

The Role of the Pancasila Ideological Development Agency in Regulation Development and Regulatory Harmonization

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Abstract

The Pancasila Ideology Development Agency or BPIP was formed due to the urgency of creating a state apparatus that functions to maintain the application of Pancasila values in the life of the nation and state. BPIP also acts to formulate an outline of the Pancasila ideology, coordinate, synchronize, advocate, monitor, evaluate, recommend, develop and control strategic policies and regulations for development. Of the many tasks and functions of BPIP, this article discusses one of the functions, namely regulatory oversight. This regulatory oversight function aims to monitor, evaluate, and harmonize regional and central regulations. They are in line with Pancasila's values inclusive, democratic, and socially just. Regulatory oversight is carried out by the Deputy for Legal Affairs, Advocacy, and Regulatory Oversight. The strategic aspect of the Deputy for Law, Advocacy and Regulatory Oversight, in this case, is the implementation of an effective and efficient program in implementing Pancasila Ideology Development through the internalization and institutionalization of Pancasila in the field of law, advocacy, and regulatory oversight. Based on the research, the contribution of this deputy is the availability of the Pancasila values indicator design, the implementation of quality analysis and synchronization, the performance of advocacy for the development of the Pancasila ideology, and the implementation of the effective internalization and institutionalization of Pancasila. Through this deputy, BPIP is then expected to make a positive contribution to increasing the harmonization of regulations on Pancasila to realize social inclusion, institutionalizing Pancasila, and mainstreaming the ideals of Pancasila.

Keywords:

Pancasila Ideology Development Agency; Regulation Formulation; Regulatory Supervision; Regulatory Harmonization; Pancasila

INTRODUCTION

In 2016, Indonesian President Joko Widodo instructed the formation of a Presidential Work Unit for the Education of Pancasila Ideology through Presidential Regulation No. 54 of 2017.

One of the units focused on educating the masses of the Pancasila ideology. This Work Unit was formed to uphold, actualize, and enforce the values of Pancasila in the life of the nation and state.

Then in 2018, the work unit was re-established as a permanent state body called the Pancasila Ideology Education Agency, from now on referred to as BPIP (Mustari, 2019).

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The Pancasila Ideology Development Agency or BPIP was formed in order to realize the values contained in Pancasila as an effort to preserve Pancasila, which can be applied in the life of the nation and state, so it is necessary to develop the Pancasila ideology for all state apparatus in a comprehensive, clear, planned, systemic and integrated manner. BPIP also functions to formulate an outline of the Pancasila ideology, to coordinate, synchronize and control development as a whole, carry out advocacy, monitor, evaluate, and propose strategic steps to facilitate development, implementation of duties, fostering the Pancasila ideology, and in charge of establishing cooperative relationships between institutions (Lonto and Pangalila, 2019).

The role of BPIP is increasingly needed because Indonesian democracy, which is one of the core values of Pancasila, is threatened with expansion due to the rise of ultra-conservative religious fundamentalism in Indonesia that has penetrated and influenced policymaking in local governments (Nail and Hutama, 2020). It is demonstrated that many local governments have issued controversial conservative laws and regulations that have the potential to thwart democracy and undermine human rights, especially the rights of minorities (Madung and Mere, 2021; Wisnaeni and Herawati, 2020). This seemingly religious regulation that only sides with certain religious groups are full of political agendas to gain mass support from a conservative majority spectrum (Almanar, 2020; Ismail, 2018).

The purpose of BPIP is to become an institution for disseminating

Pancasila values in the nation's life and state in the dimensions of belief, knowledge, and action with a spirit of cooperation to realize the ideals of the country. Its mission is to foster the values of Pancasila among state administrators and Indonesian citizens so that it becomes the shape of the life and behavior of the nation and state (Hastangka, 2019; Putuhena, 2013; Arifin, 2018).

The task of BPIP is to assist the President in formulating the policy direction for developing the Pancasila ideology, implementing coordination, synchronizing and controlling the development of the Pancasila ideology in a comprehensive and sustainable manner as well as carrying out the preparation of education and training standardization, as well as providing recommendations based on the results of a review of policies or regulations that are contrary to Pancasila to institutions, state officials, ministries/agencies, local governments, socio-political organizations, and other components of society (Anjar et.al., 2020; Song, 2008). This article discusses the role of the Pancasila Ideology Development Agency (BPIP) in making regulations and harmonizing regulations between the state and regions following the principles of Pancasila.

RESEARCH METHODS

This article is based on descriptive and prescriptive types of research. In comparison, the research approach uses conceptual, historical, and statutory approaches. Legal sources used include primary legal materials consisting of authoritative statutory regulations and

secondary legal materials in the form of relevant references, which is used in literature study and uses the techniques of analysis of legal materials with the deductive method.

RESULTS AND DISCUSSION

Background of the Establishment of the Pancasila Ideology Development Agency

In connection with the basic idea that is tried to be institutionalized into a state institution in the form of BPIP, it will always refer to the history of the institutionalization of Pancasila itself. During the New Order era, the application of Pancasila was based on the Guidelines for the Appreciation and Practice of Pancasila, or called P4 or Eka Prasetya Pancakarsa (Bouchier, 2019; Chia, 2022). It is regulated based on the Decree of the People's Consultative Assembly No. II/MPR/1978 concerning Guidelines for Living and Practicing Pancasila (Eka Prasetya Pancakarsa) and the inauguration of Pancasila as the basis of the state (Intan, 2006). When the Reformation era came, that resolution was revoked in 1998 because the material content and implementation were not according to the development of state life, so it was repealed. Since the 1998 resolution was enacted, P4 is no longer valid. It is understandable because P4 is a legacy of the New Order, which left bitter memories for the Indonesian people (Weatherbee, 1985). On February 28, 2018, President Joko Widodo (Jokowi) signed Presidential Regulation No. 7 of 2018 concerning the Pancasila Ideology Development Agency or BPIP. Article 3 of Presidential Decree No.7 of 2018 states

that BPIP has the task of assisting the President in formulating policy directions for the development of the Pancasila ideology, coordinating, synchronizing, and controlling the development of the Pancasila ideology in a comprehensive and integrated manner. Aside from that, compiling standardized education and training, organizing education and training, and providing recommendations based on the results of a study of policies or regulations that contradict Pancasila to high state agencies, ministries/agencies, local governments, socio-political organizations, and other components. The issuance of Presidential Decree No. 7 of 2018 to strengthen the development of the Pancasila ideology and signaling the repeal of Presidential Regulation No. 54 of 2017 concerning SKK-PIP. However, the background for forming the BPIP was a threat to the Pancasila ideology; the danger came from a radical movement that wanted to replace the Pancasila ideology with another ideology.

Main Functions and Duties of the Pancasila Ideology Development Agency

The Pancasila Ideology Development Agency (BPIP) has the task of assisting the President in formulating policy directions for the development of the Pancasila ideology, carrying out coordination, synchronizing and controlling the development of the Pancasila ideology comprehensively and sustainably, and carrying out the formulation of standardization of education and training, implementing

education and training, and providing recommendations based on the results of policy studies, or laws and regulations contrary to Pancasila to state universities, ministries/institutions, local governments, socio-political organizations, and other components of society.

According to the Presidential Regulation of the Republic of Indonesia No. 7 of 2018 concerning the Pancasila Ideology Education Agency, BPIP has quite a lot of authority, including formulating policy directions for the development of the Pancasila ideology, compiling an outline of the direction of the Pancasila ideology and a road map for the development of the Pancasila ideology, drafting and implementing work plans and Pancasila ideology development program, coordination, synchronization and control of the implementation of Pancasila ideology development, Pancasila ideology development regulation, Pancasila ideology development regulation, implementation of monitoring, evaluation, and proposing steps and strategies to facilitate the implementation of the development of the Pancasila ideology, the implementation of socialization and cooperation as well as relations with high state institutions, ministries/institutions, local governments, socio-political organizations, and other components of society in implementing the development of the Pancasila ideology, reviewing the material and methodology of Pancasila learning, advocating for the implementation of the development of the Pancasila ideology. That is in the formation and implementation of regulations and others. The authority of

BPIP comes from the prevailing laws and regulations, namely the Presidential Regulation of the Republic of Indonesia No. 7 of 2018 concerning the Pancasila Ideology Development Agency. In other words, the authority is only given by law where the legislators can provide power to the government, both to BPIP and other government officials. In line with the main pillar of the rule of law, namely the principle of legality, based on this principle, it is implied that government authority derives from statutory regulations.

In accordance with article 55 paragraph (1) of the Presidential Regulation of the Republic of Indonesia No. 7 of 2018 concerning BPIP, the proposed policy proposal must first be discussed with the Supervisory Board. Each policy recommendation submitted to the President must obtain approval from the Chairman of the Supervisory Board. The Head and/or Deputy Chairperson shall report the implementation of their duties to the President through the Chair of the Steering Committee at least 1 every 3 months or whenever necessary in carrying out his duties; the Deputy Chairperson takes into account the directions from the Chair of the Steering Committee. The implementation of these tasks must also be reported to the Head. This report is submitted to the Chairperson of the Supervisory Board. The Main Secretary and Deputy can be assigned other tasks in accordance with the direction of the Chair of the Steering Committee through the Leadership. The results of the implementation of functions are reported to the Head.

Reports are submitted to the Chairman of the Supervisory Board.

Implementers can involve ministries/agencies, local governments, socio-political organizations, and other components of society in meetings to discuss policies for developing the Pancasila ideology. In addition to involving institutional ministries, local governments, socio-political organizations, and other components of society, the Executor coordinates with high state institutions to develop the Pancasila ideology. The implementation of BPIP's authority in the constitutional system of the Republic of Indonesia will undoubtedly provide an overview of planned activities and activities as well as to achieve the objectives of these activities, namely the National Strategic Target for the Stabilization of National and National Insights (Siswoyo, 2013). Character. Therefore, in carrying out its authority, BPIP will carry out social analysis, establish a national strategy and implement this strategy to realize the consolidation of national insight and national character.

The Role of the Pancasila Ideology Development Agency in Making Regulations

The Pancasila Ideology Development Agency has several representatives who work on different educational matters and the harmonization of Pancasila. There are 5 deputies: Deputy for Inter-Institutional Relations, Socialization, Communication, and Networking; Deputy for Legal Affairs, Advocacy, and Regulatory Oversight; Deputy for Research; Deputy of Education and

Training and; Deputy for Monitoring and Evaluation. Of the 5 deputies, the Deputy for Law, Advocacy, and Regulatory Supervision (DBHAPR) is a department that is solely focused on ensuring the correct implementation of Pancasila values in every legal byproduct, namely regulations, both state and local governments (Ryter, 2018).

The Deputy for Legal Affairs, Advocacy and Regulatory Oversight (DBHAPR) of BPIP are to carry out the internalization and institutionalization of Pancasila in the fields of law, advocacy, and regulatory oversight. To carry out these tasks, DBHAPR has several functions; formulating policy directions for the internalization and institutionalization of Pancasila in the fields of law, advocacy, and regulatory oversight; implementing the Pancasila institutionalization towards national law so that it is in line with the state foundation (Prawiranegara, 1984); provide recommendations based on the results of supervision and studies to high state institutions, ministries/agencies, and local governments regarding statutory regulations that contradict the basic values of Pancasila; carry out advocacy for the development of the Pancasila ideology at high state institutions, ministries/agencies, local governments, socio-political organizations, and other components of society; dealing with solutions and overcoming problems and obstacles in the fostering of the Pancasila ideology; and the implementation of additional functions assigned by the leadership. DBHAPR has 3 divisions to carry out its functions:

Section Analysis and Synchronization, Section Advocacy, and Section on Institutions and Recommendations.

The strategic aspect of the Deputy for Law, Advocacy and Regulatory Oversight, in this case, is the implementation of an effective and efficient program in implementing the Development of the Pancasila Ideology through the internalization and institutionalization of Pancasila in the field of law, advocacy, and regulatory supervision and to support the performance of national development as stipulated by the President in the National Medium Term Development Plan (RPJMN) for the 2014-2019 Period. This strategic aspect becomes the capital in implementing the values of Pancasila, which serve as guidelines in the life of the nation and state. The Deputy for Law, Advocacy and Regulatory Oversight sets the strategic goals to be achieved to achieve this. The strategic targets are as follows: a). Strengthening the internalization and institutionalization of Pancasila values in national and regional legal products; b). They were encouraging the implementation of advocacy, affirmation, and mediation in handling conflicting groups in society; c). Strengthening consistency makes Pancasila the source of all sources of law in the formation of statutory regulations; d). Formulate and submit policy or regulatory recommendations that are against the values of Pancasila.

The 2018-2023 BPIP Strategic Plan has identified strategic issues by considering strategic factors both internal and external strategic environment, so the problems that have

been identified as BPIP strategic issues, namely: lack of understanding of Pancasila, the occurrence of social exclusivism, are still high, social inequality, Pancasila institutionalization is not yet, and Pancasila ideals have not been mainstreamed (Iskandar, 2016; Suryadinata, 2018). Based on these five strategic issues, several strategic problems are related to implementing the duties and functions of the Deputy for Legal Affairs, Advocacy, and Regulatory Oversight, including Deputy for Legal Affairs, Advocacy, and Regulatory Oversight: a). weak regulatory frameworks that promote economic independence and prioritize national interests; b). still, ineffective affirmative action policies that promote financial inclusion; c). weak institutionalization of Pancasila values in political, economic, and socio-cultural institutions; d). lack of consistency makes Pancasila the source of all sources of law in the formation of statutory regulations; and e). still developing forms and state institutional relationships that are not in accordance with the principles of Pancasila; f). Lack of rewards and incentives for performance and good practice.

In 2019, the Deputy for Law, Advocacy, and Regulatory Oversight had implemented a work program according to the process standards in the Government Agency Performance Accounting System (SAKIP). The process of preparing annual planning and budget documents is carried out in an integrated manner based on the BPIP medium-term program, particularly the Pancasila internalization and institutional program in the fields of law,

advocacy, and regulatory oversight in the BPIP 2018-2023 Strategic Plan. The measurement of the performance achievements of the Deputy for Law, Advocacy and Regulatory Oversight of 2019 is carried out by comparing the goals (plans) and realization of strategic purposes, program/activity objectives, and performance indicators for each performance indicator. Performance recording and measurement is carried out by processing data sourced from the

Ministry of Finance's Integrated Monitoring and Evaluation System (SMART) Application and Bappenas e-money until 31 December 2019. Based on the results of this data processing, during 2019, the Deputy for Legal Affairs, Advocacy, and Regulatory Oversight have succeeded in realizing several strategic targets, which are the performance targets for 2019, as shown in the table below:

Table 3. Legal Affairs, Advocacy, and Regulatory Oversight of BPIP

No	Activities	Targets	Progress Indicators	2019 Targets (%)	2019 Realization
1	Analysis and Synchronization	The implementation of analysis and synchronization support with high quality	The percentage of satisfaction of the Deputy and the Steering Committee with the results of the analysis and synchronization of national legal products	80%	31.68%
2	Advocacy on Pancasila Education	The implementation of advocacy and education of Pancasila	The percentage of satisfaction of the Deputy and the Steering Committee with the results of the advocacy	80%	17.75%
3	Pancasila Institutionalization	The implementation of effective institutionalization strategies of Pancasila in government regulations	The percentage of satisfaction of the Deputy and the Steering Committee with the results of the Pancasila institutionalization	80%	27%

Efforts to improve the performance of the Deputy for Law, Advocacy and Regulation Supervisor in the future are

directed at increasing coordination and cooperation with various agencies, both central and regional, educational/

religious institutions, and community organizations will be carried out more intensively, so that the internalization and institutionalization of the Pancasila program will be carried out (Rochmat, 2014; Sudrajat, 2018). In law, advocacy and regulatory supervision are expected to contribute positively to increasing understanding of Pancasila, social inclusion, institutionalizing Pancasila, and mainstreaming Pancasila ideals. The overall performance of the Deputy for Law, Advocacy, and Regulation Supervisor in 2019 was an average of 25.91% of the target. This performance achievement is a contribution from the availability of the design of indicators for the values of Pancasila, the implementation of quality analysis and synchronization, the implementation of advocacy for the development of the Pancasila ideology, and the implementation of effective internalization and institutionalization of Pancasila (Densmoor, 2013; Hadiz, 2004).

Efforts to improve the performance of the Deputy for Law, Advocacy, and Regulatory Oversight in the future are directed at increasing coordination and cooperation with various central and regional agencies, educational/religious institutions, and social organizations so that the institutionalization of Pancasila in the field (Mu'ti and Burhani, 2019). Law, advocacy, and regulatory oversight are expected to contribute positively to increasing understanding of Pancasila, the occurrence of social inclusion, the institutionalization of Pancasila, and the mainstreaming of Pancasila ideals.

CONCLUSION

The Pancasila Ideology Development Agency (BPIP) in the constitutional system of the Republic of Indonesia is a non-ministerial state institution, or it can also be called a state auxiliary institution. The existence of the Pancasila Ideology Development Agency can be seen based on its static existence and dynamic existence. Judging from the static existence of the Pancasila Ideology Development Agency, it has pretty good basic ideas amid radicalism and terrorism issues. The Pancasila Ideology Development Agency also has a strategic position, namely the Ministry-level Agency. The Pancasila Ideology Development Agency is responsible to the President.

Regarding the role of BPIP in making regulations, this task is carried out by the Deputy for Law, Advocacy, and Regulatory Oversight (DBHAPR). The task of DBHAPR is to ensure synchronization, harmonization, good internalization, and institutionalization of the values of Pancasila in the Indonesian legal system, particularly regulations, as a whole, starting from state regulations to regional regulations. The performance of DBHAPR is directed at increasing efforts to internalize and institutionalize the Pancasila program that will be carried out. In law, advocacy and regulatory supervision are expected to contribute positively to increasing understanding of Pancasila, social inclusion, institutionalizing Pancasila, and mainstreaming Pancasila ideals.

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