



Indonesian Integral Law Based on Pancasila

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Abstract

This research explores integral legal thinking constructed from the values of Pancasila. Employing a literature review research method with a philosophical approach, the research collects data from books, journals, articles, and various scholarly works through library research. The data analysis involves descriptive, hermeneutic, and heuristic methods. The findings highlight the importance of adopting Pancasila as the foundation for integral legal thinking in Indonesia. Pancasila's strategic position within national life underscores the need for legal reforms that align with societal norms and values as reflected in Pancasila. Effective law is derived from authentic sources, specifically those that resonate with the everyday experiences of people, rather than imposed foreign laws from colonial legacies. Integral legal thinking based on Pancasila encompasses principles of divinity, humanity, national unity, deliberation, and social justice, guiding legal thought, action, and practice in Indonesia.

A. Introduction

Indonesian law adheres to the civil law tradition, wherein the prevailing positive law is embodied in written legislation.¹ This legal system is underpinned by a positivistic paradigm, which renders the law rigid and narrow by excluding interpretations beyond the written statutes.² Although Indonesia's legal framework is inherited from Dutch colonial rule, it fundamentally incorporates indigenous legal principles rooted in societal values. A key characteristic of Indonesian law is the recognition of societal diversity, which must be considered in formulating national laws that reflect and accommodate evolving social values.

¹ Haryono, B. Perkawinan Beda Agama Yang Dilakukan Di Luar Negeri Berdasarkan Hukum Positif Di Indonesia. *Jurnal Ilmiah Raad Kertha*, Vol. 3 No. 1, 2020, 69-87.

² Kasmad, Ratni. Peluang Dan Tantangan Integrasi Nilai-Nilai Hukum Islam Dalam Sistem Hukum Nasional. *Maddika: Journal of Islamic Family Law*, 2021, 2.2: 26-37. <https://doi.org/10.24256/maddika.v1i1.1714>



In this legal framework, law enforcement officers often function merely as enforcers of written laws and regulations. Consequently, legal judgments are based strictly on the text of the legislation, frequently at the expense of societal notions of justice. This approach has led to several issues, exemplified by cases such as the prosecution of Grandma Asiani for taking teak branches from *Perhutani*, while Gaius, convicted of a massive tax fraud, continues to enjoy public freedoms. Such discrepancies highlight the limitations of a system focused solely on statutory compliance.

Legislation, as a product of political processes, is inherently influenced by various interests.³ The rule of law is undermined when laws are viewed purely as formalistic entities, disconnected from public perceptions of justice. The textual interpretation of law often results in varied interpretations and legal complications. As a consequence, the current legislative approach can be counterproductive in law enforcement. It is essential for Indonesia to transcend the positivistic legal framework inherited from the Dutch colonial era. An integral legal paradigm, rooted in Pancasila and reflective of societal values, is necessary to create a more equitable legal system. This paradigm would offer a broader, more cohesive perspective on the law, integrating and aligning legal principles with the values of the people.

Understanding Pancasila as an integral legal framework for Indonesia involves using it as a foundational guideline for legal thinking, behavior, and practice across all aspects of societal, national, and state life, aiming to achieve national objectives. As articulated by Notonagoro, Pancasila serves as a crucial legal paradigm, embodying the philosophy of Indonesian life and representing an authentic reflection of Indonesian law.⁴ Officially recognized as the ideology of the Indonesian state, Pancasila extends beyond mere positive law enshrined in legislation to encompass a comprehensive legal system tailored to the conditions and values of the Indonesian people.

In navigating the challenges and foreign ideological influences impacting national policies and laws, Indonesia requires an integral legal paradigm rooted in Pancasila. This paradigm must reflect the values intrinsic to Indonesian life, ensuring that the formulation of national laws and regulations aligns with the principles enshrined in Pancasila. These principles represent the highest form of social life values that the nation aspires to uphold.

Pancasila embodies three core values crucial to the state: material value, which pertains to physical well-being; vital value, which supports human activities; and spiritual value, which nurtures inner life. These values, inherited from Indonesia's ancestors, are integral to maintaining harmonious social interactions.

Pancasila occupies significant roles within the Indonesian state. Its functions are interrelated, yet they can be categorized into two main aspects: as the foundational philosophy of the state and as a guiding way of life. As the state's philosophical foundation, Pancasila underpins all state-related thought processes, necessitating that all considerations regarding the state be grounded in Pancasila. As a worldview, Pancasila guides the interpretation of current realities and the pursuit of national goals.⁵ Both roles of Pancasila are essential for legal formation, emphasizing that laws must be oriented towards Pancasila as both a philosophical basis and a worldview, reflecting the values of Indonesian life.

Pancasila, as an integral legal framework, reflects the principles proposed by Yudi Latif, which emphasize that the governance of the state should be grounded in the five core principles

³ Ramadhani, Rahmat. Peran Politik Terhadap Pembangunan Hukum Agraria Nasional. *SOSEK: Jurnal Sosial dan Ekonomi*, 2020, 1.1: 1-6. <https://doi.org/10.55357/sosek.v1i1.20>

⁴ Syafitri, Mutia Ade; Dewi, Dinie Anggraeni. Implementasi Nilai Pancasila Sila Keempat pada Anak Siswa Sekolah Dasar. *Jurnal Pendidikan Tambusai*, 2021, 5.3: 7684-7692.

⁵ Putriana, Dewi dan Warsono. "Grebeg Pancasila sebagai Sarana Penanaman Nilai-Nilai Pancasila". *Jurnal Kajian Moral dan Kewarganegaraan*. Vol.7, No.2 (2019): 1237.

of Pancasila: Belief in One Supreme God, Just and Civilized Humanity, Indonesian Unity⁶, Democracy Led by Wisdom in Representative Deliberation, and Social Justice for All Indonesian People. This perspective suggests that the law should not be confined to a narrow interpretation based solely on legislative texts. Instead, it should be understood in a broader and deeper context, incorporating the values enshrined in Pancasila. Understanding law from the perspective of Pancasila necessitates an integration of all its values, recognizing them as a cohesive system integral to Indonesian life.

Jimly Asshidiqie notes that while the Pancasila legal state shares elements with the rule of law (*rechtstaat*), it also possesses distinct characteristics that differentiate it from Western concepts of the rule of law. These unique elements include the absence of a strict separation between state and religion, a focus on human rights, the prioritization of national unity and integrity, decision-making through deliberation, and the promotion of kinship and mutual cooperation.⁷ Furthermore, the law should serve justice for all Indonesian people. The formation of law must also be informed by national history, as the legal values evolving within society provide insights into their authenticity. The historical development of Indonesian law, including its foundational ideologies and constitutional framework, is crucial. Legal history, as articulated in legal theory, underscores that history serves as a primary source in the law-making process.

Mahfud MD emphasizes that Pancasila represents the *modus vivendi*, or the sublime agreement, of the Indonesian nation, serving as a fundamental framework for state governance. This noble agreement acknowledges Indonesia's diversity as a critical element of the state-forming system, demanding equal respect and recognition.⁸ Pancasila's alignment with the pluralistic nature of Indonesian society makes it an essential component in understanding and developing the law. By adopting the Pancasila integral legal paradigm, the law becomes more complete and comprehensive, enhancing its relevance and effectiveness in addressing societal legal developments.

Muladi aligns with this perspective on Pancasila and Indonesian national law. In his work, "Recovering Pancasila as the Basis for the Development of Legal Science," he argues that Pancasila should be regarded as a comprehensive set of "national guidelines," "standards," "norms," and "principles" for the governance and societal life in Indonesia. He emphasizes that employing the Pancasila paradigm in legal interpretation provides a holistic view of the law, reflecting the empirical realities of Indonesian life and offering generally accepted guidelines amidst plurality of diversity.⁹ This approach aligns with the integral legal thinking of Pancasila, which advocates for a unified, comprehensive, and interrelated legal system.

The research utilizes a literature review research method, which involves gathering and analyzing library data through activities such as reading, note-taking, and processing research materials. The philosophical approach employed in this research represents a pure thinking activity aimed at deeply understanding fundamental concepts and generating philosophical insights and ideologies. This approach is particularly suited for examining Pancasila as an integral legal framework, as it provides a broader and more profound analysis than merely investigating the formal aspects of law.¹⁰ Data sources for this research include books, journals, articles, and other scholarly works relevant to the research theme.

The research employed a literature review method to collect data on Pancasila as an integral legal framework in Indonesia. This technique aims to provide detailed information, verification,

⁶ Latif, Yudi. *Negara Paripurna: Historisitas, Rasionalitas, dan Aktualitas Pancasila* (Jakarta: Kompas Gramedia, 2011): 68.

⁷ Asshidiqie, Jimly. *Konstitusi dan Konstitusionalisme Indonesia* (Jakarta: Sinar Grafika, 2010): 71.

⁸ Mahfud MD. *Perdebatan Hukum Tata Negara Pasca Amandemen Konstitusi* (Jakarta: LP3ES, 2007): 5.

⁹ Muladi. "Menggali Kembali Pancasila Sebagai pengembangan Ilmu Dasar Hukum". *Jurnal Hukum Progresif*. Vol.1, No.1 (2005): 35.

¹⁰ Salman, Otje. *Filsafat Hukum (Perkembangan & Dinamika Masalah)* (Bandung: PT Refika Aditama, 2010): 27

correction, and supplementation by analyzing existing literature. The collected data will be subjected to descriptive, hermeneutic, and heuristic analyses. Descriptive analysis will offer a general overview of the legal situation in Indonesia. Hermeneutic analysis will interpret and clarify ambiguous legal issues. Heuristic analysis will generate alternative perspectives to address these issues, leveraging Pancasila as an integral legal framework.

The novelty of this article lies in its examination of Pancasila from a legal perspective that aligns with both traditional values and contemporary developments. Amidst the diversity and complexity of interests, Pancasila's integral legal thinking provides a framework capable of accommodating differences and achieving broadly acceptable decisions. This approach integrates the core principles of Pancasila—divine belief, humanity, national unity, deliberation, and social justice—into a unified and comprehensive legal paradigm, ensuring that legal thinking, behavior, and action are cohesive and adaptable to various contexts.

B. Discussion

1. Indonesian Integral Law Based on Pancasila

Pancasila holds a crucial and strategic role in shaping the life of the Indonesian nation and state. It serves as the guiding principle for various dimensions and aspects of national existence. The implementation of national and state affairs must adhere to Pancasila, which, from the outset of Indonesia's formation, was established as the foundational principle guiding all facets of life. Consequently, Pancasila occupies a broad and complex position for the Indonesian people, as articulated by scholars, intellectuals, and national leaders.

Pancasila's roles in Indonesian national and state life can be categorized into several fields: as the foundation of the state, as state ideology, as a way of life, as a philosophical basis, and as the source of all sources of law. As the basis of the state, Pancasila dictates that all state administration must align with its values. The organizational structure of the Indonesian state must operate under the guidance of Pancasila, which serves as a safeguard against foreign influences and interventions. All state elements are required to adhere to this foundational principle in their operations. Pancasila is viewed as an agreed-upon framework for managing national processes and achieving national objectives. Its fundamental nature renders it indispensable.¹¹

In terms of state governance, Pancasila acts as the principal guideline for all state affairs. Normative and technical regulations must align with Pancasila's values. Institutional organizations and their officials are expected to conform to Pancasila, despite the presence of legal politics within government functions. While the state is influenced by various interests due to its political nature, it remains governed by the unified principle of Pancasila. A thorough understanding of Pancasila is essential for its role as the cornerstone in all national and state activities in Indonesia.

Every nation adheres to an ideology that serves as a common role model, and Indonesia is no exception, with Pancasila as its guiding ideology. Pancasila represents an authentic ideological framework, derived from values that have naturally evolved within Indonesian society. Ideology, as a concept, encompasses ideal and aspirational ideas believed to foster a better state. Consequently, Pancasila embodies these ideal concepts, which are deeply valued and aspired to by the Indonesian people. It has been firmly embedded in the identity of every Indonesian, as evidenced by the failure of attempts to replace it with other ideologies. Pancasila, inherited from the nation's founding fathers, is a legacy that must be preserved indefinitely.

Pancasila is unique in its characteristics, as it is an ideology exclusively associated with Indonesia and applicable solely within its context. Unlike other global ideologies, such as socialist-communist or liberal-capitalist ideologies, Pancasila emerged from the crystallization

¹¹ Ibrahim, Anis. "Perspektif Futuristik Pancasila Sebagai Asas Ideologi Dalam UU Keormasan". *Jurnal Konstitusi*. Vol.III, No.2 (2010): 134.

of indigenous values, free from foreign influence or intervention. This ideology reflects a thoughtful perspective on Indonesia's realities, allowing it to be embraced as the ideal for achieving national goals.

For the Indonesian people to navigate towards a prosperous future, a clear worldview is essential, and Pancasila provides this perspective. It serves as a foundational guide for daily life, encapsulating the principles, values, and cultural norms of the nation. The values underpinning Pancasila have been present since the era of the ancestors and the royal period, even if not explicitly named as such. These values have consistently guided community activities, embodying moral messages with a positive spirit aimed at improving life. The persistence of the Indonesian people through history underscores the indispensability of Pancasila as a clear and enduring worldview.

The Pancasila worldview is not only empirically observable but also flows logically and permeates the spirituality of every Indonesian. Containing the noble values of the Indonesian nation, Pancasila serves as a guide for individuals in pursuing their ideals and goals. Consequently, Indonesians need not seek external influences or adopt foreign methods for their development.¹² Pancasila remains relevant across different eras, demonstrating the ability to adapt and maintain its universality. It thus serves as a fitting way of life for the Indonesian people, harmonizing with global advancements while respecting inherited local wisdom.

Pancasila offers a comprehensive perspective on various aspects of life, enabling individuals to approach problems holistically. Its philosophical foundation provides a framework for deep reflection and problem-solving, essential for maintaining the integrity of the Unitary State of the Republic of Indonesia. Philosophy, in this context, involves profound thinking aimed at resolving issues. Pancasila, as a philosophical basis, supports this approach by offering vital values that govern human interactions with God, themselves, others, and the environment, as well as navigating complex life systems.

The pinnacle of integrating Pancasila as a philosophical basis is its capacity to inform thoughtful reflections and produce wise solutions. Ontologically, Pancasila represents the reality of Indonesian life, encompassing diverse elements unified within the Unitary State of the Republic of Indonesia. This reflects the philosophical research of what constitutes this reality. Epistemologically, Pancasila emerges from the life values of Indonesia's indigenous peoples, explainable through empirical, rational, and conscientious methods. It provides a framework for understanding and addressing various challenges faced by the Indonesian people.

The capacity of reason to apply Pancasila to legal issues is crucial at this stage, despite the challenges and obstacles that may arise. At the axiological level, Pancasila demonstrates significant benefits for the Indonesian people, having shaped, maintained, and guided the nation's life. As the foundational source of law, Pancasila dictates that all legal norms must originate from it. This is essential, as laws without a valid source lack legitimacy.

Pancasila serves as a foundational source of law, underpinning all legal developments in Indonesia. Its universal and adaptable values allow it to accommodate various needs and issues. While Pancasila's precepts address general principles, specific legal matters can be derived from the evolving legal realities within society. As a source of law, Pancasila reflects the crystallization of Indonesian values, and its substance remains valid and eternal. By exploring these values, legal shortcomings can be addressed and resolved.

Pancasila's comprehensive values cover diverse aspects of life, including religion, humanity, organization, democracy, and justice. Integral legal thinking based on Pancasila involves understanding the interconnected values that form a complete and cohesive legal system, capable of addressing the complexities of Indonesian society. This approach integrates

¹² Nurtjahyo, Hendra. "Negara Hukum dan Konstitusi: Reaktualisasi Nilai-Nilai Pancasila". *Jurnal Hukum Panta Rei*. Vol.1, No.1 (2007): 88.

the ideals and practical values inherent in Pancasila, derived from the nation's noble values, to shape a robust legal framework.¹³

The integral legal thinking of Pancasila represents a legal system that is profoundly godly, humane, and unified, reflecting the principles of deliberation, consensus, and social justice. This perspective asserts that law must uphold God as the supreme authority over all worldly matters. In alignment with Thomas Aquinas's natural law theory, which posits that law originates from divine principles and is subsequently articulated through statutory regulations, God's law serves as the ultimate foundation for positive law within a nation. Consequently, positive law must acknowledge and respect the divine law.

Furthermore, the law must recognize and honor human dignity as divine creations. The essence of law is to promote the well-being of life, ensuring that equality among humans as God's creatures is enshrined and protected by legal frameworks. The law guarantees equality, equal rights, and obligations for all individuals, irrespective of ethnicity, ancestry, religion, belief, gender, social status, or skin color. Under the law, all people are equal. The inherent diversity within society should be appreciated and managed appropriately to reflect fairness and civility.

In law enforcement, prioritizing unity, national interests, and state security over personal and group interests is imperative. The implementation of law must not jeopardize or undermine the unity and integrity of the Indonesian nation. Legal provisions derived from societal values are more readily accepted and contribute to strengthening the legal system and societal cohesion. Thus, integral legal thinking enhances the unity and integrity of the Indonesian state.

Initially, effective law emphasizes dialogue and mediation through deliberative processes to achieve wise, just decisions. Deliberation, a distinctive feature of Indonesian legal culture, is essential for obtaining equitable legal outcomes. This approach aligns with the philosophical understanding of law, where truth is not determined by numerical majority but by its inherent essence. Indonesia does not adhere strictly to socialist or liberal principles of majority rule but focuses on the common good and collective benefit.

After undergoing various processes, the law must ultimately achieve a sense of justice for all Indonesian people. Legal justice must be dispensed without discrimination or bias, as it is a universal right. Integral law embodies a framework that ensures justice is accessible and acceptable to all parties involved. Since justice is a fundamental principle crucial to human existence, a comprehensive and inclusive integral legal paradigm is essential for addressing Indonesia's diverse and conflict-prone context. Such a paradigm should accommodate the broad spectrum of community interests to ensure social justice for all Indonesians.

Integral legal thinking, based on Pancasila, represents a mindset, attitude, and practical approach aimed at advancing legal practice in Indonesia. Laws rooted in a positivistic paradigm must be adapted and harmonized with those derived from the values enshrined in Pancasila. This approach ensures that legal practice aligns with the broader societal values and effectively promotes justice. The positivistic legal paradigm must evolve to encompass laws with both broad and profound dimensions, facilitating a comprehensive application that supports communal well-being.

Reform in the practice of integral law involves applying legal principles in accordance with divine values, humanity, unity, deliberation, and justice. Law enforcement must not only adhere to formal legal requirements but also embrace the core principles and values embodied in Pancasila. Effective law enforcement hinges on practicing law in alignment with these foundational principles, rather than focusing on select elements and disregarding others.¹⁴

¹³ Fuad, Fokky. "Filsafat hukum Pancasila; Antara cita Ideal Hukum dan Nilai Praksis". *Jurnal Ilmiah Mimbar Demokrasi*. Vol.13, No.1 (2013): 2.

¹⁴ Calam, Ahmad dan Sobirin. "Pancasila Sebagai Paradigma Kehidupan Dalam Bermasyarakat, Berbangsa dan Bernegara". *Jurnal Saintikom*. Vol.4 No.1 (2008): 146.

Pancasila, as an integral legal framework, must guide all thoughts, attitudes, and legal behaviors within the Indonesian state. It serves as the "*grundnorm*" for all legislation in Indonesia, providing the foundational support for all laws and regulations. Consequently, laws must be logically grounded in the values of Pancasila and must not conflict with its principles. The integration of Pancasila's values into legislation is crucial, as it holds a strategic and pivotal role in various aspects of Indonesian life. These values are derived from the noble traditions and historical knowledge of the Indonesian people, reflecting their understanding of societal realities.

Understanding Pancasila as an integral legal framework entails recognizing it as the source for the creation, implementation, and enforcement of laws. Its role should not be merely a formal requirement, often overlooked in practice, but should be deeply embedded in legal enforcement processes. Indonesian legal scholars advocate for restoring Pancasila as the principal source of law. It represents the collective socio-cultural realities of the community and offers solutions to legal challenges. Pancasila is central to social and legal institutions and provides a framework for addressing national issues.

Historical evidence demonstrates that Pancasila has successfully guided and protected Indonesia from threats to national integration. The integral legal paradigm based on Pancasila encompasses divine values that are universally acknowledged by the people. Belief in God and recognition of humanity's divine creation foster a sense of unity and shared values, which are essential for maintaining the integrity of the Indonesian state. In state organization, clear rules and consensus deliberation based on divine values, humanity, unity, and integrity are crucial. When decisions are made through deliberation and consensus, social justice for all Indonesians can be realized. Justice, as a legal goal, requires a thorough and comprehensive process to achieve.

In integral legal thinking, Pancasila positions divine law as the ultimate source for resolving all issues, given God's omnipotence and omniscience regarding what is best for humanity. This concept is supported by the Qur'an, as highlighted in Surah al-Alaq, verse 5: "He who teaches people what they do not know." The Indonesian people, having affirmed their belief and devotion to God Almighty, must ensure that all legal activities reflect divine values.

These values should not only be articulated in legal texts but should also be actively implemented in the governance of the Indonesian state. As a nation that adheres to religious principles, Indonesia must prioritize divine law in its legal practices. This adherence ensures that the nation receives divine blessings and guidance towards righteousness, as underscored in the Qur'an, Surah al-Qoshosh, verse 77: "And seek in what Allah has bestowed upon you (happiness) in the hereafter, and do not forget your happiness from worldly pleasures."¹⁵

The research of religion within the context of integral legal thinking based on Pancasila parallels the analysis presented by Joseph David in his article "Legal Comparability and Cultural Identity: The Case of Legal Reasoning in Jewish and Islamic Traditions," published in the Electronic Journal of Comparative Law Vol. 14 in May 2010. David's work emphasizes that the application of law extends beyond mere human-state interactions to focus on relationships among individuals, particularly within religious communities. A positive relationship among religious adherents can enhance societal cohesion, thereby improving the overall application of the law.

In Indonesia, despite ongoing efforts by law enforcement to address issues such as corruption and drug abuse, there has been a noticeable increase in both the quality and quantity of these problems. This suggests that human-made laws alone are insufficient for resolving these issues. Therefore, it is crucial for law enforcement to incorporate divine values through various means and media to enhance their effectiveness.

¹⁵ Asy-Syifa '. Al-Quran dan Terjemah (Bandung: Sinar Baru Algensindo, 2009): .

This approach aligns with the first precept of Pancasila, which underscores the significance of divine law. The quality of a person's relationship with their deity can positively influence their behavior and interactions with others. Legal knowledge imparted by the state will be more impactful when individuals recognize their divine nature and its implications for their conduct. The vertical relationship between humans and God can enhance horizontal relationships among people, reflecting the integral role of religious principles in legal application.

To foster a society that respects and fears God, it is essential to uphold religious freedoms and beliefs. Inter-religious respect and understanding contribute to a beneficial atmosphere for law enforcement, allowing divine power to guide legal processes. True faith and piety are cultivated through sincerity and personal awareness, rather than coercion, making these qualities fundamental to the integral legal paradigm based on divine values.

In line with Pancasila's first principle, the divine dimension of legal thinking is crucial for addressing legal issues effectively. It is important to treat individuals with dignity and respect their worth, ensuring that all Indonesian citizens are recognized as equals before the law. Legal policies must accommodate the diverse interests within Indonesian society, offering protections without discrimination. Law enforcement should not only address punitive measures but also adopt preventive and corrective functions, promoting mutual tolerance and respect. The law should be seen as a mechanism for fostering harmonious relationships rather than as a tool for vengeance, thereby reinforcing the fundamental values of respect and human dignity.

Law enforcement aims to uphold human values, emphasizing that legislation must prioritize individuals as the primary subjects of legal claims. This means that the law should protect not only personal interests but also broader human interests. It is essential that the law is not manipulated to serve specific interests, a common issue in Indonesian legal contexts where laws are sometimes crafted to achieve particular objectives.¹⁶ Thus, in the integral legal paradigm, the law must genuinely reflect human dignity and position humans as God's perfect creations.

For example, cases such as the prosecution of Grandma Asiani for stealing teak branches from *Perhutani*, or the legal actions against small children for minor thefts, highlight instances where legal processes seem to disregard humane considerations. Similarly, cases like a grandfather being sentenced for stealing a watermelon illustrate how legal outcomes can sometimes conflict with humanitarian principles.

Integral legal thinking necessitates updating the law to address current conditions more effectively. Legal reform should ensure that laws are accepted by all parties in society and do not harm individuals or the community. Laws must be based on truth and free from particular interests or biases. Effective law enforcement requires a deep understanding that the law encompasses more than written statutes; it embodies noble values that promote societal good. In line with Pancasila's values, which view Indonesia as part of the broader human community, law enforcement should adopt a comprehensive approach that respects human dignity.

Integral legal thinking in Indonesia must balance the protection of individual rights with the achievement of broader state objectives. Laws should prioritize the unity, integrity, and safety of the nation over personal and group interests. This implies that the law should be supported by fundamental and general principles, ensuring that individuals understand their proper role within the legal system. When laws are influenced by specific interests, they may become ineffective or unjust. Therefore, an integral legal approach involves a commitment to the nation's interests, requiring individuals to sometimes sacrifice personal interests for the common good. This dedication to the nation is crucial for fulfilling the goals of legal systems designed to benefit citizens.

¹⁶ Arrsa, Ria Casmi. "Rekonstruksi Paradigmatik Negara Hukum Pancasila (Antitesis terhadap Diskursus Pemikiran Negara Hukum dalam Konstitusi Indonesia)". *Jurnal Konstitusi*. Vol.10, No.3 (2013): 486-487.

In legal processes, it is crucial to consider Indonesia's diverse realities, reflecting the country's varied social fabric. Addressing conflicts of interest and ensuring that laws serve the common good requires an understanding of the nation's complex social landscape.¹⁷ In the legal realm, the criminalization process in Indonesia often represents a troubling aspect of law enforcement. The pursuit of past mistakes to implicate individuals or officials can lead to a prioritization of personal interests over the state's welfare. This approach undermines the principle that the interests of the state should take precedence over those of individuals or groups. Every element within the country must embrace a sense of national pride and identity to ensure that law enforcement is integrated and comprehensive, thereby preventing outcomes that serve specific interests.

Mahfud MD suggests that the disorder in law enforcement is not solely due to legislative shortcomings but also results from a lack of national morality among Indonesian citizens. This highlights the urgent need for an integral legal framework, particularly given Indonesia's pluralistic society. The nation's diversity is an intrinsic part of its identity, and the law must foster unity while respecting this diversity, aligning with the principles of *Bhinneka Tunggal Ika*.

The integral legal paradigm based on Pancasila underscores the importance of deliberation in decision-making. This approach does not entail disregarding existing laws and regulations but rather emphasizes the involvement of all relevant elements to achieve wise and consensus-driven decisions. Deliberation should be rooted in the spirit of kinship, recognizing all Indonesian citizens as part of a unified nation.

However, current practices in deliberation often fall short, focusing merely on meeting formal legal requirements rather than addressing the substantive issues at hand. True deliberation should involve a thorough consideration of the core material of legal cases, ensuring that decisions are directly relevant to the legal problems being addressed. This approach aims to achieve justice beyond mere procedural compliance, fostering a more equitable legal process.

In determining legal decisions, deliberation is not merely a matter of majority voting but emphasizes substantial truth values. In Indonesia's integral legal paradigm, upholding decisions derived from deliberation is crucial. This approach reduces instances of dissent or non-compliance with joint decisions. When all parties, guided by good faith and a sense of responsibility, accept and implement the outcomes of deliberative processes, legal issues are more effectively resolved. Deliberation prioritizes common interests over personal or group interests, encouraging litigants to consider higher legal interests, such as those of the state, rather than individual or collective gains.

For instance, Indonesian electoral laws, which reflect a failure to fully grasp Indonesian democracy, underscore the necessity of legal certainty and democratic principles. The majority vote, as a procedural rule, is crucial for maintaining this balance. An integral legal paradigm, grounded in Pancasila, necessitates a deep philosophical exploration of these issues.

Legal decisions resulting from deliberation should be based on common sense and a noble conscience. Deliberation involves collective engagement of various stakeholders to reach mutually acceptable agreements through logical reasoning that seeks to avoid deception. Additionally, deliberation must align with a noble conscience, ensuring that rationality is complemented by ethical considerations, guiding decision-making when reason alone is insufficient. Legal decisions must be morally accountable to a higher authority, reflecting the principle that law encompasses more than mere punitive measures; it integrates the profound aspects of human existence and its relationship with the divine, as embodied in the first principle of Pancasila, which asserts that Indonesia is a state founded on religious principles.

¹⁷ Angga, La Ode. "Pembangunan Hukum yang Mengakomodir Pluralisme di Indonesia". *Jurnal Supremasi Hukum*. Vol.1, No.1 (2012): 49.

Moreover, the law must uphold human dignity by recognizing individuals as creations of God with inherent worth, ensuring they are treated with respect. In Indonesia's integral legal paradigm, balancing rights and obligations is crucial to prevent violations of established norms. Philosophically, the law's primary function is to foster a sense of justice¹⁸, guaranteeing individual rights while ensuring that obligations are met. This understanding is rooted in the "Primordial Covenant," which signifies a commitment to ethical conduct as part of one's monotheistic belief. The law should not only impose obligations but also demonstrate care and concern for others, aligning with the fifth principle of Pancasila. This principle ensures that the Pancasila-based integral legal enforcement paradigm provides social justice for all Indonesian citizens.

C. Conclusion

Pancasila holds a crucial and strategic position in Indonesian national and state life, including in the legal domain. As it is derived from the values inherent in the lives of the people, Pancasila serves as a source of authentic law. Legal issues often arise from systems that do not align with these societal values, leading to a sense of injustice. Integral legal thinking based on Pancasila represents a prudent approach to law development for societal benefit. This perspective aligns with traditional wisdom while adapting to contemporary needs. Amidst the diversity and complexity of interests, Pancasila's integral legal thinking accommodates differences and fosters decisions acceptable to all parties. It employs legal principles that are divine, humane, unifying, and justice-oriented, creating a comprehensive and cohesive legal paradigm in thinking, acting, and enforcing the law.

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