ABSTRACT

Objective: This article aimed to understand the factors of the development of the Indonesian legal weltanschauung as an effort to understand the potential of conflict that may happen post-Reformation in Indonesia.

Theoretical framework: The theoretical material in this article are state documents and legal regulations that support the rise and fall of the power regimes in Indonesia through the methodological weltanschauung in the study on the legal fundamentals and the state basis that has uncovered the conflicts that have so far been hidden and unresolved between the weltanschauung of the customary, Islamic, and colonial laws. This worldview conflict actually forms modern Indonesian law since its independence.

Results and conclusion: The weltanschauung of the Indonesian law was agreed upon on June 22nd, 1945 named Pancasila is contained in Paragraph IV of the Preamble of the 1945 Constitution or what is called Jakarta Charter. But in its development, there have been changes to its substance and official interpretations. These changes were simultaneous with various riots, rebellions, and violations of human rights under the ideological motive. But in the Reformation Era, its official interpretation tended to be based on legal pluralism.

Originality/value: Pancasila is deemed as an absolute and permanent thing, although historical facts show otherwise. Pancasila that was created on June 22nd, 1945 was changed on August 18th, 1945 by eradicating some words in its first principle. It also changed on October 29th, 1949 and August 15th, 1950 when its sentences were simplified. Towards the end of Soekarno’s reign, specifically in 1964, the word “Guided Democracy” was added after social justice in the fifth principle. Pancasila was then formalized by the New Order with the August 18th, 1945 format.

Keywords: law, proclamation, Pancasila, weltanschauung.

**RESUMO**

**Objetivo:** Este artigo teve como objetivo entender os fatores do desenvolvimento do weltanschauung legal indonésio como um esforço para entender o potencial de conflito que pode acontecer após a Reforma na Indonésia.

**Estrutura teórica:** O material teórico neste artigo são documentos estatais e regulamentos legais que apoiaram a ascensão e queda dos regimes de poder na Indonésia através de weltanschauung metodológico no estudo sobre os fundamentos jurídicos e a base do Estado que tem descoberto os conflitos que até agora têm sido escondidos e não resolvidos entre os weltanschauung das leis consuetudinárias, islâmicas e coloniais. Este conflito de visão do mundo forma, na verdade, a lei indonésia moderna desde sua independência.

**Resultados e conclusão:** O weltanschauung da lei indonésia foi acordado em 22 de junho de 1945 chamado Pancasila está contido no Parágrafo IV do Preâmbulo da Constituição de 1945 ou o que é chamado de Carta de Jacarta. Mas no seu desenvolvimento, houve mudanças na sua substância e interpretações oficiais. Estas mudanças foram simultâneas com vários tumultos, rebeliões e violações dos direitos humanos sob o motivo ideológico. Mas na Era da Reforma, a sua interpretação oficial tendia a basear-se no pluralismo jurídico.

**Originalidade/valor:** Pancasila é considerada uma coisa absoluta e permanente, embora fatos históricos mostrem o contrário. Pancasila que foi criado em 22 de junho de 1945 foi mudado em 18 de agosto de 1945, erradicando algumas palavras em seu primeiro princípio. Também mudou em 29 de outubro de 1949 e 15 de agosto de 1950, quando suas sentenças foram simplificadas. No final do reinado de Soekarno, especificamente em 1964, a palavra "Democracia Guiada" foi adicionada depois da justiça social no quinto princípio. Pancasila foi então formalizada pela Nova Ordem com o formato de 18 de agosto de 1945.

**Palavras-chave:** lei, proclamação, Pancasila, weltanschauung.

**1 INTRODUCTION**

The terms “weltanschauung” and “lebensanchauung” are philosophical concepts related to one’s worldviews or perspectives of life. Even though these two terms have similar meanings, they originate from different thoughts and research in the history of German philosophy. Weltanschauung was first coined by Immanuel Kant at the end of the 18th century, which referred to the framework of humans' holistic understanding of the world. Meanwhile, lebensanchauung was introduced by a German philosopher, Georg Simmel, at the start of the 20th century. This term emphasized the holistic perspective of life, which encompasses aspects such as value, ethics, and one's perspective of existence (Barbour, 2012). These two terms were then combined into weltanschauung, which is more commonly used and more popular (Coyne, 2018).
Weltanschauung is influenced by factors, such as religion, politics, morality, and culture of its surroundings. History wrote of the significant changes in worldview, such as the Reformation which shook the authority of the Catholic church and the emergence of secularism which separated religion from politics (Latreille & Cunneen, 1963). Secularism was developed as a reaction towards the combination of religion and political power. It opened the road for a more open and pluralistic view of the world. But, in line with the development of the era, worldviews have also experienced transformations. Secular humanism emerged as an alternative, which emphasized the values of humanity, morals, and ratio as the guidelines for life (Forghani, 2015). Meanwhile, postmodernism emphasized subjectivity and rejected theological beliefs as well as the claim of absolute truth. Secular humanism emphasized scientific understanding and universal values in seeking the meaning of life, whereas postmodernism doubted claims of objective truth and promoted personal perspectives (Vento, 2000).

Indonesia has experienced weltanschauung conflicts since the start of the colonial era. In the legal context, the Dutch brought their civil law tradition to Indonesia, which was against customary law traditions and Islamic law. The Dutch legal tradition was very dominant during the colonial period as it was supported by the military as well as researchers who worked as intelligent agencies and advisors for the Dutch. In consequence, after Indonesia’s independence on August 17th, 1945, Indonesia has a complex legal system that encompasses national law, customary law, and Islamic law. Two of these legal systems, i.e., the customary law and the Islamic law, existed long before the involvement of the colonial government in Indonesia's legal affairs (Lukito, 1997). Meanwhile, the national legal system was shifted from the Dutch colonial legal system.

The legal weltanschauung has been agreed upon on June 22nd, 1945. It was called Pancasila (the Five Principles), which contained five elements, i.e., belief in one God by implementing the Islamic sharia for its embracers, just and civilized humanity, the unity of Indonesia, democracy guided by the inner wisdom in the unanimity arising out of deliberations amongst representatives, and social justice for the whole of the people of Indonesia. But, in turn, the legal weltanschauung experienced changes from time to time, following the regime in power.

This article will analyze the background and impacts of these changes. Therefore, the object of this research is the factors that become the background to changes in the
Indonesian legal *weltanschauung* as well as the impacts caused by these changes. This issue is crucial because according to Sunaryati Hartono (The Head of the National Legal Guidance Agency), the national law that still applies hundreds of colonial legal regulations needs to immediately be changed before 2045. This showed that Indonesian law is not yet fully free from the influence of colonial law (Hartono, 2015).

The efforts to harmonize these three legal *weltanschauung* are very crucial as there have been hundreds of conflicts between these *weltanschauung*. The conflicts between the *weltanschauung* of the positive law and the customary law are seen from conflicts between society and the government in 2022, where there were 540 cases on agrarian issues, 12 cases of severe human rights violations, and 555 on violence against access to justice. In a recent event such as the Kanjuruhan stadium case, the National Commission of Human Rights found excessive use of force and violence committed by the Indonesian national army and police (Komnas HAM RI, 2022). But no action can satisfy the victims and their families. All this happened due to the dominance of the positive law *weltanschauung* in the minds of the law enforcers that the law has given them the authority to coerce and even commit violence.

Another example of the competition between *weltanschauung* is the cases of terrorism which were carried out under the excuse of upholding the Islamic state (Solahudin & McRae, 2013). A new fact from 2020 showed that Indonesia has punished 23 terror perpetrators while 189 are still in the investigation or trial processes. According to Schuurman (2021), *weltanschauung* can be used to recruit terrorists even though acts of violence happen due to other factors such as poverty, education, and psychological trauma (Ramsey, 2018). Religious extremism happened since the Indonesian Islamic State (*Negara Islam Indonesia/NII*) was proclaimed by Kartosoewirjo on August 14th, 1945. Its riots spread from West Java to Aceh. It was difficult to extinguish up to the end of Soekarno’s government (Santoso, 2013). Therefore, to begin this harmonization, researchers aim to acknowledge the factors causing these conflicts, thus providing direction for national legal guidance in the future.

2 THEORETICAL FRAMEWORK

The process of colonial history contributed to forming the legal *weltanschauung* and how researchers or communities define the law. During the traditional era, the law was defined as customs or moral expressions that were normally unwritten. But after the
influence of Islam during the Sultanate era in Indonesia, the law can also be defined as judicial decisions, law (qanun), decisions, regulations, power, norms, or legal values (hikmah) (Tim Panitia Kongres Pancasila IX, 2018). The word “law” during the reign of the Demak kingdom (year 1475-1518) was known with the term ukumullah (Latif, 2015b).

After European colonialism, the terms recht, droit, and law were also known. They influenced the meaning of law as something that is written. Up to now, the law is defined according to the weltanschauung of Western colonials (Karmawan, 2021). These definitions generally show that the law is related to weltanschauung of the customary law which tends to harmonize theocentrism, anthropocentrism, and ecocentrism (Trynova, 2023). Meanwhile, Islamic law tends to be more theocentric as they regard the law as Godly orders. On the contrary, the colonial law tends to be secular and anthropocentric. The relationship between these three weltanschauung often causes conflicts that seem to appear as a competition between the local law and the national law (Polontoh & Liauw, 2023).

The theoretical material in this article was based on state documents that contain various meetings in preparing for Indonesia’s independence by the Badan Penyelidik Usaha-Usaha Kemerdekaan (BPUPK/Independence Efforts Investigation Agency) and Panitia Persiapan Kemerdekaan Indonesia (PPKI/Preparation Committee for Indonesia’s Independence) as well as other regulations concerning the legal revolution (1945-1949), the transition periods of the New Order (1965-1970), and the Reformation Era (1998-2000) as regulations which were significant for the rise and fall of the Indonesian regimes.

3 METHODOLOGY

The application of the methodological weltanschauung in legal studies is still very new in Indonesia because Indonesian laws contain biases on culture, social relationships, and myths concerning nature (Irzik & Nola, 2007). In it, positivistic science and culture interact and they influence each other (Pinxten, 2015). The relationship between legal research and worldviews also highly depends on the paradigm used in the research on legal studies (Runco, 2014). Interactions and reciprocal relationships happened between scientific theories and theories on worldviews (Cobern, 2005).
Worldviews can form how one perceives and interprets data, as worldviews precede one’s perspectives on physical phenomena. They contain beliefs on the main characteristic of reality. Thus it is crucial as researchers are influenced by competing worldviews (Cuneio, 2001). In the legal sector, weltanschauung can emerge when basic beliefs and profound values are debated (Caudill, 1985). This was a type of qualitative research that was combined with the constructivism approach to understand the development of the Indonesian legal weltanschauung. The constructivism in Indonesia is suitable because the conflicts between Aceh and Indonesia (1952-1964) happened due to the differences in the weltanschauung of Soekarno and Daud Beureuh which implied in the birth of the Gerakan Aceh Merdeka (GAM/The Movement for Aceh’s Independence).

4 RESULTS AND DISCUSSION

4.1 PRE-INDEPENDENCE WELTANSCHAUUNG OF THE INDONESIAN LAW (MAY 29TH-JULY 18TH, 1945)

Japan’s victory in the tripartite war against Russia and the Netherlands in fighting over the domination in the Asian waters have rather brought a great spirit to Indonesia's founding fathers. Japan was deemed to be able to cut the curse of Western colonization. Thus, Dai Nippon was associated as a 'big brother' in fighting against Dutch colonialism. Moreover, according to Mangun Wijaya, the genealogy of the “Indonesia Raya” concept (“Great Indonesia”, Indonesia's national anthem) was directed to Japan, i.e., the imperial Dai Nippon. All this happened because the spiritual realm of the Indonesian struggle was directed to Japan, which represented the fight between Asians against Europeans, or between East Asians against Western masters (Hidayat & Widjanarko, 2008). This reality uncovered a hidden fact on the emergence of a sentiment over the Asian race, that in turn was used by the Japanese to colonize Indonesia.

Indonesia’s founding fathers, such as Soekarno, Hatta, and Soepomo, as well as other figures in the Volksraad (people’s assembly) initially highly regarded in Japan. They also deemed Japan as a symbol of struggle against the Dutch colonization in Indonesia. But this admiration changed into disappointment after Japan’s loss in the Battle of Leyte Gulf (1944). This defeat ignited violence to romusha (forced labor) and the Indonesian people, as well as the mass murder during the Mandor event on June 28th, 1944 by Kaigun Heiho (the Japanese Navy) in West Borneo. The event on June 28th, 1944 was not the end of murders committed by Japan. Based on the historical notes, the event
on June 28th, 1944 was only the peak of the wave of murder that then kept on happening until they fell to their knees in the hands of the Allies (Prabowo, 2019). Thus, before August 1945, when the Indonesian founding fathers pushed the Japanese to fulfill their promise of granting Indonesia its independence, Japan did not have much choice other than extending the time by forming the Dokuritsu Zyunbi Tyoosa-kai/Badan Penyelidik Usaha-Usaha Kemerdekan (BPUPK) (Independence Efforts Investigation Agency). The Japanese were at that time frustrated from losing in the war and they did not want resistance from the Indonesian people.

According to Daradjadi and Osa Kurniawan, the BPUPK members were purposely chosen by Japan so that the BPUPK meetings can be monitored. This was so that even if Indonesia gains independence, it will still be under the control of the Japanese. Thus, the composition of the BPUPK members was chosen under political calculations. The BPUPK members consisted of 93 people, consisting of 8 Japanese soldiers as honorary members. The majority of the members were 34 administrative employees. Then, there were 22 functional bureaucrats (judges, doctors, financial experts, and pharmacists), 12 governmental bureaucrats, 10 people from the private sector (news reporters, advocates, and business owners), 7 Islamic scholars, and 17 people from community organizations and parties. Japan smartly arranged the composition of the BPUPK with different backgrounds. Forty-five people had the background of local royals. Then, 7 had the background of Islamic scholars. Apart from people with Javanese ethnicity, there were 3 people from West Sumatera (Yamin, Hatta dan Agus Salim), 1 person from Tapanuli (Parada Harahap), 1 person from Maluku (Latuharhary), 1 person from Kalimantan (Prince M. Noor), 1 person from Minahasa (Maramis), 1 person from Lampung (Dasaad), 1 Arab (A. R. Baswedan), 1 Indo-European (Dahler), and 4 Indo-Chinese people. With this composition, on paper, the Japanese estimated that this institution will not show revolutionary acts, as it can easily be defeated by the majority group through votes (Daradjadi & Kurniawan, 2020).

The BPUPK which was formed under the Notice of the Japanese Army Soldiers (Gunseikan Number 23 dated May 29th, 1945) had the job to formulate the form of the state, the Constitution, and the Foundation of the State. M. Yamin suggested that there should be an integration between the Western, customary, and religious law, especially Islam, which he named the Five Bases. On the contrary, Soepomo
suggested of the Pancadharma concept that tended to be secular (Albialtar, 2020). Meanwhile, Soekarno introduced the concept of Pancasila which tended to be pluralistic. In his speech, Soekarno called Pancasila a weltanschauung (The Republic of Indonesia’s State Secretary, 1945). It was starting from then that the weltanschauung term was introduced in Indonesia. In turn, weltanschauung influenced many sectors, not only politics but also the law that Soepomo called rechtsidee in Dutch. BPUPK approved all of Soekarno’s suggestions, where the term “Pancasila” was used and that it was weltanschauung. It is just that they have not reached an agreement on the contents of the principles, the order of these principles, as well as the relationship between the state and Islam. The table below showed the suggestions of these three figures in the face of the BPUPK:

<table>
<thead>
<tr>
<th>Lima Dasar (The Five Bases) suggested by M. Yamin</th>
<th>Pancadharma (The Five Obligations) suggested by Soepomo</th>
<th>Pancasila (The Five Principles) suggested by Soekarno</th>
</tr>
</thead>
<tbody>
<tr>
<td>(1) nationality,</td>
<td>(1) unity,</td>
<td>(1) Indonesian nationality and humanity,</td>
</tr>
<tr>
<td>(2) humanity,</td>
<td>(2) brotherhood,</td>
<td>(2) internasionalism,</td>
</tr>
<tr>
<td>(3) transcendence,</td>
<td>(3) consensus and democracy,</td>
<td>(3) consensus and democracy,</td>
</tr>
<tr>
<td>(4) democracy,</td>
<td>(4) deliberation, and</td>
<td>(4) social justice, and</td>
</tr>
<tr>
<td>(5) welfare,</td>
<td>(5) social justice,</td>
<td>(5) belief in one God.</td>
</tr>
</tbody>
</table>

Source: Collection of Minutes of Sessions of the Indonesian Independence Preparatory Investigation Agency (BPUPKI) (29 May 1945- 16 July 1945) and the Preparatory Committee for Indonesian Independence (PPKI), (18 and 19 August 1945) Related to the Preparation of the Constitution 1945, Jakarta: Sekretariat Negara Republik Indonesia (The Republic of Indonesia’s State Secretary, 1945)

Then, the Panitia Delapan (the Committee of Eight) was formed, which consisted of eight people, who had the job of receiving suggestions based on the state as well as the relationship between the state and religion. But, in practice, the Committee of Eight added a member, thus becoming nine people, consisting of: (1) Soekarno, (2) Muhammad Hatta, (3) A.A. Maramis, (4) K.H. Wahid Hasyim, (5) K.H. Kahar Muzakir, (6) H. Agus Salim, (7) Abikusno Tjokrosuyoso, (8) Mr. Ahmad Soebardjo, and (9) Mr. Mohammad Yamin (Pratiwi, 2019). The Committee of Nine (Panitia Sembilan) was generally dominated by Nationalists and added with one Christian representative. Twenty days after the Committee of Nine was formed, the last meeting was carried out on June 22, 1945. An agreement was formed, which was called Mukkadimah or the Preamble of the 1945 Constitution which Soekarno named as the best compromise between the Islamic group and the Nationalist group (Hakiem, 2021).
The Jakarta Charter consisted of four paragraphs. The first stated that independence is a human right. It also contained the will to eradicate colonization from the world. The second stated that the aim of the state was to unite, to have sovereignty, as well as to be just and prosper. The third explained the causes and reasons for independence. Then, the fourth contained the legal ideals and the state foundations or the 


dequauung of Indonesian law. The fourth paragraph contained the formulation of Pancasila which consisted of: (1) belief in One God by implementing the Islamic sharia for its embracers, (2) just and civilized humanity, (3) the unity of Indonesia, (4) democracy guided by the inner wisdom in the unanimity arising out of deliberations amongst representatives, and (5) social justice for the whole of the people of Indonesia (Rohani, 2019).

It should be noted that M. Yamin, Soepomo, and Soekarno agreed upon the aspects of divinity, humanity, nationality or unity, democracy (deliberation, consensus, and democracy), and social welfare or justice. But they had different opinions on their orders. It was just that Soepomo did not insert the divinity aspect as part of the Pancasila. This was the process of forming the principles of Pancasila:

<table>
<thead>
<tr>
<th>Initial Suggestion</th>
<th>Result of Consensus</th>
<th>Additional Information</th>
</tr>
</thead>
<tbody>
<tr>
<td>[1] Humanity; [2] Brotherhood; and [3] Internationalism or Humanity</td>
<td>Just and civilized humanity</td>
<td>The suggestions from M. Yamin and Soekarno were accepted, except for the word internationalism from Soekarno. Then the phrase “just and civilized” was added.</td>
</tr>
<tr>
<td>[1] Nationality; [2] Consensus and Democracy; [3] Consensus or Democracy</td>
<td>The unity of Indonesia</td>
<td>It was a combination of Yamin and Soepomo’s ideas</td>
</tr>
<tr>
<td>[1] Communalty; [2] Consensus and Democracy; [3] Social Justice</td>
<td>Democracy is guided by the inner wisdom in the unanimity arising out of deliberations among representatives</td>
<td>It was an interpretation of Yamin and Soepomo’s ideas. Then the phrase “guided by the inner wisdom in the unanimity arising out of deliberations amongst representatives” was added</td>
</tr>
<tr>
<td>[1] Social welfare; [2] Social justice, and [3] Belief in One God</td>
<td>Social justice for the whole of the people of Indonesia</td>
<td>It was a combination of Yamin and Soepomo’s ideas. The Committee of Nine added the phrase “for the whole of the people of Indonesia”</td>
</tr>
</tbody>
</table>

Source: Collection of Minutes of Sessions of the Indonesian Independence Preparatory Investigation Agency (BPUPKI) (29 May 1945- 16 July 1945) and the Preparatory Committee for Indonesian Independence (PPKI), (18 and 19 August 1945) Related to the Preparation of the Constitution 1945, Jakarta: Sekretariat Negara Republik Indonesia (The Republic of Indonesia’s State Secretary, 1945)
Based on that table, the first principle was taken from the suggestions of M. Yamin, Soepomo, and Soekarno, with an addition of the phrase “by implementing the Islamic sharia for its embracers” after the phrase “Belief in God” by the Committee of Nine. The second principle was a combination of Yamin and Soekarno’s ideas but the word “internationalism” was erased and the phrase “just and civilized” was added after “humanity” to state the character of independent humans. The third principle was a combination of “unity” from Soepomo and “Indonesia” from Soekarno which specially functioned to show the personality and territorial principles. The fourth principle was a combination of M. Yamin and Soepomo’s suggestions, but the word perikerakyatan from M. Yamin was simplified into kerakyatan (communality or democracy in Indonesian). The Committee of Nine then interpreted the word “democracy” with the word “guided by the inner wisdom” and “unanimity” was strengthened with wisdom to illustrate consensus. The Committee of Nine also added the word “representatives” so that both the federal and unification governments can obtain their principal legitimation because, in the democratic institution, senators and/or people's representatives gather, either those that were chosen through parties or regional representatives. Lastly, the phrase “social justice” originated from Soepomo, meanwhile the phrase “the people” was taken from M. Yamin. Then, the Committee of Nine added the phrases “the whole” and “Indonesia”.

This process showed that the Pancasila and Jakarta Charter formation process was smartly and proportionally carried out by the Committee of Nine without eradicating the contributions of the suggesters. But after the consensus of the Jakarta Charter, Latuharhary, a Navy from Maluku and a member of BPUPK which represented Eastern Indonesia debated it. Thus, Soekarno submitted an application to all BPUPK members to accept and most BPUPK members agreed. Thus, during the pre-independence period, Indonesia’s legal weltanschauung which was obtained from the agreement of the BPUPK was as follows: (1) belief in God by implementing the Islamic sharia for its embracers, (2) just and civilized humanity, (3) the unity of Indonesia, (4) democracy guided by the inner wisdom in the unanimity arising out of deliberations amongst representatives, and (5) social justice for the whole of the people of Indonesia.

The substance of the Jakarta Charter was very strongly influenced by KH. Wachid Hasyim who consulted with KH. Imam Murshid, leader of Sabilil Muttaqien Islamic boarding school and mursyid (sufi leader/teacher) of Syathariyah Tarekat (Sufism organization) from Takeran (Dhurorudin Mashad, 2008). Because of that, it contained
transcendental, spiritual, and magical values. Apart from that, it contained the spirit of Islamic anticolonialism and appreciation for the large quantity of Muslims who fought against colonialism. Many Muslims were martyrs during the colonial era which was filled with bloodshed, starting from the arrival of the Portuguese (1511) which succeeded in ending the Malaka sultanate (Burhanuddin, 2017). Peter Carey noted that Prince Diponegoro’s troops consisted of royals, bureaucrats, Islamic scholars, farmers, and Islamic students (Rinardi & Indrahti, n.d.). In the notes of Ahmad Baso, the aim of the War of Java was, “Amrih mashlahate kawulanìng Allah sedaya sarta amrih karaharjane negari lestarìne agami Islam,” which meant, “To fight for the interest and benefit of all of God’s servants; for the welfare of the state, and for the interest of preserving the religion of Islam” (Baso, 2012). Therefore, the War of Java was supported by Kyai Bagus Kalipa who was known as Kyai Mojo, Kyai Hasan Besari, and Haji Badarudin.

This reality was historical evidence that the bases of anticolonialism in the Dutch East Indies was not only for the interest of gaining power. But it was motivated by the spirit of jihad (holy war) to eradicate invaders. Thus, by acknowledging the application of Islamic sharia in Indonesia, it has fulfilled the aim of all of their struggle. Further, the acknowledgement of the sharia is coherent with the concept of blessings and grace of God Almighty in the third paragraph, “By the blessings of Almighty God and motivated by the noble desire to live a free national life, the people of Indonesia hereby declare their independence”. This was not only because the Jakarta Charter was another name for the Preamble of the 1945 Constitution, but it was also because the weltanschauung was theocentric for the Indonesian nation. Muslims and Christians in Indonesia believe that the concept of blessings and grace has the same position, such as when God freed the people of Israel from being enslaved by the Egyptians. Fundamentally, the freedom of the Jews from slavery became the reason for the application of legal norms and it was the basis of all Jewish legal orders (Kelsen, 2011). Therefore, this charter had the same function. The reason for the application of the legal norms from Allah was that He has given His blessings and grace so that the Indonesian nation was free from colonization.

Therefore, it means that the Weltanschauung of the Indonesian law during the pre-independence era aimed to revitalize the laws that will be applied based on religion or traditions that are embraced by all levels of society. Before 1800, the Dutch East Indies government assertively acknowledged that Islamic law applies to all Indonesian Muslims. This acknowledgement was written in the legal regulations written in 78 reglement op de
beliedder regeerings van nederlandsch indie which was abbreviated into regreeings reglement (RR) staatsblad of 1854 No. 129 and staatsblad of 1855 No. 2. This rule acknowledged that the religious law (godsdienstige wetten) and norms of the Indonesian people have been applied (Manan, 2019).

The consequence of the reactualization of religious law was that the existence of colonial law was holistically rejected. Thus, the source of law and the practice of justice returns to the era before Dutch colonialism, or at least before the legal concordance and unification. This was different from the nationalist group which desired the colonial law to still apply, and using shifting articles, these laws were to be changed with laws that were to be formed. The reactualization of the religious law cannot easily be accepted by the nationalist group due to the reason of anti-feudalism. But it can be suspected that the sultanates and local powers in Nusantara (the Indonesian area) will restrengthen, even though they have lost their influence due to their compliance with the Dutch commonwealth, while some of them still have ethnic characteristics, such as the Dayak tribe in Kalimantan and the tribes in Papua. Meanwhile, on the other hand, the party of legal pluralism also opposed the modern law weltanschauung which desired to make the law uniform, even in a society with diverse geopolitical conditions. But in the perspective of weltanschauung, what was built by the regional representatives and the groups in BPUPK to avoid conflicts between the colonial law weltanschauung which then transformed into the national law with the customary law and the Islamic law after the Indonesian independence.

4.2 THE CHANGE OF THE INDONESIAN LEGAL WELTANSCHAUUNG DURING THE INDEPENDENCE PERIOD (JULY 18TH, 1945 TO AUGUST 19TH, 1945)

The independence period is defined as the days after July 18th, 1045 when the BPUPK has finished submitting the report to the government of the Japanese Army soldiers (gunseikan) up to the last meeting of Dokuritsu Junbi Inkai/Panitia Persiapan Kemerdekaan Indonesia (PPKI/Preparation Committee for Indonesia’s Independence) that was formed based on the Nanpoo Gun announcement dated August 7th, 1945 (Kan Poo No. 72/2605 k.11). PPKI ended its meetings on August 19th, 1945 with the formation of plans for Indonesia’s government that is sovereign and independent. This limitation is crucial because, in a period of a month and a day, there has been a change in the
Indonesian law's *weltanschauung*. The happening changes were related to changes in name, function, and substance.

According to Hatta, apart from becoming the Preamble of the 1945 Constitution, the Jakarta Charter on June 22nd, 1945 was also a proclamation text because the third paragraph of the Preamble of the 1945 Constitution stated, “*the people of Indonesia hereby declare their independence*” (Hatta, 2010). But there were two events that happened on August 8th, 1945. First, BPUPK was dissolved by the Japanese government. In turn, the PPKI was formed, led by Soekarno. The formation of the PPKI seemed to be very sudden, thus Soekarno-Hatta had to fly to Saigon, Vietnam (Busroh, 2019). PPKI consisted of twenty-one members. Thus, there was a decrease in regional, group, and ideological representation (Affandi, 2020).

Another event was the kidnapping of Soekarno-Hatta to Rengasdengklok by a group of youth (or the “Young Group”) who called themselves the Menteng 31 Association. Before the Rengasdengklok event on August 14-15th, these revolutionary youth organized a meeting in Cikini Airport, which was continued at the back of the Eyckman Institut Building. In this meeting, D. N. Aidit, a figure of the Indonesian Communist Party (*Partai Komunis Indonesia/*PKI) suggested that Soekarno-Hatta should immediately proclaim independence, but it was rejected by Hatta. Wikana then delivered the results of the revolutionary youths’ meeting which was that they supported Soekarno and Hatta as president and vice president of the proclamation is announced as soon as possible (Hutagalung, 2010).

The kidnapping plan was successfully executed by Tan Malaka, Soekarni, and Chaerul Saleh on August 16th, Agustus 1945. These figures were part of the “Young Group” which has a social course. This was proven by the fact that in 1948, they established the *Partai Musyawarah Rakyat Banyak* (MURBA) (Many People’s Consultative Party) (Nugroho & Fuji, 2020). As a result, there was a change of plan in the reading of the proclamation text where the Jakarta Charter of June 22nd, 1945 should have been read. It was substituted with the proclamation text as dictated by Soekarno and Hatta while Ahmad Soebardjo repeated and wrote these words on paper (Djamaludin, 2018). This proclamation text only consisted of the statement of independence and the shift of power. It was read by Soekarno, and it was only signed by two people, namely Soekarno and Hatta as the representative of the Indonesian nation.
The intervention of the leftist Young Group, including Sukarni and Wikana's success in becoming members of the PPKI was a shock to the Islamist group. Because of that, the battle of weltanschauung during the independence era became even more vibrant with the entrance of the socialist element through Sukarni and the communist element through Wikana who were involved in the proclamation. An unavoidable clash happened between the values of Islamic-traditional morality and the nationalist-secular group that demanded the abandonment of these values (Brandta & Crawford, 2019). The clash especially happened against the communist, which was a natural enemy of the religious group. This composition, as well as the meeting that tended to put aside other PPKI members, led to the failure in reading the Jakarta Charter text on August 17th, 1945 morning as the proclamation text. This discomfiture happened in one night.

It was crucial to read the Jakarta Charter as a proclamation text as the proclamation text is the beginning of a nation’s birth. Muhammad Yamin stated that the proclamation was an international legal instrument to announce to the whole world that the Indonesian nation will determine its own fate in managing its nation, territory, and sovereignty. In consequence, Indonesia since then became a lone-standing subject and it received the same position as other independent countries that were free from colonization (Hamid & Luthfi, 2010). The event of the proclamation was fundamentally a revolution of the legal weltanschauung as it has set the national law and eradicated the colonial law (Sumarto, 2019). In other words, the failure to read the Jakarta Charter harmed the Islamic group both in terms of national and international laws, as it will reopen a debate on the shift of power. But at that point, the fate of the Indonesian nation was only discussed by 21 PPKI members.

According to Hatta, the reason why the proclamation text that was known as the Jakarta Charter dated June 22nd, 1945 was changed into a short text was because no committee member that brought the previously planned proclamation text was present. According to Firdaus Ahmad Naqib, this reason seemed to be illogical because the Jakarta Charter was in Hatta’s house in Diponegoro Street, whose distance was closer than General Nishimura’s house in East Pegangsaan Street (Naqib, 1999). Because of this, Naqib linked the failure to read the proclamation text according to the Jakarta Charter with a rebellion in the name of Islam and turmoil in various areas, starting from 1949 to 1964. According to Naqib, these resistance events were indirectly provoked by the
maneuver or the accommodative attitude of Soekarno-Hatta to the "Young Group" in the last seconds of independence day.

Changes in the proclamation text were followed by a series of eradicating the Jakarta Charter. According to Ridwan M. Sairi in *Status Piagam Jakarta: Tinjauan Hukum dan Sejarah* (The Status of the Jakarta Charter: A Legal and Historical Review), amid the euphoria of independence, Latuharhary, a member of PPKI that represented the navy of Eastern Indonesia, supported by Sam Ratulangi, I Gusti Kert Pudja, Tadjudin Noer, Ir. Pangeran Noer, Piet Mahamit, and Iman Slamet, questioned the agreed-upon Jakarta Charter under the name of Eastern Indonesia. Thus, there was an eradication of the words after Belief in One God, which was "by implementing the Islamic sharia for its embracers". Only “Belief in One God” was left. This condition was supported by the decrease in the support of Muslim figures and it used the moment of absence of the other three people (Saidi, 2007). Concerning this, Lukman Hakim quoted Prawoto Mangkusasmito who said that there was a historical oddness (*historische vraag*) as the great creation that was formulated for days by the BPUPK members who represented various regions, religions, and groups that were approved and validated unanimously on July 16th, 1945 was easily annulled by around twenty PPKI members within a few hours (Hakiem, 2018). Only four PPKI members fought for the Jakarta charter, namely Ki Bagus Hadikusumo, KH. Wahid Hasyim, Kasman Singodimejo, and TM. Hasan. But at that time, only Ki Bagus Hadikusumo was present.

Changes in Indonesia’s legal weltanschauung were caused by the eradication of some words after the first principle, but it brought great impacts. In consequence, in the PPKI meeting on August 18th, 1945, Pancasila was written as follows: “(1) belief in One God, (2) just and civilized humanity, (3) the unity of Indonesia, (4) democracy guided by the inner wisdom in the unanimity arising out of deliberations amongst representatives, and (5) social justice for the whole of the people of Indonesia”. Not only that, the Jakarta Charter that was basically a set with the whole paragraphs of the Preamble of the 1945 Constitution experienced some changes. For instance, “Mukaddimah” (meaning “Preamble” but with strong Arabic roots) was changed into “Pembukaan” (meaning “Preamble” but with Malay roots). Then, "Due to the blessings and grace of Allah" was substituted with "Due to the blessings and grace of God". These changes had great impacts on Muslims as they positioned Islamic sharia to co-exist with the national law. Thus, religious constitutionalism that should have been able to grow in Indonesia and
become a basis for political life, especially the values of the Islamic religion, fell before it could develop.

4.3 CHANGES IN THE INDONESIAN LAW’S WELTANSCHAUUNG DURING THE OLD ORDER ERA (AUGUST 18TH, 1945 TO MARCH 12TH, 1967)

The reign of the Old Order led by Soekarno-Hatta started when these two proclamatory figures were appointed by the PPKI through acclamation as president and vice president on August 18th, 1945 (Marwono, 2021). This acclamation government ended in 1949, but both were rechosen as president and vice president of the United Republic of Indonesia (Republik Indonesia Serikat/RIS). In 1950, an Integral Motion happened, thus, the states of RIS returned to become part of the unified state. But Hatta stepped down on December 1st, 1955, making Soekarno have more space to dominate. He started a new round which he called the Guided Democracy (Demokrasi Terpimpin). Even, based on the suggestion of A. M. Hanafi, a figure that was known to be close to PKI (Poeze, 2020) and Chaerul Saleh through the Decision of the Temporary People’s Representative Assembly No. III/MPRS of 1963, Soekarno was determined as president for life. Soekarno’s government ended as he allegedly made policies that benefited PKI, one of which was not dissolving it. Even so, according to Salim Said, Soekarno did not support PKI and even, he did not love his wives but he only loved his own ideas (S. Said, 2013). Soekarno was officially terminated from his position on March 12, 1967, based on the decision of the Temporary People’s Representative Assembly No. XXXIII/MPRS/1967.

The Old Order faced issues with international and national security. The Netherlands, which has not yet acknowledged Indonesia’s independence, established the Crow Operation to retake Indonesia’s sovereignty. The fight between Indonesia and the Netherlands was unavoidable, but it finally ended at the negotiating table of the Round Table Conference. But interestingly, Indonesia’s legal weltanschauung experienced changes when compared to the Preamble of the 1945 Constitution and the Pancasila of August 18th, 1945 as what was written in the Constitution of RIS on October 29th, 1949 and the Temporary Constitution on August 15th, 1950. The contents of Pancasila were changed into Belief in One God, Humanity, Nationality, Democracy, and Social Justice. The two contents of the RIS preamble (“Mukaddimah”) and the Temporary Constitution showed the dominant influence of M. Yamin. In the RIS Constitution the word
“Mukaddimah” was chosen for Preamble instead of “Pembukaan” where in the PPKI meeting, there was a debate to change the word “Mukaddimah” in the Jakarta Charter. The substance of the Preamble of the 1945 Constitution and Pancasila experienced changes, becoming simpler. Changes in the RIS Constitution in the end influenced the Temporary Constitution.

The issue of security in the country regarded riots in various regions. These riots started after the proclamation. The riots were called the “Masa Bersiap” (Preparation Period) targeting Indo-European people. The nationalist movement of Indonesia which was led by figures such as Soekarno and Hatta strived to confirm their authority on the newly-formed state. This brought unwanted side effects (Iskandar, 2015). The Dutch government which strived to regain control over Indonesia during this time caused conflicts and violence during the Indonesian National Revolution (Suratminto, 2020). Masa Bersiap brought significant impacts towards the citizenship rights of the Indo-European community that was deemed as a symbol of colonialism in the past. It became one of the legitimations for the rebellion of the Republic of South Maluku (Republik Maluku Selatan/RMS) which was due to the abundant amount of European and Indo-European people, former Koninklijke Nederlands Indische Leger (KNIL/Dutch East Indies kingdom Army) and Nederlands Indies Civil Administration (NICA/Dutch East Indies Civil Government) members that generally originated from Manado-Minahasa and Ambon. They became the blind targets for anti-Dutch riots, even though they were not pro-Netherlands (Metanasi, 2014). Apart from other factors such as injustice, this was due to the violation of the agreements of the Round Table Conference and ethnical differences (Oostindie, 2016). This rebellion became a clash between traditional, colonial, and newly-born nationalism weltanschauung.

From October 1945 to 1947, riots also happened in Tegal, Brebes, and Pemalang which were triggered by PKI through its shell organization called Gabungan Badan Perjuangan (GBP/The Association of Struggle). These riots extended to Cirebon, Banten, and Tangerang. These riots were simultaneous with the event of the Gerakan Persatuan Perjuangan (volksfront/The United Struggle Movement), an alliance organization in East Sumatera led by Gerakan Indonesia (Gerindo/Indonesia Movement), PKI (The Indonesian Communist Party), and PNI (The Indonesian National Party) or the group of radical pro-republic youth which killed, raped, and massacred Malay royals in Asahan, Tanjung Balai, Tanjung Pasir, Karo, Deli, and Serdang sultanates in East Sumatera. Only
in a few days since March 4th, 1946, all male Malay royals in East Sumatera were caught and killed, reaching 140 people, including chiefs, employees that were educated by the Dutch, and most Tengku (lords/royal men of the Malay tribe). These events seemed to be commanded by a centered power because, at this period, there were similar events in six regions. The aim of the GBP and Gerindo were the same, namely to take over the government by kidnapping heads of the police force, regents, wedana (helpers of regents), heads of villages, and heads of districts who had different opinions from them and who were deemed as leftovers of the feudal government. These organizations did not hesitate to murder these figures (Depdikbud, 1994). Even though the rapists had been caught and killed, the revolution had grown out of control (Sinuhaji, 2007).

From the perspective of the weltanschauung, these riots did not come from the void, but it was due to changes from the colonial law that were side by side with feudalism in various forms of divide et impera, such as the colonial policies in the past which divided citizens into two, namely priyayi as colonial administrators that were placed higher than other people and commoners. This division in society ignited hate and revenge, such as the massacre and rape tragedies of royal families in East Sumatra. This condition was worsened by the spirit of the 1945 proclamation which supported anti-feudalism and anti-colonialism. This spirit was misinterpreted by PKI activists and other militia in the regions. But it was strange that PKI was always present in every riot. PKI knew that the security of the newly-born Indonesia was still weak. PKI's tactics also succeeded because, in the end, Soekarno wanted to negotiate so that PKI and other radical organizations would not disturb the people. These riots were only truly extinguished in 1947 before the appointment of Amir Syarifuddin (a PKI figure) as a prime minister and riots which seem to be acts of rebellion were deemed as “common riots”. But when Amir Syarifuddin took his position as prime minister, PKI figures were inserted into every line of the government, starting from regional officials to police officers. They created conflicts with Islamic groups (Mubarok, 2021).

Also, the movement of legal Islamization from the pre-independence era up to the end of the Old Era transformed into rebellion movements in the name of Islam. Sekarmadji Marijan Kartosoewirjo who disagreed with the change of the proclamation text by Soekarno proclaimed the Negara Islam Indonesia (NII/The Islamic State of Indonesia) or Darul Islam-Tentara Islam Indonesia (DI-TII/House of Islam-Indonesian Islamic Army) on August 14th, 1945 (Santoso, 2013). The DI-TII rebellion spread to
Central Java, Kalimantan, South Sulawesi, and Aceh. In Central Java, Tengah Amir Fatah Wijayakusuma rebelled because he felt to have been treated discriminatively as an ex-member of Hizbullah (a political and para-military organization). He rejected complying with ex-KNIL. Moreover, he regarded that Tegal City was under the control of PKI (Metanasi, 2009). Kahar Muzakkar in South Sulawesi also joined NII. Kartosoewrjo led the *Tentara Kemerdekaan Rakyat* (TKR/The Army of People’s Independence) and it was only broken on February 3rd, 1965 (Wiharyanto, 2011). The DI-TII rebellion in South Kalimantan was led by Hader bin Umar (Ibnu Hajar or Angli). Then, in Aceh, it was led by Daud Beureuh (Iriana, 2022).

The DI-TII rebellion which happened in Aceh occurred whilst the central government had internal conflicts. This was proven by the frequent changes in the people that take the position of prime minister. The rebellion in Aceh erupted on September 19th, 1953, due to Daud Beureuh’s disappointment in Soekarno who he deemed as breaking his promise. As a consequence, the Aceh people must become part of the victims due to the special operation of the Daerah Operasi Militer (DOM/Military Operation Territory) in Aceh. It was estimated that the victims reached 35,000 people (Darwis, 2019). The conflict of Aceh against the Republic of Indonesia was basically not a conflict against the Indonesian people, but it was Aceh’s conflict against Soekarno. Thus, up to now, it has grown into a latent ethnical conflict between Aceh and Java (as Soekarno was a Javanese) (Suryanegara, 2015). This rebellion ended peacefully after Aceh’s status was recovered on May 16th, 1959. But some Aceh army combatants still fought up to 2008 (Elson, 2009).

Based on these facts, it was found that even though DI-TII rebellions had the motive of Islamic *weltanschauung*, they brought concrete issues that were at that time unsolvable by the central government. Soekarno and other founding fathers were strongly influenced by the modern worldview which desired uniformity, as seen in Soekarno’s speech on January 17th, 1953 in Amuntai, South Kalimantan. In his speech. Soekarno declared that an Islamic state was not desired in the state of Indonesia as a *national staats* because if a state is established based on Islamic law, territories where the majority of their population are non-Muslims will separate from the newly formed unified state. In consequence, Soekarno’s promise to the Aceh people to allow them to apply the Islamic sharia according to the teachings of their ancestors was annulled by Soekarno for the sake of Indonesia’s unity and uniformity (Feith, 1971).
There were continuous efforts to reconcile the state and Islam amid these rebellions in the constituent parliament. But PKI’s rise in 1955 with the vote obtainment of 6.176.914 [16.4%] became a rival of the Masyumi party which embraced the Islamic ideology. This made the reconciliation fail. PKI questioned the divinity concept by asking for the application of the *Clausula Lenin* (Direktorat Publisitet dan Penerangan Daerah, 1961), i.e., “freedom of religion and embracing beliefs in life”, including “the freedom to not embrace a religion” (Latif, 2015a). On the other hand, figures of the Islamic group, such as Muhammad Natsir and Hamka, suggested that the promise of independence in the form of changes to the 1945 Constitution during the era of peace should immediately be carried out. Because of that, the NU (Nahdlatul Ulama Party) fraction and other Islamic parties suggest that the Preamble of the 1945 Constitution should literally show Islamic values, as in the authentic results of the BPUPK meetings (Dhorurodin Mashad, 2021). But then, Soekarno used the decree of July 5th, 1959 which brought double impacts, namely the sublimation of the Jakarta Charter as a spirit of the 1945 Constitution and starting the Guided Democracy. The return of the Jakarta Charter was supported by the Islamic group. But in a storm of critiques, the Guided Democracy was supported by Muhammad Yamin (Yamin, 1958).

During the era of Guided Democracy, presidents had great authority to govern and take action. This great authority was sourced from Article IV of the 1945 Constitution transition rules, before the People’s Representative Assembly, Legislative House, and Supreme Advisory Council were formed. The regulation issued was called *Penepatan Presiden* (PENPRES/Presidential Decision), meanwhile, regulations which were sourced from Article 4 clause (1) of the 1945 Constitution and the PENPRES were called *Peraturan Presiden* (PERPRES/Presidential Regulation). Then, the extraordinary authority may also be sourced from the Decree of July 5th 1959 which existed outside of the 1945 Constitution (Farida, 2020). Based on these PENPRES and PERPRES, Soekarno collected all power in his own hands. He had the position of a president which was a mandatary of the People’s Representative Assembly (meaning that the president holds power over the government and he must implement the decisions of the People’s Representative Assembly), the highest general of the Republic of Indonesia’s Armed Forces (ABRI/Angkatan Bersenjata Republik Indonesia) and the great general of revolution. All state policies originate from state speeches which he delivered (Arenas, Gonzales, Cruz, Carbajal, & Lugo, 2023). With his authority as the mandatary of the
People's Representative Assembly, Soekarno formed a work cabinet. Members of the Temporary People’s Representative Assembly were appointed by the president, with the requirement that they must agree to return to the 1945 Constitution as well as be loyal to the struggle of the Republic of Indonesia and the political manifesto written by D. N. Aidit (Head of PKI). He used this position for the benefit of the communist ideology (Sudirman, 2019).

The moment of the communist weltanschauung infiltration in Indonesia was visible when Soekarno delivered his speech entitled “The Rediscovery of Our Revolution” on August 17th, 1959. He submitted the script of his speech to the Supreme Advisory Council so that its contents may become the Outline of the State’s Direction. Supreme Advisory Council formed a committee and appointed D. N. Aidit as the head, who had the job to write a document entitled “The Political Manifesto of the Republic of Indonesia”. Inevitably, it contained programs and revolution theses according to PKI. As a state document that is used to give direction to development, it was very easy for the PKI to dictate its desires in all sectors, including the sectors of governmental structure, politics, socio-culture, law, as well as defense-security (Samsudin, 2004). The Outline of the State’s Direction of the Old Order was determined based on the decision of the Temporary People’s Representative Assembly No. 1 of 1960 on the Political Manifesto. Then, the Decision of the Temporary People’s Representative Assembly No. 2 of 1960 contained the First Phase of the Development Pattern Outline which contained totalitarian governmental programs.

These programs impacted artistic creations and entertainment tastes which must adjust to the Political Manifesto. The Koes Plus band was detained as it spread new colonialism-imperialism culture. In the education and military sectors, indoctrinations on colonialism happened and cells were trained in ABRI. Aidit justified the economic downturn as a transitional phase to achieve Indonesian socialism. This statement was in line with a Marxist theory (Djamaluddin, 1998). Soekarno’s idea of a socialist Indonesian society was deviated by Aidit, thus disturbing the political stability of the Old Order.

PKI’s closeness to Soekarno led to Hatta’s resignation, the revolutionary rebellion of the Republic of Indonesia and the Struggle of the People of the Universe (Pemberontakan Revolusioneer Republik Indonesia dan Perjuangan Rakyat Semesta/PRRI-PRMESTA) in Sumatera. For Sumatra people, such as Mochtar Lubis, regional loyalty will only increase their opposition to communism. After a series of
meetings, the Sumatra people demanded the election of a new president as Soekarno was suspected of siding with PKI (Chamsyah, 2008). Sumatra also demanded the substitution of Nasution and his supporters in the army and the dissolution of PKI. But this resolution was ignored (Hill, 2010). Hans Chaniago stated that PRRI was not only supported in Central Sumatera, but it also gained support from West Sumatera, Riau, Jambi, and Sulawesi (Chaniago, 2022). Because of that, this conflict became somewhat of a complex clash of weltanschauung, involving primordialism or ethnicity, Islam, and anticommunism.

On December 31st, 1959, Soekarno issued Presidential Decision No. 200/1960 which dissolved Masyumi and PSI parties due to the involvement of Natsir, Syafruddin Prawiranegara, and Burhanuddin Harahap in PRRI Permesta (Luth, 1999). After Masyumi was dissolved, Soekarno had more space to apply the Guided Democracy. Thus, in 1963, Soekarno appointed himself as president for life based on the Decision of the Temporary People’s Representative Assembly No. III/MPRS/1963. During the Guided Democracy era, figures who had the basis of civil power were imprisoned by Soekarno. Mochtar Lubis, Isa Anshary, Gozali, Hamka, Sjafrudin Prawiranegara, Mohammad Natsir, Burhanuddin Harahap became political prisoners. This showed that Soekarno had exorbitante rechten (extraordinary rights) which he ironically fought against during the colonial era (Hatta & Agung, 1987). These prisoners were accused of being contra-revolutionary figures (Handoko, 2017). Even, Hamka was accused of undergoing subversive activities and was the stooge of Malaysia, even though there were no trial processes for these accusations (Husaini & Setiawan, 2020).

The success in handling this rebellion gave new energy for Soekarno to consolidate his power. In 1964, Soekarno wrote about his support for Guided Democracy. It was simultaneously a Pancasila course material that was demanded by Pamulahardjo. In a document entitled Tjamkan Pantja Sila: Pantja Sila Dasar Falsafah Negara (Remember Pancasila: Pancasila as the Base of the State’s Philosophy), that was published by the Republic of Indonesia’s Department of Enlightenment at that time, Soekarno juxtaposed social justice with Guided Democracy (Soekarno, 1964). Soekarno perhaps did not mean to change Pancasila, but he only showed his freedom as a thinker to interpret Pancasila. But with Soekarno's highly superior position and the fact that he was even deemed as an incarnation of Pancasila itself, it was very difficult to not deem that Soekarno has added the phrase “Guided Democracy” as the fifth principle of
Pancasila, as the guided democracy was used as a legitimacy of the Old Order’s economic policies that were condemned by other founding fathers.

But then there was an economic crisis and opposition between the Indonesian National Army (Tentara Nasional Indonesia/TNI) and PKI sharpened. PKI carried out a movement of rebellion on September 30th, 1965 (named G30SPKI). PKI took notes on the Guided Democracy and proved that Soekarno can turn into an authoritarian figure due to support from the military. PKI witnessed that after the issuing of the Decree of July 5th, 1959, the army directly gave a command to guard the application of that decree. It was a fact that since the revolution period (1945-1949) political parties fought over the army’s support so that politicians’ efforts can be supported by the military (S. H. Said, 2018). The position of the TNI became highly strategic because, since 1948, militarization happened to companies under the Ministry of Finance (Presidential Decree No. 50 of 1948), oil companies (Presidential Decree No. 55 of 1948), and plantations (Presidential Decree No. 64 of 1948). This made PKI regard TNI monopolized state-owned business enterprises. Meanwhile, on the contrary, PKI wanted to take over companies that were already nationalized by the military by claiming that it was for the sake of the people. In this case, PKI needed these companies to increase its dominance in Indonesia (Ricklefs, 2008). The claim to represent the people made PKI feel that it had a greater right to manage state-owned business enterprises during the Old Order era compared to the army.

PKI also felt that its interests were disturbed by TNI as not all lines of the military can be infiltrated by the communist ideology. Thus, PKI brought up an issue on the general assembly of the army, stating that the assembly has too far intervened in the Indonesian revolution. Using that excuse, the PKI claimed to want to save the revolution by carrying out a coup d’état. Victor Miroslav Fic’s report in the book Kudeta 1 Oktober 1965: Sebuah Studi Tentang Konspirasi (Coup d’État of October 1st, 1965: A Study on Conspiration) uncovered the fact that Aidit asked for advice from Mao Tse Tung on what actions must be carried out concerning the army. Mao straightforwardly stated, “Take out all of house reactionary generals and commissioned officers in one hit. The military will then become a headless dragon that will follow you.” Aidit objected to that suggestion, because then, how many commissioned officers must be killed? But Mao assured he has killed 20,000 cadres in North Shensi in one hit (Fic, 2005). Aidit then carried out a rebellion which aimed to take over the military but failed. This had extensive impacts. In the bottom layer, great riots happened and it went on for years. For years, PKI members
who hid in villages were chased down. PKI did not only have conflicts with the military, but it also conflicted with Islamic militia (Ricklef, 2012).


The New Order was marked by the strengthening domination of the military. It was no less than continuing the authoritarianism of the Old Order, but it was strengthened in the formal-legalistic aspect. The New Order carried out some steps in developing the legal weltanschauung in 1966. First, it organized marathon meetings to bring down Soekarno’s power. For one day, the Temporary People’s Representative Assembly formulated juridical bases in the form of decisions that were controlled by TNI. Second, there was a reinterpretation of Pancasila helped by Hatta (ex-Vice President of the Old Order era) under the pretext of purification and solidification (Hatta, 1984). Third, Pancasila was linked to the Proclamation of August 17th, 1945, the Decree of July 5th, 1959, the Proclamation Constitution of 1945, and the Warrant of March 11th, 1966. Fourth, the purified and solidified Pancasila became an object of academic review by forming a center of Pancasila studies in the Institute of Teacher Training and Educational Studies (Institut Keguruan dan Ilmu Pendidikan/IKIP) of Malang which was at that time led by Colonel Darji Darmodiharjo (Laboratorium Pantjasila IKIP Malang, 1971). Fifth, other regulations, decisions, and policies were issued to bring order to other ideologies by applying Pancasila as a single principle. Thus, this brought conflicts between various student movement organizations and Islamic college students (Pusat Data dan Analisis Tempo, 2020). The figure below shows the legal foundation of the New Order in 1966:
According to the New Order regime, weltanschauung, legal awareness and ideals, as well as noble moral ideals that encompass spiritual ambience as well as characteristics of the Indonesian nation, was purified and solidified on August 18th, 1945 by the PPKI and it became the Republic of Indonesia's State Foundation. The manifestation of the source of all legal sources for the Republic of Indonesia was the Proclamation of August 17th, 1945, the Decree of July 5th, 1959, the Proclamation Constitution of 1945, and the Warrant of March 11th, 1966, all of which had the position as Indonesia's legal source. Also, during the New Order Era, based on Decision No. XXVIII/MPRS/1966 of 1966, weltanschauung and ideology were not differentiated. According to Yudi Latif, weltanschauung needed to be systematically and rationally formulated; becoming a scientific worldview that is congruent with philosophy (philosophische grondslag) (Latif, 2015b). As a scientific worldview, Pancasila can become a state ideology, after going through that stage, not through the process of a governmental decision.

One of the New Order’s efforts to purify Pancasila from the influence of the Old Order was by eradicating the communism, Marxism, and Leninism ideologies with the issuing of the Temporary People’s Representative Assembly No. XVIII/MPRS/1966 which prohibited the spread of these teachings (Hakim, 2023). But the authoritarianism of the Guided Democracy was still practiced. In turn, the eradication of the communist ideology was continued with the total eradication of the influence of Soekarno's thoughts. If in the Old Order era, the political orientation was a commander in chief that was
planned in the five-year development plan, thus during the New Order era, it was substituted with the program orientation that resulted in capitalistic five-year development plans (Repelita I-VI) with American investors (Suu & Tung, 2023). Only a small number of indigenous Indonesians became business owners unless they were funded by foreigners through various work contracts such as Freeport (gold mine) in Papua, as well as a guarantee of support from the United States government (Tim Mahasiswa Sosiologi dan Minat Sosialologi Pembangunan UMM, 2017).

The New Order’s objective was no less than to negate the political manifesto and the Indonesian socialist society planned by Soekarno. At this point, the battle of the legal weltanschauung seemed to be an open arena between communism and capitalism. Because of that, according to Kuntowijoyo, the abuse of Pancasila during the New Order did not change the principles of Pancasila but it was an abuse towards political and economic practices. Kuntowijoyo stated a relevant analysis that the Old Order has theoretically acknowledged the belief in God but it practiced materialism. This was continued by the New Order which practiced secularism. The Old Order acknowledged humanity but it practiced class contradiction, while the New Order implemented political violence. The Old Order wrote about unity but practiced internationalism. On the contrary, the New Order used militarism methods. The Old Order substituted democracy with Guided Democracy, meanwhile the New Order continued this by practicing authoritarianism. The Old Order acknowledged social justice, but it practiced proletary dictatorship. On the other hand, the New Order ran capitalistic practices (Absori, Wardiono, & Rochman, 2015).

The efforts to solidify Pancasila included the issuing of the Presidential Instruction No. 12 of 1968 on the Order of Pancasila Formulation, considering that at that time, there was not yet uniformity in the order and formulation of the principles in the writing, reading, and stating of Pancasila. This instruction returned Pancasila according to the PPKI meeting of August 18th, 1945, but it conflicted with the Decree of July 5th, 1945. This conflict was because the Decree of July 5th, 1945 repositioned the Jakarta Charter as a spirit of 1945 which was substantially different from the 1945 Constitution that was validated on August 18th, 1945, where Pancasila was one of the paragraphs in it. There were at least two differences. In the Jakarta Charter, the phrase “Hukum Dasar” (Basic Law) was written, while in the preamble of the Constitution, this phrase was substituted with “Undang-Undang Dasar” (Constitution). In the Jakarta Charter, the first principle of
Pancasila stated “Belief in One God by implementing the Islamic sharia for its embracers”, while in the Preamble of the Constitution, it was changed into “Belief in One God.” According to Greg Barton, the New Order regime actually viewed Islam as a tool to maintain power and pressure the opposition (Barton, 2021). The New Order then established the Indonesian Islamic Scholar Assembly (Majelis Ulama Indonesia) in 1973 as part of the rationalization of political life and it encompassed all Islamic parties in Indonesia (Kersten, 2016).

According to the New Order, solidification meant legitimization. Because of that, the Decision of the Temporary People’s Representative Assembly No. XX/MPRS/1966 contained the Warrant of March 11th as one of the materializations of the Indonesian legal weltanschauung. Even though normatively, no statement on a governmental arrangement that can be defined as a shift in power can be found, three months after that, Decision of the Temporary People’s Representative Assembly No. IX of June 21st, 1966 trusted Soeharto to defend the efforts to achieve a revolution (Pambudi, 2009).

The reformation started in 1998 after the fall of President Soeharto’s authoritarian regime. It did not change the elements or principles in the Indonesian legal Weltanschauung. But some figures used new approaches to interpret Pancasila. During this period, there was a significant shift in the center of the ideological gravitation from the New Order regime to a more democratic and pluralistic society (Bourchier, 2019). The Reformation era was marked by political conflicts between various parties and movements (Guridno, 2022). During the Reformation era, there was a significant change in the Indonesian legal system as part of the transition to democracy. Formerly conflicting territories such as Aceh and Padang obtained autonomy to implement Islamic sharia according to their customs and culture (Suh, 2012), even though terrorism in the name of Islam was still found. There was a great chance that this transition also involved a shift to a more liberal, Islamic, or democratic legal framework that respects human rights and individual freedom, even though the potential for conflicts of worldviews still exists.

5 CONCLUSION

From 1945 to 2000, there had been changes to the Indonesian legal weltanschauung. Apart from these changes, it meant changing weltanschauung which became ideologies in the New Order Era. There were also changes to the principles in Pancasila that were deemed as absolute in the shift of the Jakarta Charter of June 22nd
1945 to the Preamble of the Constitution of August 18th, 1945, up to the Constitution of the United Republic of Indonesia of October 29th, 1949 and the Temporary Constitution of August 15th, 1950. These changes caused bloody conflicts between different weltanschauungen, such as communism. Communism provoked riots and massacres in various areas, up to the rebellion in Madiun and G30SPKI. On the contrary, Soekarno’s closeness with PKI was misinterpreted, thus resulting in the birth of the PRRI-Permesta movement. Protest movements against the failure to read the Jakarta Charter on August 17th, 1945 also led DI/TII riots in West Java that extended to Aceh. Experience from all transitions of regimes up to the reformation era has made the Indonesian legal weltanschauung have pluralistic interpretation, even though conflicts on worldviews may still potentially happen in the future.

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REFERENCES


Coyne, R. (2018). Bearers of Transience: Simmel and Heidegger on Death and


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**Pernah Diasingkan.** Yogyakarta: Roemah Soekarno.


Mizan Pustaka.


The Republic of Indonesia’s State Secretary. (1945). Himpunan Risalah Sidang-Sidang


