

QUO VADIS: THE WELFARE STATE IN THE ERA OF DARK INDONESIA

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ABSTRACT

In principle, the duty of the state is not only to maintain the order and security of the people but also to strive so that every member of society can enjoy prosperity fairly and equitably. However, in the current political climate of Indonesia, development is primarily oriented toward infrastructure, often neglecting the welfare of the people and marginalizing certain community groups in favor of elite interests. This research employs a normative juridical approach using statutory, conceptual, and case analysis methods to examine the erosion of welfare state principles in Indonesia. The research is grounded in Welfare State Theory, Authority Theory, and Good Governance Theory to critically assess government policies and legal practices. The Findings reveal a growing deviation from Pancasila values, with increasing inequality, weakened legal protection, and state alignment with oligarchic interests. These conditions have undermined the core ideals of justice and social welfare. The research concludes that without strong political will, legal reform, and commitment to public accountability, the vision of a welfare state will remain rhetorical. The limitations of this research lie in its reliance on normative analysis without empirical data, suggesting the need for further research incorporating public perspectives and quantitative measurements.

Keywords: dark Indonesia; Indonesia; legal development; quo vadis

INTRODUCTION

The implementation of national development reflects the spirit. It will continuously improve the welfare and prosperity of the Indonesian people fairly and equitably without discrimination and develop community life through advanced and democratic state governance based on Pancasila and the 1945 Constitution (Dimiyati et al., 2021; Luh Putu Maitra Agastya et al., 2024; Prianto, 2015; Sambodo & Novandra, 2019; Taniu et al., 2024). Such a welfare state postulate paradigm is expected to be able to build a value system that shapes the mindset of the rulers and state administrators as a starting point for their perspective on the constitutional obligations they carry out so that they will form a subjective image of the reality of the life of the nation and state and to determine strategic efforts in order to respond to this reality (Gupta, 2022; Palier, 2013; Prasetya & Isharyanto, 2017). About this conception, Pancasila must be a guideline for the attitude of action of all elements of state administrators, both executive, judicial, and legislative.

Law enforcement about legal development (as part of national development) is the consistent implementation of all legal provisions regardless of the subject of the law with non-discriminatory principles that uphold the principle of equality before the law (Sara & Purnama, 2024). The principle of law enforcement realizes fair law enforcement for all parties without exception, upholds human rights (fundamental rights), and pays attention to the values that live in society (Gertler et al., 2024; Uhaib & Djani, 2018; Wahyurudhanto, 2020). The idea and spirit of law enforcement in a welfare state is an urgent and significant conceptual basis in governance because the government ex officio, as a representation of the state, takes on an important role and function to provide protection and guarantees for its citizens' economic and social welfare (Jamil, 2021; Suherman et al., 2025; Taniu et al., 2024).

In connection with law enforcement and the implementation of social welfare, transparency is crucial in a movement of change (Ahmad Fauzi, 2023; Hadjon et al., 2010; Rahim, Azhar, et al., 2023). The transparency movement to realize the principles of good governance, namely transparency of accountability to the people and participation, must be part of the democratization of the political economy system (Patuju & Afamery, 2019). In this case, the essential thing is the need for massive pressure from the people for constitutional and constitutional law reform to minimize the monopoly

and discretion of political power from the hands of the President so that it is possible to share power, limit, and balance in the political system (Biroli, 2015; Nurdin, 2022; Saleh et al., 2020; Syawqi, 2022).

The government needs to be proactive in providing complete information about public policies and political will to realize a welfare state to the public instead of covering up these policies, especially information related to campaign programs that have been conveyed openly through campaign propaganda (Aydin-Cakir & Akarçay, 2025). The ruling government (as the winner of the presidential election) needs to utilize various means of communication and other information media instead of being used as a propaganda tool by the government to publish various public lies (Kadaryanto, 2018). The government needs to prepare clear policies on how people can obtain information and access social welfare. In addition, there needs to be public accountability, which is the ability and willingness to be accountable for all actions and policies that have been taken.

All policymakers, decision-makers, or role players at all levels concerning the interests of the community/people must understand the policies taken and be accountable to the community (Najicha & Septi, 2022). In connection with this public accountability, to measure performance objectively, there need to be clear indicators, the supervision system needs to be strengthened, the audit results must be published, and if there are mistakes, sanctions must be imposed (Prahono & Elidjen, 2015; Rahim, Sa>itri, et al., 2023). So, it is hoped that the government will avoid maladministration practices when carrying out public service functions. Maladministration highlights the behavior (behavior) of the apparatus in carrying out government duties and public service duties. Therefore, the measure of action is related to the norms of apparatus behavior. The norms of apparatus behavior and government norms must be distinguished. The norms of apparatus behavior are aimed at actions that can be quali>ied as maladministration, while government norms are aimed at the legality of government actions (Banjo et al., 2022; Rodi Wahyudi, 2020; Triono et al., 2022).

In this context, what is relevant to be observed is the behavior of the government to be "fair and non-discriminatory" and "proactive in ful>illing the interests of the community" solely for the achievement of the goals of the welfare state. Government behavior in the implementation of public services regulated by Law Number 25 of 2009 concerning Public Services is by the principle of legal certainty, namely the principle in a state of law that prioritizes the basis of applicable laws and regulations, propriety, and justice in every policy, as well as the principle of accountability, namely the principle that determines that every activity and the >inal result of the activities of state administrators must be accountable to the community or the people as the highest sovereignty holders of the state by the provisions of applicable laws and regulations, in order to realize good governance (Zul>iani et al., 2023).

Previous studies have examined various aspects of Indonesia's welfare state implementation. For instance, Dimiyati et al. (2021) explored the ideological foundations of Indonesia as a legal welfare state, proposing a prophetic-transcendental basis for its development. Similarly, Sulistyaningsih et al. (2017) analyzed the welfare state ideology within Indonesia's pluralistic society, highlighting the challenges of implementing welfare policies in a diverse cultural context. Additionally, Yuda (2019) investigated the transformation of social policy in Indonesia, focusing on the shift towards a productive welfare approach.

While these studies provide valuable insights into the ideological and policy aspects of Indonesia's welfare state, there is a gap in the literature concerning the practical implementation and challenges faced in realizing these ideals, particularly in contemporary political dynamics. This research seeks to >ill this gap by examining how oligarchic interests and infrastructure-focused development have in>luenced public policy, potentially eroding legal supremacy and social justice principles. By applying the Welfare State Theory, Authority Theory, and Good Governance Theory, this research aims to provide a comprehensive analysis of the current state of Indonesia's welfare system and its alignment with the foundational values of Pancasila and the 1945 Constitution.

Discretion is needed as a complement to the Principle of Legality, which is a legal principle stating that every act or action of the State Administration or State Apparatus or Bureaucrat must be based on the provisions of the law. However, it is impossible for laws to regulate all kinds of cases in daily life. Therefore, it is necessary to have "freedom" or discretion from the State Administration, which consists of "Free Discretion" and "Bound Discretion." In "free discretion," the law only sets limits, and the state administration is free to make any decision as long as it does not exceed/violate these limits. In "bound discretion," the law sets several alternatives, and the State Administration can choose one. However,

discretion should not be used if it conflicts with the General Principles of Good Governance (AUPB) adopted by the Indonesian government as a principle to realize a welfare state.

METHOD

The research of academic discourse in this journal uses a research approach, namely normative juridical legal research. Within this framework, several technical approaches are used to conduct research, namely the statute and conceptual approaches. The case approach is an approach in regular research that aims to research the application of norms or rules of law carried out in legal practice in this journal, including norms related to ethics, morals, and responsibilities of the Government as the role holder and controller of state power. In normative legal research, the case approach aims to research legal norms or rules carried out in legal practice. Meanwhile, using a conceptual approach in research is intended to explain concepts related to the subject matter under research, namely the concept of governance regulations claimed through justification by oligarchs and interest groups in the vortex of power, which has progressed through bureaucratic reform.

The framework that is the grand theory for discussing the problems in this journal is to use the "Welfare State Theory" as proposed by R. Kranenburg, which states that "The state must actively seek welfare, act fairly which can be felt by the whole community evenly and balanced, not the welfare of certain groups but all the people." The welfare state is closely related to social policy, which in many countries includes government strategies and efforts to improve the welfare of its citizens, primarily through social protection, which includes social security (both in the form of social assistance and social insurance), as well as social safety nets. Furthermore, at the middle range theory level, the "Authority Theory" is introduced as explained by Ermansyah (2023), namely, "Authority" is what is called "formal power," power that comes from Legislative Power (given by law) or from Administrative Executive Power. Authority (usually consisting of several authorities) is power over a certain group of people or power over a particular field of government (or field of affairs), which is unanimous, while authority is only about certain parts. Meanwhile, at the level of applied theory" as a reference, the "Good Governance Theory" introduced by Delly Mustafa is used, which provides an understanding that, in simple terms, good governance can generally be interpreted as good management. What is meant by the word "good" here is following specific rules according to the basic principles of good governance.

RESULTS AND DISCUSSION

The government's responsibility to create a just and prosperous society, reflecting the objectives of the welfare state within the sovereignty of the Unitary State of the Republic of Indonesia (NKRI), must be fulfilled through planned, integrated, and sustainable national development that genuinely embodies the principle of "sovereignty resides with the people" and the "guarantee of protection for the rights and obligations of all Indonesian citizens" based on the 1945 Constitution (as the grund norm). Consequently, national development is closely linked to public policy and the political will of the government, which guide regulatory policy to form various laws and regulations intended to provide solutions for the diverse challenges facing the nation and state in Indonesia, a law-based state (*rechtsstaat*) guided by the conception of Pancasila as the state fundamental norm and reconsider, and the 1945 Constitution as the norm.

The welfare state is a model or concept of nation and state in which the government, as a representation of the state, takes an important role, being monopolistic in nature, to provide protection and legal guarantees, human rights, and economic and social welfare of every citizen. The concept is based on the principles of equality of opportunity, equal distribution of wealth, and social responsibility of certain community groups, including corporations such as Corporate Social Responsibility (CSR) to community groups that are unable to meet the minimum requirements for a decent life, especially the very basic standard of living needs.

The Pancasila state is a national state with social justice, which means that the state is the incarnation of human beings (on the basis of social agreement in a community) as creatures of God Almighty. The essence of the nature of individuals and social beings in building a community called the state aims to realize justice in living together in order to achieve a comfortable living together (pleasant living together) and peaceful living together (peaceful living together), in other words, that the values contained in Pancasila reflect Indonesia is a welfare state (welfare state). Social justice is based on and imbued with the nature of human justice as a civilized being, as contained in the second principle, which should be allergic to exploiting vulnerable groups and marginalized groups of society. Meanwhile,

"Social justice for all Indonesian people," as formulated by the Fifth Precept of Pancasila, should ideally be able to reach all levels of Indonesian society without discrimination in the level of application, especially with regard to public policy (public policy) of the Government as mandated by the founding parents in the Preamble of the 1945 Constitution.

However, in reality (in concreto), it must be honestly admitted that the idea of bureaucratic reform echoed by the Government after the glorious struggle of the 1998 reform through the moral movement (moral movement) turned out to be just a trite jargon that was impossible and irrational to realize a welfare state, let alone a discourse towards "Golden Indonesia." In fact, what has happened since the administration under the control of President Joko Widodo from 2014 to 2024 and even the current administration under the Prabowo Subianto regime, the people have been haunted by the specter of anxiety because many have lost business opportunities and lost their jobs. The people are terrorized by various acts of vandalism, police brutality, and various criminalization efforts that can occur when criticizing negative government policies that are considered unlawful by the authorities (*onrechtmatige overheidsdaad*), or even criminalization can occur when the people criticize oligarchic groups that are in the vortex of power.

The slogan "Development from the people, by the people, and for the people" is just an absurd and manipulative jargon, especially during the current dark period in Indonesia. In reality, only a group of people in the vortex of power enjoy the development and wealth of the Indonesian earth. The mandate of the Fourth Paragraph of the Preamble of the 1945 Constitution, which places the burden of obligation and responsibility on the Government of the State of Indonesia to "protect the entire Indonesian nation and the entire Indonesian homeland and to advance the general welfare, educate the nation's life," seems to be just an empty blank. In reality, what happens is a paradox where the Government uses its authority to provide legal protection and protection to rob state assets to interest groups by providing privileges. Of course, such abuse of authority by the Government is considered a despicable act and distorts the management or good governance principles - the basic principles of good governance.

In today's dark ages, the government's partiality to oligarchic capitalists has undermined the principle of equality without discrimination in the concept of a welfare state. The government's intimate embrace of the capitalists who are symbiotic in the oligarchy has resulted in a shift in the noble values of Pancasila as the idiomatic foundation of National Development. Because National Development is no longer based on "Just and civilized humanity" and "Social justice for all Indonesian people." Even "the economic system is no longer based on humanistic morality and humane economics" because the authority of the Government has intersected with the interests of the oligarchic capitalists so that the rights of the Indonesian people are still controlled by corruptors, development rats, and cronies - oligarch cronies as part of the dynasty of power.

As a cultured nation, the Indonesian people essentially have a commendable character recognized by all nations worldwide. The character, which is an ancestral heritage of Mother Earth, comes from cultural values that have been preserved for generations. Tolerance *tepa salira*, *gotong royong*, friendly, hardworking, prioritizing deliberation and consensus, loving order and peace are the characteristics of the personality of the Indonesian people. However, today, these characteristics are experiencing a crisis and are beginning to erode. The friendly face is not visible because a violent, savage and violent hue, greedy and greedy, dominates it. The bureaucrats (state apparatus) as part of the Government (executive) are expected to carry out the function of public service (public service) without discrimination to realize the welfare of the people, instead ignoring many who ignore the nature of their duties and functions, even more naively many individuals who consciously build a network of corruption crimes because morality and ethics since the beginning of the Presidential Election (Pilpres) in 2024 are considered a normal and natural phenomenon.

It is ironic, but it is a fact that cannot be denied that currently the Indonesian nation has been trapped in the dark ages because it is characterized by the circumstances that occur in Indonesia, such as setbacks in the field of economy, law enforcement, and human rights, the destruction of the democratic system, the anxiety of the people who increased to the level of depression, the existence of panic attacks or panic disorder. After all, they do not have the purchasing power to meet the basic needs of life, the increasingly widespread corrupt behavior of bureaucrats, and the use of the authority of the authorities that are not relevant to the significant mandate of the fourth paragraph of the Preamble of the 1945 Constitution.

On the side of the dark period experienced by the Indonesian people, a very tragic and heartbreaking dichotomy is that ambitious groups thirsty for power try to mobilize forces to >ind

justifications to reject the facts of the dark period that occurred in Indonesia. This paradigm implies that many people are engineering various justifications to gain benefits in corrupt ways due to the Government experiencing ambiguity in exercising its authority. Moreover, the current government cannot effectively exercise its authority to realize a welfare state under the rule of law because it was co-opted by political bargaining during the 2024 presidential election (Pilpres) with a "take and give" pattern. This perception is characterized by forming an "obesity cabinet" even though the country's economic and financial conditions are deteriorating and experiencing a crisis. People's anxiety is increasingly sensitive when many current government policies have lost their direction and are not even synchronized with the 2024 presidential campaign program President Prabowo Subianto has pledged as a political promise to those who have given their voting rights. However, the people have made their own choices. Hopefully, the rice will not become porridge because now "fortune cannot be won, misfortune cannot be denied."

The vision of realizing a Golden Indonesia in 2045, when connected to the current conditions in Indonesia with the decline in almost all aspects of the life of the nation and state marked by the destruction of democracy, is like the saying "far from the shore." This opinion is not unreasonable because systemic damage has occurred in Indonesia today, such as the goal of a welfare state that has lost its direction, the doubtful ability of the Government to use its authority to manage the country, a bureaucracy that is increasingly dilapidated or chaotic because bureaucratic reform has so far only been nonsense, the oligarchy as a pressure group (pressure group) as well as an interest group (interest group) which has a very dominant pressure and influence in the decision-making process by the Government. Therefore, if you pay attention, the elements of the doctrine of good governance during the current government are almost unequalled.

The doctrine of Good Governance is a doctrine that requires a government to be managed properly, correctly and with integrity, which has the following main elements:

- A. Element of Transparency;
- B. Elements of Justice;
- C. Elements of public accountability;
- D. Responsibility element;
- E. Elements of Clean Government;
- F. Element of Responsiveness;
- G. Elements of Effectiveness and Efficiency;
- H. Predictability Element;
- I. Elements of Public Participation;
- J. Elements of the Consensus Approach;
- K. Elements of Law Enforcement;
- L. Elements of Equal Protection;
- M. Elements of Ethical Appreciation and Public Morality;
- N. Strategic Vision Element;
- O. Elements of Society Participation;
- P. Competency Elements of Governance (Competency);
- Q. Elements of the Social Welfare Approach

CONCLUSION

The concept of welfare seeks to minimize the gap in all conditions or aspects of the life of the nation, state, and society through various efforts to serve the welfare of citizens. The concept of a welfare state that prioritizes taking care of the welfare of its people directly has the effect that the welfare state becomes a state that enters very many aspects of people's lives, ranging from education, social security, health insurance, and so on. The Indonesian government, as an instrument of the state and as a representation of the state under the leadership and control of President Prabowo Subianto, must be able to make various strategic policies, not just continue the National Strategic Projects (PSN), which can be a source of light to illuminate the darkness that is currently engulfing the country of Indonesia. Therefore, President Prabowo Subianto's commitment during the Presidential Election (Pilpres) campaign in 2024, which spread a proposal for an action program for the Asian Tigers of Indonesia's Hope, should be realized by the principle of *pacta sunt servanda*, not just an act of deceit to gain votes for power ambitions.

This research implies that without strong political will to uphold Pancasila values, improve legal accountability, and implement inclusive welfare policies, Indonesia risks deepening social injustice and weakening its democratic foundation. Policymakers must redirect public policy toward transparency, participation, and justice through concrete reforms in bureaucracy, law enforcement, and welfare programs. Future research should incorporate empirical data, such as public surveys or interviews, to capture real-world impacts and explore comparative models from other nations, offering broader insights into advancing Indonesia's just and inclusive welfare state.

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