

Legal Development in Indonesia through the Pancasila Screening Board

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Abstract. Efforts to develop law in Indonesia do not come out of the spirit of the Pancasila philosophical values. The norms of religious law that will be enforced in Indonesia must go through the Pancasila screening board as a very strict filter media. The legal issue as a problem in this writing is how is legal development in Indonesia through the Pancasila screening board? Scientific writing uses the method of sociological legal research (socio legal research). Pancasila as a screening board for legal development in Indonesia. All norms originating from outside the nation will be accepted and subsequently used as legal norms in Indonesia through the Pancasila filter. Pancasila functions as a filter or filter for various values or norms that come from outside. The law making process, law awareness and law enforcement processes in Indonesia always use Pancasila as a screening board in institutionalizing universal values to become positive legal norms in Indonesia. words.

Keywords: Legal Development, Screening Board, Pancasila.

1 Introduction

Actualization of law in welfare is a philosophical value of every legal system that is upheld in a nation. Ideally, all laws that are enforced in a nation are able to prosper all elements of the nation. The legal system must go through a process that applies in the nation and there should be no legal colonialism. Prosperous laws will continue to run and be obeyed; meanwhile those that are not prosperous will be abandoned by the community. The existing law in Indonesia is oriented towards being able to create physical and mental welfare for all elements of the Indonesian nation, not for the welfare of a certain group of people and ignoring the interests of other groups. The aspirations of the Indonesian people, as stated in the Preamble to the 1945 Constitution.

The Pancasila ideology unites members of society consisting of various religions and beliefs. If a social conflict occurs, the Pancasila ideology will be able to unite the various interests of the community. Social tensions will become solidarity making because various differences in society will be raised to a higher value system, namely Pancasila. When compared with religion, religion serves to unite people from various views and even from various ideologies. This is where the importance of national unity and integrity which is wrapped in the values of the Pancasila ideology as well as the religious values [1].

The strength of the Pancasila ideology depends on three-dimensional qualities, namely:

- a. The reality dimension, namely the basic values of the Pancasila ideology, has taken root in people's lives. This is because these values come from historical experiences and national culture (volkgeist/national spirit).
- b. Dimensions of idealism, namely the basic values of the Pancasila ideology contain idealism to welcome a better future life.
- c. The dimension of flexibility, namely the Pancasila ideology has flexibility that allows the emergence of the development of new thoughts relevant to Pancasila without denying the essence contained in the basic values of Pancasila. [2]

Pancasila values are developed dynamically and creatively by taking into account the dynamic development of Indonesian society. The basic values of Pancasila are described in daily life operationally. The basic values of Pancasila as stated in the Preamble to the 1945 Constitution are translated into values that are more practical and operational [3].

2 Methods

This scientific writing uses the method of sociological legal research (socio legal research). Sociological Legal Research (socio legal research) is a research that focuses on law as a norm (rule), thus it is a research that is positive law in nature. This study aims to describe the reality that corresponds to the phenomenon in detail and thoroughly, as well as to collect data from a natural setting by utilizing the researcher as a key instrument as a peeler of the problems to be studied. This scientific writing uses a qualitative approach as a research process that produces descriptive data in the form of observed written or oral data.

3. Result and Discussion

Law is used as a tool to regulate human behavior, in its implementation it is in accordance with the ideology of the nation concerned. The law also recognizes human dignity. Indonesia is a state of law (welfare state), and therefore all activities carried out by all Indonesian people must be in accordance with applicable legal norms.

Law as an instrument of democratization. This means that the law must not reject values or norms that come from outside. All norms originating from outside the nation will be accepted and subsequently used as legal norms in Indonesia through the Pancasila filter. So Pancasila here functions as a filter or a filter for various values or norms that come from outside. The law making process, law awareness and law enforcement processes in Indonesia always use Pancasila as a screening board in the institutionalization of universal values to become recognized values in Indonesia.

If all these universal values that come from outside do not pass the Pancasila screening process, naturally they will not become the norms of Indonesian national law. In the perspective of rule of law understanding, it is stated that the interests of individuals and the interests of society are placed in a balanced position. This measure is used because life in the Pancasila realm is full of life based on deliberation. The Indonesian nation does not reject or accept foreign culture as long as the culture does not contradict the noble values of Pancasila. Foreign culture will enrich the existing culture in Indonesia after going through the process of assessing and screening or screening Pancasila. Indonesia's national development has shown progress in various socio-cultural fields including the fields of religious life, economy, science

and technology and law. This progress will certainly affect social change in society. The development and progress of science and information technology in Indonesia is a very dominant factor in influencing social change.

The development of national law in Indonesia must pay attention to the rule of law and enforcement of human rights which originates from Pancasila and the 1945 Constitution, including realizing reform of national law in accordance with Pancasila values. The development of national law is adapted to the characteristics of the cultural characteristics of the people in Indonesia. The characteristics of Indonesian society are more monodualistic and pluralistic. National law is oriented towards legal values and norms that live in society. Cultural values that live in the community are more inspired by the values of customary law and religious law. The development of national law is essentially building concepts of an order that is imbued with the values of Pancasila, namely 1) religious or divine moral values, 2) humanistic or humanitarian values, 3) nationalism or national values, 4) democratic or popular values, and 5) the value of social justice. [4]

National law development that is imbued with religious moral values is understood that the basis in formulating national law must refer to the noble moral values that have been grounded in Indonesia. Many of these noble moral values are colored by the values of religious teachings, especially Islam. This means that noble moral values in Indonesia are colored by transcendent religious values.

Therefore, implementing Pancasila values in the life of the nation and state is a form of practicing Islamic teachings in the context of Indonesia. The development of a national law that is imbued with humanistic or human values means that legal development must place humans in an honorable position in accordance with the dignity of humanity as the most perfect creature of God. All Indonesian human groups are essentially one equal degree and there is no difference in social class. Therefore, policies in the development of national law must be based on the values of equality among citizens. There is no tyranny of minorities and hegemony of the majority.

4. Conclusion

Pancasila as a screening board for legal development in Indonesia. All norms originating from outside the nation will be accepted and subsequently used as legal norms in Indonesia through the Pancasila filter. Pancasila functions as a filter or filter for various values or norms that come from outside. The law making process, law awareness and law enforcement processes in Indonesia always use Pancasila as a screening board in institutionalizing universal values to become positive legal norms in Indonesia. Pancasila as a screening board or filter against the entry of universal norms must continue to be used as a center for the study of the principles in Pancasila. The study of Pancasila principles must still pay attention to academic ethics and also the dynamic development of Indonesian society.

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