H. Sirait, personal communication, 15 March 2021)

3.2. The RUU-HIP: A Communist Trojan Horse?

In a sweeping piece of legislative drafting, the drafters emphasised a unified, sovereign Indonesia, with clean government, justice, prosperity, democracy, and “national development policies in all fields of life...based on national science and technology, guided by the Pancasila ideology” (Setjen, 2019). The bill certainly reaffirmed the position of the Pancasila as the basis of the national ideology by repeated references to it. However, it also placed great emphasis on research and policies based on “science and technology.” The phrase “science and technology” appeared over 20 times in the bill.

The bill emphasised a number of urgent policy areas, including gender equality (Article 28b), environmental protections (Article 29) sustainability (Articles 28e and 29h), ecological recovery (Article 29b), the rights of future generations (Article 29g), eco-friendly industry (Article 30e), and access to advanced telecommunications (Article 32). To implement these plans the bill proposed the formation of a National Research and Innovation Body to ensure innovative, evidence-based policies.

However, the bill’s repeated references to science, technology and policy priorities were not its undoing. The focus of the backlash was centred on a seemingly innocuous reference to Soekarno’s Trisila and Ekasila in Article 7: “7(2) The main features of Pancasila are formed in the Trisila, that is: socio-nationalism, social democracy, and cultured belief in God. 7(3) Trisila as set out in sub-section (2) is crystallised in the Ekasila, that is *gotong-royong*” (Setjen, 2019).

The articles are vague and brief and do not explain how they ought to be integrated into the overall interpretation of the legislation. The Trisila and Ekasila were, after all, proposed by Soekarno as alternatives to the Pancasila, not as supplemental to it.

Certain political figures, religious leaders, and religious groups immediately mobilised to oppose and reject this attempt to “resurrect communism in Indonesia” (“RUU-HIP dan akar trauma umat Islam terhadap komunisme,” 2020). Mass protests took place outside the national parliament in June 2020 expressing vehement opposition to the bill with the support of the nation’s two largest Islamic organisations (the traditionalist Nahdlatul Ulama and reformist Muhammadiyah), the MUI and Islamist parties, and groups such as the 212 movement, the PKS, and the Islamic Defenders’ Front (Aida, 2020). Amid fears of the imminent rise of communism and atheism, the president reaffirmed that communism is banned and the RUU-HIP bill would be dropped (Aprianto, 2020) from the legislative agenda which occurred in January 2021 (Putri, 2021).

Hence, a progressive bill intended to steer Indonesia away from intolerance and towards improved educational and policy outcomes was defeated by a paranoid, reactionary response from Indonesia’s religious conservatives. However, according to Sirait the fight for the bill is not over.

It will definitely go back into the national legislative agenda at some point because this issue about tolerance is still not clear in law. These days if we talk about religion it’s immediately called blasphemy, there must be a limit, there must be rules. The other alternative is that the laws that allow or encourage intolerance must be repealed. There are hundreds of laws, particularly regional regulations that encourage intolerance. (K. H. Sirait, personal communication, 15 March 2021)

Constitutional Court decision 137/PUU-XIII/2015 removed the central government's power to repeal local laws and now only the Supreme Court may repeal local laws (Yuswanto & Arif, 2019). The debate about the RUU-HIP and intolerance in Indonesia is clearly not over. However, whether the RUU-HIP bill will ever re-enter parliament is far from certain.

4. Pancasila in the Future

It is the opinion of political observers such as Sirait, and likely the majority of Indonesian policy and lawmakers, that the references to Trisila and Ekasila in the RUU-HIP were a mistake, and that any attempt to reformulate, revise, or revisit the Pancasila should not be attempted. There is ample academic literature supporting the position that Pancasila is the “*sumber dari segala sumber hukum*,” the “source of all sources of law,” and cannot be replaced or revised by any means (Arfa'i et al., 2020; Bo'a, 2018; Wauran, 2020; Wijayanthi, 2021). Basarah (2016, p. 12), for example, asserts that “there is no legal mechanism to change Pancasila, except carrying out a revolution and dissolving the state or by treason against the state ideology of Pancasila.” This article submits, on the contrary, that the RUU-HIP was justified in its attempt to redirect Indonesian ideological thinking and that the Pancasila, specifically the first *sila*, ought to be amended to remove the state-mandated Belief in the One and Only God and replaced with “freedom of religion and belief.” The rest of the article will set out the reasons for this and suggest ways in which it could be achieved. The article will conclude that while such a revision to the national ideology is theoretically possible (and necessary in the long-term) such a revision is impossible in the current socio-political reality and would be met with enormous social and political resistance. However, with a new generation of Indonesians educated in ethical, critical enquiry, rapid cultural change is possible.

4.1. Reasons for Amending the First Sila: Human Rights

The first principle of Indonesia's Pancasila—Belief in One and Only God—mandates an unquestionable, irrational belief in divinity or deity as the first tenet of national ideology. Meanwhile, Article 28I of the Constitution guarantees “freedom of thought and conscience, [and] freedom of religion” as “human rights that cannot be limited under any circumstances.” Therein lies an enormous conflict of ideological principles.

The Pancasila and the Constitution, when read in conjunction with Indonesia's controversial (Amnesty International, 2014) Blasphemy Law (President of the Republic of Indonesia, 1965), mandate that Indonesians believe in God, yet simultaneously enjoy the right to complete freedom of thought and religion; that Indonesians are guaranteed freedom of religion, even though their belief is limited by those recognised by the state; that Indonesians have freedom of thought and expression, even though speaking out against the first *sila*, or the recognised religions, could constitute blasphemy, an imprisonable offence; and that, while one cannot be compelled to believe in any *particular* one of the recognised religions, one of them must be chosen, and opting out of religious belief completely is not an option. It is submitted that each of these positions entails a logical paradox, whilst simultaneously denying basic civil rights as set out in the Constitution itself.

Since Constitutional Court Decision No. 97/PUU-XIV/2016, it is theoretically possible for citizens to list “another faith” (*kepercayaan*) on their identity cards. However, while this may be a legally available option, it does not take into account the social stigma and consequences that may attach to that choice. Lindsey and Pausacker (2016, p. 10) note:

In theory, a citizen could argue membership of a “*kepercayaan*” sect to justify state protection for beliefs that conservative groups such as the Indonesian Council of Ulama label “deviant.” In practice, however, these “beliefs” have almost no political weight and attract little protection from the state. The state’s lingering vestigial formal recognition of unorthodox mystical beliefs has not prevented increasing use of a mixture of gang violence from Muslim vigilantes, condemnatory *fatawa* from ulama organisations and prosecution under the Indonesian Criminal Code to close down unorthodox religious groups.

In a 2009 Constitutional Court challenge to the Blasphemy Law, the court acknowledged the contradiction between universal rights and the Indonesian way, essentially making a relativist, exceptionalist case. In its judgement, the court stated:

Indonesia’s recognition of international law, including human rights, must still be based on the philosophy and Constitution of the Unitary Republic of Indonesia. As such, Indonesia’s administrative law does not have to equate with *rechstaat*, the rule of law, individualism or communalism. (Constitutional Court of the Republic of Indonesia, 2009, para 3.34.9-3.34.10)

The essence of the Constitutional Court’s approach here could fairly be paraphrased thus: “Notions of universal human rights exist in international law, but this is Indonesia and we do things differently here.” The court’s main justification for upholding this logical and legal contradiction was that it was in the interests of social cohesion. The basis of this argument derives from Article 28J(2) of the Constitution which allows restrictions on freedoms for the purposes of “public order.” This approach argues that allowing divergent interpretations of established faiths or allowing people to publicly espouse views that are incompatible with Pancasila, such as atheism, will lead to disagreements and conflict which must be avoided. It is a strategy frequently invoked by authoritarian governments to avoid social discord, i.e., “we must all be on the same page, dissent cannot be allowed for the sake of social harmony and avoiding conflict.” It is acknowledged that many countries limit religious freedom on public order grounds. However, the curtailment of free thought and speech deriving from both the Blasphemy Law in conjunction with the pervasive socio-political-legal presence of the first *sila* unduly limits legitimate free speech on essential issues of public importance. To borrow an idea from Kaldor (War and Peace Talk, 2013), “Violence is the opposite of conflict.” Conflict of ideas is natural in a democracy. As long as the conflict is managed well, discussed, and resolved in peaceful ways there is no problem; indeed, it is essential to a healthy democracy. It is when conflicts are not managed that they degenerate into violence.

Indonesia’s Ahmadi community can attest to this grim reality. There is very little space for Ahmadis to discuss their “heretical” beliefs within Indonesia’s mainstream Muslim community. Instead, when the MUI published its fatwa on the “deviant” Ahmadiyah sect it was taken as a “green light” for radical groups such as the Islamic Defenders’ Front to “persecute the minority sect which had been officially outed” leading to attacks and killings on multiple occasions (Platzdasch, 2011). While the MUI fatwa is not legally enforceable, a crucial Joint Ministerial Decree on Ahmadiyah that banned the public expression of Ahmadi beliefs is legally enforceable (Marshall, 2018).

It is therefore a significant contravention of universal human rights that Indonesia’s national ideology leaves no room to question the existence of God, and further that the Blasphemy Law entrenches that approach by

criminalising any public criticism of Pancasila (including public statements of support for atheism or “deviant” ideologies) or the recognised religions.

Any further challenges to the Blasphemy Law ought to consider that the sections limiting religious practice to the “six recognised religions” are found in the “elucidation” and may therefore contravene Article 176 of Appendix I of Law No. 12 of 2011 on the Formulation of Legislation, which disallows the introduction of substantive or normative meaning in the elucidation that is not contained in the body of the law (Fenton, 2016, pp. 198–200).

4.2. *Reasons for Amending the First Sila: Sustainability*

A future where vast socio-political, public health, and environmental challenges are tackled and overcome will require enormous reserves of innovation and critical thinking. Such an approach does not sit well beside an unquestioning acceptance of the status quo. Significant research in the social sciences has established that religiosity correlates inversely with critical thinking (Daws & Hampshire, 2017). This is evident when we consider the nature of religious faith. Faith, particularly *conservative approaches* to faith, while recognising the personal struggles and doubts that individuals may experience, will not allow the revision, reinterpretation, or challenge to the infallibility, or any revision of, sacred texts or tenets. Looking toward a future based increasingly on computer-based technology, logic, space exploration, and scientific methods, religiously inclined approaches to important environmental and socio-political challenges will be increasingly inadequate and should be separated from public and political discourse. Studies have shown a “remarkably sharp trend away from religion” on a global scale (Inglehart, 2020). Singleton (2017, p. 23) notes “an appreciable and ongoing drift away from Christianity” in countries like the UK, Australia, Canada, and New Zealand since the 1950s. This global trend has one major exception: “The populations of the 18 Muslim-majority countries for which data are available in the World Values Survey have stayed far below the tipping point, remaining strongly religious and committed to preserving traditional norms” (Inglehart, 2020, p. 19). On this point, Himawan (2014, p. 3) stresses, in the Indonesian context, that: “Globally, transformation in society moves from magical beliefs to more rational ones....The effort to minimise magical beliefs and to promote those that are rational and scientifically based has made a significant contribution to the country’s development.”

To those who would argue that science is a *belief* in the same way as religion, it must be emphasised that science is not a belief, but rather a methodology. True science does not require a person to believe a set of ideas without proof. Instead, science encourages individuals to test those ideas and prove them for themselves through replication and transparency (Gauch, 2003). Looking to a future of progress in technology and science, this article argues that a national ideology which leaves no room to question such a fundamental idea as the existence of God is unsustainable, in the sense that it will impede, or dampen, the progress that could otherwise be achieved by allowing the intellectual freedom to openly discuss ideas that challenge entrenched religious interests, and could be perceived as offensive.

4.3. *Is Amending Pancasila Even Possible?*

Given the near-sacred status of the Pancasila in Indonesian socio-political discourse it is reasonable to ask whether amending it is even possible. The current administration (at the time of writing) has shown support for the sanctity of Pancasila; for example on 1 October 2021, President Joko Widodo attended the Hari

Kesaktian Pancasila ceremony at the Lubang Buaya Pancasila Monument (Nugraheny, 2021). Translated in English as “Pancasila Sanctity Day” (“President Jokowi chairs Pancasila Sanctity Day ceremony,” 2023), the word “*kesaktian*” has connotations of both the “sacred” and the “magical.” While this article does not have space to discuss this in-depth, Indonesia’s second president Soeharto played an integral role in the sacralisation of Pancasila (Ichwan, 2012).

The introduction of the RUU-HIP to the legislative agenda sparked a number of debates around the legal status of Pancasila. While the tenets of Pancasila are contained in the Constitution, the word itself is not. What then is its status in law, and can it be revised or amended? The predominant legal opinion coalesces around the theme that Pancasila is “the source of all sources of laws,” and sits apart from the Constitution making it impossible to amend or replace (Arfa’i et al., 2020; Auliana, 2019; Bo’a, 2018; T. Prasetyo, 2016; Triyanti, 2019; Wauran, 2020; Wijayanthi, 2021). This question usually arises in the context of Islamist demands to create an Islamic State of Indonesia (“Negara Islam ditolak mayoritas Muslim di Indonesia,” 2019). The counterargument that Pancasila cannot be changed by any means is summarised succinctly by Nurdin and Marta (2016):

Pancasila as the philosophical foundation of the nation cannot be changed by any means. Pancasila cannot even be changed by constitution-forming institutions such as the People’s Consultative Assembly. There is no legal mechanism by which to change Pancasila, except by revolution or the dismantling of the state or by treason against the state ideology of Pancasila.

The dangers inherent in any such approach to the complete immutability of any doctrine or ideology ought to be of concern to any critical thinker.

Contrary to contemporary opinion on this topic, a historical precedent for amending Indonesia’s national ideology, other than replacing it with Islam, does exist. During the Constituent Assemblies of 1953 and 1956–1959, revisions to the Pancasila were debated and three alternatives were put forward (Ichwan, 2012).

As Ichwan (2012, p. 19) has noted, “debate on the basis of the state during the Soekarno era was conducted in the Constituent Assembly (*Sidang Konstituante*), held between 1956 and 1959.” A coalition of Islamic parties with 230 representatives proposed Islam as the ideological foundation of the state. Meanwhile, the National Party (PNI) and the Communist Party (PKI) along with the Christian, Catholic, Socialist, “and many other small parties, with a total of 273 representatives, supported Pancasila as the basis for the state” (Ichwan, 2012, p. 19). What has been forgotten by many is that a third option was on the table. The Buruh (Labour) and Murba (Socialist) parties proposed a “social economy” as a third alternative. Ichwan (2012, p. 19) goes on to note that:

Despite the fact that there were three alternatives for the basis of the state, the debates concentrated on Pancasila and Islam. The relative unimportance of “social economy” was due to the fact it was endorsed only by two small parties, Buruh and Murba.

Those who hold up Pancasila as a sacred immutable *given* should recall that, within living memory, there were constitutional debates around whether to amend or replace Pancasila that did not involve treason, rebellion, or revolution.

Further, there is precedent to suggest that not only replacing Pancasila but amending it ought to be possible. Again referring to Ichwan's (2012, p. 20) discussion of the Constituent Assembly debates he notes:

Like the PNI, the PKI proposed using Pancasila as the basis of the state, but they demanded that the first pillar "Belief in One Almighty God" should be replaced with "freedom of religion and belief." One of the communist leaders, Njoto, argued that freedom of religion and belief is wiser than the old formulation, because polytheism existed before monotheism, and that monotheism is not the only religious orientation.

For the generations of Indonesians raised with an unquestioning hatred of communism, reinforced through decades of Hari Kesaktian Pancasila spectacles, official rhetoric, education, the fact that communism remains illegal (MPRS, 1966) and the celebration of the 1965–1956 killings of communist and "leftists," it may be a surprise that the Indonesian Communist Party once argued *in favour* of Pancasila as the state ideology—albeit with a small but critically important revision to the first *sila*.

The process for amending the Constitution is set out in Article 37 (Constitution of the Republic of Indonesia, 1945) and requires a majority vote of the People's Consultative Assembly (Majelis Permusyawaratan Rakyat). Two references to the first *sila* are contained in the body of the Constitution (one in the Preamble and one in Article 29). Theoretically, they could be amended by a majority vote of the People's Consultative Assembly. While predominant current Indonesian legal scholarship supports the principle that revising or amending Pancasila is impossible, as set out above, Indonesians ought to remember that it has been debated several times in the past, at the formation of the nation, and several times in the 1950s, and therefore ought not to be unthinkable.

Considering the backlash to the RUU-HIP, which sought only to remind people of the Trisila and Ekasila, it is a certainty that a proposed revision to Pancasila, particularly to the first *sila*, would be met with massive social and political resistance and would likely cause riots and civil strife.

There are few Indonesian scholars who have commented along these lines. However, of the very few scholars to offer an opinion are Mu'ti and Burhani (2019). Correctly identifying the first *sila* as the source of religious intolerance rather than the solution, they convincingly argue that the wording of the first *sila*, particularly "*Yang Maha Esa*" which, as noted above is contested but is commonly perceived to "denote monotheism" (Ropi, 2017, p. 89) creates a bias towards the monotheistic religion of the majority, that is Islam, to the detriment of other religions such as Christianity, Buddhism, and Hinduism (Mu'ti & Burhani, 2019, p. 126):

Although Pancasila has been hailed as one of the main foundations for guaranteeing religious freedom, the wording of its first pillar contains elements that go against the principles of religious freedom or, to be more precise, limit the scope of religious freedom in Indonesia. (Mu'ti & Burhani, 2019, p. 120)

In Soekarno's draft of Pancasila, instead of becoming the first pillar, "belief in God" was the fifth pillar. The wording also did not incline to endorse monotheistic religion. It was only *Ketuhanan* (belief in God), without any inclination towards monotheistic, non-theistic, or polytheistic religions:

The root of religious intolerance can be found in Indonesian Constitution and its ideology of the state, Pancasila. The discriminative treatment towards religious minorities has embedded there since the establishment of this country. The first pillar of Pancasila *Ketuhanan Yang Maha Esa*, stated two times in the Constitution, in the preamble and in the Article 29, defines Indonesia as a religiously monotheistic state, not a secular or Islamic state. (Mu'ti & Burhani, 2019, p. 116)

However, changing the first pillar of Pancasila is something difficult even to imagine it. Changing Pancasila is like changing the state in total. The existence of the holes in Pancasila, perhaps for now, just for the awareness of people, particularly in academic discourse [sic]. (Mu'ti & Burhani, 2019, p. 128)

Mu'ti and Burhani (2019, p. 112) argue that the first *sila* has created a strong bias in favour of monotheistic religions and that followers of alternative religious approaches have had “to modify their theological beliefs in order to be accepted as recognized or official religions. Pancasila also justifies the existence of favouritism to certain religions deemed fit to this ideology.”

5. Conclusion

Rather than acting as a panacea which guarantees social harmony and security, as often claimed by its supporters, the first *sila* may in fact constitute a threat to security through the tensions it creates between recognised universal freedoms, and a national philosophy dominated by an ambiguous, but powerful, state-mandated belief in God. By demanding its citizens abide by an unquestionable religious belief system, enforced through the threat of criminal sanctions, the state effectively stifles rational or philosophical reflection or enquiry, and as a by-product facilitates the spread of religious conservatism and intolerance by empowering religious establishments, in particular that of the majority religion of Islam. Indonesia's vast social challenges such as violent extremism, corruption, and environmental damage, among others, will ultimately benefit from a revolution in thinking that would be brought about by allowing the citizenry the intellectual space to question and challenge accepted wisdom and religious dogma. This would unquestionably involve an extraordinary level of social upheaval. However, this reckoning must occur sooner or later. An educational agenda that de-emphasises religion and emphasises ethical behaviour and critical enquiry should accompany a peaceful, rational debate about the advantages and disadvantages of Indonesia's current restrictive approach to religion and ideology. The introduction of the RUU-HIP to the national parliament was therefore a missed opportunity to create a pivotal moment of national reflection and debate on this supremely important issue. However, the 2020 protests against the bill are proof that it was viewed as a serious threat to the entrenched religious establishment which wasted no time in mobilising to ensure that it was crushed. Perhaps the greatest risk of opening up the national debate about revising or replacing Pancasila is that the proponents of Islam would succeed in installing it as the replacement for the basis of the state.

The first *sila* and its mirror reference in the Preamble of the Constitution which creates Indonesia as “a sovereign state based on a Belief in the One and Only God” embed the concept of God so deeply into the ideological framework of the state that Indonesia cannot coherently be claimed to implement the freedom of religion, thought and conscience guaranteed in Article 28(1) of the Constitution. Indonesia's long-term future would be served well by reconsidering revisions to the national ideology and by abolishing the controversial Blasphemy Law.

Conflict of Interests

The author declares no conflict of interests.

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