

Deciphering Values in Pancasila: A Critical Study of Pancasila Transcendence Roots in Law

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Abstract

As the foundation of the state and the origin of all sources of law, Pancasila is said to serve a purpose. Because Pancasila is truly sediment and crystallization, views, ideas, thoughts, and assumptions that claim that Pancasila is already reflected in norms, such as religious norms, decency, decency, customs, and legal norms, need to be jointly examined. From accepted standards. Using a conceptual approach, the author attempts to investigate the position of values that constitute Pancasila in connection to the formation of national legislation in Indonesia to address issues pertaining to people's daily lives in a nation and state. It necessitates having a conceptual knowledge of what sources of law mean, such as the idea that Pancasila is the origin of all sources of law. It necessitates having a conceptual grasp of what sources of law signify, such as the idea that Pancasila is the origin of all sources of law. The correlation is that legal development must be conceptualized as part of the nation's values, which implies that it must actually originate from the nation's values, if the understanding of Pancasila is built on the values and wisdom of the Indonesian people, both the methodology and epistemology, especially the ontology. In Pancasila, Indonesia came into being. In its final form, the legislation that is founded on Pancasila is meant to reflect justice with an Indonesian ideological bent. It is vital to reinforce fundamental ideological assumptions based on societal social ideals.

Keywords: Pancasila; Legal values; Fundamental norms.

INTRODUCTION

The formulation of Pancasila that is valid for practice is the formulation of Pancasila which is listed in the fourth paragraph of the Preamble of the 1945 Constitution which was ratified by The Preparatory Committee for Indonesian Independence (Panitia Persiapan Kemerdekaan Indonesia-PPKI) on August 18, 1945. The term Pancasila as the basis of the State was born on June 1, 1945, as proposed by Ir. Soekarno in the first

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meeting of the BPUPKI, in which the proposal that the name of the State Fundamental consisting of five principles or five precepts be called Pancasila was approved at the BPUPKI meeting on June 1, 1945 Pancasila as the State Foundation was formulated by the Investigating Committee for Preparatory Work for Indonesian Independence (Badan Penyelidik Usaha-usaha Persiapan Kemerdekaan Indonesia, BPUPKI) and ratified as the State Fund by The Preparatory Committee for Indonesian Independence (PPKI) on August 18, 1945. (Latif 2015, 34–38)

Understanding Pancasila ultimately consists of two main conceptions: Pancasila as a way of life and as the foundation of the State. (Article 1: Pancasila as referred to in the Preamble to the 1945 Constitution is the state foundation of the Unitary State of the Republic of Indonesia which must be implemented consistently in the life of the nation People's Consultative Assembly of the Republic of Indonesia 1998) According to the essential concept of Pancasila, it also serves as a foundational foundation, a dynamic direction, and a thread that may bind the Indonesian people together. In addition, Pancasila performs a social role, an ethical and philosophical purpose, and a constitutional legal function, which serves as the foundation of the state. (Tim Pusdiklat Pengembangan Sumber Daya Manusia 2014, 4–5).

As is known, Pancasila is said to have a function in its position as the basis of the state, as a source of all sources of law (source of legal order) for the State of Indonesia, in accordance with the words of Article 2 of Law Number 12 of 2011 concerning the Formation of Legislation. Even though there is a lot of lecture material at bachelor's degree in law, it is often not explained properly where the position of Pancasila is as part of the source of law. This is, among other things, an implication of the unclear and incomplete understanding of the philosophical source of all sources of law itself.

In relation to the 1945 Constitution (UUD 1945), Pancasila animates the Preamble and the articles of the 1945 Constitution. According to Soepomo, the main ideas in the Preamble to the 1945 Constitution, namely the precepts of Pancasila, are the spiritual atmosphere or spiritual spirit of the articles of the 1945 Constitution.

Dardji Darmodihardjo noted that Pancasila has a high place in regard to the main function or the major function as the basis of the State specified in the 1945 Constitution, meaning as the

values and view on life of the Indonesian people and state. Because Pancasila is truly sediment and crystallization, views, ideas, thoughts, and assumptions asserting that Pancasila is "already" reflected in norms such as religious norms, decency, decency, customs, and legal norms must be assessed constructively. Legal standards are derived from religion norms, decency norms, and decency norms that must be implemented in writing form. Dardji Darmodihardjo, *Penjabaran Nilai-Nilai Pancasila Dalam Sistem Hukum Indonesia* (Jakarta: Rajawali Press, 1996) While the Religious Norms, Decency Norms, Decency Norms, and even Legal Norms had existed, long before Indonesia's independence, Pancasila only began to form while the country was nearing or preparing for independence. As stated in the Preamble to the Constitution, which is concretized in the Articles of the 1945 Constitution of the Republic of Indonesia (meaning before or in preparation for independence, then decided), and decided as the basis of the state in the The Preparatory Committee for Indonesian Independence (Panitia Persiapan Kemerdekaan Indonesia-PPKI) session. This means that the legal norms (rules and regulations) that govern the country must be built on and rooted (welbron-kenbron) on Pancasila's core principles, which are primarily religious norms, moral norms, and moral standards. In a decency, as well as the values that people live by, such as compassion, mutual collaboration, tepo seliro, or tolerance [for example, the value of tolerance that exists in that society to establish "legal norms (rules) invitation]" in restricting rights and duties.

Sila is the principle. Values such as religion values, politeness values, and moral values can only be applied to build principles. All legal norms must have something to do with the principles and values that exist in society [such as religious norms, decency and decency, and other values built from these three (three) norms]. In this regard, a legal representation development design is also required when designing the proper law. One of the basic components, proper development design is proper understanding of the characteristics of the development object that we want to build. (Rasjidi 2011, 131)

Based on the above, the author is interested in finding out how the Pancasila values perspective relates to the formation of national legislation in Indonesia in order to address problems in people's lives as a country and state, and/or to safeguard the whole Indonesian nation.

METHOD

Using a Conceptual Approach, the author investigates the position of values that form Pancasila as a source of law in connection to the creation of national law in Indonesia. According to Paul Scholten, one of the purposes of law is to trace the principles of positive law. (Mertokusumo 2014, 49) Logic is recognized in philosophical circles as the science of instruments for obtaining truth. Research technique is a component of logic when organized in systematics. (Muhadjir 1996, 4)

The subject of this paper's brief inquiry is the concepts of thought in setting values that construct the foundations of Indonesian law, particularly those connected to the Ideology of Indonesian Law. The data or items researched come from a library. The ideas of thinking in understanding the building of values in Pancasila are investigated according to their harmony with one another in order to produce an appropriate interpretation of the expert's or figure's thoughts. Furthermore, the fundamental thinking is established in order to locate the correct notion to address the difficulties covered in this article.

RESULTS AND DISCUSSION

Legal Development and Development Framework

Looking for answers to questions such as, "Is it true that the Pancasila values extracted from Indonesia's land itself are the way of life or the life model of the Indonesian people, which were later upgraded to become the State Fundamentals which were legally formally stipulated on August 18, 1945, that is, the day after Indonesia's independence was truly comes from the ideals and identity of the nation?"

As a result, a philosophical understanding of the meaning of the source of law is required, such as Pancasila being the source of all legal sources, can mean the source of identification (*kenbron van het recht*), can mean the source of origin, which is the cause of the formation of legal rules or legal norms (*Welbron van het recht*). *Welbron* is the source of values. Positive legislation or statutory restrictions derive from the genesis of these ideals. This indicates that Pancasila is a source of values, and the values contained within it are utilized to develop legal standards. There is a contrast between a source of law as *kenbron*, that is, a source of law

who knows or recognizes something (*kennen*), and a source of law as *welbron*, that is, a source of law who actually knows or recognizes something (*welbron*). (Darmodiharjo and Shidarta 2006, 210)

A source of law that determines the substance of a legal norm is known as a material source of law. Dardji Darmodiharjo remarked that, in addition to legal sources in the form of legislation, additional legal sources were still required. Furthermore, sources from all sources of law are required as a method of evaluation, measurement, or as a touchstone of the applicable law, so that the applicable law is genuinely in line with a sense of justice and may establish a peaceful and orderly condition in society. (Darmodiharjo and Shidarta 2006, 211) Pancasila is the source of all sources of law and the basis of all legal concepts. (Mahadi 1991, 142)

Because the value is something that is regarded to be beneficial, useful in life, it comprised aspirations, hopes, desires, and even the teaching of necessity. As a result, when we talk about values, we are truly talking about ideal things, such as aspirations, desires, and commitments. When we talk about values, we are talking about what should not be. So gradually reach the spiritual side, namely the transcendental space, as seeking for normative meaning philosophically, rather than cognitively, but entering the ideal world rather than the real positive reality.

Nonetheless, the two, *das sollen* and *das sein*, normative and cognitive meanings, the ideal world and the real world, are inextricably linked or interconnected. This means that *das sollen* must be changed into *das sein*, the ideal must become actual, and the normative meaning must be fulfilled in daily events. Humans are both personal (individual) and social entities (collective). As a result, Pancasila will serve as a bridge between the world's finest brains, notably Western and Eastern ideas. A good law, or ideal law, is one that provides regulations that can be followed (there is a correlation between *das sollen* and *das sein*). As a result, it is not just a legal ideal but also difficult to achieve. However, the goals and objectives of good legislation must be capable of being applied in the middle of society.

If Pancasila's understanding is founded on the values and wisdom of the Indonesian people, both methodology and epistemology, particularly ontology, then the correlation is that legal development must also be conceptualized as part of the nation's values, implying that it must truly originate from the nation's values. Pancasila was

the crystallization of Indonesia.

However, there are still legal norms (rules and regulations) that are not viewed as part of the nation's values, or even do not represent national ideals. This is shown in Indonesia by the presence of statutory rules that have been overturned by the Constitutional Court. Pancasila values are often just applied as discourse, as theoretical studies (*das sollen*), implying that Pancasila values are frequently only at the academic level, but in fact, this implies that they have not been reflected as part of the Indonesian national identity.

Whenever it comes to the law, it will never be separated from human life, (Mertokusumo 2010, 1) therefore the package of the 1945 Constitution of the Republic of Indonesia (Preamble and body) which is an important part in the construction of national law must be able to realize a national paradigm, in the sense of being able to realize changes from the colonized nation becomes a new nation in accordance with its legal ideals. As stated by Satjipto Rahardjo, the Constitution is the "grand design" of a new society and life in Indonesia. (Raharjo 1998, 20)

Darji Darmodiharjo stated, Nawiasky's theory of ladder is already special, because it has touched on the application of legal norms issued by the state. *Staats fundamental norm* as a term to refer to the highest norm is not *Grundnorm*, according to Darji Darmodiharjo with the consideration that the basic norms of a country may be changed, while *Grundnorm* may not change. (Darmodiharjo 1996, 223) *Grundnorm* different from the *Staats fundamental norm*, according to Attamimi it is true that the *Staats fundamental norm* it is the highest norm but not the same degree as *Grundnorm* understood by Hans Kelsen, *Grundnorm* it is still abstract and universal. (Hamidi 2006, 18) Hans Nawiasky with the *Die Stufenordnung der Rechtsnormen* (Mustafa 2003, 223) theory, this theory holds that the level of norms starts from " *Staats fundamental norm*" or the highest state norm, then " *Staatsgrundgesetz*" or state constitution, then *Formelgesetz* or formal law up to the level of *verordnung* und *Outonomesatzung* or implementing regulations and autonomous regulations such as concrete and operational regulations.

Based on the philosophical thought of Pancasila as *Grundnorm*, then legal philosophy which produce legal principles, with legal principles, legal theory can be developed, with legal theory, legal science can be compiled, with legal science, legal dogmatics and legal norms or legislation can be formulated. When at the level of legal and statutory

dogmatics the discipline of legal political science emerges as part of state administration, which produces positive laws or legal norms in the form of statutory regulations. It is at this level of legal politics that often loses the direction of Pancasila philosophy, thus allowing for legal norms or statutory regulations that are not in accordance with Pancasila values. It often happens that legal norms are compiled following government politics, which sometimes these legal norms are not in accordance with Pancasila values. This is as stated by Phillippe Nonet and Philip Zelznick (Nonet and Selznick 2017, 16), that there are 3 (three) types of legal norms:

1. *Autonomous law*
2. *Repressive law*
3. *Responsive law*

As visionary of the Preamble of the 1945 Constitution of the Republic of Indonesia, the Preamble and Body of the 1945 Constitution of the Republic of Indonesia must be able to bring Indonesian society towards a prosperous future by compiling a new legal system in accordance with the ideals of Indonesian law (*rechtsidee*). As a result, legal reform that leads to the vision of the 1945 Constitution of the Republic of Indonesia is vitally important, as stipulated in the 1945 Constitution of the Republic of Indonesia's transitional provisions. Article II of the Transitional Provisions of the Republic of Indonesia's 1945 Constitution states:

"All existing state institutions shall remain functioning to the extent of executing the provisions of the Constitution and no new ones are provided according to this Constitution".

Legal ideals (*rechtsidee*) imply that the law, as a guideline of community conduct, is fundamentally based on the people's own ideas, sentiments, initiatives, creativity, and thinking. The legal values of the Indonesian nation are rooted in Pancasila, which the Republic of Indonesia's Founding Fathers defined as its core foundation concept in creating the basic framework and structure of state institutions as defined in the Republic of Indonesia's 1945 Constitution. Pancasila is the Indonesian nation's concept of life, expressing the Indonesian people's ideas on the relationship between humans and God, humans and fellow humans, and humans and the universe, with the core of belief about the individual human being's role in society and the world. (Roeslan Saleh 1991; Abdulgani 1979, 20)

A framework that is clear, firm, solid, and strong is required to state that the development of law based on Pancasila is something important because

the framework is for a place of refuge and a place to attach something, namely all the values of life of the Indonesian people. This is where one must begin when conducting a critical analysis of national law.

The substance for Pancasila, the philosophy that serves as the foundation of the state, has existed even before the Indonesian state was established; nevertheless, the official formulation didn't take place until approximately 1945. If there are opinions that Pancasila was born on June 1, 1945, they are only names and have nothing to do with Pancasila. A state ideology with God, humanity, unity, democracy, and justice might be described as Pancasila, which serves as the foundation of the state philosophy. Pancasila is formulated by Indonesian governmental leaders; they are not making it up. The Indonesian people seek a state ideology in the future that takes into consideration their daily lives. So, in addition to serving as the foundation and ideology of the state, Pancasila also serves as the defining characteristic of the Indonesian people. (Kaelan 2002, 62)

The understanding of Pancasila is essentially returned to two main meanings, namely the understanding of Pancasila as a way of life and as the basis of the State. In this concept, it will lead to the values that become the nation's way of life contained in Pancasila, not understanding Pancasila as static values.

As with the ideals of the state (*staatsidee*) in general and the ideals of law in particular, the existence of law in society does not only function to resolve conflicts that occur in society, but is also expected to be a tool capable of changing the mindset and behavior patterns of citizens in a positive direction. That way, the law will have good working power if the two legal functions are truly grounded in people's lives. (Mas 2014, 2014)

Law is simply a passive instrument when used as a social control mechanism, but when used as a "tool of social engineering," it must be able to actively transform an existing order into a desired condition. (Mas 2014, 91) This last function is in the sense of leading to a positive order in accordance with the ideology (idea) that is aspired to.

As the ideology of the Indonesian nation/state, Pancasila is embodied as the way of life of the Indonesian nation, the foundation of the unitary state of the Republic of Indonesia, and the goals of the Indonesian state/nation. Understanding this concept, it will be divided into three important parts, the first is the outlook on life of the Indonesian nation; the two foundations of the unitary state of the Republic of Indonesia; and the three objectives

of the state/nation of Indonesia.

The nation's view of life is positioned as the foundation of Pancasila thinking, which contains the constructive values of Pancasila. These values are a reflection of the Indonesian nation. At this level, the nation's view of life is conceptualized as *das sein* which builds *das sollen*. Meanwhile, as the basis of the unitary state of the Republic of Indonesia, it is conceptualized as *das sollen*, as a basic law that must be re-implemented as the ideals of the nation or can be called the goal of the state/nation of Indonesia. However, the goals of the state/nation of Indonesia in some literatures are perceived as law in mind.

The challenge in understanding or describing national legislation in Indonesia is conceiving or constructing a description of it. As a result, it is essential to have a theory of Indonesian law that can conceive law, as well as one that presents a clear image of Indonesian law and properly explains the legal position in society. (Dimiyati 2010, 35) By assembling a legal theorist who is capable of developing the notion of Indonesian law based on various facts or contents of Indonesia itself, it is intended to provide a real image of Indonesian law. Such a theorization needs to be able to demonstrate our goals, our direction of travel, as well as our social, political, and other beliefs. (Dimiyati 2010) In order to create legal norms in Indonesia, the author contends that conceptual skills are necessary. This conceptual skill is a component of legal philosophy, which the author claims calls for a legal expert with legal political influence specifically, someone who is critical and philosophical.

However, certainly don't believe it is feasible to develop a legal theory that has "Indonesian taste." Understanding and establishing Indonesian legal theory itself is primarily concerned with creating a body of law that is founded on the founding principles of the Indonesian people. According to Harkristuti Harkrisnowo, the elements contained in Pancasila are in fact not something that can be simply and immediately realized in the administration of state power because it requires serious understanding and commitment from decision makers, so the challenges that arise with regard to the legal ideals of the Indonesian people originating from Pancasila must continue to be carried out and efforts are made to realize them. (Harkrisnowo 2002, 167)

Law and society in a specific place and period are inextricably linked. This implies that Indonesian law is inextricably linked to the country's citizens, geography, and past. In this regard, it is necessary

to investigate and create legal documentation in Indonesia using the values present in Indonesian culture. These values can take the shape of moral principles, individual and national independence, humanism, social justice, peace, political ideals, the nature, form, and objectives of the state, social life, religion, and many other aspects. They can also take the form of legal awareness and ideals (*rechtsidee*). (J. Hendy Tedjogoro 2008, 1)

Pancasila is derived from the cultural foundations of the Indonesian people themselves rather than from only logical or intellectual ideas. Because the ideals articulated in Pancasila were drawn from those that had long been prevalent in Indonesian culture, Bung Karno just claimed to be a founder of Pancasila. Because of this, it is argued that Pancasila contains fundamental philosophical principles, represents the national soul (*volksgeist*) or identity, and embodies the real Indonesian way of life. As a result, Pancasila's ideals define the nation's character and set Indonesia apart from other countries.

Values and Core Values in the Fundamentals State

It is crucial to realize that Pancasila, whose essence derives from the Indonesian nation, is the basis of the construction of the foundations of the state. This concept and "idea" of Pancasila as the fundamentals of the state, which is the source of all sources of law in Indonesia.

It is true that a building must have a strong foundation, because on that foundation we form the building we aspire to. But it also needs to be understood that, a strong foundation must be built with small parts of the foundation structure. If these small parts are allowed to be borrowed terms, they will be referred to as "elements". In terminology it is explained that "element" is "the smallest part of an object; parts of objects that cannot be divided again by chemical processes; original material; original substance; element."

It is these elements that form the foundation of the state (*staats fundamental norms*) which we later know as Pancasila. Then is this element a value? This question arises when we ask about the function of law, the purpose of law and the ideals of law. There are many small parts that need to be understood as the construction of the foundation of the state, especially in the field of law.

Max Scheler stated that the existing values are not as noble and high. In fact, some of these values are higher and some are lower than the other values. According to the high and low, the values

can be grouped into four levels as follows. Pleasure values. At this level there are rows of pleasant and unpleasant values (*die westreihe des angenehmen und unaangenehmen*), which cause people to be happy or suffer (unpleasant). Life values. At this level there are values that are important for life (*werte des vitalen fühlens*), for example health, physical fitness, and general welfare. Psychological values. At this level there are psychological values (*geistige werte*) which are completely independent of physical and environmental conditions. Such values are beauty, truth, and pure knowledge attained in philosophy. Spiritual values. Within this level are the modalities of sacred and impure values (*wertmodalität des heiligen und unheiligen*). Values of this kind consist primarily of personal values. (Kaelan 2011, 88)

Notonagoro divides values into the following three kinds of values. First, material values, namely everything that is useful for human physical life, or human physical material needs. Second, vital value, namely everything that is useful for humans to be able to carry out activities or activities. Third, spiritual value, namely everything that is useful for human spirituality. This spiritual value can be distinguished into: (Darmodihardjo 1996) (a) the value of truth, which originates from human reason (ratio, mind, creativity), (b) the value of beauty or aesthetic value, which originates from the elements of human feelings (aesthetic, good, taste), (c) the value of goodness or moral value, which originates from the elements of human will (will, wollen, intention), and (d) religious value, which is the highest and absolute spiritual value. This religious value is based on human beliefs or beliefs.

Notonagoro is of the opinion that the values of Pancasila are classified as spiritual values, but spiritual values which recognize the existence of material values and vital values. Thus, other values are complete and harmonious, both material values, vital values, truth values, aesthetic values or aesthetic values, good values or moral values, as well as systematic hierarchical sanctity values, starting from the precepts of Belief in One Supreme God. as the "base" to the precepts of social justice for all Indonesian people as the "objective". (Darmodihardjo 1996)

In addition to the various values put forward by the axiological figures, values also have levels. This is seen objectively, because these values concern all aspects of human life. There is a group of values that have a higher position or hierarchy compared to other values, there are values that are lower, there are even levels of values that are absolute. However, this really depends on the philosophy

of society or nation as a subject supporting these values. For example, for the Indonesian people, religious values are the highest and absolute values. This means that religious values are hierarchical above all existing values and cannot be justified based on human reason, because at a certain level certain values are above and beyond the reach of the human mind. However, for a nation that adheres to a secular ideology, the highest value is in the human mind so that the value of divinity is under the authority of the human mind.

Likewise, laws must be built based on values that live and develop in Indonesia's nature. Like Pancasila which was built by the original elements (values) of the Indonesian nation. Elements as values in Pancasila must be reflected in the parts of the law.

As Romli Atmasasmita's view of Integrative Law Theory explains that law as a value system is very important and remains relevant in the process of updating society today amidst the development of the ideology of globalization. This view of the value system is relevant to the view of the legal history school (Von Savigny) which has emphasized that law must be in accordance with the spirit of the nation (*volkgeist*); In a negative sense, the law is always left behind from the development of society. Savigny's view must be interpreted that the acceptability and credibility of law in Indonesia lies in the extent to which the values contained in the law are in line with and in accordance with Pancasila which has been invoked as the soul of the Indonesian nation. Pancasila is the soul of the Indonesian nation and is a fundamental value, *respects* various views or values that are heterogeneous, it has evolved and flourished in the lives of Indonesians from a long time ago. (Atmasasmita 2012, 99-100)

View of life is the crystallization of values that are believed to be true, correct, and useful. That is what gives rise to the determination to manifest in the form of attitudes, behavior and actions. The value as the result of the deepest thoughts about life that is considered the best for the Indonesian people is Pancasila, both as a philosophy and a way of life.

Understanding the value of God is the main thing (*core value*) in forming the basic construction of the state. It should be remembered that the spiritual spirit in the Preamble of the 1945 Constitution of the Republic of Indonesia is as we find in the history of the formation of the basis of the state, namely in the third paragraph which reads:

"By the grace of God Almighty and driven by a lofty desire, in order to live a free national

life, the Indonesian people hereby declare their independence."

It is a real form of acknowledgment of the Oneness of Allah SWT. (God) who is believed to have bestowed His grace on the Indonesian nation in the context of forming a nation's self-reliant order, which is then continued with the sound of the fourth paragraph which serves as the ideals of the state and the basis of the state. This spiritual enthusiasm is part of religious observance as an interpretation and spirit sparked in Precept 1 (first) in Pancasila.

Sunaryati Hartono is of the opinion that the legal philosophy behind the preamble of the 1945 Constitution can be concluded, that legal philosophy refers to several philosophical schools which are summarized into one, namely: (Hartono 2011, 153-54)

- a. The ideology of religion in the broadest sense as contained in the First Precepts of Pancasila, namely belief in God Almighty.
- b. That Humans as God's creation are the same and therefore must have the same chance of life. This belief is stated in the Second Precept, Humanity.
- c. However, in contrast to the understanding of Natural Law which is usually adhered to in Europe and America, the philosophy in the Preamble to the 1945 Constitution does not see humans as independent individuals (atomistic), but sees them as people who since their mother's womb are related to, dependent on or interact with humans (human) others. Thus the legal philosophy of the 1945 Constitution always sees humans as beings who cannot possibly live or develop as if in a vacuum, but for their own development they always need help and/or interaction with other people.

The religious dimension liberates humans from material domination by showing transcendence towards Him through a spiritual meaning so that they will not run dry of inspiration and even offer hope and perspectives for the future. Meanwhile, the ethical dimension defends humans in having their dignity and status and fighting for the realization of humanity and justice in the world.

Awareness Actualizing Pancasila

Pancasila, which emerged from the minds of the founders of the nation, as the foundation for a state, cannot work on its own, it requires public awareness in implementing the agreed ideology. It

will be impossible for all the thoughts and ideals of the nation without awareness in society, without awareness among policy makers, in guaranteeing the implementation of the principles based on Pancasila.

As described by Notonagoro, that the practice of Pancasila can only be carried out if there is obedience from citizens, which is described in: (Latif 2015, 610)

1. Legal Obedience
2. Obedience of Decency
3. Religious Obedience
4. Absolute or natural obedience

Public awareness of Pancasila should always be followed by obedience in reality. The exemplary center of this obedience is the spirit of state administrators. No matter how good the contents of the Pancasila values and its derivatives of the 1945 Constitution are, they are only noble on paper, if there is no seriousness to internalize these values in the administration of the state. (Latif 2015)

To achieve legal goals, one aspect that plays a significant role is the legal awareness factor of the community. The existence of public legal awareness as an effort to seek legal validity is a consequence of various problems that arise in its application. This arises because in reality, many citizens ignore the law so that the goals of the law are not achieved. (Mas 2014, 89) The purpose of law is part of the ideals of law, while the ideals of law are part of the ideals of the state. All of them must refer to the basic philosophy of law, namely the principles of justice or legal principles, among others; "equality before the law" (equal rights and degrees before the law for everyone). "Equal protection on the law" (everyone is entitled to equal protection by law). "Equal Justice under the law" (everyone is entitled to equal treatment under the law).

Paul Scholten has formulated the notion of legal awareness as the awareness or values contained in humans about the law or about the law that is expected to exist. Scholten's emphasis lies on the values of how the functions and roles are to be carried out to achieve legal goals. (Ali 1998, 28)

Soerjono Soekanto also explained that legal awareness is a matter of values and abstract conceptions contained in humans, regarding the harmony between order and tranquility that is desired or appropriate. (Soekanto 1982, 159)

Furthermore, Marwan Mas explained that there is a close relationship between legal awareness and the values held by members of the community, he explained that the birth of community legal awareness began with knowledge of law. Then the law is understood (lived in) which will later be embodied in the attitude of the community towards the law. Thus, people's legal awareness arises, if the goals and values contained in a legal regulation are intrinsically in accordance with the system of values held by members of the community. (Mas 2014, 88)

The legal principle is rooted in the reality of society (the real factor), and in the values that are chosen as guidelines by a common life (the ideal factor). The function of the legal principle in general is to unite these real and ideal factors. (Mertokusumo 2014, 49)

This shows that between ideal and real there is an undeniable correlation. Pancasila is built from values that live in society and can be realized well if the ideals of law (*rechtsidee*) are in accordance with ideology, because legal awareness is born in the similarity between goals and values contained in a legal regulation with the values espoused by community members. So that interpreting the source of all sources of law must also be interpreted that, Pancasila as part of the life of the Indonesian nation. In an effort to ground Pancasila from the realm of ideality to the realm of reality, we need to live up to the nature (original spirit) of being a state as ordered and exemplified by the founders of the nation themselves. (Latif 2015, 611)

CONCLUSIONS

In essence, the law formulated based on Pancasila in its final form is to represent justice which has an Indonesian ideological frame of mind. It is necessary to strengthen substantial ideological thinking based on social values that live in society, where the law carries out its function and role in the life of the nation and state. The purpose of law cannot be separated from the ultimate goal of living in a state and society which also cannot be separated from the values and philosophy of life of the community itself. Legal constructions that do not contain Indonesian values in the context of the ideology and legal ideals of Pancasila will result in laws that have lost their "spirit".

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