

THE LEGAL IDEAL OF PANCASILA IN THE PERSPECTIVE OF POSTMODERNISM

Hyronimus Rhiti ^{1a(*)} Yosephin Jasmine Safitri ^{2b}

¹ Law Faculty, Universitas Atma Jaya Yogyakarta

² Law Faculty, Universitas Atma Jaya Yogyakarta

^a hyronimus.rhiti@uajy.ac.id
^b yosephinjasmines88@gmail.com

(*) Corresponding Author
hyronimus.rhiti@uajy.ac.id

How to Cite: Hyronimus Rhiti. (2024). The Legal Ideal Of Pancasila In The Perspective Of Postmodernism doi: 10.36526/js.v3i2.5122

Received : 30-12-2024
 Revised : 10-02-2025
 Accepted : 25-02-2025

Keywords:
 Pancasila,
 Legal Ideal,
 Postmodern

Abstract

The legal ideal of Pancasila, as the foundation of the Indonesian state, has long been regarded as a stable and universal ideology. However, with the development of postmodern thought, which emphasizes relativism, pluralism, and the deconstruction of grand narratives, the relevance of Pancasila's legal ideal within the postmodern context requires further exploration. This study aims to examine whether Pancasila's legal ideal remains relevant from a postmodern perspective and how postmodernism may influence the application of Pancasila's legal principles in Indonesia. This research uses a normative method with a philosophical approach, which is prescriptive in nature, to explore postmodern thoughts related to law, ideology, and the state. The analysis technique used is deductive, starting from postmodern theories and applying them to the context of Pancasila law. The findings suggest that, from a postmodern perspective, the legal ideal of Pancasila should not be seen as a rigid and singular legal system. Instead, Pancasila can be understood as a flexible principle, open to change, and accommodating diverse viewpoints within Indonesia's pluralistic society. However, a deeper understanding is required on how the values of Pancasila can be dynamically interpreted, in line with the demands of the times and the challenges of globalization faced by Indonesia. This study concludes that Pancasila's legal ideal remains relevant, but must be adapted to the ongoing social and cultural developments.

INTRODUCTION

Globalization was initially associated with modernity, marked by technological advancements, industrialization, and the spread of Western culture worldwide. However, towards the end of the 20th century and into the early 21st century, globalization transformed and became more linked to postmodernism, an era that emphasizes pluralism, relativism, and deconstruction of dominant narratives. Postmodernism critiques grand narratives and offers a more flexible perspective, valuing diversity in viewpoints and cultures. This turning point in globalization has created a world that is more interconnected yet simultaneously more fragmented, with fluid identities blending various cultures. The postmodern era opens up new challenges in international relations, technology, and rapidly evolving values within the global society (Fansuri, 2012).

Postmodernism is often viewed negatively because it tends to critique and deconstruct established structures or values, such as absolute truths and grand narratives. When postmodernism addresses something it opposes, it appears more as an effort to dismantle rather than to build something new. This movement is often seen as an intellectual movement that focuses more on opposition than on advocacy, leading to skepticism about widely accepted claims of truth. As a result, postmodernism is frequently perceived as something destructive and confusing, rather than offering clear solutions or direction (Hidayat, 2019b). Postmodern does not simply accept what is considered established or what exists within modernism, so what is postmodern?

Postmodernism does not refer to a single definition, product, text, or ideology, but rather encompasses a variety of meanings and aspects. It challenges the fixed, singular interpretations that were prevalent in modernism, embracing multiple perspectives and interpretations instead. Postmodernism seems to resist being confined to a specific framework, allowing for fluidity and adaptability in its understanding. In many ways, it appears that postmodernism can be forced onto existing concepts, as it seeks to deconstruct and question established norms. What was once considered a modern idea or structure can, in the postmodern view, be reinterpreted, altered, or even rejected. This openness and fluidity in postmodern thought encourage a constant re-examination of what we consider fixed truths or accepted realities.

One of the interesting aspects of postmodernism is the resilience of philosophy and ideology, especially in the discourse of the death of ideology and philosophy as proposed by postmodern thinkers. For example, Heidegger introduced the idea of the "death of philosophy" through the deconstruction of ontology, challenging the traditional understanding of being. Heidegger shifted the focus of philosophy from ontology to the history of "being" (Sein), focusing on how human existence relates to the world in a temporal manner. This perspective alters the previously dominant paradigm in modern philosophy, where the pursuit of absolute truth was the central focus. Within the postmodern framework, philosophy no longer seeks a singular and certain truth but instead embraces an open and fragmented understanding of reality (Alves da Silva, 2022). Heidegger is a philosopher with an objective and non-idealist perspective, focusing on the question of how beings come into the world, which he terms "Seinsfrage" or the question of being. This approach applies to all forms of existence, including the existence of law, challenging traditional metaphysical and idealistic views by examining the essence of being itself.

For Heidegger, the question of being (Seinsfrage) is fundamental, serving as the core inquiry that shapes all philosophical exploration. This question is not just about what being is, but also about the very essence of how and why being manifests in the world, prompting a deeper investigation into existence itself (Sugianto et al., 2021). According to Heidegger, Sein is a concept that is difficult to define clearly, as it encompasses many existential aspects that are constantly evolving. Sein lies in reality, availability, continuity, as well as the applicability or validity of something, which exists in reality and is present in everything that exists (Ryle, 1970). Reality is actually closer to cognitive and metaphysical ideas about that reality. It involves not only what exists, but also how we perceive and understand its essence through thought and philosophical inquiry. According to Karl Mannheim, such ideas are deceptive utopias, similar to the concept of idols described by Francis Bacon. These ideas create illusions that mislead people, hindering their ability to critically engage with reality.

M. Foucault rejected ideologies, arguing that they serve as mechanisms of power that shape and control knowledge. According to him, ideologies are not neutral but are embedded in social structures that dictate what is considered true or false. Foucault believed that instead of searching for absolute truths, we should focus on understanding how power operates through knowledge and discourse (Smith, 2020). Ideology, worldviews, and even legal ideals as grand narratives are replaced by smaller narratives that focus on real-world issues. This shift emphasizes practical, localized concerns rather than overarching, abstract concepts (Widiatama et al., 2020). This aligns with Auguste Comte's view that the focus shifted from theology and philosophy to social and factual reality. According to Comte, understanding human society should be grounded in empirical observation and scientific inquiry, rather than abstract or theological explanations.

For Heidegger, what matters is *Dasein* and its structure, which is factual, given, and thrown into existence without choice. He emphasized that human beings find themselves in the world, not through predetermined plans, but as a result of their existence being thrown into various circumstances. (Aenulguri et al., 2023)

According to Heidegger, there is no room for legal ideals, ideologies, or philosophies that overly interpret reality or the world in an idealistic manner. Such interpretations create misleading

explanations, illusions, or new images, rather than a true understanding of existence. Heidegger argues that the way we engage with the world must not be based on abstract concepts or preconceived notions that distort reality. Instead, it involves a more authentic comprehension of the world through the "fore-structure," which is the way we are already situated in the world. This "fore-structure" highlights the factuality of being-in-the-world, where our experience of reality is grounded in lived experience rather than idealized or theoretical beliefs. Ultimately, Heidegger suggests that the world is not shaped by ideologies or concepts, but by the concrete, practical engagement of beings with their environment.

Heidegger is just one example of an early postmodern thinker who dismantles metaphysical ideas, concepts, and thoughts such as legal ideals. For postmodernism, there is discomfort with the existence of such ideals, leading to critical examination rather than straightforward acceptance. Postmodern thinkers do not entirely reject these concepts, but rather critique and deconstruct parts of them, while also accepting some aspects. This approach challenges the fixed, universal notions of truth and law, proposing instead a more fragmented and relativistic perspective. Postmodernism questions the legitimacy of overarching ideologies and seeks to expose the complexities and contradictions within them. Ultimately, it suggests that while certain aspects of legal ideals may hold value, they should be understood within the context of a pluralistic and ever-evolving reality.

Postmodern thought regarding legal ideals raises the question of where legal ideals fit within the postmodern context and whether they remain relevant from this perspective. Postmodernism challenges the idea of fixed, universal principles, suggesting that legal ideals might be too rigid for a world that is fragmented and constantly changing. The relevance of legal ideals in postmodernism is questioned, as it emphasizes pluralism, diversity, and the fluidity of meaning. In this view, legal ideals may still have value, but they need to be understood in a more dynamic and context-dependent manner.

METHOD

The legal ideal of Pancasila, as the foundation of the Indonesian state, has long been considered a stable and universal ideology. However, with the development of postmodern thought, which emphasizes relativism, pluralism, and the deconstruction of grand narratives, the relevance of Pancasila's legal ideal within the postmodern context requires further exploration. This study aims to examine whether Pancasila's legal ideal remains relevant from a postmodern perspective and how postmodernism may influence the application of Pancasila's legal principles in Indonesia. This research uses a normative method with a philosophical approach, which is prescriptive in nature, to explore postmodern thoughts related to law, ideology, and the state. The analysis technique used is deductive, starting from postmodern theories and applying them to the context of Pancasila law. The findings suggest that, from a postmodern perspective, the legal ideal of Pancasila should not be seen as a rigid and singular legal system. Instead, Pancasila can be understood as a flexible principle, open to change, and accommodating diverse viewpoints within Indonesia's pluralistic society. However, a deeper understanding is required on how the values of Pancasila can be dynamically interpreted, in line with the demands of the times and the challenges of globalization faced by Indonesia. This study concludes that Pancasila's legal ideal remains relevant, but must be adapted to the ongoing social and cultural developments.

RESULT AND DISCUSSION

In postmodern thought, truth is not singular and objective; instead, it is relative and dependent on context. Pancasila, which is regarded as a universal legal guideline that cannot be questioned, is seen by postmodernism as an ideological construct attempting to establish one form of truth that must be accepted by everyone, without considering the diversity of perspectives present in Indonesian society. From a postmodern perspective, any claim to a singular, absolute truth is

problematic because it overlooks the pluralistic nature of human experience and the fluidity of cultural and social realities (Harahap, 2013)

Postmodernism challenges the idea that any ideology or set of principles, such as Pancasila, should be imposed as an unquestionable standard for all citizens. Instead, it advocates for a more inclusive approach that acknowledges and embraces the multiplicity of views, beliefs, and identities that exist within a society. In the context of Indonesia, this means recognizing that the country's rich cultural diversity, with its various ethnic groups, religions, and histories, cannot be fully captured by a single set of principles (Hidayat, 2019a). By questioning the assumed universality of Pancasila, postmodernism opens up a space for critical dialogue about how national ideologies can evolve and adapt to the dynamic and multifaceted nature of contemporary life.

Postmodernism, particularly through the deconstructive approach, rejects the notion that Pancasila is a singular and absolute truth. From a deconstructivist perspective, grand ideologies such as Pancasila cannot be imposed on the entire society without creating space for differences and dialogue. Deconstruction challenges the assumption that any one set of values or principles should be universally applied, especially in a society as diverse as Indonesia. The rigid adherence to a singular ideology often disregards the complexities and contradictions present in people's lived experiences (Lonto & Pangalila, 2019). Through this lens, the imposition of Pancasila as an unquestionable standard can be seen as a form of ideological control that marginalizes alternative perspectives. Deconstruction urges society to reflect critically on how such ideologies come to be accepted and who benefits from their perpetuation.

Deconstruction also compels us to examine the power dynamics involved in shaping ideologies like Pancasila. It invites us to ask critical questions about the historical, political, and social contexts in which these values were formulated. Who were the key figures and institutions that contributed to the creation of Pancasila, and how did their positions of power influence its construction? (Hariri, 2019) By uncovering the underlying power structures that shaped Pancasila, deconstruction helps us understand how dominant narratives are constructed and maintained. For example, the influence of the state, political elites, or dominant religious groups in shaping Pancasila could limit the voices of marginalized communities. This process allows us to see how ideology is not neutral, but is embedded within systems of power and control.

Furthermore, the deconstructive approach calls for a more inclusive, pluralistic view of national identity and values. Rather than enforcing a single set of principles, it advocates for the recognition and incorporation of diverse voices and perspectives in shaping the future of the nation. In the case of Indonesia, this would mean acknowledging the multiplicity of ethnicities, religions, and worldviews that exist within the country, and ensuring that Pancasila evolves to reflect this diversity. By engaging in an open and critical dialogue about Pancasila's values and principles, society can create a more dynamic, inclusive framework that fosters unity while respecting difference. This approach challenges the notion of a "unified truth" and instead encourages a more flexible, context-sensitive understanding of national ideology, one that is continuously reinterpreted and negotiated by the people it serves (Sari, 2021)

Pancasila, as a legal ideal, is often viewed as something fixed, final, and unquestionable. This perception positions Pancasila as an unchangeable set of principles that guide the nation, leaving little room for critical engagement or social evolution. However, from a deconstructive perspective, this view overlooks the dynamic and evolving nature of society. It risks ignoring the changing social, cultural, and political realities that require ideologies to adapt and transform over time. Treating Pancasila as a rigid, unalterable doctrine may prevent open discourse and hinder the growth of a more inclusive, responsive national framework (Septian & Dewi, 2021)

In postmodernism, every grand ideology and seemingly final principle, including Pancasila, must be reexamined to reveal the power dynamics and ideologies that shape them. Postmodern thinkers argue that ideologies are not neutral; they are products of historical and social forces that often serve particular interests. By questioning and critically analyzing Pancasila, we can uncover

how it has been constructed, who holds power in defining its principles, and how these principles may suppress alternative voices or perspectives. This critical approach allows for a more flexible understanding of Pancasila, one that can evolve with the times and remain relevant in addressing contemporary challenges.

From a deconstructive perspective, the unquestioned acceptance of Pancasila as a legal ideal often reinforces existing power structures and overlooks the cultural, religious, and ideological diversity within society. By treating Pancasila as an unchallengeable doctrine, it becomes a tool for legitimizing the status quo and marginalizing alternative views. This approach can silence voices that do not align with the dominant narrative and create a false sense of unity that does not reflect the complexity of the nation's people. In doing so, it risks ignoring the dynamic, pluralistic nature of Indonesian society, where different cultural and religious communities have their own unique experiences and values.

Deconstruction offers a critical lens through which to question the unquestioned acceptance of ideologies like Pancasila, encouraging deeper exploration of how such ideologies are formed. It invites us to examine the historical, political, and social forces that shaped Pancasila, questioning whether it truly reflects the diverse experiences and values within Indonesian society. By uncovering the power relations behind its formulation, deconstruction helps us understand how Pancasila might not fully represent the breadth of perspectives present in the country. Through this process, society is encouraged to engage in open dialogue, reconsidering national ideologies to ensure they are more inclusive and responsive to the evolving needs and realities of the people.

From a deconstructive perspective, Pancasila cannot be seen as an objective and undeniable value, but rather as a social construct shaped by power. In other words, Pancasila is not an "eternal" and "universal" value, but the result of a historical and political process influenced by the social conditions and power structures present at the time. For example, the formulation of Pancasila by Soekarno during Indonesia's independence cannot be separated from the political and social context that surrounded it.

Deconstruction suggests that Pancasila, as an ideology accepted by the state, is not free from the influence of the political power of its time. The concepts and values contained in Pancasila must be understood as contingent, not as an absolute and unquestionable truth. This leads to the understanding that law and state ideology are social constructs that continue to evolve according to the changing social, political, and cultural conditions of society.

Deconstruction also introduces the concept of legal pluralism and relativism, where law is no longer seen as a singular and fixed entity, but as something that can vary and be diverse. While Pancasila aims to reflect universal moral values, it may not be able to accommodate the full diversity and complexity present in Indonesia's highly pluralistic society. Indonesia is made up of various ethnic groups, religions, and cultures, each with different legal perspectives and values.

From a deconstructive viewpoint, the application of Pancasila as a legal ideal must take this diversity into account, allowing space for discourse and negotiation among different groups within society. A legal system rooted in Pancasila, in the context of postmodernism, should be more flexible and open to interpretation and change, rather than treating Pancasila as a singular ideology that must be accepted without question.

The deconstructive view of Pancasila as a legal ideal has significant implications for the development of Indonesia's legal system. First, deconstruction demands that law not be seen as a static and rigid system, but rather as one that evolves in response to the social and cultural context. This means that the application of law based on Pancasila should be more open to diverse viewpoints and values, and should not prioritize a dominant legal perspective over others.

Second, deconstruction encourages criticism of the existing ideological consensus in society, including the acceptance of Pancasila. The acceptance of Pancasila as the unchallengeable state ideology needs to be reconsidered, taking into account the potential for tensions between

different groups with conflicting views. Deconstruction proposes the creation of space for debate and reflection on how the values of Pancasila can be interpreted in a more dynamic and pluralistic context.

The postmodern deconstructive view of Pancasila as a legal ideal offers a critical and reflective perspective on the traditional understanding of Pancasila as the foundation of the state. By emphasizing pluralism, relativism, and the deconstruction of grand narratives, postmodernism suggests that Pancasila, while still relevant, cannot be understood as a singular, unquestionable truth. Instead, Pancasila should be seen as a social construct that can evolve alongside the dynamics of time and the diversity of Indonesian society. The deconstructive approach opens space for dialogue, reflection, and critique of the existing legal system, allowing Indonesian law to be more responsive to the ongoing social and cultural changes.

The constructive postmodern view of Pancasila as a legal ideal sees it as a flexible and evolving framework that can adapt to the diverse and dynamic nature of Indonesian society. Unlike the static understanding of Pancasila, which treats it as an unchangeable and absolute set of principles, the constructive postmodern perspective allows for its interpretation to be more inclusive, taking into account the various cultural, social, and political realities present in the country. In this view, Pancasila is not just a rigid ideology but a tool for fostering unity and justice within a pluralistic society.

A constructive postmodern approach emphasizes that Pancasila's core values, such as democracy, social justice, and human rights, can still guide the nation, but they should be understood and applied in a context that is responsive to contemporary challenges and evolving perspectives. It acknowledges that Indonesia's diverse ethnicities, religions, and belief systems require a legal framework that can accommodate these differences without imposing a singular, dominant view. By focusing on dialogue, negotiation, and mutual respect, this perspective allows Pancasila to remain a relevant and unifying force, while continuously adapting to the changing needs and values of the people.

CLOSING

In conclusion, postmodernism, particularly through the deconstructive approach, provides a critical perspective on Pancasila as a legal ideal by questioning its assumed singularity and universality. By emphasizing pluralism and relativism, postmodern thought encourages a more inclusive and dynamic understanding of national ideologies. The deconstructive approach highlights that Pancasila, rather than being a rigid and unchangeable set of principles, is a social construct shaped by historical, political, and social forces. This view opens up the possibility for Pancasila to evolve, ensuring it remains relevant to the diverse and ever-changing realities of Indonesian society.

The deconstructive perspective also challenges the notion that Pancasila should be accepted as an unquestionable truth that applies to all citizens without consideration of the multiplicity of views in the nation. By uncovering the power dynamics behind its formulation, this approach urges us to examine the political and social contexts in which Pancasila was created. In doing so, it prompts a more critical engagement with the ideology, ensuring that it does not silence alternative perspectives or marginalize certain groups within society. This critical lens helps create space for dialogue and negotiation, leading to a more responsive legal framework that embraces the diversity of Indonesia.

On the other hand, the constructive postmodern approach offers a more flexible and adaptive interpretation of Pancasila, viewing it as a tool for fostering unity and justice within a pluralistic society. Rather than adhering to a rigid and fixed set of values, this perspective allows for the core principles of Pancasila to be applied in ways that address contemporary challenges and evolving societal needs. In a diverse nation like Indonesia, where different ethnic groups, religions, and worldviews coexist, it is essential that the legal system remains inclusive and capable of accommodating these differences without imposing a singular ideology. This approach advocates for

ongoing dialogue, mutual respect, and continuous reinterpretation of Pancasila to ensure it meets the needs of all citizens.

Ultimately, both the deconstructive and constructive postmodern perspectives offer valuable insights into the role of Pancasila as a guiding principle in Indonesia's legal system. The deconstructive view encourages critical reflection on how ideologies are constructed and the power structures that shape them, while the constructive approach advocates for an evolving interpretation of Pancasila that aligns with the changing values and diversity of society. By integrating these perspectives, Indonesia can develop a legal system that is both responsive to contemporary realities and respectful of its rich cultural and social diversity. This approach ensures that Pancasila remains a relevant and unifying force, adaptable to the future challenges facing the nation.

BIBLIOGRAPHY

- Aenulguri, D., Yuli, R., Hambali, A., Aqidah, J., Islam, F., Ushuluddin, F., Gunung, S., & Bandung, D. (2023). Tantangan Eksistensi Manusia di Era Inovasi Metaverse melalui Eksistensialisme Martin Heidegger. *Gunung Djati Conference Series*, 19.
- Alves da Silva, F. (2022). The End of Law: Carl Schmitt in the Twenty-First Century. *Principios: Revista de Filosofia (UFRN)*, 29(60). <https://doi.org/10.21680/1983-2109.2022v29n60id30863>
- Fansuri, H. (2012). Globalisasi, postmodernisme dan tantangan kekinian sosiologi indonesia. *Jurnal Sosiologi Islam*, 2(1).
- Harahap, M. S. (2013). Pancasila Dalam Konteks Postmodern. *Jurnal Mitra Manajemen*, 5(2).
- Hariri, A. (2019). Dekonstruksi Ideologi Pancasila sebagai Bentuk Sistem Hukum di Indonesia. *Ajudikasi : Jurnal Ilmu Hukum*, 3(1). <https://doi.org/10.30656/ajudikasi.v3i1.1055>
- Hidayat, M. A. (2019a). Menimbang Teori-Teori Sosial Postmodern. *Journal of Urban Sociology*, 2(1).
- Hidayat, M. A. (2019b). MENIMBANG TEORI-TEORI SOSIAL POSTMODERN: SEJARAH, PEMIKIRAN, KRITIK DAN MASA DEPAN POSTMODERNISME. *Journal of Urban Sociology*, 2(1). <https://doi.org/10.30742/jus.v2i1.610>
- Lonto, A. L., & Pangalila, T. (2019). *The existence of Pancasila Values in the Disrupted Era*. <https://doi.org/10.2991/icesshum-19.2019.23>
- Ryle, G. (1970). Martin heidegger: "Sein und Zeit." *Journal of the British Society for Phenomenology*, 1(3). <https://doi.org/10.1080/00071773.1970.11006133>
- Sari, N. Y. (2021). Pancasila Sebagai Dasar dan Ideologi Bangsa (Pentingnya Rumusan Butir-Butir Pancasila Sebagai Dasar Pendidikan Moral dan Pemersatu Keberagaman Bangsa Indonesia). *Tarbawi Ngabar: Jurnal of Education*, 2(1). <https://doi.org/10.55380/tarbawi.v2i1.93>
- Septian, R. N., & Dewi, D. A. (2021). Revitalisasi Nilai Luhur Pancasila Sebagai Resonansi Kebangsaan Di Tengah Derasnya Arus Globalisasi. *EduPsyCouns Journal*, 3(1).
- Smith, G. (2020). No longer 'speaking truth to power.' *Practical Theology*, 13(1-2). <https://doi.org/10.1080/1756073X.2020.1738674>
- Sugianto, F., Michael, T., & Mahatta, A. (2021). Konstelasi Perkembangan Hermeneutika dalam Filsafat Ilmu sebagai Atribusi Metode Penafsiran Hukum. *Negara Hukum*, 12(21).
- Widiatama, W., Mahmud, H., & Suparwi, S. (2020). IDEOLOGI PANCASILA SEBAGAI DASAR MEMBANGUN NEGARA HUKUM INDONESIA. *JURNAL USM LAW REVIEW*, 3(2). <https://doi.org/10.26623/julr.v3i2.2774>