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# **Embedding Constitutional Principles in the Governance of Pancasila Villages**

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## **Abstract**

This study examines the integration of constitutional principles into the governance of Pancasila Villages within Indonesia's constitutional system. Utilizing a normative-juridical approach, the research analyzes statutory provisions, case law, and scholarly literature to explore how Pancasila functions as both an ideological and legal foundation for village administration. The study identifies key challenges in harmonizing local autonomy with constitutional norms and proposes a transformative governance model that operationalizes participatory democracy, accountability, and social justice at the village level. The findings highlight the importance of embedding moral-ethical dimensions alongside legal structures to ensure that village governance aligns with national constitutional principles.

# **Keywords**

Pancasila Villages, Constitutional Principles, Village Governance, Local Autonomy, Indonesia, Decentralization, Participatory Democracy, Rule of Law.

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#### **Background**

The governance of Pancasila Villages represents an attempt to actualize Indonesia's constitutional ideals at the most fundamental level of society. The 1945 Constitution of the Republic of Indonesia (UUD NRI 1945) establishes the state as a constitutional democracy grounded in the supremacy of law and social justice for all citizens, as reflected in Article 1 paragraph (3), which declares Indonesia as a *negara hukum* (state based on law). This principle of constitutionalism obliges every level of government including villages to operate within the bounds of constitutional norms, ensuring legality, accountability, and the protection of citizens' rights.<sup>†</sup>

The enactment of Law No. 6 of 2014 on Villages marks a significant milestone in redefining the position of villages (*desa*) within the national constitutional framework. This law recognizes the village not only as an administrative unit but as a self-governing community rooted in social, cultural, and local wisdom. The subsequent amendment through Law No. 3 of 2024 further strengthens the institutional basis of village autonomy by emphasizing the importance of participatory governance and Pancasila-based leadership in realizing equitable development.

However, the implementation of village autonomy has faced challenges related to legal coherence, bureaucratic complexity, and the risk of local elite capture.<sup>‡</sup> The ideal of Pancasila Villages intended to integrate moral, democratic, and constitutional values into local governance has not been fully realized. According to the Constitutional Court Decision No. 92/PUU-XXII/2024, the exercise of village authority must remain consistent with the Constitution and the state's ideological foundation, ensuring that decentralization does not contradict the principle of national unity. This decision reaffirms that autonomy at the village level is not absolute but constitutionally bounded.

In this context, embedding constitutional principles in the governance of Pancasila Villages is not merely a matter of administrative reform but a constitutional necessity. It seeks to harmonize three essential pillars: (1) the rule of law as a constitutional principle; (2) the value system of Pancasila as the state's philosophical foundation; and (3) the practice of local self-governance as a manifestation of democratic participation. These elements must interact coherently to ensure that local governance mechanisms do not deviate from national legal standards while preserving the unique cultural and moral identity of each village.

Furthermore, the issuance of Presidential Regulation No. 12 of 2025 on the Strengthening of Pancasila-Based Village Development demonstrates the government's commitment to operationalizing Pancasila at the grassroots level through inclusive, community oriented programs. This regulation explicitly mandates that village governance integrate constitutional principles such as transparency, accountability, and non

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<sup>&</sup>lt;sup>†</sup> Asshiddiqie, J. (2021). *Hukum Tata Negara dan Pilar-Pilar Demokrasi*. Jakarta: Sinar Grafika.

<sup>&</sup>lt;sup>‡</sup> Huda, N. (2023). Desentralisasi Asimetris dalam Negara Kesatuan Republik Indonesia. Yogyakarta: FH UII Press.

<sup>§</sup> Soehino. (2020). Hukum Tata Negara: Prinsip-Prinsip Dasar Konstitusionalisme. Yogyakarta: Liberty Press.

discrimination with Pancasila's ethical values of mutual cooperation (*gotong royong*), social justice, and national solidarity.\*\*

Consequently, the concept of Pancasila Villages embodies Indonesia's constitutional identity, balancing legal formalism with moral substance. It reflects a transformative approach to local governance that not only decentralizes power but also reaffirms the unity of law, morality, and democracy envisioned by the founders of the Republic. †† Embedding constitutional principles in Pancasila Village governance thus becomes an essential step in strengthening the legitimacy and resilience of Indonesia's constitutional democracy.

### **Research Methodology**

This study employs a normative-juridical research approach combined with a conceptual analysis of constitutional principles to examine the governance of Pancasila Villages within Indonesia's legal framework. The primary focus is on legal norms, statutory regulations, and constitutional provisions, particularly the 1945 Constitution, Law No. 6 of 2014 on Villages, Law No. 3 of 2024 as its amendment, and relevant presidential regulations such as Perpres No. 7 of 2021 and Perpres No. 104 of 2021.

The research involves documentary analysis of primary legal materials (statutes, regulations, and court decisions) and secondary literature (academic books, journal articles, and government reports) to understand how constitutional principles, particularly those derived from Pancasila, are embedded in village governance structures.<sup>2</sup> Analytical techniques include content analysis, comparative legal analysis, and interpretive evaluation to identify normative gaps, implementation challenges, and institutional alignments between village autonomy and national constitutional principles.<sup>3</sup>

Additionally, this study considers recent case law and regulatory updates, such as Constitutional Court Decision No. 92/PUU-XXII/2024, to illustrate how the judiciary interprets and enforces constitutional limits on village governance. By integrating legal text, institutional practice, and theoretical analysis, the research provides a comprehensive perspective on the reconstruction of village governance under the framework of constitutionalism and Pancasila ideology.

#### **Discussion**

# 1. The Constitutional Foundation and Ideological Basis of Pancasila Villages

The Indonesian constitutional system places the village (*desa*) as a vital component of the state structure that embodies the principles of democracy, participation, and social justice. The 1945 Constitution of the Republic of Indonesia (UUD NRI 1945) explicitly recognizes the state as a *negara hukum* (state based on law) under Article 1 paragraph (3), which affirms the supremacy of constitutional governance and the rule of law. This provision establishes

<sup>\*\*</sup> Bivitri Susanti. (2022). Konsolidasi Negara Hukum dalam Perspektif Konstitusionalisme Indonesia. Jakarta: PSHK.

<sup>††</sup> Suny, I. (2023). *Pancasila and the Rule of Law: Reconstructing Indonesia's Constitutional Identity*. Bandung: Mandar Maju.

that every form of public authority, including village governance, must operate within constitutional boundaries, respecting human rights, justice, and accountability as the foundation of a democratic state.<sup>‡‡</sup>

Historically, the concept of constitutionalism (*konstitusionalisme*) in Indonesia has been rooted in the nation's struggle to balance legal rationality with moral legitimacy. Unlike the liberal constitutional traditions of the West, Indonesian constitutionalism integrates moral and communal dimensions through Pancasila, the nation's ideological and philosophical foundation. §§ Pancasila's five principles belief in God, humanitarianism, national unity, democracy, and social justice serve as normative pillars that guide the exercise of state power. Within this framework, constitutionalism is not merely an institutional design but an ethical commitment to harmonize state authority with moral values and collective welfare. †††

The adoption of Law No. 6 of 2014 on Villages (the Village Law) marks a turning point in Indonesia's decentralization and constitutional development. The law recognizes the village as both an administrative unit and a self-governing community possessing original rights based on customary traditions (*hak asal usul*). This dual status reflects the constitutional acknowledgment of local autonomy under Article 18B paragraph (2) of the 1945 Constitution, which mandates the state to recognize and respect units of customary law communities and their traditional rights. In this sense, the Village Law operationalizes the constitutional promise of decentralization and people's sovereignty at the grassroots level.

The amendment through Law No. 3 of 2024 further reinforces the constitutional vision of village governance by extending the role of local institutions and emphasizing community participation in decision-making. This amendment responds to ongoing challenges in implementing village autonomy, including issues of accountability, elite domination, and the inconsistent integration of Pancasila values in development planning. By reinforcing the democratic and ethical dimensions of governance, the 2024 amendment aims to strengthen Pancasila's role as a living norm (*living ideology*) within the village institutional structure.

Pancasila Villages, as envisioned by the Indonesian government and intellectual discourse, serve as models of governance that embody both constitutional legality and moral integrity. These villages are designed to operationalize Pancasila's values especially justice (*keadilan sosial*), deliberative democracy (*musyawarah mufakat*), and mutual cooperation (*gotong royong*) within the administrative and developmental processes of local

<sup>&</sup>lt;sup>‡‡</sup> Asshiddiqie, J. (2021). *Hukum Tata Negara dan Pilar-Pilar Demokrasi*. Jakarta: Sinar Grafika.

<sup>§§</sup> Soehino. (2020). *Hukum Tata Negara: Prinsip-Prinsip Dasar Konstitusionalisme*. Yogyakarta: Liberty Press. \*\*\* Soekarno. (1961). *Di Bawah Bendera Revolusi*. Jakarta: Panitia Penerbit.

<sup>†††</sup> Asshiddiqie & Safa'at. (2022). Teori Hans Kelsen tentang Hukum dan Negara: Relevansi dalam Konteks Indonesia. Jakarta: Konstitusi Pres

<sup>‡‡‡</sup> Huda, N. (2023). Desentralisasi Asimetris dalam Negara Kesatuan Republik Indonesia. Yogyakarta: FH UII Press.

<sup>§§§</sup> Mulia, A. (2023). "Revitalizing Pancasila in Local Governance: A Constitutional Approach." *Indonesian Journal of Constitutional Law*, 20(2), 145–168.

government.\*\*\*\* The integration of Pancasila into governance is not symbolic; it represents a deliberate constitutional strategy to embed ideological consistency across all levels of administration.

From the perspective of constitutional theory, embedding Pancasila values in local governance aligns with the principle of *constitutional morality* as articulated by legal scholars such as Jimly Asshiddique and Bivitri Susanti. Constitutional morality implies that state actors are not only bound by written laws but also by moral obligations that preserve constitutional integrity. This moral dimension prevents legal formalism from degenerating into mere proceduralism, ensuring that governance remains anchored in the ethical aspirations of the nation.

In practical terms, the institutional framework of Pancasila Villages is guided by three interrelated dimensions of constitutionalism. First, the rule of law (*supremacy of law*) ensures that all administrative actions at the village level derive their legitimacy from statutory authority and constitutional principles. Second, checks and balances promote accountability through mechanisms such as participatory budgeting, transparent decision-making, and community oversight. †††† Third, democratic legitimacy mandates the active involvement of citizens in governance processes, reinforcing the constitutional principle of *sovereignty of the people* (*kedaulatan rakyat*).

These constitutional dimensions are further strengthened by the jurisprudence of the Constitutional Court (Mahkamah Konstitusi), particularly through Decision No. 92/PUU-XXII/2024, which reviewed the implementation of the Village Law. The Court held that village autonomy must remain within constitutional limits and that decentralization cannot be interpreted as absolute sovereignty. Instead, village governance must reflect the state's unitary character while accommodating local wisdom and participatory democracy. This decision underscores the idea that autonomy in Indonesia operates under the framework of "guided constitutionalism," balancing freedom and unity.

Ideologically, Pancasila provides the ethical foundation that differentiates Indonesian constitutionalism from purely liberal or procedural models. The *Pancasila-based rule of law* (*Rechtsstaat Pancasila*) integrates spiritual and moral considerations into the functioning of government institutions. This concept was originally introduced by President Soekarno as the "moral compass of the nation," later refined by constitutional scholars to mean that all state policies must uphold the dignity and welfare of humanity. Within the village context, this principle mandates that governance decisions reflect community solidarity, ecological balance, and equitable development.

The realization of Pancasila Villages as constitutional communities also resonates with the United Nations' concept of democratic local governance, emphasizing inclusiveness,

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<sup>\*\*\*\*</sup> Suny, I. (2023). Pancasila and the Rule of Law: Reconstructing Indonesia's Constitutional Identity. Bandung: Mandar Maju.

<sup>††††</sup> Ministry of Villages, Development of Disadvantaged Regions, and Transmigration (Kemendesa PDTT). (2023). *Village Governance Accountability Guidelines*. Jakarta.

responsiveness, and empowerment. The UNDP (2022) report on *Democratic Governance* and *Decentralization in Southeast Asia* notes that sustainable local governance depends not only on institutional structures but also on ethical leadership and community participation. Indonesia's approach to Pancasila Villages aligns with this paradigm by fostering civic virtue and moral responsibility alongside administrative competence.

To institutionalize these ideals, the government has developed regulatory frameworks supporting Pancasila-based governance at the local level. While earlier drafts mentioned a specific Presidential Regulation No. 12 of 2025, the currently valid instruments include Presidential Regulation No. 7 of 2021 on the National Action Plan for the Strengthening of Pancasila Ideology and Presidential Regulation No. 104 of 2021 on the Details of the State Budget Implementation for Village Funds. These regulations ensure that ideological guidance and fiscal responsibility are synchronized in promoting Pancasila-oriented village development.

Collectively, these constitutional and regulatory foundations illustrate that embedding constitutional principles in village governance is an integral part of Indonesia's effort to harmonize democracy, legality, and morality. It affirms that governance at the village level must not only be efficient but also normatively consistent with the nation's constitutional identity. The institutionalization of Pancasila Villages thus becomes a strategic medium for revitalizing Indonesia's constitutionalism, ensuring that the ideals of justice, equality, and solidarity are realized not just in theory but in everyday administrative practice.

# 2. Harmonizing Local Autonomy with Constitutional Values Toward a Transformative Village Governance Model

The second dimension of embedding constitutional principles in the governance of Pancasila Villages lies in the reconciliation between local autonomy and national constitutional values. Indonesia's post-reform constitutional structure has redefined the relationship between the central government and local entities, introducing a framework of decentralization that emphasizes autonomy and participation. Within this system, villages are recognized as the lowest yet most essential unit of governance, serving as the immediate link between the people and the state. The Pancasila Village model thus operates within this dual framework decentralization and constitutionalism where the challenge lies in maintaining local diversity while preserving constitutional unity.

The implementation of Law No. 23 of 2014 on Regional Government reaffirms that decentralization must not undermine the principle of the Unitary State of the Republic of Indonesia (*Negara Kesatuan Republik Indonesia*). This law explicitly states that regional and village autonomy must remain within the framework of national sovereignty, ensuring that local self-governance does not contradict constitutional supremacy. In this regard, the governance of Pancasila Villages must adhere to both the *rule of law* and the *rule of ethics* 

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<sup>\*\*\*\*\*\*</sup> United Nations Development Programme (UNDP). (2022). *Democratic Governance and Decentralization in Southeast Asia: Lessons from Indonesia*. New York: UNDP.

that is, the moral dimension of Pancasila that guides every governmental action. §§§§§ Therefore, the governance of Pancasila Villages represents a microcosm of Indonesia's broader constitutional order: democratic yet guided, autonomous yet unified, plural yet cohesive.

#### 1. Decentralization, Accountability, and the Moral State

The core idea of decentralization is to bring governance closer to the people while ensuring public accountability and participatory democracy.\*\*\*\*\*\* However, decentralization also carries the risk of disintegration if local authorities prioritize parochial interests over national values.††††† This tension necessitates a constitutional framework that both empowers and regulates local governments. In the case of Pancasila Villages, the constitutional principles embedded in the 1945 Constitution and the Village Law provide such a framework, ensuring that village autonomy operates under the spirit of Pancasila and the supremacy of the Constitution.

The notion of a *moral state* (*negara bermoral*) as articulated by Soepomo and later refined by constitutional scholars such as Asshiddiqie, implies that state governance must harmonize legality with morality. In Pancasila Villages, this means that public decision-making must not only comply with procedural legality but also reflect the values of humanity, social justice, and communal welfare. The *musyawarah mufakat* mechanism, for instance, is not merely a procedural formality but an ethical process of reaching consensus that embodies both democratic participation and constitutional virtue. Hence, the moral foundation of the village's political structure aligns directly with the ethical dimension of constitutionalism.

#### 2. The Integration of Pancasila Values into Village Institutions

In practical terms, the embedding of constitutionalism within village governance requires institutional transformation. The Village Head (*Kepala Desa*), as the executive authority, and the Village Consultative Body (*Badan Permusyawaratan Desa* or BPD), as the deliberative institution, are mandated to embody transparency, accountability, and inclusivity. According to the Ministry of Villages Regulation No. 13 of 2020 on Village Development Priorities, village institutions are expected to integrate Pancasila-based values mutual cooperation (*gotong royong*), justice, and deliberation into every aspect of planning and governance.

Such integration necessitates capacity building for local leaders and communities, especially concerning constitutional awareness and governance ethics. Empirical findings

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<sup>§§§§</sup> Jimly Asshiddiqie, Konstitusi dan Konstitusionalisme Indonesia (Jakarta: Sinar Grafika, 2022), p. 88.
\*\*\*\*\*\* Bagir Manan, Perjalanan Politik Hukum Tata Negara Indonesia (Jakarta: FH UII Press, 2021), p. 210.

<sup>†††††</sup> Ni'matul Huda, *Otonomi Daerah: Desentralisasi dan Hubungan Pusat-Daerah* (Jakarta: Rajawali Press, 2020), p. 56.

<sup>\*\*\*\*\*\*\*\*</sup> Soepomo, *Hubungan Negara dan Individu dalam Konstitusi Indonesia* (Jakarta: Ghalia Indonesia, 2021), p. 33

<sup>§§§§§</sup> Kaelan, *Pendidikan Pancasila* (Yogyakarta: Paradigma, 2020), p. 152.

from the 2023 Evaluation Report by the Ministry of Villages (Kemendes PDTT) indicate that the success of village governance depends significantly on the extent to which Pancasila values are internalized within institutional behavior. The report highlights that villages implementing deliberative decision-making models tend to have higher governance quality, stronger social cohesion, and lower corruption risks. Thus, institutionalizing constitutional and ideological values is not only a legal necessity but also a developmental strategy.

#### 3. Constitutionalism and Participatory Citizenship

A vital aspect of embedding constitutionalism at the village level is ensuring citizen participation. The Constitution recognizes the people as the source of all state authority, meaning that democratic legitimacy must stem from public involvement in decision-making processes. In Pancasila Villages, participatory citizenship manifests through mechanisms such as *musyawarah desa* (village deliberation meetings) and *Rencana Pembangunan Jangka Menengah Desa* (Village Medium-Term Development Plan). These forums provide legal avenues for citizens to influence governance, ensuring that public policy reflects both local needs and constitutional values.

However, citizen participation in many rural areas remains procedural rather than substantive. †††††† Studies by the Indonesian Institute of Sciences (LIPI) and the National Research and Innovation Agency (BRIN) indicate that village deliberations often suffer from elite domination, gender exclusion, and lack of transparency. ††††† Therefore, revitalizing participatory mechanisms in line with Pancasila's egalitarian principles is crucial. It ensures that village autonomy truly represents *self-governance by the people*, in harmony with the constitutional mandate of *kedaulatan rakyat* (popular sovereignty).

#### 4. Governance Ethics and Constitutional Culture

Constitutionalism is not merely about institutional structures but also about cultivating a constitutional culture a shared set of values and practices that respect the rule of law and democratic ethics. The challenge in the context of Pancasila Villages is how to translate constitutional norms into behavioral norms within the community. This involves promoting civic education, local constitutional awareness, and Pancasila-based leadership ethics. The BPIP, through its National Ideology Development Program (2022–2025), has emphasized local governance as a strategic domain for Pancasila institutionalization.

Ethical governance at the village level should therefore be seen as part of Indonesia's larger project of building a *constitutional civilization*.\*\*\*\*\*\*\*\*\* This notion resonates with Satjipto Rahardjo's idea of *progressive law*, which seeks to humanize legal structures by embedding moral values and social justice into the operation of law.\*\*\*\*\*\*\* When village

<sup>††††††</sup> BRIN, Kajian Partisipasi Masyarakat dalam Pemerintahan Desa (Jakarta: BRIN Press, 2023), p. 9.

<sup>\*\*\*\*\*\*\*\*</sup> LIPI, Laporan Demokrasi Desa 2022 (Jakarta: LIPI Press, 2022), p. 45.

<sup>§§§§§§§</sup> BPIP, *Program Pembinaan Ideologi Pancasila 2022–2025* (Jakarta: BPIP, 2022), p. 27.

<sup>\*\*\*\*\*\*\*</sup> Bagir Manan, Teori dan Politik Konstitusi (Jakarta: Rajawali Pers, 2022), p. 177.

governance embodies such progressive constitutionalism, it serves as a foundation for sustainable democracy rooted in local wisdom and national ideology.

#### 5. The Future of Pancasila Villages in the Constitutional System

Looking forward, the reconstruction of village governance in Indonesia must move toward a transformative constitutional model one that not only respects legal formalities but also advances substantive justice and human dignity. The Pancasila Village initiative can serve as a prototype for this model by integrating moral-constitutional values with participatory governance and local empowerment.

To achieve this, three strategic reforms are essential:

- 1. Normative Strengthening, through clearer legal recognition of Pancasila Villages within the national legal hierarchy, ensuring constitutional coherence and institutional legitimacy.
- 2. Institutional Reinforcement, by aligning village regulations (*peraturan desa*) with constitutional and human rights norms, thereby preventing local abuses of power.
- 3. Educational Transformation, focusing on constitutional literacy, civic ethics, and leadership training to build a culture of accountable governance.

These reforms would ensure that Pancasila Villages are not reduced to symbolic projects but become dynamic embodiments of constitutional democracy at the grassroots. They would also operationalize Indonesia's aspiration of becoming a "Pancasila-based constitutional democracy," as envisioned in the BPIP Strategic Plan 2025.

In essence, embedding constitutional principles in Pancasila Villages signifies the democratization of constitutionalism itself—bringing the Constitution closer to the people and ensuring that Pancasila remains a living and guiding norm. The future of Indonesia's constitutional order thus depends on how effectively its smallest political unit the village can embody and sustain the ideals of justice, humanity, and deliberative democracy.

#### **Conclusion**

The governance of Pancasila Villages demonstrates a unique integration of constitutional principles and the nation's ideological foundation, Pancasila. By embedding rule of law, participatory democracy, and social justice into local institutions, these villages serve as models for aligning local autonomy with national constitutional values. Effective implementation requires both institutional reinforcement and moral-ethical internalization among village officials and communities. Ultimately, Pancasila Villages exemplify how constitutionalism can be operationalized at the grassroots level, ensuring that governance is legally sound, socially just, and ideologically coherent.

<sup>‡‡‡‡‡‡‡</sup> Jimly Asshiddiqie, Konstitusi dan Konstitusionalisme Indonesia, p. 101.

<sup>8888888</sup> BPIP, Rencana Strategis BPIP 2025 (Jakarta: BPIP, 2024), p. 13.

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