



THE ROLE OF PANCASILA IDEOLOGY IN THE DEVELOPMENT OF THE CONSTITUTION AND LEGAL SYSTEM IN INDONESIA

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Abstract

Pancasila is the unity and unity of the Indonesian nation with the function of being the basis for carrying out government administration and regulating the state structure as a whole. Pancasila is a national symbol that functions as the basis for carrying out government administration and regulating people's daily lives. The Pancasila ideology helps shape the character of a nation that is honest, disciplined, thinks critically, is responsible, is fair, loves the country, is tolerant, embraces each other and has high social awareness. Constitutional Court decisions that reflect constitutional values ensure a reexamination of the 1945 constitution and often lead to conflicting situations such as disagreements over election results that must be resolved by all parties involved. The Constitution has the responsibility to make the first and final decisions regarding changes to laws relating to the 1945 Constitution. The aim of this research is to determine the role of the Pancasila Ideology in the Development of the Constitution and Legal System in Indonesia. This research uses the literature review method, which is research carried out by collecting library data, or research through various sources of information. The results and discussion in this research Pancasila is an ideology or guideline for Indonesian society and the laws that apply in Indonesia must be based on the 1945 Constitution. The Constitution is the foundation of the government and its implementation requires a thorough understanding of the social background and long-term goals of a country. Therefore, the philosophical basis of the constitution must be clear and consistent with the wishes of the government, which basically reflects the wishes of the people. It can be concluded that Pancasila contains values that can be implemented by the Indonesian people. In Pancasila there are the values of norms, ethics and moral behavior. Meanwhile, the 1945 Constitution contains a legal basis in written form. The laws that apply in Indonesia must be in accordance with the 1945 Constitution. The law has a high position, therefore every Indonesian citizen must comply with all applicable laws and will receive sanctions if Indonesian citizens commit deviations.

Keywords : Pancasila ideology, Constitution, Law

Introduction

The source of all sources of constitutional law that were used as guidelines throughout the founding of the Indonesian state was the ideology of Pancasila. Through the application of the values contained in Pancasila, it has an important role in realizing a better Indonesian legal and constitutional system. Pancasila, which contains the core beliefs of the Indonesian nation, will develop along with social conditions and Indonesian society. To achieve the national goals of the Indonesian nation, the Pancasila State Foundation, which contains the principles and values of the life of the Indonesian nation, needs to be further strengthened in the existing constitution and legal system. Pancasila is the basic ideology of the Indonesian state which has five basic principles or values in which there are norms, ethics and moral standards for community behavior (Tlonaen & Saigo, 2023). Pancasila is a basic philosophy and ideology that should be the basis for the unity of the Indonesian nation as a way of life. Pancasila is basically used as the foundation of the Indonesian government system which regulates the entire life structure of

citizens. Pancasila contains noble values with good character and is in harmony with the personality of the Indonesian nation (Sukasih, et al, 2023). Pancasila contains values that can be implemented by the Indonesian people. In Pancasila there are the values of norms, ethics and moral behavior. Meanwhile, the 1945 Constitution contains a legal basis in written form. The laws that apply in Indonesia must be in accordance with the 1945 Constitution. In the preamble to the 1945 Constitution, there is Pancasila which functions as the basis of the state, thus Pancasila is the state ideology. Pancasila is a social ethic that embodies a set of values that are realized in an integrated manner in national and state life. According to (Damanik, et al, 2023) the Constitution or UUD for the Unitary State of the Republic of Indonesia is called the 1945 Constitution as a result of the latest Amendments I, II, III and IV in 2002 (1945 Constitution) which is the written basic law and the highest source of law in the hierarchy of statutory regulations. invitation from the Republic of Indonesia. The existence of a constitution is an embodiment of a community agreement, which means that the constitution is a mutual agreement with the community in helping the state to create a basis for the existence of a state based on a constitution that contains provisions that are beneficial and acceptable to all parties. This means that the government can be responsible in carrying out its duties without abusing its power (Bani, et al, 2023). In a country, the constitution plays an important role and has a purpose. The constitution regulates the entire state system and functions as a codex for state regulations. The Constitution plays an important role in state activities and government policies. The state has laws that regulate internal and external affairs, as well as relations with society. The constitution regulates how society is governed in the state.

Research Methodology

This type of research is literature review or library research. Library research or literature review is research carried out by studying by collecting library data, or research through various sources of library information, such as books, scientific journals, newspapers, magazines (Wulandari, 2020).

Result & Discussion

A country has an ideology as a guideline that supports the lives of citizens to be better according to the guidelines that have been established. In Indonesia, Pancasila is a guideline for the lives of Indonesian people and the 1945 Constitution is the highest source of law in Indonesia and the constitutional law regulates how society is governed in the country. This literature review discusses the role of Pancasila ideology in the development of the Constitution and Legal System in Indonesia

Table 1. Results of research that has been carried out

Research and Year	Journal Title	Research result
Match Niken Sukasih, Anita Trisiana, Yonata Bagus Deny Kurnianto, Irfan Bagus Mahmudi, Yoggy Abdullah, 2023	The role of Pancasila ideology as the basis of the state in student life	Pancasila is a basis for the Indonesian nation and as a philosophical basis which has the aim of being a view of the life of the Indonesian nation and a symbol of unity for the image of Indonesia. The five principles are the five guidelines in Pancasila that regulate the Indonesian nation as a whole, just and sovereign. If there is no Pancasila, Indonesia is just a country without clear guidelines.
Malista Sint Oida Bani, Ananda Aisyah Rachmawati, Novela Serly Aulia, Fitri Hidayah, Ari Metalin Ika Puspita, 2023	Analysis of the Constitution in Indonesia	The constitution is the basis for government action, its creation must be based on the background of a country's society and is linked to the long-term goals that the country wants to achieve. The constitution is an official legal document that has a special position, it can be in written

		or unwritten form.
Widiatama, Hadi Mahmud, Suparwi, 2020	Pancasila Ideology as the Basis for Building the Indonesian Legal State	By making law the basis of the state, it is hoped that it can provide justice to all citizens. In order not to be influenced by other countries, Pancasila values are needed as a guideline in upholding law in Indonesia

The Role Of Pancasila Ideology

Pancasila as the basis of the state which has been stated in the preamble to the 1945 Constitution has an important role as an ideology and guideline in the life of the Indonesian nation, in which there are 5 principles, namely, belief in the Almighty God, just and civilized humanity, Indonesian unity, and democracy led by wisdom in deliberation/representation, social justice for all Indonesian people. The five precepts contained in Pancasila are what regulate the life of the Indonesian people and the way of life of the Indonesian people which can create an independent, just, sovereign and prosperous society. With Pancasila, every character of Indonesian society can be formed in accordance with norms, ethics and morals. Pancasila comes from Sanskrit, namely "panca" which means five and "sila" which means principle or principles. Pancasila includes values such as goodness, humanity, unity, justice and freedom which serve as the foundation for the daily lives of Indonesian society. Pancasila functions as a foundation for everyday life and Pancasila is the basis of a state based on moral values by forming the nation's personality, including religious, social, cultural values and forming the identity of the Indonesian nation. The Pancasila ideology is very important in developing a strong and ethical national identity and is closely related to education. Education in relation to the Pancasila ideology helps shape a national character that is honest, disciplined, thinks critically, is responsible and has high social awareness. According to (Damanik, et al, 2023) Pancasila has a function for the Indonesian state, namely: (1) Ideology (2) National development (3) Integration (4) Social control (5) Public policy. The personality of the Indonesian nation is an expression and character with a process that begins with synthetic habits and continues with continuous integration into the Indonesian nation which leads to the formation of an Indonesian nation that has a distinct national character. Personality expressions are diverse, and everyone has the right to develop character and positive traits because character is a good attribute. Thus, Pancasila as the basis of the state can make every Indonesian citizen have a character that is virtuous, good, and loves the country in accordance with the 5 principles of Pancasila.

Constitution And Legal System In Indonesia

The existence of a basic constitution cannot be separated from the formation of a state, because it is very important for carrying out its functions. Constitutions can be written and unwritten constitutions. The constitution functions as the basis for a country's legal system, protects human rights and regulates the division of power in administering the state. A country's constitution can change at any time, but it requires a strong foundation if the articles are unclear, inadequate or do not reflect changing times. According to (Hermawan, et al, 2023) the constitution is a social agreement between the government and citizens, this is what causes the constitution to undergo changes following changes in society. According to (Kurnia, et al, 2024) the constitution in Indonesia experienced development in 4 periods, namely: (1) Period 18 August 1945-27 December 1949 (2) Period 27 December 1949-17 August 1950 (3) Period 17 August 1950-5 July 1959 (4) The period 5 July 1959-21 May 1998, namely during the Old Order in 1959-1966 and the New Order in 1966-1998 and the Reform Order in 1999. In a country, this constitution requires implementation and security, both in its fundamental provisions and its implementation in the field. This constitution guides state administration in achieving its goals for citizens. The political role and desires of various parties continue to influence respect for the constitution. The Constitution establishes the Unitary State of the Republic of Indonesia as a legal state in its fundamental structure. Indonesia is a constitutional republic. As a rule of law, it shows that every citizen must submit and obey the law on the basis of the constitution by placing all Indonesian people as equal in the eyes of the law (Koswara & Megawati, 2023).

The Constitutional Court is the highest institution that regulates and supervises law in Indonesia. According to (Safitri & Wibowo, 2023) the Constitutional Court, it is a non-supreme judicial institution that specifically deals with constitutional law or political law. The concept of the rule of law itself was put forward by Sri Soemantri that all government actions in carrying out their duties must be based on law, on statutory regulations, and guarantee human rights, the granting of state power must have supervision from judicial bodies (Tamungku, 2023). In the

concept of a rule of law, the existence of an independent and impartial judicial institution is the main characteristic. According to Satjipto Rahardjo, (Lubis & Fahmi, 2021) law is the work of humans in the form of norms containing instructions for every action. Law is a description of human desires regarding how society should be guided and directed. In a collective environment, law includes all rules and regulations that govern behavior and can be enforced through the imposition of sanctions and sanctions can be imposed by authorized parties. The law aims to balance individual interests with the interests of society as much as possible. Remembering that society itself consists of individuals who communicate with each other and there will always be conflicts between the interests of other individuals. Law seeks to harmonize individual interests and the interests of society. The legal system aims to reduce tension and conflict as much as possible. According to Mochtar Kusumaatmadja, the aim of law is to create order so that it becomes the basis for creating an orderly social structure. Another goal is to uphold justice in harmony with society and the times (Lubis & Fahmi, 2021). A country's progress can be measured by the level of law compliance of its citizens. The higher the legal position of a country, the more organized it is. However, if the law of a country is weak, then the law of that country will take precedence. A country's legal system is needed to serve as a guide for the entire community. Law in Indonesia follows written and unwritten rules in people's lives.

Conclusion

Pancasila is a guideline for the Indonesian nation. In Pancasila there are 5 principles that regulate the life of the Indonesian people. Indonesia is a country of laws and the 1945 Constitution is the legal basis of the Indonesian state which fully regulates it, including providing applicable sanctions if violations occur. And all decisions made by the constitutional court are absolute and the constitutional court has a high position in Indonesia. Thus, Pancasila is an ideology or guideline for the Indonesian nation because it contains norms, ethics and moral values that regulate the life of the Indonesian nation. The constitution is state administration and the 1945 Constitution is a written constitution. The 1945 Constitution regulates all legal matters in Indonesia, and laws in Indonesia must be in accordance with the 1945 Constitution.

References

- Damanik, DP, Nabanban, R., Tampubolon, R., & Sagala, AZ (2023). The Role of Pancasila Ideology in Increasing National Insight in Yapim Taruna Sei Rotan Private High Schools. *MAJU UDA Community Service Journal*, 4 (1), 20-30.
- Hermawan, H., Andini, Finanda, F., Afifah, K., Matondang, MI, Atifah, N., et al. (2023). Background to Constitutional Changes and Changes in Indonesia. *Educandumedia Journal*, 2 (1), 112-123.
- Koswara, P., & Megawati. (2023). Analysis of the Principle of Independence of Constitutional Judges in Indonesia. *Ahmad Dahlan Legal Perspective*, 3 (1), 47-62.
- Kurnia, KF, Aliansa, Y., & Agustina, Z. (2024). Constitution and Legislative Law. *Dirosah Islamiyah Journal*, 6 (1), 32-42.
- Lubis, AE, & Fahmi, FD (2021). Introduction and Definition of Law in General (Literature Review). *Journal of Applied Management Science*, 2 (6), 768-789.
- Oida Bani, MS, Rachmawati, AA, Aulia, NS, Hidayah, F., & Ika Puspita, AM (2023). Analysis of the Constitution in Indonesia. *Sindoro Scholar of Education*, 1 (4), 21-30.
- Safitri, M., & Wibowo, A. (2023, February). The Role of the Constitutional Court in Indonesia (Getting to Know the Constitutional Court). *Multidisciplinary research journal*, 2 , 71-76.
- Sukasih, TN, Trisiana, A., Deny Kurnianto, YB, Mahmudi, IB, & Abdullah, Y. (2023). The Role of Pancasila Ideology as the Foundation of the State in Student Life. *Journal of Pancasila & Citizenship Education*, 8 (1), 344-350.
- Tamungku, EM (2023). Application of Conditionally Unconstitutional Practices in the Constitutional Court. *Lex Privatum*, 12 (1).
- Tlonaen, N. M., & Saigo, Y. A. (2023). The Role of Pancasila Ideology in Forming Anti-Religious Extremism Behavior. *West Science Multidisciplinary Journal*, 2 (12), 1040-1050.
- Wulandari, F. (2020). Utilization of the Environment as a Learning Resource for Elementary School Children (Literature Review). *Journal of Educational Review and Research*, 3 (2), 105-110.