

How to Cite

Suryawati, N. (2021). Constitutional rights perspective and economic democracy based on Pancasila economic system. *International Journal of Business, Economics & Management*, 4(1), 262-268. <https://doi.org/10.31295/ijbem.v4n1.1602>

Constitutional Rights Perspective and Economic Democracy Based on Pancasila Economic System

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Abstract---*The Indonesian state has experienced various eras and has the basis of the Pancasila State. The purpose of this study is to find out: (1) Constitutional Rights (2). Economic Democracy (3). Pancasila Economic System. The issue of Pancasila Culture as a family cultural attitude is not yet fully aligned with the Pancasila Economic System. Qualitative research methods in analyzing phenomena that occur in the field, events, dynamics, and perceptions of a person or group. Data collection techniques through (a). Observations, observations, and interviews (b). Reduction of relevant data to support research. (c). Data display design and determine accurate data (d). Conclusions include all the information found. Conclusions leading to the ideals of the state are: (a). Can prosper all people (b). Can carry out the economy evenly and systematically (c). Increase changes in areas that have not yet been implemented (d). Organizing a just government following the Pancasila economic system.*

Keywords---*constitutional rights, economic democracy, family cultural, pancasila, public services.*

Introduction

For the State of Indonesia, the desire to prosper and improve the people's economy has been affirmed and stated in the 1945 Constitution, in Articles 33 and 34, and the amendments have been made. The amendment to article 33 is the addition of paragraph (4) which stipulates that the national economy is carried out based on the principles of democracy with several principles, including togetherness, independence, and balancing the progress and unity of the national economy, and paragraph (5) which says that further will be regulated by Constitution. Meanwhile, Article 34 which was originally only one paragraph, has now become four paragraphs, by emphasizing social networks for all people and also the provision of health service facilities and public services which will be regulated by law.

The addition of this verse is an embodiment of the fifth precept of Pancasila, namely: Social Justice for all Indonesian people. This process towards general welfare is carried out continuously. Indeed times have changed a lot, but the affirmations, concepts, and ideas of our founding leaders still have to be obeyed, including the aspiration to build an independent country (Fahmi, 2020). An economic system based on the principle of kinship is a hallmark of the economy in Indonesia because Indonesian people always seek a balance between living as individuals and living as Indonesian citizens who believe in God. Therefore, Indonesian people are homo-economicus, also as homo-metaphysics and homo-mysticus, but also as homo-humanus, homo-religious and homo-magnificus. As social beings, Indonesian people have economic morality based on the precepts in Pancasila, which is called the Pancasila cultural attitude, which becomes an attitude in their economic life, namely the Pancasila Economic System. State regulation in the economic field must be with the consent of the people, for that it must be confirmed in the Constitution of the Republic of Indonesia.

The state regulation of the control and management of natural resources in the Pancasila Economic System is different from the concept of ownership rights in the capitalist system and others. The right to control the state is based on the principle of kinship (Battilani & Schröter, 2012; Caporaso & Levine, 2008; Damanhuri, 2010). The concept of the right to control is based on the ulayat which is the basis for the ethnic groups in the territory of Indonesia. This means that individual property rights are still recognized, but if the state requires it for the public interest, then the property rights are returned to the state with proper compensation. Economic regulation in the SEP is carried out through a market mechanism characterized by justice, which also manages resources for mutual

prosperity through harmonious partnerships (Sudiarja, 2006; Ali Ridho, 2006; Pachta, 2007). This economic activity leads to economic unity and national economic harmony. A prosperous and independent society in the economy means participating in forming economic democracy so that economic equality occurs for all people.

The Constitutional Court gives an interpretation of “the right to control the state”, it does not mean that the state must have; the definition of “right to control the state” is that the state formulates policies (beleid), makes arrangements (regelendaad), carries out management (bestuursdaad), manages (beheersdaad), and supervises. Economic regulation by the state in the SEP, through a market mechanism, which is characterized by justice, by integrating economic actors in managing natural resources for the welfare and prosperity of all Indonesian people in a harmonious partnership (Hendrojogi, 2005; Moeliono, 2017; Adams & Dyson, 2004). This pattern of governance of the roles of economic actors is regulated and determined in advance by the state, so that partnerships are opened between state companies, cooperatives, and the private sector, as well as strengthening people's economic efforts. State regulation of the ownership of economic resources by economic actors, there are three economic actors, namely (1) State-Owned Enterprises (BUMN), (2) cooperatives, and (3) private companies. This condition is expected to achieve prosperity for all the people of Indonesia, provided that this condition is based on justice so that economic growth is achieved as well as equitable distribution of justice. This growth must be carried out continuously so that the majority of the people benefit from the growth itself. Every citizen participates in total, as the embodiment of economic democracy (Gie, 2005; Friedman, 2009; Harahap, 2021; Sastrawidjaja, 2005).

This participation gives rise to two forms, namely: as a producer and at the same time as a consumer. This participatory process includes the fulfillment of the right to enjoy the results of development fairly and equitably. In addition, the state is also developing a social network system for all Indonesian people and empowering the weak and underprivileged by human dignity. This is the fulfillment of the state's obligation to provide social justice for its people by the fifth precept of Pancasila so that in today's modern economic life, every human being can support himself, even though they depend on their employer as a hired hand. The high level of mobility from work to work makes people constantly meet new environments in which they have few or no friends. Therefore, a state that wants to realize prosperity for its people, must first do things that are done by families or community groups, so that changes in economic life also lead to political understanding, which includes the growth of mass political awareness and understanding of the validity of the right to a decent life under all circumstances. Welfare is an improvement effort concerning changes in economic life for a long period and is sustainable (Palguna, 2019; Khairandy, 2009; Tambunan, 2012). The existence of arrangements regarding social welfare insurance is a right, and not as a necessity so that a person can get both basic security (as a right) without having to show an economic need, as well as social assistance, it's just that social assistance is different from basic security, because to get social assistance, one must first show an economic need.

Method

Qualitative research is descriptive by using analysis. The study of the constitutional rights of citizens is reviewed from the perspective of economic democracy based on the Pancasila Economic System (SEP), carried out with a normative juridical, to realize equitable welfare in implementing economic democracy based on the Pancasila Economic System. Data collection techniques through (1). Interview (2). Observation (3). Documentation (4). The focus of the research discussion is as follows:

- a. Naturally collected data
- b. Researchers as the main tool in data collection
- c. Data collected descriptively, in the form of reports.
- d. Research is more concerned with the process than the results.
- e. Using the data triangulation method.
- f. Emphasize contextual details.

Discussion

Economic democracy

Democracy is a principle that forms the basis of the system of government in a country, which is decided jointly by the people of the country, and then stipulated in the country's constitution. This principle of democracy comes from the people, by the people, and for the people. It comes from the Greek words demos (people) and Kratos (power). Several figures who had a major role in developing this principle of democracy, among others: Aristotle, Niccolo Machiavelli, Thomas Hobbes, John Locke, JJ Rousseau, and others. To realize democracy in the practice of state

administration, several elements are needed, namely: (1) a state based on law - the rule of law (2). Independent community (3). Community groups that play an active role. The existence of these three elements provides space for the application of democratic principles, there is freedom in expressing opinions and thoughts as well as political views from the community, both individually and in groups. This learning process and political freedom are the basis for economic development, which, if understood properly, will follow democratic principles and concepts (Goderis & Versteeg, 2014; Heymann et al., 2014; Edwards & Marin, 2015; Heine, 2006).

This is because they are used to thinking and acting democratically. Decisions that are democratic will show respect for the values contained in the principles of democracy. Political decisions taken by the people will determine the development of democratic principles in the country. In Indonesia, political decisions are made at the time of the general election, the people decide to choose their leaders, the people must learn to choose leaders who have a democratic spirit to realize the development of economic democracy. The establishment of the concept of economic democracy places more emphasis on being a representative in supporting the realization of economic equality for the entire community; people who are prosperous and whose welfare has been demonstrated, get a part of the effort to establish economic democracy. The embodiment of Article 33 of the 1945 Constitution of the Republic of Indonesia (UUD NRI 1945), with the right to control the state for all-natural potentials that exist in the territory of the Indonesian state, which is utilized to provide maximum prosperity to the people, so that the concept of economic democracy can be enjoyed by the people (Johanisova & Wolf, 2012; Boillat et al., 2012; Akbulut & Adaman, 2020).

In addition, it is also necessary to pay attention to the relationship between democracy and politics, because politics can affect the economy of a country. The relationship between democracy and politics is quite close so that a country that is developing democracy in the economic field can be influenced by non-political powers who want to get the maximum profit for their 'group', by taking advantage of their political influence, even by carrying the name of their 'group'. party. Therefore, it is necessary to have active participation from the components of the nation to be able to realize this democracy. Economists cannot only observe and understand economic issues from the perspective of economics but must also understand them from the perspective of political science (Booth, 1995; Meinarno & Rahardjo, 2012; Juang & Syed, 2010). Various economic policies have no power to be implemented without political support, in other words, politics plays a role in placing and encouraging economic policies as policies that must be implemented.

Political economy is a science that examines how economic problems that occur in a country are resolved by placing political power as a driving force in providing solutions to economic cases. The relationship between economics and politics is indeed related and normative because decision-making in the economy tends to follow the will of political actors as a channel for people's aspirations, the people entrust their will to politicians and political parties. The development of the political economy is very dynamic because various levels of society have begun to have an interest in discussing political science. After all, the understanding they have is that economics cannot be separated from politics. Political power can solve economic problems to a degree that is difficult to touch. These politicians are divided into 2 types, namely: a first type is a group of politicians who make a living from politics, these are called 'rotten politicians'; while the second type, is a group of politicians who work well by using their political influence to build the country (Sumtaky et al., 2018; Suacana & Suaib, 2016). Political decisions have a big influence on the progress of the nation because political decisions that support economic decisions are a form of political participation to protect various economic interests, without any political influence, it is difficult to carry out economic policies without interference. Development must be observed from a more macro perspective, to create a conducive environment so that the aspirations and hopes of the people can be realized. Although the government is always changing, the state is permanent, and the state in its constitution has established the principle of the Indonesian economy, which is the principle of family, based on the Pancasila Economic System (SEP). This process of economic development must continue to be monitored, and the government must provide space for the people to convey their political aspirations to representatives who have been elected through general elections.

On the other hand, political development will also not run well, if economic conditions are underdeveloped and backward, people will not be able to think objectively and creatively when economic conditions are lacking. (Dominggus, Mare, 2018). Strengthening the political system during declining economic conditions will cause damage to democratic values, therefore economic and political development must be carried out simultaneously so that they can strengthen each other. Meanwhile, strengthening the democratic system can create quality economic growth and can provide solutions to existing economic problems.

Pancasila economic system

The vision of the Pancasila Economic System (SEP), views Indonesian humans as social beings, about other humans and moral relationships with their creator, namely God. Its economic morality includes all the precepts contained in Pancasila, Belief in One Supreme God, Humanity, Unity, Democracy, and Social Justice. Indonesian people have the cultural attitude of Pancasila, the attitude of a family culture that strives to always harmonize their attitudes as individuals and as social beings. Based on this family principle, the vision of SEP is the realization of the general welfare. The fulfillment of material and non-material needs is the right of the people and the obligation of the state to fulfill them. Material needs include clothing, food, shelter, while non-material needs are the fulfillment of the needs of the soul, and spiritual needs, besides that humans also need the development of reason to the perfection of reason, because the more advanced and the development of science, it is hoped that the more prosperous and happy Indonesian human life (Rahardjo, 2007; Fahmi, 2020; Fatkhurohman et al., 2004).

The achievement of this welfare must be maintained so that it is sustainable with independence. The independence of Indonesian people, who are the Indonesian people, is a manifestation of the nation's economic sovereignty, so that they can have an influence on the global economy, and can reduce economic dependence, by partnering. National development involves the total participation of all people, every citizen has a productive job, based on freedom in carrying out their economic activities. SEP is a system that provides space for people's participation, based on the outlines of economic policies set by the People's Consultative Assembly (MPR), and which regulates its implementation is the President together with the House of Representatives (DPR). The state regulation is related to state control rights. The state's right of control over natural resources in this SEP is different from the concept of ownership rights in the system of capitalism, socialism, and others because there are certain specific principles, namely the principle of family. By having the "right of control", the state is entitled to the following:

- Regulate, organize the designation, use, supply, and maintenance of earth, water, and space.
- Determine and regulate legal relations between people and legal actions regarding the earth, water, and space.

Economic regulation by the state in this SEP is carried out either through market mechanisms or through economic actors. The market mechanism chosen is a market that is characterized by justice, a market that can harmonize cooperation or partnerships between economic actors and the people, to manage natural resources, to realize the prosperity of the people. Both must run, progress, and develop together in an independent relationship. This pattern of governance of the roles of economic actors is regulated and determined by the state so that there is a harmonious partnership between state enterprises, cooperatives, and the private sector while increasing productivity and strengthening people's economic efforts. Cooperatives are the basis of people's economic strength, especially the businesses of farmers, fishermen, and craftsmen. This kind of economic concept is called the concept of a fair market as the main feature of the SEP. Other main characteristics of SEP, are as follows:

- Every citizen has a productive job and a fair income for a decent human life
- There is total participation of every citizen in economic development.

This total participation is a manifestation of economic democracy. This characteristic gave birth to paragraph (2) of Article 27, Article 33, and Article 34 of the 1945 Constitution and their explanations. The idea of economic democracy states that production must be carried out from, by, and for all under the leadership or ownership of members of society (Ismail et al., 2014; Rimmelink, 2003; Asshiddiqie, 2006). This means that economic democracy requires the "total participation of all people in the development of the national economy". The production process by every citizen is the main requirement in managing natural resources, and ownership of the means of production can increase income for a decent life. The ownership and management of natural resources, for this common prosperity in the SEP, is divided into three types of ownership, namely: (1) individual ownership as citizens, (2) communal ownership, and (3) state ownership. The existence of the direction and direction of national economic development set by the People's Consultative Assembly (MPR) opens opportunities for the Indonesian people to partner with other nations. In addition, there is social protection for people who cannot work productively or have lost their jobs, with the development of a social security system through contributions in the form of social protection to realize social justice. So this SEP has two main pillars, namely: the social-economic system and the social security system. If social security for all Indonesian people is well implemented, then equitable economic growth can be achieved and can be sustainable.

Constitutional rights economics

Based on the 1945 Constitution of the Republic of Indonesia, the constitutional rights of citizens are regulated in Article 27 paragraph (2), Article 28 A, Article 28 C paragraph (1), Article 28 D paragraph (2), Article 28 F, Article 28 H paragraph (1), paragraph (2), paragraph (3) and paragraph (4), Article 33 paragraph (3) and paragraph (4), Article 34 paragraph (1), paragraph (2), and paragraph (3) are the rights of citizens who include social and economic rights. These economic rights are individual as citizens. Based on the theory of individual ownership and social ownership theory, proposed by Furubotn and Richer, ownership is the right to use (right to use), to change the form and content of ownership rights (to change its form and substance), and to transfer all rights in the asset (to transfer all rights in the asset), or some desired rights, with this kind of view depicting that ownership rights are almost always exclusive rights (exclusive right), but ownership does not mean unlimited. The ownership rights have a broader meaning because knowledge is also a transferable asset; and ownership rights are part of the existing system of rules, as a result of economic processes, which provide benefits, so that they can be utilized for the welfare of individual lives (Marei, 2018; Yunus, 2020; Muladi, 2013; Münkner, 2015).

Likewise, social property rights, which limit individual property rights, are ownership rights that prioritize common interests over individual interests. If it is related to the right to control the state as state ownership rights, then individual ownership rights and social ownership rights follow the rules that have been determined by the government. However, the government must fulfill the rights of citizens, especially social-economic rights, because only by fulfilling the social-economic rights of these citizens, the welfare that is the goal of the state can be achieved and realized. The fulfillment of social-economic rights involves all components in society, not only economic actors, but also the people as individuals must be actively involved. Economic activities carried out by economic actors have the aim of achieving mutual prosperity based on the concept of a fair market following the fifth precept of Pancasila: Social Justice for All Indonesian People.

Political economy

Based on the 1945 Constitution of the Republic of Indonesia, the constitutional rights of citizens are regulated in Article 27 paragraph (1), Article 28, Article 28 D paragraph (1), (3) and (4), Article 28 H paragraph (2), Article 33 and Article 34. Fulfillment of the political economy rights of citizens requires a firm and orderly order, so that politically charged regulations, to improve and manage equitable development developments, are following political promises made during the campaign period before the general election so that in the general election, the people decide to elect their representatives who are expected to realize the aspirations and hopes of the people, namely a just and equitable welfare. These political promises are outlined in the rules of the economy, to build the economy as desired by the state and society. The indicator of the success of this economic development is the reduction in unemployment, poverty, and inequality. If all three experience a decline, it will encourage an increase in the general welfare.

Therefore, to fulfill the rights of citizens in the field of political economy, the concept of economic development must refer to the concept of people's economic development (people-centered development); People's economic empowerment as a form of 'people-centered development', is an important agenda that should be put forward. The development of the political economy in Indonesia shows that citizens understand the need for participation in the pace of development, especially in the field of political economy, encouraging significant changes in the application of the concept of equitable economic development, so that the rights of citizens are listed in the constitution (UUD NRI 1945). not only fulfilled, but the people (citizens) are also responsible for participating in total for the realization of sustainable and equitable economic development.

Conclusion

The development and economic growth of the state can be carried out if the people believe in the rules that regulate and are determined by the elected representatives of the people and will lead the people towards the ideals or goals of the state, namely:

- Welfare of the people
- Carry out the economy systematically
- Making changes to weak areas
- Organizing a government based on the Pancasila economy.

The government is the executor that regulates and carries out common interests, as well as the government implements the goals of the state, functioning of the common welfare. the success of the ruling government in creating people's welfare is even better in the success of the state.

Implication

Based on the discussion that has been concluded above, the impact can be as follows:

- The government's decision to pay more attention to the impact on people's welfare
- Implementing and managing the economy has an impact on a good system
- Making changes in areas that have less impact on improving expectations
- The government that implements it following the system has an impact on the achievement of goals

For this reason, it is necessary to disseminate information to the people so that they play an active role and participate in all fields so that the acceleration and economic growth following the constitutional rights of citizens can be realized. So the goal of the state is equitable and just welfare, as expected. Political policies in implementing the Pancasila Economic System will be achieved.

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