

Good Governance Construction In The Era Of Digital Democracy Based On Pancasila Value In Indonesia

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In the middle of modern era which is signed by the development of digital technology, democracy is considered as the most ideal concept to elevate people's contribution in order to pursue the good governance system. However, this kind of democracy is often misused, for instance the bullying trend and word of hatred in social media which is destructive. This research is aimed to discover and analyze the urgency and good governance construction in the era of digital democracy based on Pancasila value in Indonesia. This research uses qualitative method with normative jurisdiction approach and analytical descriptive as the research focus. The result of the research shows that the urgency and the good governance construction in the era of digital democracy based on Pancasila value is to ensure it will go in line with the state value. Digital democracy in order to create good governance should be prioritizing consensus/representativeness as the local wisdom, having the concept of one God Almighty which uphold humanity, uniting Indonesia to pursue the social justice for all society in Indonesia.

Keywords: *Digital Media; Political and Governance Institutions; Democracy*

I. Introduction

The emergence of modern democracy is closely linked with the development of modern nations. Modern nation is built of various kinds of social and politic complexity which result in a new identity and objective awareness about nation on European citizens during the 16th and 17th centuries. The most significant dimension of the development is the process of secularization. Secularization illustrates the separation of the state power from church power which is held by the Pope. Democracy in Indonesia is recognized by the 1945 Constitution of the Republic of Indonesia after the third amendment, it had been emphasized that Indonesia is a law country that follows the principles of democracy⁴.

A democratic country is a country that follows the constitution or the system of government by accomplishing the sovereignty of the people over the country to be executed by the government of the country⁵. Democracy matters would consistently be linked with the matters of human rights. The efforts of upholding democracy are the efforts of securing and protecting human rights, considering democracy is one of the politic systems that defends human rights. Not only ensuring civil and politic rights, along the development of democracy, economics and social cultures rights are also guaranteed. Thus, democracy

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4. A. F. Azhari, *Demokrasi & Autokrasi*. Surakarta: Pandiva Buku, 2010.

5. E. Rosana, "Negara Demokrasi dan Hak Asasi Manusia," *J. Tapis*, vol. 7, no. 1, pp. 37–53, 2016.

would be accomplished and ensured by the democratic country and democracy could be accomplished as long as the country is capable of upholding human rights.

Genuinely, democracy could not develop effectively without the implementation of Good Governance principles in a country. The precondition of good governance is the existence of democratic institution in order to democratize the people. The improvement of standard of living could not be realized if the people are not able to participate in the government, human rights are not respected, information is not distributed, along the people's powerless position within the justice system⁶ whereas researchers adhering to the second camp often attempt to establish the link between good governance and sustainable economic and social development. However, both groups fall short of systematically linking the effect of democracy to good governance. Focusing on Africa and Latin America this research fills this gap by examining whether democracy and democratization lead to more responsible and effective governance. Through pooled time-series analysis this article reveals a strong significant effect of democracy on good governance. This article also illustrates that a state's move toward democracy immediately triggers improved governance practices, albeit with a stronger effect on Africa than on Latin America. © 2009 Taylor & Francis.”,”author”:[{“dropping-particle”：“”,”family”：“Stockemer”,”given”：“Daniel”,”non-dropping-particle”：“”,”parse-names”：false,”suffix”：“”}],”container-title”：“Global Change, Peace and Security”,”id”：“ITEM-1”,”issue”：“2”,”issued”：{“date-parts”：[[“2009”]]},”page”：“241-255”,”title”：“Does Democracy Lead to Good Governance? The Question Applied to Africa and Latin America”,”type”：“article-journal”,”volume”：“21”},”uris”：[“http://www.mendeley.com/documents/?uuid=ab523c0f-a132-47ac-bc5c-39a973021020”]],”mendeley”：{“formattedCitation”：“[3]”,”plainTextFormattedCitation”：“[3]”,”previouslyFormattedCitation”：“[3]”},”properties”：{“noteIndex”：0},”schema”：“https://github.com/citation-style-language/schema/raw/master/csl-citation.json”}.

Good governance concept is essentially the core for the modern and democratic law regulations. Several good governance principles within the development have had basics in law's supremacy principles (good governance and human rights), democracy principles (good governance, transparent, and participative), and in efficient, effective, and accountable principles. Good governance principles, for this reason, are inseparable and have got to be looked and interpreted along with the principles of constitutional democratic country. The concept of good governance could be approached with various scientific fields, one of them is administration law. Through administration law approach, good governance is perceived as facts and norms, depends on the distinguished perspectives. Based on internal administration perspective, this distinction would not be made, because both are inseparable cultural results, and for this reason, law instruments and law of norms are related. This relation also indicates that government regulations (facts) and law (norms) are closely linked with each other⁷.

The similarity concept between democracy and good governance is not a new thing for Indonesians. In Indonesia, ever since the Independence Day up until reformation era, both democracy and good governance have a paradox relation and often misused by the citizens. As opposed to participating in influencing government regulations, however in the end, it was only causing horizontal and vertical conflicts in the nation. These matters get worse by the digital technology that creates broad distance among the citizens to practice democracy in hope for accomplishing good governance.

One of the cases of democracy abuse in Indonesia is the case of Muhammad Arsyad also known as Arsyad Assegaf (24), in Ciracas, East Jakarta. Arsyad was arrested for allegedly bullying President Joko Widodo. He was suspected of publishing, distributing, and multiplying pornography. The acts were

6. D. Stockemer, “Does Democracy Lead to Good Governance? The Question Applied to Africa and Latin America,” *Glob. Chang. Peace Secur.*, vol. 21, no. 2, pp. 241–255, 2009

7. S. N. H. Susanto, “Good Governance Dalam Konteks Hukum Administrasi,” *Administrative Law Gov. J.*, vol. 2, no. 2, pp. 206–217, 2019.

considered violating the Criminal Law Code (KUHP) article 310-311 concerning written humiliation or defamation⁸.

Another case is hate speech committed by Zikria Dzanti (43) towards Mayor of Surabaya, Tri Rismaharani through a post that was posted on Zikria's personal Facebook account. Zikria was reported after uploading a photo of Mayor Tri Rismaharani on Facebook with an additional caption of insulting the mayor, saying "Female Toad"⁹.

Accomplishing good governance in digital democracy era currently should have specific guidelines in order for democracy to be correspondent with its purpose, which is to realize people's participation in government institution activities through supervision and constructive acts. In Indonesia with Pancasila ideology, the implementation of democracy has a different system than the democracy implemented in western countries that prioritize limited freedom. Based on Pancasila, democracy in Indonesia is an independent system. Pancasila democracy is led by Inner Wisdom in consultation/representation. The purpose of Pancasila democracy is to reach social justice for the entire people of Indonesia. Pancasila democracy acknowledges freedom, however the freedom is limited by Pancasila morality that closely linked to Indonesian values, such as divine values, decency values, and so on.

Based on the previous matters, therefore the writers are inspired to conduct a scientific article with the title "The Construction of Good Governance in The Era of Digital Democracy Based on Pancasila Values in Indonesia". As for the purpose of this scientific article is to understand and analyse regarding the urgency and construction good governance in digital democracy era with Pancasila values in Indonesia.

II. Research Methodology

This research uses qualitative methods with normative juridical approach. This research is specified as descriptive analysis, which describes and analyse every discovery in the documents, which later on will be arranged in the form of article to describe the problem¹⁰ that is related to the construction of good governance in the era of digital democracy based on Pancasila values in Indonesia.

III. Results and Discussion

Urgency and Construction Good Governance in The Era of Digital Democracy Based on Pancasila Values in Indonesia

Etymologically, democracy is formed by two words, which are demos (people) and cratein or cratos (power and sovereignty)¹¹. The combination of demos and cratein or cratos formed the word democracy that has a common definition as a form of people's government, where the highest sovereignty is position on people's hands dan executed directly by the people or through the representatives that were elected. Substantially, democracy according to Abraham Lincoln is defined as a government from, by, and for the people¹².

8. B. Hermawan, "Ini Pasal yang Dikenakan untuk Pem-'Bully' Presiden Jokowi," *Republika*, 2016. [Online]. Available: <https://nasional.republika.co.id/berita/nasional>

9. Rachmawati, "5 Pernyataan Risma tentang Kasus Penghinaan di Facebook, Maafkan tapi Tak Mau Temui Pemilik Akun," *Kompas.com*, 2020. [Online]. Available: <https://surabaya.kompas.com/read/2020/02/06/16260041/5>.

10. A. Natalis, "Urgensi Kebijakan Penyelenggaraan Anggaran Pendapatan dan Belanja Daerah dalam Mewujudkan Kesejahteraan Perempuan," *Pandecta*, vol. 15, no. 1, pp. 79–88, 2020.

11. D. Juliati Kurniawan, "Membangun Kecerdasan Berdemokrasi Bagi Masyarakat Sebagai Laboratorium Pendidikan Kewarganegaraan," *Integralistik*, vol. 28, no. 1, pp. 10–28, 2017.

12. J. Theresia *et al.*, "Persepsi Mahasiswa Fisip Undip Terhadap Demokratisasi Di Indonesia," *J. Ilmu Pemerintah.*, vol. 6, no. 1, 2013.

Democracy illustrates a government by the people; however, the sovereignty is not equivalent as democracy. The position where minorities stand among the majorities in the implementation of democracy is not always easy to organize, thus, participation is required in order to maintain the relation between minorities and majorities or between the government and the people¹³. More than that, sufficient and transparent participation in the importance of mutual interests for achieving the nation's purpose is a necessity in democracy. This concept is broadly known as good governance.

Good governance is a process of performing the state power in providing public good and service by governance, meanwhile the best practice is called as "good governance". In order for good governance to be realized and went well, therefore, commitment and participation from government, the people, and private parties are required. The good governance system within the execution of government is oriented towards: First, the ideal orientation of the state which is directed at achieving national goals. Second, government that functions ideally, which is effective and efficient in order to achieve the nation's purpose.

The characteristics of good governance by United Nations Development Program (UNDP), explained in; "Legitimation, freedom of association, participation and freedom of media, fair, and established in legal framework which is enforced impartially, accountability, and transparent bureaucracy, availability of free and valid information, efficient and effective public sector management, as well as cooperation between government and civil organizations"¹⁴

Besides UNDP, as quoted on Institute of Public Administration (LAN), the principles of good governance are: Participation, explaining that every person has a vote in decision making, directly or through mediating the legitimacy of the representative institutions; Law supremacy, explaining that law regulations, decision, government policy, organizations, and legal entity that relate to public matters, should be according to law; Transparency, explaining that distribution of information from government policy should be free, acknowledged, and could be supervised by the citizens; Responsive, explaining that the government policy should be responsive to all matters; Oriented consensus, explaining that the government policy should be oriented towards all deals of different matters; Equity, explaining that the equity of all citizens should be acknowledge.

Effectivity and efficiency; explaining that the implementation of government policy should be correspondent with its purpose; Accountability, explaining that decision making in the government should be responsible of public and stakeholders as a whole; Mandatory to be responsible of all policies according to morality principle and neutrality; and strategic vision, explaining that the leaders and public should have good perspectives and reaching out towards the development of human resource needed.

The regulation concerning the participation of citizens in the making of a policy is listed in the Law Number 30, year 2014 about Government Administration Article 7 paragraph (2), f and g, that government must give opportunities to the citizens to be heard before making a decision and /or action in accordance with the provisions of laws and regulations, and must announce to the citizens about a policy that could cause loss approximately ten work days, counted since the policy and/or the actions are determined and/or performed. The arrangement in the government administration regulations is relevant to be executed in the current trend of digital democracy.

Digital democracy which refers to the existence of electronic technology which is the development

13. Ubaedillah, *Pendidikan Kewarganegaraan Pancasila, Demokrasi dan Pencegahan Korupsi*. Jakarta: Prenanda Media, 2016.

14. M. Idris and A. Mohammed, "Route for Sustainable Development in Ethiopia: Opportunities and Braves of Good Governance," *African J. Polit. Sci. Int. Relations*, vol. 11, no. 6, pp. 150-161, 2017.

of digital data transfer such as TV shows on the “people’s parliament”, access to electronics letters, virtual group discussions, and public information kiosks. Castells mentions that the dialectical interaction between technology and society, whose influence is quite widespread to various sectors of life, and even arouse humanitarian agencies who are in it, contains the existence of power relations¹⁵.

With digital democracy, the government is expected to be able to see changes in the conditions of society, so that the Government in the era of digital democracy must have characteristics in accordance with the conditions in this era. The government must change its characteristics in order to be good governance, because citizens are no longer passive recipients of information, but rather as recipients of information, with social role that actively influences all government policies.

Good governance in the era of digital democracy will be realized when citizens have a high level of involvement in the use of digital technology by providing opportunities for citizens to be actively involved in various discussions that occur inside the Internet Network. The speed of digital technology really helps governments get data about the real needs of society, because the government and citizens are always connected in a network and can communicate without being limited by time and space.

Unlimited freedom in essence will bring disadvantages to the society widely. The freedom of giving opinion in social media these days are significantly resulting horizontal conflicts as well as vertical conflicts between people, people and private sectors, people and government, and also between government and private sectors. It tries to participate in supporting the country’s development, but in fact it creates paradoxical condition. The concept of good governance in this digital democratic era has to be reorganized by using legal mechanism.

According to Roscoe Pound, law is defined as a tool of social engineering which takes account of the social facts within its works, whether it is lawmaking, interpreting, or implementing the law itself¹⁶. Based on Roscoe Pound’s argument, legal mechanism in reorganizing good governance in digital democratic era has to be based on four criteria to achieve the maximum goals. Those criteria are: the lawmaker has to master well the situation where people have unrestricted access to digital technology; the government has to create an analysis of the present evaluation and put it in a hierarchical order, this includes the question of whether the law regulating people’s participation in the establishment of policy in the era of digital democracy will not resulting an effect that deteriorates the situation; performing hypothesis verification, i.e. a hypothesis of how a method that is considered to be used will bring the expected goal, for instance the goal to create a constructive participation for the nation’s development.

The evaluation of the effect of legislations as legal protection which may regulate people effectively in this digital democratic era is also important. Its function is to perform legislative reformation where a person or a certain community is supposed to be able to show the faults of those legislations by using basic values or ideology of a nation as the parameter.

Indonesia with Pancasila as its ideology has had its role by giving values and morality towards people’s activities, including during this digital democratic era. The ideal base of nation’s development is Pancasila because it is the foundation of Indonesian value and spirit which encompasses the entire nation’s development. Pancasila has a central role in filtering the manifestation of liberal democracy so that national development plan through building the good governance in digital democratic era does not eradicate national vision and resilience, especially unity of the nation for future development.

15. A. G. Prasetyo, R. Nurjaman, and M. D. P. Sari, “Overcoming Good Governance: Towards Localized And Contextual Public Administration In Indonesia,” *Atlantis*, vol. 191, pp. 404–415, 2018.

16. H. Y. Djasmani, “Hukum Sebagai Alat Rekayasa Sosial dalam Praktek Berhukum di Indonesia,” *Masal. Masal. Huk.*, vol. 40, no. 3, pp. 365–374, 2011

In essence, Pancasila is an objective reality of Indonesia as an *accidentia*, i.e. characteristics and values which is objectively found in Indonesia. Thus, it is not surprising that Pancasila is considered as *weltanschauung* of Indonesia. For the nation, Pancasila becomes the philosophical basis of universal life in the Republic of Indonesia is not merely a preference, but more of an objective reality. The constellation of Indonesia as a country and nation which geopolitically consisted of thousands of island, diverse ethnicity, race, culture, and religion forces the people of Indonesia to live together embracing the diversity.

According to the values of Pancasila, the manifestation of good governance in the digital democratic era is supposed to be based on the values of Divinity, Humanity, Unity, Democracy, and Social Justice. The concept of Pancasila democracy was taken from the original values that Indonesian people hold along with the values attached to them, such as democratic village, collectivism, consensus decision-making, helping others, and other terms related to it. The goal is to give an empiric sociological foundation about the concept of democracy that corresponds to native Indonesians' way of life.

Actualizing good governance in digital democratic era is not a value free instrument. Its value free existence indicates the negative possibility to corrupt the democracy for certain advantage, such as to make other party experience loss for the sake of their own advantage. At least there are two basic values that can be found in creating good governance in digital democratic era, i.e. justice and efficiency value. The morality of Pancasila expects good governance in digital democratic era to not only be oriented to unlimited freedom. Even though freedom is a vital element of democracy, there are other values that go along with it. Democracy is one of the important tools for government to achieve the national development goals through people's participation whether politically or socially. The values of Pancasila should be considered in the discourse to create good governance in digital democratic era to give clearer and comprehensive framework in discussing the issues that surrounds the practice of digital democracy, for instance bullying and hate speech trend that often happen these days.

In the context of the first principle of Pancasila, good governance is discerned as a divine duty in digital democratic era. The divinity is attached because the urgency to actualize good governance involves many people's agenda; one of them is in regards to national development. The development is intended for people's welfare and prosperity. The positive correlation of good governance with people's welfare explains the position of good governance in relation with people's welfare. People's participation to build the nation is corresponding to any religious teachings. Thus, good governance in this context has religious value.

Actualizing good governance in the era of digital democracy in the perspective of the second principle of Pancasila emphasizes the good governance aspect in the dimension of a just and civilized humanity value. Good governance represents morality of civilized human. Civilized human understands their role in others' life. Good governance has ethical value since it is meant for the sake of the life of the collective. Therefore, the fulfillment of good governance becomes the integral duty of moral human because it is intended for the sake of themselves and many others. A just humanity in good governance involves integrity and honesty of the people in the participation of national development according to its exact proportion. Every kinds of participation have to be fair in acknowledging their interest to the country's interest.

The third principle of Pancasila implies that in manifesting good governance in digital democratic era, there is an element of unity of Indonesia which affinity and brotherhood aspiration supported by the conviction of similar past and goals is involved. Having to experience the same things and situations make the social bond stronger in the society because what has to be done as a duty to participate in national development will return in the form of equitable development. Prevalent development anticipates and prevents national disintegration. Equal development will minimize the discord and internal conflicts in the

society. Government and people in this case should realize that the effort in creating good governance has the potential to create unity and integration of the nation. Through the implementation of good responsibility, government and people help each other to create a strong integrality of nation.

Related to the implementation of good governance in digital democratic era, one of the corresponding values in Pancasila is the value of democracy in the form of consensus politics. The value of consensus decision-making is a characteristic of Indonesia which is a problem solving method in national life. The implementation of consensus politic is aimed not only for national life, but also for daily life in families or societal groups. By doing consensus decision-making, the rights of other people have been respected. In terms of good governance, the rights involve rights of the government, rights of the people, and rights of the private sectors which have to be collected in a fair and non-discriminatory policy.

The results of consensus decision-making primarily should not interfere with other party, which means the results have to concern common interest. Common interest has to be prioritized over private and certain group interests. The decision taken has to be able to be morally accounted for and has to uphold human's dignity and integrity. With consensus decision-making, democratic life that corresponds to the nation's identity will be manifested.

The fifth principle of Pancasila is the goal of the attempt to create good governance in the era of digital democracy which contains the value of social justice, expecting a government that is oriented in making social justice in societal and national life. Social justice in terms of good governance is government policies that are produced does not discriminate the people. The value of social justice also gives foundation for government in striving to create prevalent development through people's participation. Good governance in digital democratic era in order to develop the nation has to be organized well. Government in this case guarantees that development can happen fairly and equally, as well as can be valued by all of Indonesian people through people's participation as good governance in digital democratic era.

IV. Conclusion

The urgency and the construction of good governance in digital democratic era based on Pancasila values means Pancasila becomes the basic value of Indonesia which has a central role in filtering the manifestation of liberal democracy so that national development plan through building the good governance in digital democratic era does not eradicate national vision and resilience, especially unity of the nation for future development. The manifestation of good governance in the digital democratic era is supposed to be based on the values of Divinity, Humanity, Unity, Democracy, and Social Justice. The concept of Pancasila democracy was taken from the original values that Indonesian people hold along with the values attached to them, such as democratic village, collectivism, consensus decision-making, helping others.

V. References

- [1] A. F. Azhari, *Demokrasi & Autokrasi*. Surakarta: Pandiva Buku, 2010.
- [2] E. Rosana, "Negara Demokrasi dan Hak Asasi Manusia," *J. Tapis*, vol. 7, no. 1, pp. 37–53, 2016.
- [3] D. Stockemer, "Does Democracy Lead to Good Governance? The Question Applied to Africa and Latin America," *Glob. Chang. Peace Secur.*, vol. 21, no. 2, pp. 241–255, 2009.
- [4] S. N. H. Susanto, "Good Governance Dalam Konteks Hukum Administrasi," *Administrative Law Gov. J.*, vol. 2, no. 2, pp. 206–217, 2019.
- [5] B. Hermawan, "Ini Pasal yang Dikenakan untuk Pem-'Bully' Presiden Jokowi," *Republika*, 2016.

[Online]. Available: <https://nasional.republika.co.id/berita/nasional>.

- [6] Rachmawati, “5 Pernyataan Risma tentang Kasus Penghinaan di Facebook, Maafkan tapi Tak Mau Temui Pemilik Akun,” *Kompas.com*, 2020. [Online]. Available: [tps://surabaya.kompas.com/read/2020/02/06/16260041/5](https://surabaya.kompas.com/read/2020/02/06/16260041/5).
- [7] A. Natalis, “Urgensi Kebijakan Penyelenggaraan Anggaran Pendapatan dan Belanja Daerah dalam Mewujudkan Kesejahteraan Perempuan,” *Pandecta*, vol. 15, no. 1, pp. 79–88, 2020.
- [8] D. Juliati Kurniawan, “Membangun Kecerdasan Berdemokrasi Bagi Masyarakat Sebagai Laboratorium Pendidikan Kewarganegaraan,” *Integralistik*, vol. 28, no. 1, pp. 10–28, 2017.
- [9] J. Theresia *et al.*, “Persepsi Mahasiswa Fisip Undip Terhadap Demokratisasi Di Indonesia,” *J. Ilmu Pemerintah.*, vol. 6, no. 1, 2013.
- [10] Ubaedillah, *Pendidikan Kewarganegaraan Pancasila, Demokrasi dan Pencegahan Korupsi*. Jakarta: Prenanda Media, 2016.
- [11] M. Idris and A. Mohammed, “Route for Sustainable Development in Ethiopia: Opportunities and Challenges of Good Governance,” *African J. Polit. Sci. Int. Relations*, vol. 11, no. 6, pp. 150–161, 2017.
- [12] A. G. Prasetyo, R. Nurjaman, and M. D. P. Sari, “Overcoming Good Governance: Towards Localized And Contextual Public Administration In Indonesia,” *Atlantis*, vol. 191, pp. 404–415, 2018.
- [13] H. Y. Djasmani, “Hukum Sebagai Alat Rekayasa Sosial dalam Praktek Berhukum di Indonesia,” *Masal. Masal. Huk.*, vol. 40, no. 3, pp. 365–374, 2011.