



## **Implementation of Pancasila Democratic Values in General Elections and Freedom of Expression in Indonesia**

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### **Abstract**

Pancasila democracy is a democracy that leads to the identity of the Indonesian nation. The journey of democracy in Indonesia still needs to go through a long process because it has not been fully implemented as it should. The implementation of democratic values in general elections and freedom of expression is one of the efforts that can be done to uphold democracy in the life of the state in the Unitary State of the Republic of Indonesia. This study aims to find out how important the implementation of the Pancasila values of Pancasila is in an effort to uphold democracy, especially in General Elections and Freedom of Opinion. The research method used is a qualitative method. This research is a literature study where all information and facts are sought from various sources such as books, articles, journals, and so on. Elections are one of the basic principles of implementing a democratic state which is contained in the fourth principle of Pancasila. Besides that, in a democracy every citizen is free to express his opinion in public as long as it does not conflict with the prevailing values. This article contributes as an additional reference that can help the community in conducting elections and expressing opinions. Based on the results of the discussion, it shows that the democratic value of Pancasila has a very important role in realizing the life of a democratic country, especially in general elections and freedom of expression in Indonesia.

**Key words:** *Pancasila, democracy, ideology, election, freedom of opinion*

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## INTRODUCTION

Pancasila is an ideological concept that forms the basis of the life of the Indonesian nation that must be implemented in order to realize the ideals of the nation and state. Pancasila did not just appear in Indonesia, but through a process of extracting cultural, moral and spiritual wealth that has been ingrained since the time of the ancestors of the Indonesian nation itself (Fadhila & Najicha, 2021). Therefore, the values of Pancasila will never fade and will always develop along with the growth of the Indonesian nation. Pancasila is the most important aspect in building a nation and state that functions in the practice of human life, especially for the Indonesian nation, Pancasila cannot be intervened from the point of view of any ideology, so that Pancasila has the nature of immunity, namely immunity to any ideology (Mulyono & Fatoni, 2019). In the Big Indonesian Dictionary, value is defined as a trait or thing that is very important or useful for society. Pancasila is a collection of five values that are intact and cannot be separated from each other (Meinarno & Mashoedi, 2016). The five values contained in Pancasila include the first principle ; divinity, the second precept ; humanity, the third precept ; patriotism, the fourth precept ; democracy, and in the last precept ; social justice. As the foundation of the state, Pancasila is upheld as a reference in behavior and is used as the basis for every decision made by the organizers and in the administration of the country. Pancasila is the legal basis for the Indonesian nation. Pancasila as supervision so that the implementation of all fields is always based on the values and principles of Pancasila.

Referring to past history before Soekarno explored the values of Pancasila which are known today, the concept of Pancasila was already written in Mpu Tantular's Sutasoma book. The book formulates five karmas, namely no violence, no stealing, no envy, no lying, and no drinking (Daroeso, 1989). The making of Pancasila as the foundation of the state is not without something, but the values contained in Pancasila have been embedded and developed in Indonesian society even before the colonial era.

Pancasila is the highest ladder as a reference for state life in Indonesia. Pancasila

as a political tool and determinant of the distribution and direction of policy because Pancasila in it regulates the basic values of the most important. Because of that, Pancasila is very important in order to guarantee the rights of citizens in order to avoid arbitrary treatment by government officials. In this case, Pancasila in the fourth precept, namely "*Kerakyatan yang dipimpin oleh hikmat kebijaksanaan dalam permusyawaratan/perwakilan*", greatly influences aspects of citizens' lives. One of the rights of citizens is to express opinions both orally and in writing and in general elections. The guarantee of the right to express opinions and general elections is one of the manifestations of democracy.

Democracy is a system of government which prioritizes the sovereignty of the people. In a democracy, the system of government recognizes that the highest sovereignty is in the hands of the people, the greatest power is in the joint decisions of the people, and government is also by the people. Democracy with the highest power comes from the hands of the people, therefore the people as the determinants and givers of direction also carry out the real and most important state life.

The Unitary State of the Republic of Indonesia is a legal state. This is in accordance with what is stated in the 1945 Constitution of the Republic of Indonesia Article 1 paragraph 3 which reads: "*Negara Indonesia adalah negara hukum*". This means that all forms of activities and activities in the administration of the state must comply with existing laws. Law itself refers to the existence of regulations. The regulations here specifically relate to the holding of general elections and the guarantee of freedom of expression which is the implementation of the values of Pancasila.

According to terminology, elections are "the process of selecting people to fill certain political positions. These positions are varied, ranging from president, people's representatives at various levels of government, to village heads." Elections are an attempt to influence the people persuasively (not coercively) by carrying out rhetorical activities, public relations, mass communication, lobbying and other activities. This general election has been written in Indonesian positive law, namely in the 1945 Constitution CHAPTER VIIB General Election Article 22 (Budiarjo, 2008). Indonesia itself since independence in 1945 until 2019 has held elections 12 times, namely in 1955, 1971,

1977, 1982, 1987, 1992, 1997, 1999, 2004, 2009, 2014, 2019. held repeatedly, there should have been a lot of learning in order to put more emphasis on aspects of the value of Pancasila with the realization of democracy in general elections in Indonesia.

The principle of democracy means that everyone's right to have an opinion is upheld, to have a certain ideology, and to have a certain identity and respect every opinion that comes out of everyone's mind (Latuconsina, 2013). But the democracy referred to here is Pancasila democracy where the ideology that is upheld is the Pancasila ideology.

Democracy and freedom are often considered as two things in one container (Nuna & Moonti, 2019). With democracy, freedom should be obtained. While on the other hand, democracy and freedom often encounter many problems in their implementation, especially those related to the freedom of citizens.

Freedom of opinion or expression is the right of all Indonesian citizens which is protected and guaranteed by the Constitution. Even the right to express opinions has the highest position in the principles of democracy, but of course it remains within its legal limits. Freedom of expression is regulated in the Law of the Republic of Indonesia No. 9 of 1998 concerning the Freedom of Expressing Opinions in Public.

Democracy in Indonesia is still full of challenges and obstacles that actually come from democracy itself. This is not only visible from the community but also from the government aspect. Therefore, it is not surprising that the implementation of democracy has not been running properly, for example, the occurrence of irregularities in the regional head elections so that it is not in accordance with democratic values and there are restrictions on the right to express citizens' opinions. This shows that the journey of democracy in Indonesia has not been as it should be and still needs to go through a long process.

## **METHODOLOGY**

This research is a research that uses a normative/doctrinal juridical approach, so the data needed includes secondary data that reviews and discusses previous research articles on how the implementation of Pancasila democratic values is indispensable in

the life of the state in Indonesia. This article will focus more on discussing the results of previous research related to efforts to uphold democracy through the implementation of Pancasila values in order to realize a democratic state life by supporting the implementation of elections in accordance with the 1945 Constitution and guaranteeing the right to express opinions from every citizen. Meanwhile, the data analysis method used is a Normative Qualitative Analysis, because it relies on the depth of the data with the descriptive-analytical method. The data collection technique uses documentation such as books or e-books and relevant articles.

## **DISCUSSION**

### **1. Pancasila Democracy Concept**

The word "democracy" comes from the Greek. It consists of two words, namely "demos" which means people and "cratos/cratein" which means government. From these two words, it can be interpreted that democracy is a government that comes from the people. Or the most popular understanding of democracy according to Abraham Lincoln, namely democracy is government of the people, by the people and for the people.

A democratic country adheres to a form of government system by emphasizing the sovereignty of the people over the country which is carried out by the government of that country. As a result, issues concerning democracy will always be related to issues of human rights. The struggle to uphold democracy is one of the efforts of mankind in order to guarantee and protect their human rights (Rosana, 2016).

The term democracy in the last two decades, especially in developing countries, has become increasingly popular, both at the discourse level and at the level of socio-political movements. As a political system, democracy has occupied the top stratum which is accepted by many countries because it is considered capable of regulating and resolving social and political relations, both involving interests between individuals in society, relations between people, communities and countries as well as between countries in the world. Political politeness must be maintained in a democracy. The concept of liberalization inherent in the ideology of democracy must be interpreted as a free and responsible society, namely a society that has clear rules of the game so that the

strong do not oppress the weak. This can happen if there are laws that regulate all forms of play, whether political, economic, and cultural.

For the Indonesian nation itself, since the founders of the nation formulated the foundations of Indonesia, democracy has become a choice (Aswandi & Roisah, 2019). In its application in a nation/state, the concept of democracy applies generally and universally. So its implementation will always be tied to the objective conditions of the nation/state concerned. In Indonesia, democracy is Pancasila democracy. This is interpreted in the government system, life guidelines and government directions refer to the values of Pancasila. Pancasila democracy is a democracy that leads to the basic identity of the Indonesian nation, which is not only rational but also religious, not only concerned with individual interests but also social, not only having a quantitative nature (the majority) but also qualitative (wisdom).

Pancasila democracy is a democracy that refers to the fourth principle of Pancasila, which means: Democracy based on "*Kerakyatan yang dipimpin oleh hikmat kebijaksanaan dalam permusyawaratan/perwakilan*" which is imbued with "*Persatuan Indonesia*", which is imbued with "*Kemanusiaan yang adil dan beradab*.", which is inspired by "*Ketuhanan Yang Maha Esa*.", and animates "*Keadilan sosial bagi seluruh rakyat Indonesia*". This shows that every precept of Pancasila is imbued with the precepts above it and animates the precepts below it (Tjarsono, 2013). It is very clear that Pancasila democracy is very different from the democracy that developed in Western countries, especially in its implementation.

In the Western model of democracy, it can be seen that there is more emphasis on quantitative characteristics, namely that the majority is right and wins. Whereas in Pancasila democracy, it is more on the qualitative aspect which is realized through deliberation to reach consensus then if deliberation cannot be carried out then only through majority voting or voting. In Pancasila democracy there is no room for opposition because it would be contrary to the concept that the people and the government are one unit. Whereas in Western democracies, there is a place for opposition because the government and its people are separate and confronting

subjects.

The democratic system that we have reflects equality and equality, namely democracy which is imbued with the 4th principle of Pancasila. Pancasila has a special right to run democracy in Indonesia. Democracy is indeed a tool, therefore the use of the tool will greatly affect the effectiveness and productivity of the tool.

If Pancasila is to play a role in democracy in Indonesia, it must be able to solve the problems that are the main requirements for the realization of a good democracy. Democracy means that sovereignty is in the hands of the people, so the people as holders of sovereignty must have an independent nature or not depend on other subjects. If the people are still poor then the people cannot be independent, meaning that the welfare of the people is the main requirement for the implementation of a good democracy. That way, Pancasila democracy guarantees the equality of its citizens in state life, guarantees the enforcement of laws based on Pancasila values and maintains equality between state institutions so that there is no arbitrariness by one of the institutions.

Of course, efforts to democratize and freedom of citizens must continue to be made improvements and improvements in balancing and harmonizing with contemporary democratic demands. This is because the need for the conception of democracy from time to time must always be adapted to contemporary needs based on the interests of the State and citizens and create the concept of democracy and citizen freedom in the future.

Pancasila democracy is the answer that is most needed by the Unitary State of the Republic of Indonesia, especially it is important to merge with the differences in interests that arise because the Indonesian nation has a heterogeneous society so that public policies are formed for various aspects of state life that are not based on coercion.

## **2. General Elections In Indonesia That Are In Accordance With The Sources of Democratic Values, The Fourth Principle of Pancasila**

Values initially have various properties, including normative properties. Normative values are values that contain desires, hopes and a must. Values are implemented in the form of regulations as a human reference in making decisions and acting.

Guidelines for the life of the nation are values that are believed to be valid to be applied

in the life of society, state and nation. The implementation of the Pancasila values in the 4th precept for the realization of democracy in general elections in Indonesia can be carried out for deliberation so that an agreement is reached for the common interest. Deliberations to reach a mutual agreement must also be based on kinship. Every decision obtained from the results of the deliberation must be respected and upheld, can be accounted for before God Almighty, uphold the values of truth and justice and emphasize the unity and integrity of the Indonesian nation.

Pancasila as the state ideology shows that Pancasila has values that are the fundamental basis for the administration of the Indonesian state. The general election is one of the basic principles of state administration which is contained in the values of Pancasila, the fourth principle of Democracy, which is led by wisdom in representative deliberation. Therefore, democracy is a manifestation of the four values of Pancasila. In fact, not infrequently, the general election is said to be the culmination of a country's democratic party (Wardhani, 2018)

According to Gaffar in Efriza (2012) elections are the main means of realizing democracy in a country. The substance of the election is the delivery of the people's voice to form representative institutions and government as state administrators. The people's voice is manifested in the form of voting rights, namely the right to choose representatives from various existing candidates. Meanwhile, according to Efriza (2012) elections are the most powerful form for the Indonesian people to participate in the representative democratic system in the modern era. From this opinion it can be concluded that elections are a means of democracy in which the establishment of representative institutions and government administrators in accordance with the will of the people is carried out in an open and fair manner. This means that in the general election, the participation of the people is what is most needed.

The hallmark of a democratic state is how much the state involves the community in planning and conducting general elections. Because the political participation of the people (voters) is an important aspect in a democratic state order. In relation to democracy, political participation affects the legitimacy by society of

the running of a government. The implementation of elections, for example political participation, affects the legitimacy of the community to the elected candidate or pair of candidates. Each community has their own references and interests to make their choice in the election. It can be said that the future of public officials who are elected in an election depends on the preferences of the people as voters. Not only that, people's political participation in elections can be seen as an evaluation and control of the community over the leader or government. Therefore, efforts to increase public political participation must be based on strong analysis and arguments. This is due to the need to realize strategic steps in increasing the quantity and quality of public political participation in elections and improving the electoral system for the better in the future.

The term participation can generally be interpreted as the active participation of citizens in certain activities (Sitepu, 2012). Political participation is the activity of a person, group, or organization to participate actively in political life. For example, participating in elections, influencing decision making, and joining political parties (Kaelola, 2009).

There are four purposes for holding elections:

- 1) In order for a change of leadership to be carried out in a peaceful and just manner,
- 2) There is a change of officials in representative institutions who will represent the interests of the people,
- 3) So that the principle of popular sovereignty can be implemented, and
- 4) So that the principles of state human rights can be implemented.

The basis of the 4th precept of Pancasila as a source of values is clearly stated in the 1945 Constitution CHAPTER VIIB General Elections article 22E. The article does not describe general elections that reflect the values of the fourth precepts of Pancasila, but explains the general election rules in Indonesia.

In Indonesia, general elections have a principle that has developed since the New Order era, namely the principle of "*Langsung, Umum, Bebas and Rahasia*" or commonly abbreviated as "LUBER".

- a) *Langsung* or Direct means that in channeling their votes, voters must be direct and cannot be represented.
- b) *Umum* or General means that all citizens who have the right to vote can take part

- in the general election.
- c) *Bebas* or Free means that the voter must not have any element of coercion from any party in casting his or her vote.
- d) *Rahasia* or means that the votes cast are only known by the voters themselves or are confidential.

Then also developed the principle of "Jujur and Adil" in the reform era or commonly abbreviated as "Jurdil".

- a) Jujur or Honest means that every vote cast by the voter has the same value and,
- b) Adil or Fair means that every election participant gets the same treatment without any privilege or discrimination.

Elections have basically resulted in the birth of a new leadership, although in general it is still far from ideal (Widodo, 2015). Elections that require the people to vote for political parties are the biggest obstacle in efforts to improve the accountability of the national leadership. Representatives from parties holding the presidency and other political positions are unable to get justification and legitimacy as people's representatives. Because in fact they are elected by the party. So it is often said that political officials are not representatives of the people but are representatives of the party. Are the indirect and direct electoral systems the main reason for the poor quality of representation in Indonesia? In general, it might be said that the electoral system is the same, as long as the aspirations and interests of the people are the main interests and concerns of political officials.

Since the amendment to the 1945 Constitution, the Indonesian state administration system has undergone changes. One of the consequences of this change is the direct election of regional heads and deputy regional heads. This change has an important role in putting sovereignty back in the hands of the people, so that the local people in particular have the role and opportunity to be involved in making decisions in the field of regional government administration. This change is inseparable from changes in people's lives that are starting to be democratic.

Elections are a real form of community freedom and individual rationality in choosing their leaders. This has a relationship with the formation of regional governments as a form of regional community rationality which is realized through direct regional head elections.

The purpose of direct regional elections is to form a strong government based on the people's choice and legitimacy.

In the 2004 legislative and presidential elections, according to Widodo (2015), the Indonesian people have proven their capacity in the international community, that they are capable of upholding democratic principles at a more basic level. Despite the many criticisms, the 2004 general election has shown an effort to reposition the role of the people in the political procession in Indonesia. The great success that occurred in the 2004 General Election was the main capital in the implementation of the Regional Head Election which was also held and earmarked directly from, by and for the people.

One of the important prerequisites in holding elections in Indonesia is the holding of elections carried out by institutions that are independent from the government. This is guaranteed in the 1945 Constitution article 22 paragraph 5 which reads "*Pemilihan umum diselenggarakan oleh suatu komisi pemilihan umum yang sifatnya mandiri*". Law Number 32 of 2004 concerning Regional Government and Government Regulation Number 6 of 2005 concerning the Implementation of Elections for Regional Heads and Deputy Regional Heads, the agency that organizes elections for Regional Heads and Deputy Regional Heads is directly different from holding general elections for the legislative body as well as the President and Vice President carried out by the General Election Commission, but by the Regional Election Commission. In carrying out, the Regional Election Commission is not responsible to the Regional House of Representatives. This change is based on the decisions of the Constitutional Court in cases Number 072-073/PUU-II/2004 and Number 005/PUU-III/2005. This change comes from the implementation law in the election of Regional Heads and Deputy Regional Heads. Likewise, the obligation of Regional Election Commission to shorten the budget to Regional House of Representatives as confirmed in Article 6E of Government Regulation Number 6 of 2005 which was later abolished based on Government Regulation Number 17 2005.

Yusdiyanto (2016) states that there has been a "shift to Pancasila democracy at this time, the existence of Pancasila as the basis of the Indonesian state has shifted its function and position. This is due to a lack of awareness among government administrators on the basis of a state. Sometimes they forget that there is an adhesive

effort that has been inherited by the founding fathers. The forms of deviation that occur are: Fraud in the election, which is seen not from the quality side, but from the aspect of quantity. More concerned with personal or group interests than common or community interests creates behavior Corruption Collusion Nepotism.

The implementation of direct regional elections is a direct mandate of the 1945 Constitution Article 22E paragraph (1) General elections are held in a direct, general, free, secret, honest and fair manner every five years. When viewed from a historical juridical point of view, the implementation of democracy in the regions has experienced many contradictions. However, there are many problems in the implementation of the direct election. Regional head elections that are not in accordance with the fourth precepts of Pancasila in the form of violations, fraud committed by the organizers, participants in the regional head elections, and support teams, as well as the community can be given criminal sanctions as stipulated in Article 177 and 178 of the Republic of Indonesia Law. Indonesia Number 10 of 2016 concerning the Election of Governor and Deputy Governor. The empirical facts of the post-conflict local election directly show the gap in democracy. Many legal practitioners argue that direct post-conflict local elections actually burden regional finances and there is a lot of political dowry. The problems mentioned above, two important things that must be underlined in the implementation of direct elections are: "1. There is a tendency for low voter turnout; 2. The implications of democratization in the regions, are not fully able to control the processes that occur in the implementation of regional elections (Widodo, 2015)." This has led to speculation that the direct election of regional heads does not guarantee the legitimacy of the people to the elected regional heads. Therefore, the application of democracy in the value of the fourth precept of Pancasila is needed to reduce the problems that occur in the regional elections in Indonesia. Some forms of democratization that do not fully control the processes that occur in the implementation of the regional head elections, can be seen from the role of political parties in the implementation of democracy in the current regional head elections.

Democracy is local. One of the objectives of the regional elections is to strengthen the

legitimacy of democracy. Even so, the success of democracy actually depends on the maturity of parties, political actors, political culture in society and the readiness of administrative support for the implementation of regional elections. Very heterogeneous local political conditions, low public awareness and political knowledge, poor population registration system, and election administration often lead to the failure of the direct election objectives. not infrequently population data is manipulated, the process of organizing regional head elections is not objective and not independent. Most of the problems and lawsuits for regional head elections in Indonesia stem from inaccurate population data. Likewise, the low level of public knowledge and awareness of the essence of regional head elections has led to the practice of money politics in the regional election. Especially for Indonesia, the regional election problem is exacerbated by the inadequate quality of political parties and political actors. The case of the regional elections of Malut and South Sulawesi shows how difficult it is to produce quality elections that are accepted by all parties.

Another problem that often occurs in general elections is money politics. This is very much against the democratic values of Pancasila. Basically Money Politics is a system that will never be lost in the Indonesian democratic process and this will continue to happen and is carried out by candidates and campaigners as well as the success team of each candidate in regional and general elections to seek attention and votes from the candidates. potential voters to win them in regional and general elections. Even though there are political parties based on Islam, the practice of Money Politics still exists even though it is packaged in a very neat agenda. However, there are also political parties that really don't do money politics.

The spread of Money Politics has very dangerous implications for democracy and the strengthening of the nation state. Through Money Politics sovereignty is not in the hands of the people but sovereignty is in the hands of "money". Therefore, the holder of sovereignty is the "owner of money". Money politics applied by a few people who have personal goals and interests is a violation in terms of democracy because it violates the principles in elections which have the principles of secret, honest, fair. A democratic party that should be colored with sportsmanship and honesty without any coercion in choosing regional representatives. Ironically, money

politics has always been a powerful way to win a regional representative in a political contest. People who are victims need education so that money politics does not occur in a democratic party.

Direct elections are an effort to realize a democratic government, one of the ideals for the implementation of democracy is the formation of independent leader candidates. Broadly speaking, Indonesians understand that democracy is a form of direct election to fill vacancies in government and political positions. Therefore, the implementation of the democratic values of the fourth principle of Pancasila is carried out to minimize social conflicts that may occur as a negative result of the election. With a democratic spirit, citizens will accept the elected leader.

The implementation of direct and indirect Regional Head Elections has constitutional and empirical juridical legitimacy. In order for the implementation to be more efficient, the regional election system model must be based on democratic principles and Pancasila values. Pancasila democracy calls for decision-making through deliberation to reach consensus. This is a democracy that brings to life the principles of Pancasila. This implies that democratic rights must always be accompanied by an awareness of being responsible for God Almighty according to their respective religious beliefs, and respecting human values for human dignity, and paying attention to strengthening and preserving national unity towards social justice.

From the results of the study, there was a reduction in the value of democracy in direct and indirect regional head elections because the implementation of the Law on regional head elections forgot the morality dimension of the legislation or was not imbued with Pancasila values. The regional election law is effective or not, depending on how much its implementation is accompanied by the values of morality or the values of Pancasila. The implementation of democracy in Indonesia so far is not asymmetrical, not absolutely based on one system. The law mandates the direct election of Governors, Regents/Mayors, not all regions implement the system. For example, DI Yogyakarta does not conduct gubernatorial elections, DKI Jakarta does not directly elect the Regent/Mayor, only directly elects the Governor.

Based on empirical experience that has

juridical legitimacy, it is better to implement a regional head election system that is not single, directly or through the Regional People's Representative Council. The Regional Election System is not one model for all of Indonesia. Which regions can carry out direct regional elections, which regions must carry out regional elections through the Regional People's Representative Council, it can be mapped out and included in the regional election law. Regions that are socially prone to conflict, inadequate regional economy, vulnerable to political crises, indirect elections are more effective. The money for large regional elections is better channeled for the welfare of the people, while regional elections are sufficient through the Regional People's Representative Council. Which areas can be applied like that, we have to do a mapping after the law accommodates and legitimizes the system of implementing democracy based on the values of Pancasila.

### **3. Freedom of Expression In Accordance With The Values of Pancasila Democracy**

Freedom of expression is a right for all Indonesian citizens, and is a real form of democracy. Freedom of expression is a form of implementation of all the precepts of Pancasila. One of them is the fourth precept which states "*Kerakyatan yang dipimpin oleh hikmat kebijaksanaan dalam permusyawaratan/perwakilan*". This has also been guaranteed in Article 28E paragraph (2) of the 1945 Constitution of the Republic of Indonesia which reads "*Setiap orang berhak atas kebebasan meyakini kepercayaan, menyatakan pikiran dan sikap, sesuai dengan hati nuraninya*".

Freedom of expression in Indonesia, one of which is often encountered is demonstrations. Demonstrations are often carried out by community organizations and students. Especially for students, demonstrations are usually a form of response and control to government policies that are not in favor of the people. In other words, if they object to the policies issued by the government, they will speak out by conducting demonstrations. In addition, in this more sophisticated modern era, many people use social media as a means to express opinions and criticize the government.

But not infrequently in the implementation of freedom of expression this opinion gets a negative response. For example, in a direct demonstration there was



disbandment by the apparatus or there was also a case of freedom of expression which was carried out through social media and then ended in a legal process because it was considered a violation of the ITE Law. For example the cases of Ahmad Dhani, Jerinx, Buni Yani and many other figures that occurred because of violations of the ITE Law.

As a country that adheres to a democratic system, freedom of opinion should not only be free to express opinions but must be responsible and ethical in its delivery. Determining the basic value of the rules in expressing an ideal opinion is very difficult. Any attempt to set limits on the ethical value of expressing an opinion will be considered as a limitation of opinion. Even new laws such as the Electronic Information and Transactions Law (ITE Law) formulated by legal experts and democracy enforcers alone are said to limit freedom of expression. The ethic of opinion does not necessarily have to be in accordance with eastern customary ethics or ethics of decency. However, in expressing opinions, it should be in accordance with the actual reality without having to "justify" the truth that has not been proven. That is, in freedom of expression, it is not allowed to falsify existing facts. If this happens, it can be said to be slander and defamation. If the ethics of expressing opinions exceeds the boundaries of customary ethics, culture and decency are not too fatal because the punishment obtained is only a social sanction. Freedom of opinion/expression of opinion is a right for every Indonesian citizen guaranteed by the 1945 Constitution, even the right to freedom of opinion occupies the highest position in democratic principles, but this right still has legal limitations.

Freedom to express opinions in public must be carried out responsibly, in accordance with the provisions of the applicable laws and regulations, Article 28 of the 1945 Constitution as well as amendments that have been carried out four times as well as the principles of international law as stated in Article 29 of the Universal Declaration of Human Rights, the 1949 decree in force. universally in the world, including Indonesia. Based on Law Number 9 of 1998 concerning the freedom to express opinions in public, there are five principles, which are the basis for freedom of responsibility and action to express opinions in public, namely

- 1) The principle of balance between rights and obligations;
- 2) The principle of deliberation and consensus;
- 3) The principle of certainty of rights and justice;
- 4) The principle of proportionality;
- 5) The principle of consensus (Jailani, 2015)

Citizens who express opinions in public are obliged and responsible to:

- 1) Respect the rights and freedoms of others;
- 2) Respect generally accepted moral rules;
- 3) Obeying applicable laws and regulations;
- 4) Maintain security and public order;
- 5) Maintaining the integrity of the nation's unity.

Every citizen is free to express his opinion as long as it does not conflict with existing boundaries, namely Pancasila, the 1945 Constitution of the Republic of Indonesia and the objectives of the Unitary State of the Republic of Indonesia.

## CONCLUSION

General elections are one of the main foundations of state administration contained in the fourth Pancasila value of the principle of "*Kerakyatan yang dipimpin oleh hikmat kebijaksanaan dalam permusyawaratan/perwakilan*" which has direct, general, free, and confidential principles as well as honest and fair (LUBER and JURDIL). The implementation of elections in accordance with the values of Pancasila is useful to minimize any deviation from the essence of the election. The implementation of democracy in Indonesia so far is not asymmetrical, not absolutely based on one system. The law mandates the direct election of Governors, Regents/Mayors, not all regions implement the system. For example, DI Yogyakarta does not conduct gubernatorial elections, DKI Jakarta does not directly elect the Regent/Mayor, only directly elects the Governor.

Freedom of expression occupies the highest position in a democracy. Every citizen is free to express his opinion in public in a responsible manner and does not conflict with the values of Pancasila, the 1945 Constitution and the goals of the Unitary State of the Republic of Indonesia.

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