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Pancasila in the Foundation of Legal **Education: Various International Comparisons**

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Abstract: Pancasila as the ideology of the State of Indonesia consists of five principles of precepts which are used as guidelines for the nation and state in Indonesia. The five precepts are the basis of the Indonesian State that need to be lived out and practiced by all Indonesian citizens, including in the law of the nation and state in Indonesia. The State of Indonesia is a rule of law, in order to realize a rule of law, one of them is required a legal instrument that is used to regulate balance and justice in all areas of people's lives and livelihoods through legislation by not ruling out jurisprudential functions. This shows that legislation has an important role in the Indonesian law. Therefore, Indonesia made Pancasila a guideline for nation and state law because Pancasila was in accordance with the personality of the Indonesian nation.

Keywords: Legal Education, Pancasila, Moral Education, National Ideology, Ideology Education

A. Introduction

Each country has an ideology as an idea to achieve the goals and ideals of each nation. The formation of ideology aims to be used as a basis for addressing the problems faced by both individuals and the nation. The ideology of the Indonesian state which is still used as the basis for the life of the nation and state is Pancasila. The ideology of Pancasila was chosen as the ideology of the Indonesian state because Pancasila has religious values and the values contained in Pancasila are the noble ideals of the Indonesian nation.¹

These ideals are formulated into precepts whose values are actualized into norms of life and the inclusion of the Pancasila precepts in the preamble to the 1945 Constitution strengthens the position of Pancasila as the basis of the state as well as the ideology of the state which is accepted by all Indonesians. Pancasila was determined to be the basis of the Indonesian state along with the ratification of the 1945 Constitution as the state constitution on August 18, 1945 a day after the proclamation of Indonesian independence by Ir. Soekarno on August 17,

Zubaidi, Ahmad, and Hadi Sutarmanto. "Indeks Ketahanan Ideologi Pancasila." Jurnal Ketahanan Nasional 25.2 (2019): 277-294; Gunawan, Budi, and Barito Mulyo Ratmono. "Threats to the Ideology of Pancasila in the Reform Era: Praxis Case of Regional Development Policy." Jurnal Studi Pemerintahan 9.1 (2018): 56-82; Hamzah, Syukri, Mohd Hilmy Baihaqy Yussof, and Alexis Arizabal Enriquez. "Togetherness in the Diversity of the Pancasila Ideology Frame." Journal of Social Work and Science Education 1.1 (2020): 8-12.

1945. Then, Pancasila became closely related to every individual Indonesian citizen as a guide in every aspect of life, where every decision making for personal, or group interests derives its source from Pancasila.²

Therefore, Indonesia is a state of law, the laws that apply in Indonesia are made and sourced from Pancasila. All applicable laws do not conflict with Pancasila which is the basis of the state. Pancasila is the main basis in making legal regulations based on statutory regulations from making new laws that are replaced with old laws and the values of God, Humanity and Society must be recognized in the substance of law, legal culture and legal substance to be realized, welfare and justice based on Pancasila both goals, actualization, and values in various fields of law that exist in state administrative law, criminal law, and civil law.³ There is no law in one country that applies to the law of another country. but it is not impossible if the law of a country can influences other countries to make the rule of law according to their country. The proclamation of the independence of the Indonesian state became the bearer of major changes in all aspects of the life of the Indonesian nation, including the administration of law.⁴

Every nation and state would want to have a solid stand, not easily carried away by the harsh problems of life in the nation and state, of course a country has a solid-state foundation and ideology as well. Without a state and ideological basis, the Indonesian nation will be fragile. Studying Pancasila further. On this occasion, the author would like to discuss about Pancasila as a legal guideline for the nation and state, which will discuss why Pancasila can be a legal guide for

Dewantara, Jagad Aditya, et al. "Pancasila as ideology and characteristics civic education in Indonesia." *International Journal for Educational and Vocational Studies* 1.5 (2019): 400-405; Faradila, Ayu Hanita, Holilulloh Holilulloh, and M. Mona Adha. "Pengaruh Pemahaman Ideologi Pancasila Terhadap Sikap Moral Dalam Mengamalkan Nilai-Nilai Pancasila." *Jurnal Kultur Demokrasi* 2.7 (2014); Huda, Muhammad Chairul. "Meneguhkan Pancasila Sebagai Ideologi Bernegara." *Resolusi: Jurnal Sosial Politik* 1.1 (2018): 78-99.

³ Anggraini, Devi, et al. "Pengamalan nilai-nilai Pancasila bagi generasi milenial." *Jurnal Inovasi Ilmu Sosial dan Politik (JISoP)* 2.1 (2020): 11-18; Adha, Muhammad Mona, and Erwin Susanto. "Kekuatan nilai-nilai Pancasila dalam membangun kepribadian masyarakat Indonesia." *Al-Adabiya: Jurnal Kebudayaan dan Keagamaan* 15.01 (2020): 121-138; Damanhuri, Damanhuri, et al. "Implementasi Nilai-Nilai Pancasila Sebagai Upaya Pembangunan Karakter Bangsa." *Untirta Civic Education Journal* 1.2 (2016).

⁴ Al Anshori, M. Junaedi. *Sejarah Nasional Indonesia: Masa Prasejarah Sampai Masa Proklamasi Kemerdekaan*. (Jakarta: PT Mitra Aksara Panaitan, 2011). *See also* Rinardi, Haryono. "Proklamasi 17 Agustus 1945: Revolusi Politik Bangsa Indonesia." *Jurnal Sejarah Citra Lekha* 2.1 (2017); Hamidi, Jazim. "Makna dan Kedudukan Hukum Naskah Proklamasi 17 Agustus 1945 dalam Sistem Ketatanegaraan Republik Indonesia." *Risalah Hukum* 2, No. 2 (2006): 68-86.

the nation and state and how Pancasila can be a legal guide for the nation and state.⁵

B. Method

This study compares some practices of national ideologies and moral education. This study uses a comparative legal approach and comparative case study.

C. Result & Disucussion

1. The Mainstreaming of Ideology: The Limitation and Some Approaches

Some experts have discussed and explained the meaning of ideology. In the narrowest context, the ideology in the pratical cannot be unified and have same understanding, it depens on the culture, social, and the religion. A.S Hornby highlighted that ideology is a set of ideas that form the basis of economic and political theory or are held by a person or group of people.⁶ In line with Hornby, Francis Bacon said that ideology is a synthesis of fundamental thinking from a living concept.⁷ In the Indonesian context, Moh. A Safaudin, one of the Indonesian scholars said that ideology is thinking towards justice, equality and

Triwijaya, Ach Faisol, Yaris Adhial Fajrin, and Arif Prasetyo Wibowo. "Quo Vadis: Pancasila Sebagai Jiwa Hukum Indonesia." *Jurnal Pendidikan PKN (Pancasila Dan Kewarganegaraan)* 1.2 (2020): 115-129; Handayani, Puji Ayu, and Dinie Anggaraeni Dewi. "Implementasi Pancasila Sebagai Dasar Negara." *Jurnal Kewarganegaraan* 5.1 (2021): 6-12; Putri, Fannia Sulistiani, and Dinie Anggtaeni Dewi. "Implementasi Pancasila sebagai Sistem Etika." *EduPsyCouns: Journal of Education, Psychology and Counseling* 3.1 (2021): 176-184.

Petrescu, Camelia. "Ideology and Translation." Professional Communication and Translation Studies 2.1-2 (2009): 93-96; Hornby, Albert Sydney. Oxford Advanced Learner's Dictionary of Current English. (Oxford: Oxford University Press, 2000).

Cortes-Ramirez, Eugenio-Enrique. "Knowledge is power. Francis Bacon's theory of ideology and culture." Via Panorâmica: Revista Electrónica de Estudos Anglo-Americanos/An Anglo-American Studies Journal 3 (2014): 25-42; Zagorin, Perez. "Francis Bacon's concept of objectivity and the idols of the mind." The British Journal for the History of Science 34.4 (2001): 379-393. See also Snider, Alvin. "The Legitimacy of the Modern Age, and: Francis Bacon and Modernity." Minnesota Review 32.1 (1989): 137-140; Bacon, Francis, Michel Leiris, and Robert Marrast. Francis Bacon. (Oxford: Oxford University Press, 1996).

common welfare through the human thought process to determine the rules in life.8

Manfred Steger and Paul James highlighted that the definition of ideology consists of two important things, that *first*, ideology is a group of normative ideas and concepts that have a pattern, which is a representation of the existing political power, and *second*, ideology is a concept map that helps people navigate the complexities of political life and belief in social truths. In the same context, Louis Althuser also emphasized that ideology is a speculative idea, but it is not a false idea, because it is not intended to describe a reality but to be able to provide a picture of how humans should be able to live their lives. 10

In addition, Dr. Hafidh Saleh highlighted that ideology is a thought that has an idea in the form of a rational conception (*aqidah aqliyah*), which includes faith and solutions to all problems of human life. The thinking must have a method, which includes methods for actualizing these ideas and solutions, methods for defending them, and methods for spreading them throughout the world. Moreover, Soerjanto Poespowardoyo pointed that ideology is a complex of knowledge and various values, which are universally the basis for a person or society to be able to understand the universe and the earth in its entirety and dettermine the basic attitude to be able to cultivate it. 12

⁸ Hutagalung, Daniel. "Hegemoni, Kekuasaan, dan Ideologi." *Jurnal Pemikiran Sosial, Politik dan Hak Asasi Manusia* 74, No. 1 (2004): 1-17; Suardi, Moh. *Ideologi Politik Pendidikan Kontemporer*. (Jakarta: Deepublish, 2015).

James, Paul, and Manfred B. Steger. "A genealogy of 'globalization': The career of a concept." Globalizations 11.4 (2014): 417-434. See also Steger, Manfred B., and Paul James. "Levels of subjective globalization: Ideologies, imaginaries, ontologies." Perspectives on Global Development and Technology 12.1-2 (2013): 17-40; Steger, Manfred B., and Paul James. Globalization matters: Engaging the global in unsettled times. (Mass: Cambridge University Press, 2019).

Althusser, Louis. "Ideology and ideological state apparatuses (notes towards an investigation)." *The anthropology of the state: A reader* 9.1 (2006): 86-98; Althusser, Louis. *On the reproduction of capitalism: Ideology and ideological state apparatuses*. (London: Verso Books, 2014); Althusser, Louis. *On Ideology*. (London: Verso Books, 2020).

Husni, Zainul Mu'ien. "NU Di Tengah Pusaran Ideologi-Ideologi Transnasional." *Jurnal Islam Nusantara* 2.1 (2020): 45-59.

Poespowardojo, Soerjanto. "Dinamika Dan Implikasi Etis Wawasan Kebangsaan dalam Mengyongsong Hari Depan Indonesia." *Jurnal Ketahanan Nasional* 8.1 (2003): 1-6. *See also* Mulyono, Mulyono. "Pancasila sebagai Orthodoksi dan Orthopraksis dalam Kehidupan Berbangsa dan Bernegara." *Humanika* 23.2 (2016): 40-48; Zulfiani, Anita, and Adi Sulistiyono Hartiwiningsih. "Pancasila and Social Change in Indonesia." *PalArch's Journal of Archaeology of Egypt/Egyptology* 17.7 (2020): 15959-15967.

In the further context, what does ideology mean can be interpreted in more comprehensive indicator as highlighted by David W. Minar. He argues that ideology is as follows:

- 1) A collection of ideas with a wide variety of forms/contents which are generally normative (generally accepted).
- 2) Ideology is a form or embodiment of ideas that apply in human interaction as social beings.
- 3) Another form of idea that governs the structure of the organization
- 4) Ideology as a form of goal, carried out in a persuasive form.
- 5) Ideology has the possibility as the main container in social interaction.¹³

Ramlan Surbakti classified the ideology into two meanings, *first* is functional ideology, and *second* is structural ideology. Fuctional Ideology is a set of ideas about the common good or about society and the state which is considered the best. Then, Structural Ideology is a justification system such as ideas and political formulas for every policy and action taken by the ruler.¹⁴

This meaning can be derived into more detail explanation as emphasized and pointed by Harold H. Titus, that ideology is a term used for a group of ideals regarding various kinds of political and economic problems which are carried out in a systematic plan and carried out by groups or layers of society.¹⁵

From all the statements above, it can be concluded that ideology is a systematic collection of ideas, views, ideas, beliefs concerning various fields of human life. Basically there are three main meanings of ideology, namely the *first* ideology as false consciousness, the *second* is ideology in a neutral sense and the *third* is ideology in the sense of unscientific beliefs.

Therefore, the ideology indeed has several fucntion for the society and the people. The general function of ideology is as follows:

- 1) Become a guide to solving problems in the social environment of individuals in the community.
- 2) Being a source of encouragement to do something creative about social norms and values in people's lives.

¹³ Minar, David M. "Ideology and political behavior." *Midwest Journal of Political Science* 5.4 (1961): 317-331.

¹⁴ Ramlan, Surbakti. Memahami Ilmu Politik. (Jakarta: Grasindo, 2005).

Nambo, Abdulkadir B., and Muhamad Rusdiyanto Puluhuluwa. "Memahami tentang beberapa konsep politik (suatu telaah dari sistem politik)." MIMBAR: Jurnal Sosial Dan Pembangunan 21.2 (2005): 262-285. See also Titus, Harold H. "Christian Ethics and Contemporary Social Issues." Journal of Bible and Religion 15.4 (1947): 215-219.

- 3) Provide motivation to each individual and community group in achieving goals in life.
- 4) Assis find identity in each community.

An ideology is a set of beliefs or philosophies associated with a person or group of people, mainly for reasons that are not purely epistemic, where the practical element is as prominent as the theoretical element. The term ideology comes from the French idéologie, which comes from a combination of Greek: $id\acute{e}a$ which means idea, pattern and $-log\acute{u}a$ which means study of, the study of knowledge. The term was coined by Antoine Destutt de Tracy, a French aristocrat and Enlightenment philosopher. He understood ideology as a liberal philosophy that would defend individual freedom, property, free markets, and constitutional limitations on state power. He argues that, among these aspects, ideology is the most common term because 'the science of ideas' also contains the study of their expression and deduction. The coup that toppled Maximilien Robespierre led Tracy to continue her work. Tracy reacts to the terrorism phase of the revolution during the Napoleonic regime. He tried to devise a system of rational ideas to fight the irrational people who nearly destroyed him. 16

Terry Eagleton stated that ideology is a system of concepts and views that has the function of understanding the world and also blurring the social interests that exist in it. Eagleton argues that ideology is accompanied by internal consistency which tends to form a closed system to defend itself in the face of contradiction. Meanwhile, Malcolm Hamilton stated that ideology is a system of ideas that are normative, factual and collectively have attitudes that support and justify certain patterns of political and economic regulation, behavior. Some of the world's ideologies that still exist and are recognized today are:

1) Capitalism

The ideology of capitalism is an ideology that in its economic system upholds freedom from the private sector, to play an active role in the economic cycle.¹⁷

Le Donne, Alessandro, and Riccardo Soliani. "Su alcuni aspetti dell'analisi economica di Antoine Destutt de Tracy (1754-1836)." *Itinerari di ricerca storica* 2 (2020): 83-94. Head, Brian W. *Politics and Philosophy in the Thought of Destutt de Tracy*. (London: Routledge, 2019).

¹⁷ Capitalism is etymologically rooted from the word "capital" which means capital / capital. The capital referred to here is not interpreted in the narrow sense of money. In a broader sense, capitalism includes all material resources that can be exchanged. Meanwhile, "ism" itself means understanding, belief, or view of life. Capitalism is also broadly defined as a system of production, distribution and exchange in which the accumulated wealth is reinvested for a continuous profit. Karl Marx defined capital as the value involved in a dynamic process of self-expansion. Value-in Marx's terminology-appears in various forms: first of all, in the form

2) Liberalism

The ideology of liberalism is an ideology that upholds the freedom and equality of individual rights in aspects of life that concern the interests of the people.¹⁸

3) Marxism

The ideology of Marxism is an ideology that adheres to the thoughts of a figure named Karl Marx related to the economic, social, and political system.¹⁹

4) Socialism

The ideology of socialism is an ideology that emphasizes a sense of concern, empathy, and sympathy between individuals regardless of status.²⁰

of money; then, as the value of production inputs (labor, raw materials, machinery and buildings); then, as the value of the commodity produced; and lastly as money value again after the commodity produced has been sold. *See* Azmanova, Albena. *Capitalism on Edge*. (New York: Columbia University Press, 2020); Lippit, Victor D. *Capitalism*. (London: Routledge, 2007); Hodgson, Geoffrey M. "Conceptualizing Capitalism." *Conceptualizing Capitalism*. (Chicago: University of Chicago Press, 2015).

- The term liberalism comes from the Latin, libertas or in English is called liberty which means freedom. Liberalism is an understanding that requires freedom. The freedom in question is the freedom to live, personal freedom, the right to oppose oppression, as well as the right to personal protection and property rights. In addition, liberalism is also defined as an understanding that requires individual freedom, both in the fields of economy, politics, science, culture, religion, as well as freedom as a citizen called liberalism. Liberalism and as a reaction to the oppression carried out by the nobility and clergy during the development of feudalism with absolute monarchy. The main supporters of liberalism were the bourgeoisie and the urban educated. *See* Von Mises, Ludwig. *Liberalism*. (Indianapolis: Liberty Fund, 2012); Bell, Duncan. "What is liberalism?." *Political theory* 42.6 (2014): 682-715; Galston, William A. "Two concepts of liberalism." *Ethics* 105.3 (1995): 516-534.
- Marxism is the basis of modern communism theory. This theory is contained in the book The Communist Manifesto written by Marx and Friedrich Engels. Marxism is a form of Marx's protest against capitalism. He considers that the capitalists collect money at the expense of the proletariat. The condition of the proletariat is very sad because it is forced to work long hours at a minimum wage, while the results of their work are only enjoyed by the capitalists. Many of the proletariat have to live in the outskirts and slums. Marx argues that this problem arises because of the "private ownership" and control of wealth which is dominated by the rich. For the welfare of the proletariat, Marx argues that the notion of capitalism needs to be replaced with the notion of communism. If this condition continues, according to Marx, the proletariat will rebel and demand justice, and this is the basis of Marxism. See Aune, James. Rhetoric and Marxism. (London: Routledge, 2019); Knafo, Samuel, and Benno Teschke. "Political Marxism and the Rules of Reproduction of Capitalism: A Historicist Critique." Historical Materialism 29.3 (2020): 54-83; Bohrer, Ashley. "Intersectionality and Marxism: A critical historiography." Historical Materialism 26.2 (2018): 46-74; Roediger, David R. Class, race, and Marxism. (London: Verso Books, 2019); Mavroudeas, Stavros. "Friedrich Engels and his contribution to Marxism." Human Geography 13.2 (2020): 187-190.
- ²⁰ Socialism is a set of economic and social systems characterized by social ownership of the means of production and self-management of workers, as well as the theories and political

5) Nationalism

The ideology of nationalism is the ideology that states that the highest allegiance of individuals must be submitted to the nation state.²¹

6) Feminism

Feminist ideology is an ideology that upholds equality for women in every aspect of life.²²

movements associated with them. Social ownership can take the form of state, collective, cooperative, or social ownership of equity. There are many variants of socialism and there is no single definition that sums them all up, with social ownership being a common element that the various variants share. Socialist refers to people who adhere to the notion of socialism. See Crossman, Richard HS. "Towards a philosophy of socialism." In Democratic Socialism in Britain. (London: Routledge, 2021), pp. 1-32. See also Kolodko, Grzegorz W. "Socialism, capitalism, or Chinism?." Communist and Post-Communist Studies 51.4 (2018): 285-298; Hodgson, Geoffrey M. Is socialism feasible?: Towards an alternative future. (London: Edward Elgar Publishing, 2019); Kowalik, Tadeusz. "On crucial reform of real socialism." In Economic Reforms in Eastern Europe and the Soviet Union. (London: Routledge, 2019), pp. 23-86.

- Nationalism is an ideology that is classified as the most recent in the understanding of national politics. In the peak of achieving political ideas, it will produce a nation state political system as a strong political entity in the midst of the human environment in this world of life. However, nationalism must be formed and built manifestly through various theories and practices so that it can produce a paradigm and reality. In building the idea of nationalism as a whole, it requires understanding and movement-based organizations to transact socially with the community, so that in the end there is a strong interaction between the organization and the masses in one idea, namely nationalism. *See* Tamir, Yael. *Why Nationalism*. (New Jersey: Princeton University Press, 2019); Cichocka, Aleksandra, and Aleksandra Cislak. "Nationalism as collective narcissism." *Current Opinion in Behavioral Sciences* 34 (2020): 69-74; Hobsbawm, Eric. *On Nationalism*. (Paris: Hachette UK, 2021); Bieber, Florian. "Is nationalism on the rise? Assessing global trends." *Ethnopolitics* 17.5 (2018): 519-540; Bieber, Florian. "Is nationalism on the rise? Assessing global trends." *Ethnopolitics* 17.5 (2018): 519-540.
- Feminism is a series of social movements, political movements, and ideologies that have the same goal, namely, to define, build, and achieve gender equality in the political, economic, personal, and social spheres. Feminism combines the position that society prioritizes the viewpoint of men, and that women are treated unfairly in that society. Efforts to change this include fighting gender stereotypes and seeking to build equal educational and professional opportunities for men. Some scholars consider feminist campaigns to be the main force behind the major historical social changes to women's rights, particularly in the West, where they are almost universally rewarded for achieving women's suffrage, gender neutral language, reproductive rights for women (including access to contraception and abortion, as well as the right to enter into contracts and own property. Many feminist movements and ideologies have developed over the last years and represent a variety of viewpoints and goals. See Delmar, Rosalind. "What is feminism?." In Theorizing feminism. (London: Routledge, 2018), pp. 5-28; Benhabib, Seyla. "Feminism and the Question of Postmodernism." In The New Social Theory Reader. (London: Routledge, 2020), pp. 156-162.

7) Conservatism

The ideology of conservatism is an ideology that supports traditional values.²³

2. Ideology of Pancasila: Between Functions and Challenges

The term Pancasila has existed since the days of the Sriwijaya and Majapahit kingdoms with the principle of Pancasila being practiced in social life or in royal life even though the formulation of Pancasila has not been well designed. In this case, based on the book Sutasoma by Mpu Tantular, Pancasila means the five pillars or the five implementations of morality.²⁴

Before discussing the ideology of Pancasila, first know the meaning of Pancasila from the experts, according to Ir. Soekarno, Pancasila contains the soul of the Indonesian nation from generation to generation which after so many centuries was buried silent because of Western culture. Therefore, Pancasila is not only the philosophy of the State, but more broadly, namely the philosophy of the Indonesian nation. Then According to Notonegoro, Pancasila is the philosophical basis in the State of Indonesia, it can finally be concluded that Pancasila is the basis of the philosophy and ideology of the State which is desired to be a view of Indonesia's life as a unifying basis, a symbol of unity and integrity and part of the defense of the nation and the State. the word panca and sila, panca means principle, basis, joint, or important and good rules of conduct. Therefore, Pancasila is the five basics that contain guidelines or rules about important and good behavior.

From the statements of the experts above, it can be concluded that the notion of Pancasila is a state basis and ideology in the State of Indonesia which is

²³ Conservatism is a political philosophy that supports traditional values. The term comes from the Latin, *conservāre*, to preserve; "keep, maintain, practice". Because different cultures have different and established values, conservatives in different cultures have different goals. Some conservatives seek to preserve the status quo, while others seek to return to the values of the past, the status quo ante. Samuel Francis defines authentic conservatism as "the persistence and strengthening of certain people and their institutionalized cultural expressions." Roger Scruton called it "social ecological preservation" and "the politics of procrastination, the purpose of which is to maintain, as long as possible, the existence as life and health of a social organism." *See* Nilsson, Artur, and John T. Jost. "The authoritarian-conservatism nexus." *Current Opinion in Behavioral Sciences* 34 (2020): 148-154; Peck, Reece. *Fox populism: Branding conservatism as working class.* (Mass: Cambridge University Press, 2019).

²⁴ Tunggal, Nawa. "Keindonesiaan:"Tan Hana Dharma Mangrwa"." *Dekonstruksi* 3.01 (2021): 57-63.

the basis of all national decision making that reflects the personality of the Indonesian nation. in all regions of Indonesia.

Pancasila is symbolized by the Garuda bird with its head facing to the right and having a shield that forms a heart that is hung on a chain around Garuda's neck. On Garuda there is the motto "Bhinneka Tunggal Ika" which means "unity in diversity" which is written on the ribbon that is gripped by Garuda. Pancasila reads as follows:

- Belief in the one and only God
- Just and civilized humanity
- 3) The unity of Indonesia
- 4) Democracy led by solemn wisdom in representative deliberation
- 5) Social justice for all the people of Indonesia.

Pancasila has a function for the Indonesian people, which are as follows:

- Pancasila as the Personality of the Indonesian Nation The Indonesian nation has its own uniqueness that becomes its personality and becomes the hallmark of the Indonesian nation with other countries, which is manifested in the behavior and mental attitudes of the Indonesian people which are based on Pancasila.
- 2) Pancasila as the Source of All Sources of Law Pancasila is the source of law in Indonesia, meaning that all applicable laws in Indonesia do not differ or deviate from the contents of Pancasila which is the ideology of the State.
- 3) Pancasila as the State Foundation of the Republic of Indonesia Pancasila as the basis for the administration of the state and life in government regulation in regulating the life of the nation and state, therefore the state in its regulation and the life of the Indonesian people would be better if it was based on Pancasila.
- 4) Pancasila as the Soul of the Indonesian Nation Pancasila as the soul of the Indonesian nation is used as a source of application of Pancasila to every soul of the Indonesian people.
- 5) Pancasila as the Ideals and Goals of the Indonesian Nation The Indonesian nation has a goal that must be achieved, namely, to create a just and prosperous society as stated in the preamble to the 1945 Constitution which explains Pancasila as a State Ideology.

6) Pancasila as the Philosophy of Life of the Nation

Pancasila contains personality values that are believed to be the most correct, wise, fair and unite Indonesian citizens. From this, Pancasila is the philosophy of the Indonesian nation.

In the preamble to the 1945 Constitution, it is stated that the purpose of the creation of Pancasila is as the basis of the State. Pancasila is the basis for regulating the course of government in Indonesia. Another goal of Pancasila for the Indonesian people is to become a nation that upholds justice in the socioeconomic field, then Pancasila also aims to become a democratic nation, wants to become a nationalist nation, wants the nation to be religious, which means obeying the rules of God Almighty. One, and finally, the purpose of Pancasila is to become a nation that respects human rights.

Pancasila as an ideology of the Indonesian state is essentially not only the result of the thoughts of a group of groups just like the ideologies of other countries, but Pancasila is taken as its source from cultural values, traditional values, and religious values that exist in the guidelines of life for the Indonesian people before the state was formed, or in other terms the principles that become the material of Pancasila are lifted from the views of the Indonesian people themselves, so that the Indonesian nation is the cause materialization (origin of material) Pancasila.

The principles of Pancasila were eventually brought to the attention and formulated by the founding fathers of the nation. Therefore, Pancasila was used as the basis of the state and ideology of the Indonesian nation. Pancasila as the ideology of the Indonesian nation and state comes from the view of life and culture of the Indonesian nation and does not only carry or take from the ideology of other countries. Furthermore, Pancasila also does not only contain ideas or the results of reflection from individuals who fight for certain groups, but also Pancasila comes from the values possessed by the nation itself so that Pancasila is essentially intended for all components and elements of the nation comprehensively. Therefore, Pancasila has a characteristic that is in accordance with the personality of the Indonesian nation.

Pancasila is an open ideology which means that Pancasila is dynamic and actual so that it can solve everything by following the times, especially in technological developments and in the field of conveying people's aspirations. The openness of the Pancasila ideology does not mean that it can change the content of the basic values contained in Pancasila, but can develop further

insight, in the end Pancasila can solve the problems that are happening while still accommodating and considering the aspirations of the people regarding the development of science and technology and also current development. So that Pancasila has its own charm for its people and makes Pancasila an ideology that is considered correct. The characteristics of an open ideology are as follows:

- 1) It does not become an ideology that is only believed by a few groups but is also a mutual agreement so that Pancasila is a spiritual, cultural and moral wealth.
- 2) This ideology was discovered by the people themselves because Pancasila belongs to all the people which can be explored and found in their lives.
- 3) Inspiring people to be able to try to be responsible in their lives instead of forcing people's freedom and responsibility.
- 4) The contents are not rigid and can still be explored by philosophy and look for what is contained in the ideology in the context of the situation of the times
- 5) Respect equality so that it can be accepted by people from various cultures, religions, and races.

Pancasila as an ideology has a position as the basis of the state, besides that Pancasila is also the national ideology of Indonesia which is carried out consistently in the life of the state. As the ideology of the Indonesian nation, which means having cultural ties that develop naturally in the life of the Indonesian people, it is not forced, in other words Pancasila is ingrained in every soul of the Indonesian people. An ideology can survive or even fade in the face of a problem depending on the durability of the ideology itself.

On the strength of an ideology is very dependent on the three-dimensional quality possessed by the ideology. As an ideology, Pancasila has three dimensions which are as follows:

1) Flexibility Dimension

The dimension of flexibility or development dimension is the ability of ideology to be able to influence as well as adapt to the times in social life. The meaning of influencing is to play a role in finding interpretations of the basic values of ideology that are in accordance with the reality that has just appeared before them, adjusting to the development of life in society.

2) Dimensions of Reality

The dimension of reality is a measure or a reality that develops in social life regarding a better future where the ideology appears for the first time, at least the basic values of the ideology reflect a reality in society about the beginning of its birth.

3) Dimensions of Idealism

The dimension of idealism is a measure of ideology contained in basic values that can give hope to various community groups regarding a better future based on experience in activities carried out daily in social life.

If Pancasila can fulfill these three dimensions, then Pancasila can be recognized as an open ideology. The following is the function of Pancasila as the state ideology, namely:

- 1) Strengthening the unity of the Indonesian state because Indonesia is a pluralistic country.
- 2) The Indonesian nation is directed to achieve its goals and guide the implementation of development.
- 3) Maintain and develop national identity and support the formation of national character.
- 4) As a value guide when criticizing the nation.

The content of Pancasila values contained in it are the values of divinity, humanity, unity, democracy, and justice. From the value of the content of Pancasila, it is the basic value for the life of citizenship, society, and nationality. The values contained in Pancasila are included in the spiritual group which contains complete and harmonious values both in material, vital, or reality. Meanwhile, the aesthetic, aesthetic or religious. It is known that the values contained in Pancasila are objective and subjective, which means that the essence of Pancasila values is universal or can apply anywhere so that it can be used while in other countries.

The values contained in Pancasila are objective and subjective with the following explanation.

1) Objective values

- The essence of Pancasila values has always existed throughout the life of the Indonesian nation and society
- b. In the preamble to the 1945 Constitution, it is the source of all kinds of legal sources in Indonesia
- c. The formulation of Pancasila has the deepest meaning showing the existence of a universal and abstract general nature.

2) Subjective values

a. The values of Pancasila are the way of life of the Indonesian people.

b. Pancasila values emerged from the Indonesian nation itself.

The values of Pancasila contained in it are a reflection of the life of the Indonesian people, especially in their previous ancestors and are permanently an inseparable part of the life of the Indonesian people. As the nation's successor, the Indonesian people are required to be able to maintain the values contained in the Pancasila, for example in the field of law, giving sanctions to irresponsible parties by taking actions that deviate from Pancasila.

3. State of Law based on Pancasila and the Legal Education

Article 1 Paragraph 3 of the 1945 Constitution states that the Republic of Indonesia is a state of law, therefore it can be concluded that in practice in the life of society, nation and state it is required to fulfill and be realized in the form of the principles that exist in the rule of law. With the formulation of the form, Indonesia is a state based on law in the 1945 Constitution, so that the perpetrators, supporters and implementers as it should be state administrators and government leaders must have a good spirit in accordance with the spirit of Pancasila and the 1945 Constitution.

The concept of the rule of law is a basis that cannot be separated from its existence from Pancasila as the basis of the state and the source of all sources of law. This means that Pancasila can permeate all the life of the Indonesian legal state. The concept of a state of law Pancasila is a rule of law concept that is applied in the state of Indonesia which is based on the legal system in Indonesia. The concept of a constitutional state of Pancasila has a characteristic that is in the philosophy of the Indonesian nation and state, namely Pancasila.

The Pancasila legal state has a concept that does not directly raise the concept of a rechttstaat legal state in countries that adhere to a civil law system but instead adheres to and applies the concept of a state of law that is in accordance with the conditions and spirit of the Indonesian nation, namely the concept of a state of law Pancasila which historically emerged not because of the results of from the resistance to absolutism carried out by the authorities, but because of the desire of the Indonesian people to be free from the pressures of imperialism and colonialism carried out by the Dutch colonialism.

The concept of a state of law Pancasila is a state of law which on the one hand needs to fulfill the provisions of the rule of law that exists in general, namely based on three pillars of recognition and human rights, an independent and impartial judiciary, colored by aspirations in Indonesia based on five

principles. Fundamental principles of Pancasila which have been made materially based on guidelines for the perspective of the Indonesian nation in a state that is integralistic in nature, unique to Indonesia, and formally juridically by looking at the provisions contained in the 1945 Constitution by comparing the concept of a liberal law state.

Pancasila as a state of law means a country that has characteristics or in other words means based on the characteristics contained in Pancasila. The values contained in it are the value of God Almighty, Just and Civilized Humanity, Indonesian Unity, Democracy led by solemn wisdom in representative deliberation, social justice for all Indonesian people. Meanwhile, the characteristics of law based on Pancasila are belief in God, kinship, mutual cooperation and harmony.

The term rule of law has existed since it was proposed by an expert named Laica in the eighteenth century but became popular between the nineteenth and twentieth centuries. The idea has existed since the seventeenth century. It's just that the use of the word rule of law is different in each country.

Rechstaat, the term is used by the Netherlands and Germany to refer to the rule of law, while in France the term state of law used is called etat de droit, in Spain it refers to the rule of law as estado de derecho, in Italy the rule of law is called stato di dritto. If in European countries use these terms. In the UK, the term state according to law is used to refer to a state of law and in the United States the term state law is used as The Rule of Law, and not of man. The term has a meaning, namely that the law actually governs or leads in a country, not humans.

Law requires power to implement it in social life, while power itself has limitations that cannot be violated. There is a close relationship between law, state and power, which means that not all countries are always guided by power alone. It has been stated in the 1945 Constitution that the state of Indonesia is a state based on law and not a state based on power, which was subsequently amended to the 1945 Constitution, namely Article 1 which states that the Unitary State of the Republic of Indonesia is a state of law.

The rule of law and society cannot be separated from problems regarding a certain area and time. However, this does not mean that the laws that apply to Indonesia cannot be separated by the people and regions in Indonesia and in the course of its history. In this regard, it is necessary to explore and create values to create legal material. The values that can be extracted are in the form of values that exist in the personality of the Indonesian people, for example legal

awareness and ideals, individual and national independence, state forms and goals, religion, social life, and moral ideals. Pancasila as a state of law has the following characteristics:

- 1) Family state, meaning the recognition or protection of human rights while prioritizing the national interest.
- 2) Collaborating between law as a tool for community change and law as a reflection of community culture.
- 3) The Pancasila state law has a goal, namely realizing national goals, protecting the entire Indonesian nation and the homeland of Indonesia, advancing public welfare, educating the nation's life, and participating in carrying out world order based on eternal peace and social justice.
- 4) A state of law that is certain and just
- 5) The state of Indonesia is a religious nation state, which means that the life of the Indonesian nation and state is based on belief in God Almighty.

The conception of the Pancasila legal state has the meaning of a legal system formed based on the principles and rules or norms contained in the values contained in Pancasila which are used as the basis for social life in society, nation and state who want a balance between worldly interests and Hereafter, the balance between individual interests and the public interest or the interests of the people and the balance between life and relations between state institutions and society in society. So that the creation of a harmonious life and the ideals of the state can be achieved in accordance with applicable legal provisions without any ideological misunderstandings.

4. The Reasons for Pancasila to Be a Guide to the Law of the Nation and the State

In the history of Indonesia, Pancasila has become the juridical basis of the state (law) which is stated in the DPR-GR memorandum of June 9, 1966. In the memorandum it is explained that Pancasila is the nation's view of life that has been purified and condensed by PPKI on behalf of the Indonesian people to become the basis of the Republic of Indonesia. The memorandum has also been ratified by the MPRS in MPRS No. XX/MPRS/1966 explained that Pancasila as the source of all sources of Indonesian law which is essentially a way of life. As the source of all sources of law, Pancasila is also contained in the rules in Article 2 of

Law No. 10 of 2004 concerning the formation of legislation which states that "Pancasila is the source of all sources of state law".

Pancasila as the basis of state philosophy which is juridically attached to the Indonesian legal order is in the preamble of the Constitution as a source of normative and practical realization values in the life of the state and nationality which means Pancasila is a das sollen for every level of society in Indonesia so that practices are guided by the values of Pancasila. With such a position, Pancasila as the basis of state philosophy as stated in the preamble to the 1945 Constitution is a legal ideal that has power over basic laws, both written and unwritten basic laws.

It is known that in legal science, understanding the source of all legal sourcesis defined as the source of origin or the sources that cause the emergence of the rule of law. Therefore, it can be concluded that the notion of Pancasila as the source of all sources of law is not only dumber in finding a place in order to find out positive legal norms, but also can be seen from the origin of its values contained in the principles of Pancasila then legal norms are formed by state.

As the source of all sources of law, Pancasila is listed in the highest provision, namely the Preamble to the 1945 Constitution, then further explained in the main ideas surrounding the mystical atmosphere of the 1945 Constitution and other positive laws. The position of Pancasila as the basis of the state is detailed as follows by Kaelan.

- 1) Realizing legal ideals for the basic law of the country both in written law and unwritten law.
- 2) Pancasila as the basis of the state is the source of all sources of law, therefore Pancasila is the spiritual principle of law and order as stated in the Preamble to the 1945 Constitution.
- 3) This includes a mystical atmosphere based on the 1945 Constitution.
- 4) This is the reason for the enthusiasm in the 1945 Constitution for state administrators and government administrators because enthusiasm is an important thing for the implementation and administration of the state because the Indonesian people and state can grow and develop in line with the times and the dynamics of society and the state will still be covered and directed to become a better country.
- 5) Contains norms that require the Constitution to contain content that makes the government and other government administrators hold the noble moral ideals of the people. This is as stated in the fourth main idea which reads

"...the state is based on the One Godhead, according to the basis of just and existing humanity."

In the implementation of a state that must be fulfilled in order to achieve the rights and obligations of the state both to citizens and the state itself becomes a legal instrument that functions as a protector of society, then the law should be able to adapt to the development of the times and the dynamics of people's aspirations. In this connection, Pancasila is a source of value for legal reform, namely as a legal ideal which according to Notonagoro is domiciled as Staatsfundamentalnorm in the Indonesian state which is the starting point for the elaboration of the 1945 Constitution. Pancasila is essentially a source of Indonesian legal order. With such a position, Pancasila is the compiler of legal regulations in Indonesia. In legal philosophy, a source of law consists of two kinds of understanding, namely formal sources of law. Formal sources of law are sources of law that are viewed from the form and procedure of drafting laws that are binding on the community. Sources of legal materials Legal sources of material are sources of law that determine the material or content of a legal norm. Sources of this legal material can be in the form of values such as human values, divine values, values of justice and can also be in the form of realistic facts that develop in society, science and technology and culture.

Pancasila is the highest source of law in Indonesia, which means that all the rules that are made and apply in social life must not behave in a deviant manner with the contents of Pancasila. All rules that have been made and mutually agreed upon must contain good ideals based on Pancasila in the fifth precept, namely social justice for all Indonesian people.

The stipulation of Pancasila as a staatsfundamentalnorm means that the formation of law, its application and implementation must be based on the values of Pancasila. By placing Pancasila as a staatsfundamentalnorm, it also means making the Constitution as a guide on it. Pancasila historically has a legal basis in which Pancasila is the guideline for law-making in Indonesia. Even though Pancasila in the story is still the basis for making regulations in a country and for social life. Juridically, Pancasila has clearly become the law of all legal sources in Indonesia, which means that everything you want to do must be based on the values of Pancasila.

D. Conclusion

This paper highlighted and concluded that the general function of ideology starting from become a guide to solving problems in the social environment of individuals in the community, being a source of encouragement to do something creative about social norms and values in people's lives, provide motivation to each individual and community group in achieving goals in life, and help find identity in each community. The term Pancasila has existed since the days of the Sriwijaya and Majapahit kingdoms with the principle of Pancasila being practiced in social life or in royal life even though the formulation of Pancasila has not been well designed. Pancasila means the five pillars or the five implementations of morality. The concept of the rule of law is a basis that cannot be separated from its existence from Pancasila as the basis of the state and the source of all sources of law. This means that Pancasila can permeate all the life of the Indonesian legal state. The concept of a state of law Pancasila is a rule of law concept that is applied in the state of Indonesia which is based on the legal system in Indonesia. The concept of a constitutional state of Pancasila has a characteristic that is in the philosophy of the Indonesian nation and state, namely Pancasila. Pancasila is the highest source of law in Indonesia, which means that all the rules that are made and apply in social life must not behave in a deviant manner with the contents of Pancasila. All rules that have been made and mutually agreed upon must contain good ideals based on Pancasila in the fifth precept, namely social justice for all Indonesian people. The stipulation of Pancasila as a staatsfundamentalnorm means that the formation of law, its application and implementation must be based on the values of Pancasila. By placing Pancasila as a staatsfundamentalnorm, it also means making the Constitution as a guide on it. Pancasila historically has a legal basis in which Pancasila is the guideline for law-making in Indonesia. Even though Pancasila in the story is still the basis for making regulations in a country and for social life. Juridically, Pancasila has clearly become the law of all legal sources in Indonesia, which means that everything you want to do must be based on the values of Pancasila.

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