

# THE PRECEPTS OF INDONESIAN UNITY AS MATERIAL FOR REFLECTION ON IMPLEMENTING HUMAN RIGHTS VALUES

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## ABSTRACT

*Indonesia as a state of law and part of the world community, cannot be apathetic about human rights issues. Human Rights is an outward right that is owned by all human beings and comes directly from God Almighty. The ideology of the Indonesian state, namely Pancasila, has determination in upholding human rights. This discussion will focus on the implementation of human rights values in the third principle namely the unity of Indonesia. In writing this article, how the precepts of Indonesian unity can be used as a reference in realizing the values of Human Rights in the life of society, nation and state. Basically, the principle of Indonesian unity is a form of explicit elaboration in implementing human rights in shaping the harmonious life of the Indonesian people through unified and unified actions for the sake of the full peace of life of the Indonesian people. Unity is a means of holistically upholding human rights, because with unity all people will understand their rights and obligations as citizens, especially in upholding human rights.*

**Keywords:** Pancasila, Unity Of Indonesia, Human Rights.



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## 1. INTRODUCTION

Every individual born into this world has a set of rights that are gifts from God that are given automatically to the individual when he or she is born into this world. This is very basic and fundamental for human life and is a natural right, which cannot be separated from and in human life. Therefore, human rights have existed since human beings were born into this world. The founders of the State have realized that the fundamental rights possessed by every human being and also the nation make humans have a high dignity and degree

compared to other creatures (Dicky F.C & Puji Wiyatno, 2018, pp.207-208). Likewise, the Indonesian nation can stand as an independent and dignified country like other independent nations in the world. That is why the material related to human rights by the founding fathers has been incorporated in the formulation of Pancasila and the 1945 Constitution.

Indonesia is a state of law, this means that every state administration in the Republic of Indonesia (RI) must be based on applicable law, including human rights issues (Yuli A.T, 2017, p.280). Human rights in the life of society, nation and state within the territory of the Unitary State of the Republic of Indonesia originate from Pancasila, because Pancasila is a guideline for the life of Indonesian citizens in navigating a life. Especially the principle of Indonesian Unity considers that this principle is also very concerned about human rights as a human right that must be protected and upheld in creating a safe and peaceful harmony of life.

Indonesian Unity is the third principle in the nation's ideology. This third principle has the essence of the spirit of nationalism in realizing its practice. According to Januarius (In Ekalias Noka S., 2021, p.52) unity and integrity will be realized by prioritizing the interests and safety of the nation and state over personal or group interests. The meaning of the values of Indonesian unity means not wanting division both as a nation, and as a state. This has also been stated as a gift from God, because in fact humans who live on this earth must live happily, it has become human nature (Ruksah Nur K, 2017, p.1061).

History has revealed that Pancasila is the soul of all Indonesian people, which gives life force to the Indonesian nation and guides it in pursuing a better inner and outer life, in a just and prosperous Indonesian society. That Pancasila which has been accepted and stipulated as the basis of the state as stated in the preamble of the 1945 Constitution is the personality and outlook of the nation's life, which has been tested for its truth, ability and power, so that no one force is also able to separate Pancasila from the life of the Indonesian people. Pancasila in this country of Indonesia, the government has agreed that it is final and cannot be changed as a state ideology.

In the precepts of Indonesian Unity or the third precept in Pancasila views that human rights for citizens must be protected comprehensively because it is the obligation of the state to protect these human rights. The real contribution of this third is to provide protection for its citizens to gather with others. This should not be hindered by anyone because gathering is a human process in achieving the level of happiness, meaning that anyone, whether the government or other people, should not interfere at all.

## 2. RESEARCH METHODS

In an effort to find data as material for writing this article, the author uses the literature study method, namely by using valid sources of material such as journals or articles, reference books, and opinions from several experts on how the precepts of Indonesian Unity implement the values of Human Rights (HAM) to maintain and protect the rights that have become the nature of Indonesian citizens universally.

## 3. RESULTS AND DISCUSSION

### **Basic concept of human rights**

Human rights are rights that humans have simply because they are human, not because they are given by society, or based on positive law, but solely based on their dignity as human beings (Yuli Asmara T, 2017, p.282). In this sense, even though everyone is born with different skin color, gender, language, culture and nationality, they still have these rights. This is the universal nature of human rights. These rights are inalienable. This means that no matter how badly a person has been treated or how cruelly they have been treated, they will not stop being human and will still have these rights without being castrated by others.

Human rights are indeed intended for all human beings regardless of the human physique, no matter if the person is beautiful or handsome, has white skin, has straight hair and a tall body, it is all not important, the most important thing is how every human being can respect the rights that are inherent in each individual. Humans created by God have been given the right to life, freedom, and happiness, these three things are already absolute human nature and cannot be denied by anything and anyone. Basically, it is a human obligation to continue to respect every right owned by an individual's duty as a human being not to interfere or disturb the rights of others by respecting the rights of others.

John Locke (In Yuli Asmara, 2017, p. 283) argues that all individuals are endowed by nature with inherent rights to life, liberty and property, which are their own and cannot be revoked or stripped by the state. Through the social contract, the protection of these rights is left to the state. When the state ignores them, freeing the people removes the ruler and replaces him with a government that is willing to respect these rights. Through this theory, the existence of pro-positive individual rights is strongly recognized and the state is obliged to uphold each individual's rights at all times. Simply put, according to Locke's view, the state must always be present to protect its people in upholding the rights that have become human nature from God, because it is the duty of the state to make its citizens happy.

International human rights as stated in the UN Charter on Human Rights has a basic principle, among others: First, the principle of equality is an idea that all people are born free and have equality in human rights. In the principle of equality, affirmative action (positive discrimination) is recognized. Second, the prohibition of discrimination (non-discrimination). If all people are considered equal, then there should be no discriminatory treatment. Third, the principle of interdependence. This principle asserts that the fulfillment of rights often depends on the fulfillment of other rights, either in whole or in part. Fourth, the principle of interchangeability (inalienable). The principle understanding of rights that cannot be transferred, cannot be taken away or exchanged for certain things. Fifth, the principle of dependence (indivisibility). This principle is actually a development of the principle of interrelatedness. Human rights, whether civil, political, social, cultural, economic rights, are all inherent, namely integrated in human dignity. Sixth, the last principle is related to human dignity. Human rights are inherent and owned by all human beings in the world. This principle emphasizes the need for everyone to respect the rights of others, live peacefully in diversity that can respect one another and build strong tolerance between people (Honning S, John Pieris, & Daniel Yusmic, 2021, p. 151).

HAM sendiri tidak berlaku di negara Indonesia saja, melainkan semua negara yang ada di dunia ini wajib menjunjung tinggi setiap hak yang sudah melekat pada diri tiap manusia. pelaksanaan HAM pada dunia ini dilaksanakan secara massif, karena sudah sejatinya tiap negara yang masuk dalam keanggotaan PBB wajib melindungi hak tiap manusia dan ini sudah kesepakatan bersama dalam sidang PBB yang tertuang dalam *Declaration Human Rights* 1948. Seperti yang dikemukakan oleh Theodor Rathgeber (2014, hlm. 135) *Every state that is a party to one of the UN treaties must accept international monitoring by independent experts. Finally, the UPR procedure, established in consensus by the emerging HRC in 2007, provides a mechanism to assess the human rights situation in a country through a procedure within an international monitoring system.* Artinya setiap negara bagian yang merupakan pihak untuk satu dari perjanjian-perjanjian PBB harus menerima pemantauan internasional oleh pihak independen ahli. Akhirnya, prosedur UPR, yang ditetapkan dalam konsensus HRC (Dewan PBB Hak Asasi Manusia) pada tahun 2007, menyediakan mekanisme untuk menilai manusia situasi hak di suatu negara melalui prosedur dalam sistem pemantauan internasional. Ada yang menarik dalam konsep dasar HAM ini bagaimana Gambia pernah lantang menawarkan dengan membentuk *Commonwealth Human Rights Commission (CHRC)* yang merupakan lembaga yang bertugas untuk memakmurkan rakyat yang mencocokkan dengan kebijakan

konkret dan tanggung jawab negara dalam memakmurkan rakyatnya. *The campaign for a CHRC offers a unique window into the international history of human rights in the late 1970s and early 1980s. Scholars typically demarcate much of this period as ‘the breakthrough’ for human rights as a major international movement* (James Kirby, 2021, hlm. 192). Yang artinya kampanye untuk CHRC menawarkan jendela unik ke dalam sejarah internasional HAM pada akhir 1970-an dan awal 1980-an. Cendekiawan biasanya membatasi sebagian besar periode ini sebagai terobosan untuk hak asasi manusia sebagai pergerakan utama internasional.

Benjamin Gregg (dalam Salvador Santino, 2019, hlm. 280), in *The Human Rights State, argues that we need to rethink human rights in a post-metaphysical or even a post-religious way, thereby advocating for a constructivist conception of human rights*. Benjamin Gregg berpendapat bahwa kita perlu memikirkan kembali manusia hak dengan cara pasca metafisik atau bahkan pasca agama, dengan demikian menganjurkan konstruktivis konsepsi hak asasi manusia. pendapat Gregg ini memang relevan dengan kehidupan manusia sejatinya memang dalam urusan keyakinan itu merupakan urusan pribadi manusia yang sejatinya negara harus hadir melindungi itu semua karena hal tersebut sudah merupakan konsep dasar dari HAM.

### **Relationship between Human Rights and Pancasila**

One of the characteristics of human rights is that they are universal. This means that human rights are rights that are owned by every human being in the world without discriminating against ethnicity, religion, race or class (Dicky F.C & Puji Wiyatno, 2018, pp. 232-233). Therefore, every country is obliged to uphold human rights. However, the characteristics of human rights enforcement vary from one country to another. Ideology, culture and distinctive values of a country will affect the pattern of human rights enforcement in a country. For example, in Indonesia, the process of enforcing human rights is carried out based on the state ideology, namely Pancasila. Pancasila is an ideology that prioritizes human values. Pancasila highly respects the human rights of every citizen and non-citizen of Indonesia. It has been explicitly explained that Pancasila is an ideology in which there are values to uphold human rights values universally regardless of ethnicity, race, religion, and intergroup. Pancasila also strongly upholds and protects the human rights of other nations as well, meaning that it is not only intended for the Indonesian people but the rights of other nations are also upheld by Pancasila in this case Pancasila in upholding human rights does not apply to Indonesian citizens alone but its scope is comprehensive for all humans in this world.

The ideal values in Pancasila are related to the nature of human rights enforcement. These basic values are universal so that they contain ideals, goals, and values that are good and right. The relationship between human rights and Pancasila can be briefly described as follows (Syarbaini, 2003, p. 32):

1) Almighty God

Guaranteeing the right to freedom to embrace religion, practice worship, and respect for religious differences.

2) Fair and Civilized Humanity

Placing every citizen on an equal footing in the law and having the same obligations and rights to obtain legal guarantees and protection.

3) Indonesian Unity

Mandating the existence of a unifying element among citizens with a spirit of self-sacrifice and putting the interests of the nation and state above personal or group interests.

4) Democracy Led By Wisdom In Representative Consultation

Reflected in the life of government, state, and democratic society.

5) Social Justice for All Indonesian People.

Recognize individual property and social security rights protected by the state and the right to employment and protection.

**Human Rights Values in the Precepts of Indonesian Unity**

Pancasila itself in its substance is actually very concerned about human rights issues. exclusively in the principle of Indonesian Unity there are several human rights values contained in the third principle, namely:

1. The right to enjoy their human rights without restrictions and shackles.
2. The right of human beings to associate with each other in a spirit of brotherhood (Right of Association).
3. The right to be born free and to have equal dignity and rights.
4. The right to continue offspring to form a family.
5. The right to advance himself in fighting for his rights collectively to build his society, nation and country.

First, humans in exercising their rights should not be limited by anyone, because it is human nature to use their rights as long as they do not clash with and violate the rights of others. This means that all humans do not have the right to limit the rights of others because if this is done,

it is included in the violation of human rights. Everyone must respect the rights of others without any discrimination so as to create a unity that produces harmony in the life of society, nation and state.

Second, humans absolutely must be given the freedom to gather because it is their right to seek happiness by capitalizing on an association that will produce a complete and unified unity. Basically, referring to Aristotle's opinion, namely *Zoon Politicon*, which means that humans cannot live alone but in living a life, humans really need the help of others in navigating a life.

Third, the right to be born free is also the substance of the precepts of Indonesian Unity with all human beings having equality by being given the right to be born free, so it can automatically be ensured that it can accidentally produce harmony in the life of society, nation and state.

Fourth, the right to continue offspring is also a natural right of every human being. continuing offspring is the pinnacle of human happiness to continue the baton of family dynasty life. In continuing offspring, perhaps the value that we can learn is the existence of harmony in family life so that the substance is very correlated with the precepts of Indonesian Unity because the practice teaches us that prioritizing public interests is more important than personal interests.

Fifth, the right to advance oneself collectively for the sake of the life of the community, nation and state is an elaboration of the third precept in implementing the values of Human Rights which have become outward and inward rights to form a whole and unanimous unity for the sake of a dignified national civilization. If self-improvement is carried out collectively, it will make it easier for a person to achieve his goals.

It can be concluded that the substance of Pancasila will always fight for human rights because Pancasila is present to protect human rights universally. In this third principle, the implementation of human rights values that can be developed regarding the promotion of unity and integrity for humans to achieve their happiness, because basically humans in running life cannot stand on their own feet, meaning that all humans really need the help of others to carry out their daily activities.

The Precept of Indonesian Unity explicitly mandates that assembly and association are the passion of the Indonesian people because when someone prioritizes the public interest over personal interests it is better. By prioritizing the public interest, it will have implications for the individual, whereas if we prioritize personal interests, it will not have any implications. Article 28 E paragraph (3) of the 1945 Constitution of the Republic of Indonesia states

"Everyone has the right to freedom of association, assembly, and expression." This article means that anyone in Indonesia is guaranteed the right to freedom of association, assembly, and expression by the constitution. With us gathering there will be born a strong and intact unity that will make the Indonesian nation not divided by any conditions.

Judging from history in 1945, the Indonesian Independence Investigation Board (hereinafter referred to as BPUPKI) was formed to investigate Indonesian independence efforts, including drafting the 1945 Constitution (hereinafter referred to as the 1945 Constitution) as the State Foundation of the Republic of Indonesia. During the second session of BPUPKI, Drs. Moh. Hatta proposed that the rights of voice, association and assembly be mentioned in the constitution, so that the sovereignty of the people would be guaranteed and thus, the government could not act arbitrarily against these rights (M. Husen Azis, 2018, p. 630). After Indonesia's independence, the 1945 Constitution was ratified, which contains regulations regarding the right to freedom of association and assembly in Article 28, which reads "The freedom of association and assembly, to express thoughts orally and in writing and so forth shall be determined by law." From the formulation of the Article, it is further explained through the text of the Explanation of the 1945 Constitution that the formulation in Article 28 regulates the position of the population.

This means that both the ideology of the state, namely Pancasila in the third principle with the 1945 Constitution of the Republic of Indonesia, is in line that the right to assemble is an external human right that must be protected by a state. With Indonesian citizens gathering it is a form of manifestation in creating a strong unity so that this heterogeneous Indonesian nation can be accommodated because of the sense of unity. In essence, the right to assemble and associate is clearly an absolute human right that must be protected by the state.

#### **4. CONCLUSIONS**

Indonesia as a legal state strongly upholds human rights, and Pancasila as the basis of the state and the fundamental foundation contains the values that the state must uphold human dignity as a civilized being in society, nation and state. Pancasila as the legal basis of the Unitary State of the Republic of Indonesia contains moral content and elevates the dignity of the Indonesian people regardless of race, ethnicity and religion. By looking equally at all humans, there is no longer a specialization or being neglected in the conception of human rights. all humans on this earth are born equal, therefore everyone must be treated equally.

In this discussion, the third principle or the principle of Indonesian Unity here really upholds human dignity in the conception of Human Rights integrally. This third precept sees



that the human right to gather with others to achieve happiness. The circle of human rights basically refers to three aspects, namely life, freedom and happiness, these three aspects should not be eliminated because God has given them to humans equally.

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