

Pancasila in the Midst of Consensus on Freedoms of Religion and the Expression of Public Rights

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ABSTRACT

Pancasila as the basis of the state must be able to guarantee an inclusive life for citizens in expressing their beliefs. The problem of the place and role of religion within the context of the Indonesian state is as old as the republic itself. This problem has arisen primarily because of conflicting ideas among the nation's founding fathers regarding which ideals should shape the independent state of Indonesia. The main issue was whether the state should be 'Islamic' or 'secular' in character. Given the holistic nature of Islam and the fact that the majority of the population is Islamic, some insisted that Islam should be adopted as the ideological basis of the state. However, on the ground that Indonesia is socio-religiously heterogeneous, others argued for a secular state for the sake of the country's unity. Such vastly different views between these two groups inevitably threaten the peace of the country. This dispute along ideological lines has been manifested not only in the legal form of intellectual and constitutional debate, but also in the illegal means of inter-religious conflicts.

INTRODUCTION

The existence of studies that raise the issue of public religion in a country that aspires to Pancasila has become a fact that continues to be repeated and tends to expand. The facts that occurred in the last two decades thinkers can believe that the issue of public religion can be explained through critical and scientific analysis, especially in the expressions of public space that occur. When and how did it appear? What is the force or motive that creates it? Is it rational or emotional? And is the relationship between the two able to meet the social needs of human life? Therefore, this issue will be explained by the author in several thoughts about the relationship of religious expression to the state's ideological conditions based on Pancasila.

Has the problem been resolved, by elaborating the ideal side of Pancasila as a philosophy and ideology of the state dealing with the issue of returning to a religious state? Apparently, not so. There are other intellectual tasks that need to be elaborated on in this regard. Why is the issue of a religious state, as an articulation of the expression of religious groups, appearing and being increasingly depicted in the public sphere, in a country which has a state foundation that is not based on secularism, but based on the principles of public religion? The answer to this problem requires a deeper insight into the sociological imagination, in order to be able to show the social conditions and the root causes of each event.

This paper wants to achieve two things. First, in the area of ideality which explains Pancasila as the foundation of the state, which provides ample space for religion to take part in the public space, and the convergence between religious goals and the principles of public civility from a country that holds the spirit of democracy. Second, in the area of social conditions of society, which seeks to describe the sociological map of the emergence of the issue of a religious state in post-authoritarian Indonesian politics.

This new development makes the topic of "public religion" addressed in this study more controversial. It is clear, however, that a solution for this growing old problem of Indonesia will not be reached unless the issue

of the place and role of religion in Indonesian public affairs is addressed objectively, fairly, and in depth, as this study attempts to do. A basic question arises from within this problematic situation: Would it be possible for religion to play a pivotal role in the public sphere of Indonesian society without seeking hegemonic control of social, political, and intellectual life? This governing question brings a whole series of cognate questions: Can religion have a positive rather than a negative impact on politics? How is it possible for religion to promote its “inclusive” and “transcending” identities rather than its “exclusive” and “primordial” ones in the public realm? Will religion be able to provide “a sense of ultimate meaning and salvation” that includes “the meaning and hope” people seek in social, political, and intellectual activity? Can this happen without religion becoming a more formal institutionalization in state and society? These questions are not intended as a direction through which one moves to deal with the central issue of this study, but rather to indicate the content of the central issue.[\[i\]](#)

This study will explore questions regarding the conditions under which religion can have a positive rather than a negative impact on politics. A major factor, and perhaps the main reason why distinctive features of the religion exhibit such a dual impact, as this study suggests, comes from the relationship between religion and the state. The goal of this study is to offer constructive suggestions regarding how Indonesian religion can promote the ideas of democracy, tolerance, and human rights, and evolve as a revolutionary, transformative, and liberating force in Indonesian public affairs within the framework of Pancasila, Indonesia’s national ideology. Using Pancasila as differentiation, which is highly compatible with the nature of humanity, this study maintains that only within the realm of civil society (as an implementation of the first principle of Pancasila) will Indonesian religion be able to promote the ideas of human rights, nationalism, democracy, and social justice, as clearly stated by the other four principles of Pancasila, in the life of society, nation, and state.

JUSTIFICATIONS AND REASONINGS

Public Space and Identity Discourse

Public space or public sphere (English) or *offentlichkeit* (Germany) is a concept that has recently been popular in the social sciences, democratic theory and political discourse in general..[\[ii\]](#) The word “public” comes from the Latin, namely *publicus*. When referring to ancient Roman society, *publicus* has two meanings: (1) belonging to the people as a political unit or belonging to the State; and (2) in accordance with the people as the entire population or the general public.

According to Hannah Arendt (1906-1975), public space is also a space for “appearances” (*erschenungsraum*), namely a space for appearances to occur in places where people interact with each other by acting and speaking; space is what forms the basis of all states’ establishments and forms, while this space exists potentially in every group of people, indeed only potentially; it is not necessarily actualized in that set nor is it fixed forever or for a certain time.[\[iii\]](#)

In Immanuel Kant’s view, talk about the public is closely related to moral issues (inner imperatives) and law (outward norms) in the realm of practical politics. If morality is essentially determined by the capacity of individuals to determine themselves through their personal actions, the effectiveness of law occurs on the contrary, namely thanks to the power of institutions or authoritative bodies in authority. But the applicability of both objectivity can only be accepted, if both morals and law are open to intersubjective discourse.

Laws and morals are rational in nature. Because only what is rational can also be accounted for openly in a “public-intersubjective” discourse. Publicity and rationality are intrinsically correlated. So a secret moral or a law that only applies under the table cannot be accommodated in Kant’s thought. Both need publicity to get their rationale. Thus, what is immune to open testing cannot be judged as rational, moral or legal. Since publicity here functions as a limiting criterion, Kant calls this principle “negative”, that is to say: “it only

serves to recognize-through its assistance-what is not true of others. This is what Kant meant by publicity as an idea or way of thinking.

Furthermore, Kant also explained about the Public as an institution. Kant explicitly said that public law is all actions related to the rights of others, whose maxims are not in line with publicity, which is not true. This formulation states that publicity is a necessary prerequisite for law. What is deemed insufficient based on publicity criteria, is unlikely to become law. “Because if a goal can only be achieved through publicity, then the maxim concerned must be in accordance with the common goal, namely happiness. [\[iv\]](#)

Meanwhile, according to Habermas, public spheres are democratic associations which are essential for him, because through them civil society can limit and direct state authority and economic penetration. In Habermas’ language, this public space includes the concept of space, social places where meanings and ideas are exchanged, also means a collective body composed of the public itself. Habermas provides four conditions for the emergence of public space; First, people’s status is not questioned. [\[v\]](#)

For this reason, according to Habermas, various religious parties are required to be willing to learn to find an epistemic position which is faced with three challenges: first, religious citizens must determine the right epistemic position, dealing with the reality of plural religions and various views of life. It can be said to be successful, if religious citizens are consciously able to show the connection between their religious views and the views of other religions and beliefs without sacrificing their claims/beliefs about the truth of their own religion/beliefs. Second, religious citizens must find the right epistemic position in dealing with the authority of science. The learning process in this case can be said to be successful, if they are able to formulate the relationship between the dogmatic content of their religion and secular knowledge in such a way that there is no conflict between the results of scientific progress and views based on faith regarding the matter in question. Third, religious citizens must have the right attitude towards the principle that what applies in the world of politics are “secular arguments”, based on reason and understandable to all parties. The learning process in this case is successful, if they are able to “integrate the egalitarian principles of equality for each individual and universal moral principles into the context of their overall religious doctrine. [\[vi\]](#)

Right to Public Space and Group Privatization Efforts

Public space is dedicated to public needs and is a meeting place for various public interests. The social, economic and political interactions that are built in the public space require meaning and functions of access, control and voice.

The discussion on public space itself is more directed to the form of an inclusive arena that allows widespread, egalitarian, and also inclusive participation so that it encourages people to talk about current issues of public space which are described in three important domains, namely 1) public space as an arena. This meaning indicates that public space provides a basis for communication between communities. 2) the public space is the public itself. This meaning indicates that the public is an important actor in running democracy from the grassroots level. 3) public space is an agent. This means that public space is an important agent/tool in conveying aspirations from the grassroots downwards. [\[vii\]](#)

Substantial questions that can be raised are whether public space can become an arena and discourse of public communication or in other words whether the public is able to carry out communication that is able to encourage freedom of thought and act in an egalitarian manner in public spaces. That space considered public can be accessed by the public without restrictions and fosters communication and interaction. The concept of public space is a vital part of a democratic state. Democracy can work well if in a country there is an egalitarian public space where everyone has equal opportunities to participate and convey their ideas. [\[viii\]](#)

According to Stephen Carr et al, there are 3 main qualities of a public sphere, namely: responsive, democratic and meaningful. Responsive means that the space is designed and managed by considering the interests of its users. Meanwhile, democratic means that the rights of users of public space are protected, users of public space are free to express themselves in that space, but still have certain limitations because in the use of shared space there needs to be tolerance among space users. Understanding meaningful includes the existence of an emotional bond between the space with the lives of its users. [\[ix\]](#)

Furthermore, these 3 aspects will play a good role if they contain elements: 1). Human Needs, which consists of comfort, relaxation, passive activity, active activity and discovery; 2). Rights of use, namely recognition of freedom of activity in public spaces consisting of access and convenience, ease of movement, recognition of space use, and changes; 3). Meaning, is an aspect that is studied from physical and non-physical aspects as well as historical and socio-political and cultural relations, including easily recognized, relatedness, individual relations, group relations, relations with wider layers of society such as symbols of historical continuity, interests political, socio-cultural, economic and symbols of power, the relationship between biological and psychological aspects, the relationship with other factors such as climate. Thus it can be said that the dimension of public communication is related to public space which can play an important role as a meeting place and forum for social movements, public space has a contribution to the social activities of the community. [\[x\]](#)

Pancasila as a Platform for Public Religion

Living in a pluralistic society such as religion, ethnicity and race, has placed the presence of Pancasila as a unifier. Pancasila is indeed not a formal religion like the existing traditional religions, because Pancasila was born differently. Pancasila was born from a political agreement to live together in an Indonesian territory. Therefore, the birth of Pancasila indirectly forced every child of this nation to make it the basis for understanding various matters concerning nationality and Indonesianness. [\[xi\]](#)

Clashing it with the concept of religion is not the right thing. Religion and Pancasila are basically two things that are interrelated in synergy with each other. Public space, as previously emphasized, is a space where Pancasila is imbued and implemented. Understanding Indonesian Islam cannot leave an understanding of Pancasila. There are five basic concepts of Pancasila: (1) Ketuhanan yang Maha Esa (Belief in the one and only God); (2) Kemanusiaan yang adil dan beradab (Just and civilized humanity); (3) Persatuan Indonesia (The unity of Indonesia); (4) Kerakyatan yang dipimpin oleh hikmat kebijaksanaan dalam permusyawaratan/perwakilan (Democracy guided by the inner wisdom in the unanimity arising out of deliberations among representatives); (5) Keadilansocialbagiseluruhrakyat Indonesia (Social justice for the whole of the people of Indonesia)

These five basic concepts can be used as a source of legal reasoning in the application of shari'atization in Indonesia. With these considerations, the shari'atization process will strengthen the existence of Pancasila as the identity of the Indonesian nation which contains the following characteristics: (1) Pancasila as the Personality of the Indonesian Nation; (2) Pancasila as the identity of the Indonesian nation; (3) Pancasila as the uniqueness of the Indonesian nation; and (4) Pancasila as the moral of the Indonesian nation. [\[xii\]](#)

This statement may be very different from those who are skeptical of Pancasila, who think that the foundations of this state have brought Indonesia to a state that is nonsensical, not secular and not a religious state; In Pancasila, we internalize state and political relations in the context of strengthening public religion. [\[xiii\]](#) This condition is sometimes strengthened by a condition where the tug-of-war of political territory is slightly dominant when compared to the issue of justice or equality.

For this reason, this study will examine the "subject matter" of each principle of Pancasila which provides a

framework for the public roles of Indonesian religion. Insofar as the first principle of Pancasila, that of “One Lordship,” is concerned, it is certainly true that this principle must deal with the problem of religious pluralism, and thus promote the idea of religious freedom in Indonesian society. This is, however, a narrow interpretation of this principle. If it is only the idea of religious freedom that needs to be secured, then the second, the third, or the fourth principle should be enough of a guarantee. The appropriate interpretation of this principle should go back to the history of the birth of Pancasila in 1945. Pancasila, especially the first principle, can best be understood if it is placed in the midst of the deadlock faced by the nation’s founding fathers regarding what would constitute an ideal independent state of Indonesia: a secular state or an Islamic state.[\[xiv\]](#)

To overcome the deadlock, in his famous speech (afterwards known as the “Birth of Pancasila”), Sukarno declares concerning the principle of Lordship, “the State of Indonesia should be a state which has belief in God!”⁸¹ From the perspective of the Committee of Five (Panitia Lima), this means that “the politics of the state obtains a strong moral foundation...with it, the state strengthens its own foundation.” For this reason, the Pancasila-based state is not a secular state. It is a “religious” state though it is not theocratic, or linked to a particular faith. This “religious” state, according to Sukarno, should promote what he calls “the interests of religion.”[\[xv\]](#)

On the other hand, the ideals of Pancasila also pay respect to state institutions, to manage social life in the context of realizing justice and prosperity, without being controlled and dominated by a particular religion. In the language of Mohammad Hatta (1945) that “we will not establish a state on the basis of separation between religion and state, but we will establish a modern state based on the basis of separation between religious affairs and country. If religious affairs are also handled by the state, then religion becomes a tool of the state, and with that it loses its pure character.

“Simultaneously with Hatta’s description above, Bung Karno in his speech on June 1, 1945 the birth of Pancasila emphasized the large space for religion to live and inspire social and political space, by providing opportunities for Islamic groups to organize themselves politically and influence political decisions in representative agency. Dwi Tunggal Soekarno-Hatta explained that the ideals of the Republic of Indonesia and Pancasila provide an open space for the negotiation process, between state politics which emphasizes impartiality to realize prosperity and justice with the religiosity of Indonesian public space to build social and public piety.[\[xvi\]](#)

The intended public space is a space where all Indonesian people agree about life and their lives together in one regional bond and state ideology. If the Indonesian people have agreed that Pancasila is the ideology of national and state life, then the public sphere is Pancasila. That is, understanding the Indonesian public space cannot ignore Pancasila.

CONCLUSION

The Pancasila-based state thus is a “religious state,” though it is not theocratic, or linked to a particular belief. In light of this “religious state,” religion and state have to be clearly distinguished. Such a necessary distinction is important in order to avoid both the politization of religion and the religionization of politics. What is at stake here is the autonomy and freedom of religion in Indonesia. Although religion and state are two separate and distinct entities, absolute separation is impossible since within this “religious state,” Indonesian religion is encouraged to make important contributions in Indonesian public life.

This study looks at the public roles of religion as legitimate only if they stay within the framework of Pancasila. In this sense, the “core” ideas behind the principles of Pancasila may serve as resources for considering religious contributions in the public sphere. It is important for religion in its attempts to make a profound influence in Indonesian public life to deal seriously with the principles of Pancasila.

Acceptance of Pancasila was based first of all on belief that Pancasila can function in a constructive way among the various groups and serve as a form of political unity. In this sense, Pancasila, is nothing other than a “political compromise” which allows all Indonesians from different elements of Indonesian society to live together in a national, unitary state. It represents what calls “a preventative” in that it provides “a way out” and prevents the necessity of choosing between “two evils”—a secular state and an Islamic state. In short, Pancasila is the only viable alternative if Indonesia is to uphold its unity and its diversity.

In the commitment to public religion, the ideals of Pancasila provide reciprocal respect between the positions of religion and the state. Religious institutions and activities are guaranteed to develop and their freedom to actualize themselves is respected. In contrast to the principle of secularism which places religion in the private sphere, the public religion concept of Pancasila respects and provides wide space for religion to influence and become a spirit in the social and political life of the state.

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FOOT NOTES

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