



The Intersection between Legal Philosophy and Pancasila Ideology in Recognising Indonesian Indigenous Peoples

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Abstract

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This study examines the relationship between customary law communities and the ideology of Pancasila within Indonesia's legal philosophy. Article 18B Paragraph (2) of the 1945 Constitution affirms state recognition of customary law communities and their long-standing social, legal, and cultural systems. However, challenges persist in integrating customary law into the national legal framework, including normative disparities and conflicts of interest. Using a normative juridical method with philosophical, statutory, and case approaches, and drawing on secondary data through literature review, this research finds that the intersection between legal philosophy and Pancasila reflects the value of social justice. Pancasila provides a philosophical and constitutional foundation for recognising and protecting customary law communities while promoting national unity and sustainable development, thereby affirming its role in upholding diversity, justice, and humanity.



A. Introduction

Indonesia, with its diverse cultures and traditions, formally recognises the existence of customary law communities as stated in Article 18B(2) of the 1945 Constitution of the Republic of Indonesia¹: “The State recognises and respects the unity of customary law communities and their traditional rights as long as they are still alive and in accordance with the development of society and the principles of the Unitary State of the Republic of Indonesia, which are regulated by law.”² The elucidation of this article affirms that the state acknowledges the social, legal, and cultural systems that have long existed within these communities and upholds their traditional rights.³ As a constitutional state governed by the rule of law, Indonesia regulates the authority of the government, the rights of citizens, and their mutual relations through legal norms. Pursuant to constitutional mandates, the government is obliged to recognise and respect Indigenous Legal Communities by granting them control rights, known as *ulayat* rights.

These rights encompass land ownership, natural resource management, and distinctive cultural practices, provided they remain vital and relevant to contemporary indigenous life.⁴ In customary law scholarship, Van Vollenhoven defines *ulayat* rights as *beschikkingsrecht*, reflecting the inherent relationship between Indigenous Legal Communities and their customary territories, which they regulate and utilise according to tradition.⁵ This aligns with Immanuel Kant’s concept of the *Rechtsstaat*, where the state exists to protect individual rights and maintain social order within a legal framework. Recognition of customary rights thus embodies justice and respect for communities that predate the Indonesian state.⁶ Elinor Ostrom, in *Governing the Commons* (1990), further illustrates that effective self-governance of common resources is possible when management systems adhere to certain design principles.⁷ Such self-governance involves collaboration among local actors and government institutions across international, national, subnational, and local levels.⁸

The existence of customary law communities is an important topic in Indonesian legal philosophy.⁹ Their recognition reflects not only the diversity of indigenous cultures and traditions but also the values of unity and integrity embodied in Pancasila as the foundation of the state. The rights of these communities are explicitly regulated in the 1945 Constitution, demonstrating their constitutional importance.¹⁰ A juridical review of customary law communities is therefore essential to understanding how customary law can be integrated into

¹ Mahfud MD, 2019, *Membangun Politik Hukum*, “Menegakkan Konstitusi”, Jakarta: Rajawali Pers (2019), p.213.

² Sahat Maruli, Tua Situmeang, and Ira Maulia Nurkusumah, Situmeang, “Pengaturan KBGO”, Vol. 3, No. 2 (2021): 162–77., <https://doi.org/10.34010/rnlj.v3i2.5100>

³ Rosmidah Rosmidah, “Pengakuan Hukum Terhadap Hak Ulayat Masyarakat Hukum Adat Dan Hambatan Implementasinya,” *Inovatif: Jurnal Ilmu Hukum* Vol.2, No.4 (2010): 92–102, <https://www.neliti.com/publications/43187/pengakuan-hukum-terhadap-hak-ulayat-masyarakat-hukum-adat-dan-hambatan-implement#cite>

⁴ Aziz, G. A., Suhariningsih, S., & Kawuryan, E. S. (2024), The Right of Management Originating From Indigenous People Ulayat Land: A Curse or A Solution?. *NEGREI: Academic Journal of Law and Governance*, 4(2), 185–202. <https://doi.org/10.29240/negrei.v4i2.11405>

⁵ *Ibid*

⁶ Ramli, Ramli, Muhammad Afzal, and Gede Tusan Ardika. "Studi Kritis Terhadap Konsep Negara Hukum." *Media Keadilan: Jurnal Ilmu Hukum*, no. 2 (2019): 132-147. <https://doi.org/10.31764/jmk.v10i2.1969>

⁷ Elinor Ostrom, (1990), *Governing the Commons: The Evolution of Institutions for Collective Action*, New York: Cambridge University Press, p. 12.

⁸ *Ibid*

⁹ Adam D. Tyson, *Decentralization and Adat Revivalism in Indonesia*, (2010), Routledge, <https://doi.org/10.4324/9780203849903>.

¹⁰ Satjipto Rahardjo, *Ilmu Hukum*, Bandung: Citra Aditya Bakti (2014), p. 338.

the national legal system while remaining consistent with Indonesia's philosophical and ideological foundations.¹¹

From the perspective of legal philosophy, the recognition of customary law communities is closely related to the concept of legal pluralism, which acknowledges the coexistence of multiple legal systems within a state. Satjipto Rahardjo argues that customary law reflects the living values of society and differs from formal state law. This view aligns with Von Savigny's concept of *volksgeist* or the spirit of the people, which holds that law grows and develops alongside society.¹² Customary law encompasses norms governing the management, control, and use of *ulayat* land that are recognised and upheld by local communities. Sutan Santoso further explains that customary law represents the moral and cultural norms of a society and expresses its collective values.¹³ Recognition and respect for customary law are therefore essential to preserving cultural diversity and strengthening national identity.

Pancasila, as the ideological foundation of the Indonesian state, provides a philosophical basis for the recognition and protection of customary law communities. Its principles emphasise social justice, humanity, and unity within the rule of law. The first principle, "Belief in One God," reflects the spiritual values embedded in customary practices. The second, "Just and Civilised Humanity," promotes fairness and respect for indigenous rights.¹⁴ The third, "The Unity of Indonesia," highlights the importance of maintaining cultural diversity within national unity.¹⁵ Kuntowijoyo asserts that Pancasila functions not only as a political ideology but also as the philosophical basis of Indonesia's legal system.¹⁶ Similarly, Soepomo's integralistic perspective stresses harmony among individual, societal, and state interests.¹⁷ The integration of customary law into the national legal system must therefore be carried out in accordance with the values of Pancasila so that both systems complement each other in achieving social justice and community welfare.

In practice, the recognition and implementation of customary law within Indonesia's national legal framework face various challenges, including normative discrepancies between customary and national law and conflicts of interest between indigenous communities and other societal actors.¹⁸ Although the Constitution explicitly guarantees the rights and existence of indigenous peoples, deviations often occur in legal practice, particularly in disputes over land and natural resource management between the government, corporations, and indigenous groups.¹⁹ Many indigenous communities have lost access to their ancestral territories due to corporate exploitation, resulting in forced evictions and the erosion of traditional rights, with reports indicating more than 1,500 land conflicts across Indonesia involving indigenous peoples. Globalisation and modernisation have also threatened the continuity of indigenous culture and identity, leading to the gradual disappearance of traditional practices, while discrimination and negative stereotypes persist, portraying indigenous peoples as backward or resistant to change.²⁰ Despite constitutional recognition, legal protection remains weak, and

¹¹ Bernard L. Tanya, *Teori Hukum: Strategi Tertib Manusia Lintas Ruang dan Generasi*, Yogyakarta: Genta Publishing (2017), p. 103.

¹² Iqbal Maulana et al., "Justice for Indigenous People: Management Right Term to Third Parties," *Indonesia Law Reform Journal* vol 4, no. 1 (June 5, 2024): 59–74, <https://doi.org/10.22219/ilrej.v4i1.33058>.

¹³ Sutan Santoso, *Filsafat Hukum Indonesia*, Jakarta: Rajawali Pers, (2014), p. 45.

¹⁴ Jimly Asshiddiqie, *Konstitusi dan Konstitusionalisme Indonesia*, Jakarta: Sinar Grafika, (2015), p. 156.

¹⁵ Yudi Latif, *Negara Paripurna: Historisitas, Rasionalitas, dan Aktualitas Pancasila*, Jakarta: Gramedia (2016), p. 243.

¹⁶ Kuntowijoyo, *Pancasila sebagai Ideologi Terbuka*, Bandung: CV. Remaja Rosdakarya (2015), p. 102.

¹⁷ Soepomo, *Bab-Bab tentang Hukum Adat*, Jakarta: Pradnya Paramita (2013), p. 45.

¹⁸ Adiwardana, B. S., *Pengakuan Hukum Adat dalam Sistem Hukum Nasional: Tantangan dan Solusi*, *Jurnal Hukum dan Pembangunan*, Vol. 19, No. 3 (2020), p. 321–345.

¹⁹ Aliansi Masyarakat Adat Nusantara (AMAN), *Laporan Tahunan 2022: Konflik Tanah dan Sumber Daya Alam*, Jakarta, (2022), p.37.

²⁰ World Bank, *Globalization and Cultural Identity: The Case of Indigenous Peoples in Indonesia* (2021), p. 12

many communities receive insufficient governmental support in defending their rights against powerful interests. Customary law, which embodies the living norms, values, and traditions of local communities, often clashes with the formalised and centralised nature of the national legal system.²¹ Therefore, a juridical analysis of customary law communities is essential to determine how customary law can be effectively integrated into the national legal framework in accordance with the values of Pancasila.

A comprehensive juridical and philosophical approach was required to ensure that customary law communities were effectively and equitably recognised and implemented. In practice, however, these communities faced various challenges.²² Dominikus Rato identified several key issues, including conflicts with positive state law, the pressures of modernisation, and uncertainty regarding the legal status of indigenous peoples. These challenges underscored the urgency of conducting an in-depth juridical study on the position of customary law communities within the national legal system.

Accordingly, this research aimed to examine the juridical status of customary law communities through the perspectives of legal philosophy and Pancasila ideology. The study was significant in balancing the recognition of customary law communities with the broader goals of national development. Ter Haar emphasised that customary law communities possessed their own enduring and evolving legal order, while Otje Salman argued for reconstructing the understanding of customary law to ensure its continued relevance.²³ The research sought to contribute to the development of customary law theory and to formulate policy recommendations that would strengthen legal unity in Indonesia.²⁴ Legal philosophy played a crucial role in shaping a national legal system grounded in Pancasila, particularly in affirming the position of indigenous peoples. By employing these two analytical variables, the study aimed to develop a framework for revitalising the role of customary law communities within the national legal system.

The study employed a normative juridical research method, selected for its capacity to explore legal and philosophical dimensions while addressing the real conditions of indigenous communities. It investigated how legal philosophy and Pancasila ideology could be integrated into the national legal framework to support the recognition of indigenous peoples. The normative analysis was designed to provide a comprehensive understanding of the position of indigenous peoples within national law and Pancasila ideology. The research was explanatory in nature, seeking to elucidate the influence of legal philosophy and Pancasila ideology on the legal status of Indonesia's indigenous peoples. The approaches adopted included the philosophical, statute, and case approaches. The research relied on secondary data consisting of primary, secondary, and tertiary legal materials. Data collection was conducted through literature review, and data analysis used a descriptive qualitative method. The normative analysis focused on relevant laws, policy documents, and scholarly literature on indigenous peoples, with particular attention to the ideological framework of Pancasila.

²¹ Human Rights Watch, *Indonesia: The State of Indigenous Rights* (2023), p. 63.

²² Dominikus Rato, Eksistensi Hukum Adat dalam Sistem Hukum Indonesia, *Jurnal Masalah-Masalah Hukum*, Vol. 42, No. 3, (2013), p. 307-315.

²³ Ter Haar, *Asas-Asas dan Susunan Hukum Adat*, Jakarta: Pradnya Paramita (2011), p. 27.

²⁴ Otje Salman, *Rekonstruksi Hukum Adat Kontemporer: Telaah Kritis terhadap Hukum Adat sebagai Hukum yang Hidup dalam Masyarakat*, *Jurnal Hukum IUS QUIA IUSTUM*, Vol. 20, No. 2 (2016), p. 458-474.

B. Discussion

1. Conformity of Customary Law with the Principles of Legal Philosophy

The existence of customary law communities in Indonesia constitutes a complex phenomenon that reflects the nation's cultural and legal diversity. Within this context, the philosophy of law plays a crucial role in understanding the normative foundations underlying the recognition and protection of indigenous peoples. This philosophical approach is also relevant for analysing how Pancasila, as the state ideology, accommodates customary law within the national legal system.²⁵ Philipus M. Hadjon provides an epistemological perspective on legal science from the standpoint of the philosophy of science.²⁶ He argues that normative legal science possesses a distinctive character, as it focuses on the study of legal values such as justice, the rule of law, and law enforcement, which are central to legal scholarship.²⁷

Legal philosophy serves as a framework for evaluating prevailing legal norms, including those governing customary law. Satjipto Rahardjo contends that legal philosophy extends beyond logical analysis, encompassing ethical and moral dimensions that underpin the law.²⁸ The concept of justice in legal philosophy, which includes distributive and restorative justice, is particularly relevant for ensuring the fair recognition and protection of indigenous rights. Pancasila, as the philosophical and constitutional foundation of the Indonesian state, comprises five precepts that guide the formulation of national law and policy. Yudi Latif emphasises that Pancasila functions not only as a political ideology but also as a philosophical basis for legislative development.²⁹ In this regard, the second precept, Just and Civilised Humanity, and the fourth precept, Democracy Guided by the Inner Wisdom of Deliberations among Representatives, provide essential principles for recognising and respecting the existence of indigenous peoples.

Customary law communities are social groups that operate legal systems rooted in local culture and traditions. Maria S.W. Sumardjono argues that such communities possess distinct characteristics, including communitarian participation in decision-making and consensus-based law enforcement.³⁰ The existence of these communities reflects Indonesia's legal pluralism, which is recognised by the Constitution. Article 18B paragraph (2) of the 1945 Constitution affirms that the state recognises and respects the unity of customary law communities and their traditional rights. This constitutional recognition provides a legal foundation for the protection and development of indigenous peoples within the national legal framework. Nonetheless, the implementation of this recognition often encounters challenges in harmonising customary law with positive law.

From the perspective of legal philosophy, customary law communities embody the concept of legal pluralism, consistent with the principles of justice and respect for cultural diversity. Bernard L. Tanya asserts that constitutionally recognised customary law enriches the national legal system with local values that promote substantive justice.³¹ However, conflicts between customary and national law often arise due to divergent principles and normative foundations. Peter Mahmud Marzuki emphasises the importance of developing harmonisation mechanisms that are context-sensitive and inclusive. Such an approach is essential to achieve legal unity

²⁵ Amin, I. (2022). The Law Between Secularism and Theology. *NEGREI: Academic Journal of Law and Governance*, 2(2), 123–138. <https://doi.org/10.29240/negrei.v2i2.5282>

²⁶ Yudi Latif, *Pancasila dalam Sistem Hukum Indonesia*. Jakarta: Gramedia Pustaka Utama (2012), p. 47

²⁷ *Ibid*

²⁸ Rahardjo, Satjipto, *Filsafat Hukum dan Modernitas*, Bandung: Mizan Publika (2010), p. 125

²⁹ Yudi Latif, 2015, *Negara dan Ideologi Pancasila*, Surabaya: Airlangga University Press, hlm. 67-75.

³⁰ Sumardjono, Maria SW, 2008, *Pengakuan dan Perlindungan Masyarakat Hukum Adat di Indonesia*. *Jurnal Hukum & Pembangunan*, Vol. 38, No. 3, p. 286-300.

³¹ Bernard L Tanya, *Teori Hukum: Strategi Tertib Manusia Lintas Ruang dan Generasi*, Yogyakarta: Gadjah Mada University Press (2017), p. 10

without disregarding Indonesia's socio-cultural diversity.³² The philosophy of law, in conjunction with the ideology of Pancasila, thus serves as a guiding framework for the construction of the national legal order.

The implementation of Pancasila from a legal-philosophical perspective in recognising indigenous peoples is primarily reflected in its precepts. The third precept, The Unity of Indonesia, underscores the importance of maintaining diversity within national cohesion. Pancasila promotes the application of laws that respect cultural differences while reinforcing national identity.³³ This principle strengthens the position of indigenous peoples by ensuring that customary law is recognised as an integral component of the national legal system. Furthermore, the second precept, Just and Civilised Humanity, and the fourth precept, Democracy Guided by the Inner Wisdom of Deliberation and Representation, provide philosophical foundations for protecting the rights of customary law communities.³⁴ Through policies that uphold social justice and encourage active participation of indigenous peoples in legal processes, Pancasila offers a normative framework for their recognition and respect.

Philosophically, the existence of customary law communities in Indonesia reflects legal pluralism grounded in local wisdom and social justice. Article 18B paragraph (2) of the 1945 Constitution affirms state recognition of these communities and their traditional rights. Soepomo viewed this as respect for the pre-existing legal pluralism that shaped Indonesian society. From a philosophical perspective, the existence of customary law communities can be understood through three dimensions. The ontological dimension recognises them as social entities with distinct systems of values, norms, and institutions rooted in communal life. Hazairin described them as autonomous units capable of self-regulation.³⁵ The epistemological dimension emphasises that customary law emerges from empirical experience and inherited values. Van Vollenhoven identified it as the original law of Indonesian society, reflecting justice and propriety.³⁶ The axiological dimension highlights ethical values such as justice, balance, and harmony. Ter Haar noted that dispute resolution within these communities relies on deliberation and local wisdom.³⁷

In this context, the recognition of customary law communities affirms legal diversity as part of the principles of justice and humanity upheld by Pancasila. Harmonisation between customary and national law requires inclusive dialogue that respects local traditions while reinforcing national identity. The effective application of Pancasila's principles in legal policy ensures fair and sustainable protection for indigenous peoples. This approach demonstrates how the philosophical foundations of the state can sustain harmony between cultural diversity and the national legal system.

2. Pancasila Ideology Affects the Existence of Customary Law Communities

The ideology of Pancasila, as the philosophical foundation of the Indonesian state, has a significant influence on the recognition and protection of indigenous peoples. Pancasila functions not only as a constitutional basis but also as a moral and ethical framework that

³² Peter Mahmud Marzuki, *Metodologi Penelitian Hukum*, Jakarta: Kencana (2020), p. 152

³³ Yudi Latif, *Pancasila dan Pluralisme Hukum*, Jakarta: Rajawali Pers (2018), p. 91

³⁴ Tanya, Bernard L, *Kewarganegaraan dan Hukum di Indonesia*, Bandung: Remaja Rosdakarya (2019), p. 70

³⁵ Van Vollenhoven, *Het Adatrecht van Nederlandsch-Indie*, diterjemahkan oleh LIPI, Jakarta: Djambatan (2013), p. 87.

³⁶ Hazairin, *Demokrasi Pancasila*, Jakarta: Bina Aksara (2015), p. 44.

³⁷ Ter Haar, *Asas-asas dan Susunan Hukum Adat*, terjemahan K. Ng. Soebakti Poesponoto, Jakarta: Pradnya Paramita (2011), p. 128.

upholds the existence and continuity of indigenous communities.³⁸ In practice, universal national laws often fail to fully accommodate the diversity of local customary laws, leading to conflicts between indigenous interests and national policies, particularly in the areas of natural resource management and infrastructure development.³⁹ Pancasila mediates these tensions by providing philosophical guidance for balancing national and local interests. The following section outlines the relationship between the principles of Pancasila and the recognition of indigenous peoples in Indonesia, as reflected in its precepts as follows.

a. First Precept (Belief in One God)

The first principle of Pancasila emphasises spirituality and religious diversity, which directly supports the recognition of indigenous belief systems that are spiritual in nature and closely linked to traditional customs. John Locke argued that religious tolerance should also encompass local and traditional beliefs that form the foundation of many indigenous communities.⁴⁰ In this context, religion and the state are interdependent: religion guides the state toward justice inspired by divinity, while the state facilitates the development of religious life.⁴¹

Recognition of the spiritual and religious beliefs of indigenous peoples, as well as their traditional ceremonies and customs, demonstrates the application of Pancasila's first principle in Indonesian governance.⁴² Protecting the rights of indigenous communities to practise their ancestral beliefs reflects Pancasila's moral and constitutional commitment to inclusivity and respect for diversity. Cultural preservation, including the protection of traditional knowledge, languages, and heritage, also forms part of this principle. The values of Pancasila encourage the safeguarding of indigenous culture, which fosters pride and reinforces both local and national identity. The relationship between religion and the state, which was debated among early independence leaders⁴³, remains a dynamic issue in Indonesia's contemporary legal and political context.

b. Second Precept (Fair and Civilised Humanity)

This precept highlights the importance of human dignity and social justice, forming a strong foundation for the protection of indigenous peoples' rights. Amartya Sen's research demonstrates that social justice requires recognition of the distinct identities and rights of indigenous communities, including their rights to land and natural resources.⁴⁴ The principle affirms equality and fair treatment for indigenous peoples and supports the protection of their human rights within the national legal framework.⁴⁵ Article 18B paragraph (2) of the 1945 Constitution, inspired by the values of Pancasila, provides the constitutional basis for recognising indigenous peoples and safeguarding their traditional rights, laws, and practices.

³⁸ Ashfiya Nur Atqiya, *and friends*, Hubungan Pancasila dan Hukum Konstitusi : Implikasi Terhadap Pengakuan dan Perlindungan Hukum Adat di Indonesia, *Volume 2, Nomor 4, Tahun 2024*, 167-176, <https://doi.org/10.59581/deposisi.v2i4.4227>

³⁹ *Ibid*

⁴⁰ John Locke, *A Letter Concerning Toleration*, Oxford: Clarendon Press, (1969), p. 27

⁴¹ Hamidi, A., Asasriwarni, A., & Matondang, I. (2022). The Relationship Between Religion and The State in Indonesia, and Its Relation to Islamic Law. *NEGREI: Academic Journal of Law and Governance*, 2(1), 1–22. <https://doi.org/10.29240/negrei.v2i1.3783>

⁴² Soeprapto, *Pancasila dalam Perspektif Yuridis Kenegaraan*, Yogyakarta: UGM Press, (2018), p. 87.

⁴³ Hadi, S. (2011). Relasi dan Reposisi Agama dan Negara: Tatapan Masa Depan Keberagamaan di Indonesia. *Millah: Jurnal Studi Agama*, 10(2), 227–248. <https://doi.org/10.20885/millah.vol10.iss2.art3>

⁴⁴ Amartya Sen, *Development as Freedom*, New York: Anchor Books, (1999), p. 112-115.

⁴⁵ Jimly Asshiddiqie, *Konstitusi & Konstitusionalisme Indonesia*, Jakarta: Sinar Grafika (2017), p. 156.

c. Third Principle (Indonesian Unity)

Pancasila recognises indigenous peoples as integral to Indonesia's unity, promoting integration while preserving cultural diversity. Balancing national cohesion with regional autonomy, the principle of *Bhinneka Tunggal Ika* ("Unity in Diversity") underscores unity through respect for difference. The value of mutual cooperation (*gotong royong*) and solidarity, inherent in customary law, is reflected in Pancasila's third principle, "Indonesian Unity." Customary law is therefore not a separate system but an essential component that reinforces Pancasila's values in everyday life.⁴⁶ This principle affirms the rights and existence of diverse indigenous communities within the national framework, fostering an inclusive sense of belonging.

d. Fourth Precept (Democracy)

Through this precept, Pancasila affirms the right of indigenous peoples to self-govern, recognising traditional decision-making processes and promoting their participation in democratic governance.⁴⁷ It acknowledges traditional systems of authority, ensuring indigenous representation in local decision-making while maintaining alignment with national unity. Pancasila supports a decentralised system of governance based on the principles of decentralisation, deconcentration, and co-administration⁴⁸, which define the relationship between central and local governments.⁴⁹ This framework enables indigenous communities to manage their own affairs through local structures while ensuring coherence with national policies.

e. Fifth Principle (Social Justice)

The fifth precept of Pancasila establishes the foundation for the fair and equitable distribution of resources, including for indigenous peoples. It ensures economic justice by protecting ancestral land rights and promoting development that respects indigenous values. Consistent with Thomas Pogge's theory of global justice⁵⁰, this precept supports the recognition and protection of indigenous communities in accessing and managing natural resources.⁵¹ The inclusion of customary rights in the 1945 Constitution, influenced by Pancasila, reinforces respect for local customs and laws, allowing indigenous peoples to preserve their identity while contributing to national unity. By emphasising social justice and equity, Pancasila seeks to balance national development goals with the protection of indigenous rights and livelihoods through equitable resource management.

Pancasila provides the philosophical and constitutional foundation for recognising and protecting indigenous peoples while upholding national unity and development objectives. Pancasila's ideology supports the existence of indigenous communities through its principles of diversity, justice, and humanity. However, challenges remain in its practical implementation, including land conflicts and the marginalisation of indigenous peoples. Persistent violations highlight the need for greater commitment and coordinated action from

⁴⁶ Ahmad Muhamad Mustain Nasoha and friends, *Pancasila Sebagai Landasan Pembentukan Hukum Adat dalam Konteks Negara Hukum Indonesia*, *Konstitusi: Jurnal Hukum, Administrasi Publik, dan Ilmu Komunikasi* Volume 2, Nomor 1, Tahun 2025, 21-34, <https://doi.org/10.62383/konstitusi.v2i1.294>

⁴⁷ Aidul Fitriadi Azhari, *Sistem Pengambilan Keputusan Demokratis Menurut Konstitusi*, Surakarta: Muhammadiyah University Press, (2015), p. 178.

⁴⁸ Putra, D. A., & Alifandi, M. A. (2021). Legal Study of The Existence of Genuine Autonomy in Order to Organize Village Autonomy in Indonesia. *NEGREI: Academic Journal of Law and Governance*, 1(1), 35-54. <https://doi.org/10.29240/negrei.v1i1.2623>

⁴⁹ *Ibid*

⁵⁰ Thomas Pogge, *World Poverty and Human Rights*, Polity (2008), p. 198-202.

⁵¹ Sudjito Atmoredjo, *Ideologi Hukum Indonesia*, Yogyakarta: Lingkar Media (2016), p. 124.

all stakeholders. As the Republic of Indonesia is ideologically grounded in the recognition and protection of indigenous peoples, continued efforts are essential to realise these ideals in practice.

C. Conclusion

Based on the problems, finding and discussion, the intersection between legal philosophy and the ideology of Pancasila embodies the value of social justice. The recognition of customary law communities within Indonesia reflects the principles of justice and humanity upheld by Pancasila. Harmonisation between customary and national law can be achieved through an inclusive and dialogic approach that respects local traditions while reinforcing national identity. The effective implementation of Pancasila's principles in legal policy will ensure equitable and sustainable protection for indigenous peoples. Pancasila serves as both a philosophical and constitutional foundation for recognising and safeguarding customary law communities while preserving national unity and supporting development goals.

D. Suggestion

The ideology of Pancasila plays a crucial role in supporting the existence of indigenous peoples in Indonesia through its principles of diversity, justice, and humanity. Despite its strong philosophical and constitutional foundation, challenges persist in practical implementation, particularly concerning land conflicts and the marginalisation of indigenous communities. These ongoing issues highlight the need for greater attention and coordinated efforts from all stakeholders. Given Indonesia's ideological commitment to the recognition and protection of indigenous peoples, continuous efforts are essential to translate these ideals into tangible outcomes.

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