

PANCASILA IS AN ELEMENT OF CONSCIOUSNESS THAT IS PRODUCED AND INTEGRAL IN THE SOCIAL PRACTICES OF INDONESIA SOCIETY

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Ideology is not only an effect born from the interests and class structure of society alone, but ideology has an active role in shaping the social structure itself, it can be likened to a map that provides structure and human understanding in understanding in the scope, especially the surrounding social situation. The study of ideology is the same as the study of law, this is because the formation of law always involves ideology as the basic element and of course comes from the deposits of social behavior that exist in society. Pancasila is an ideology that describes fundamental characters that are in harmony with the social life of the Indonesian people. The type of research I use in this research is Legal Research. The approach used in this research is a historical approach. There are problems that occur in the current era, that the application of Pancasila in the digital era has many various things that are vulnerable to division and hostility even though the easier information can be accessed. With the strengthening of Pancasila values as the basis of national awareness, all existing problems can be overcome and can be implemented properly by improving digital literacy, reviving the spirit of mutual cooperation, strengthening education about ethics and morals, especially in the digital world, using social media wisely, participating in a smart role to maintain the truth of information circulating and uphold the values of Pancasila in life of the nation and state.

Keywords: Pancasila, Awareness, Practice, Groundnorm.

I. INTRODUCTION

Pancasila was established as the basis of the state on August 18, 1945 by PPKI in the session for the ratification of the 1945 Constitution. In the session, PPKI ratified the 1945 Constitution which contained the formulation of Pancasila as the basis of the state in the fourth clause of the preamble of the 1945

Constitution. The history of the birth of Pancasila itself began with the defeat of Japan in the Pacific War in 1945. Realizing that defeat was imminent, Japan promised independence to the Indonesian people as conveyed by Kuniaki Koiso who served as the Prime Minister of Japan at that time, precisely on September 7, 1945 to form an institution to prepare for Indonesian independence. This was done solely to seek support from the Indonesian people to fight the allied army.

Juridically, it is constitutional that Pancasila has been the basis of the State since the formulation of Pancasila was made as written in the Preamble to the 1945 Constitution. On June 22, 1945, the Committee of Nine agreed that Pancasila has five precepts,

1. Godliness with the obligation to carry out Islamic sharia for its adherents;
2. A just and civilized humanity;
3. Persatuan Indonesia;
4. A people led by wisdom, wisdom and representation;
5. Social justice for all Indonesian people.

The basis of the thinking of the nation's founders in the preparation of the formulation is none other than the spirit of struggle to achieve political independence from colonialism. The founder of the nation wanted Indonesia as an independent sovereign state and the principle of unity was the basis for the founding of the Indonesian nation. Pancasila comes from the Sanskrit language which comes from a combination of two words, namely panca and precept which means five basics. The term Pancasila was initiated by the first President of the Republic of Indonesia, Mr. Soekarno, at the BPUPKI session on June 1, 1945 as the name of the basic principles of the State. Meanwhile, historically it was formulated with the aim of being used as the basis for an independent Indonesian State. In the process, the formulation of Pancasila as the basis of the State was obtained from philosophical excavation based on the intrinsic values of the Indonesian nation which have a variety of customs and cultures which will later be poured into a whole unit in the forum of togetherness as a unity of the Indonesian nation's view of life.

There are problems that occur in the current era, that the application of Pancasila in the digital era has many various things that are vulnerable to division and hostility even though the easier information can be accessed. Information that can be easily accessed unfortunately is not all positive information that builds unity and unity. This is exacerbated by the lack of digital literacy and lack of social awareness and lack of understanding of Pancasila values, especially in the younger generation. With the strengthening of Pancasila values as the basis of national awareness, all existing problems can be overcome and can be implemented properly by improving digital literacy, reviving the spirit of mutual cooperation, strengthening education about ethics and morals, especially in the digital world, using social media wisely, participating in a smart role to maintain the truth of information circulating and uphold the values of Pancasila in life of the nation and state. The problems that will be discussed include:

1. Does Pancasila as an element of awareness require understanding and practice in people's lives?
2. Can Pancasila as an element of awareness overcome social and economic disparities in community life?

II. DISCUSSION

2.1 KAJIAN TEORETIS

2.2 RESEARCH METHODOLOGY

Research is the main means in the development of science. Research has the goal of revealing the truth systematically, methodologically and consistently, including legal research, legal research is different from social research because law does not belong to the category of social sciences. The science of law is *sui generis*¹, meaning that law is a science of its own type.²

¹Philipus M. Hadjon, Tatik Sri Djatmiati, Gajah Mada University Press, Yogyakarta, 2005, *Legal Argumentation*, Jakarta: Kencana, p. 1

² DHM Meuwissen in Herowati Poesoko, 2007. *Parate Executie Object of Dependent Rights*, Laksbang Presindo, Yogyakarta. p. 27. *Sui generis*, the science of law is characterized by (a) explaining and analyzing the content and structure of the law; (b) systematization of legal

Therefore, the research method of law is different from the research method of social sciences in general.

The type of research I used in this research is Legal Research³. According to Prof. Peter Mahmud Marzuki in his book Legal Research, he stated that legal research is *normative juridical research*.⁴ The *normative juridical* definition is research that is carried out by reviewing and analyzing all laws and regulations that are related to the matter being researched.

The problem approaches in this study include the Legislative Approach, the Conceptual Approach and the Historical Approach. The approach in legislation is to examine all positive legal regulations (*ius constitutum*). The study of Pancasila as an ideology is inseparable from the study of the law that applies in Indonesia. This is because Pancasila is a basic norm (*Groundnorm*) that is outside the hierarchy of all applicable laws and regulations in Indonesia. Pancasila is outside the hierarchy of the legal order because of its function itself as a base, a conditional basis with a philosophical content that is in accordance with Indonesian society.

The conceptual approach is an approach that is carried out by tracing views on Pancasila in the life of the nation and state and the doctrines that are developing, especially regarding the tracing of regulations related to the provisions on how to create harmony that strengthens unity and unity in Indonesia which is inhabited by various ethnic groups and cultures. In addition, it also examines the views of legal experts on related issues. Thus, it is hoped that in turn ideas will be found that give birth to the meaning of the meaning of the law, the legal concepts that are faced.

Bambang Sugono stated that the conceptual approach departs from the legislation and doctrines that develop in legal science, the conceptual

symptoms; (c) interpreting the applicable legal substance, and (d) the practical meaning of law is closely related to its normative dimension.

³ Thomson Reuters, Black's Law Dictionary (Ninth Edition), West Publishing Co., St. Paul, 2004, "Legal Research" diartikan sebagai: a. The finding and assembling of authorities and bear on a question of law, b. The field of study concerned with the effective marshalling of authorities that bear on a question of law.

⁴ Peter Mahmud Marzuki, 2005, *Legal Research*, Surabaya, Prenada Media Group, P. 11. Legal research is a process to find legal rules, legal principles, and legal doctrines to answer the legal issues faced so that the research used in resolving the problem in this Desertation is *normative juridical research*.

approach departs from the premises in the form of positive legal norms to find legal principles or doctrines.⁵

Related to the source of legal materials in this study, the sources of legal materials used can be classified into 3, namely:

1. Primary source of legal material

The primary source of legal material consists of laws and regulations. The legal material is authoritative, meaning it has authority. If studied from the history of the issuance of the law, it is inseparable from several laws and regulations that are the basis for the substance that is the subject of research on the 1945 Constitution of the Republic of Indonesia.

2. Secondary source of legal material.

Among others, in the form of: literature books, legal research reports, scientific papers related to the problems discussed, opinions of experts, papers, newspapers, and publications and other means that provide information services related to the discussion of these problems.

3. Tertiary Legal Materials are legal materials that provide instructions and an explanation of primary and secondary legal materials such as the Legal Dictionary and the Great Dictionary of the Indonesian Language (KKBI).

Tertiary legal materials are supporting documents, such as statistical data and monographs and other similar data. This systematization process is also applied to legal principles, theories, concepts, doctrines and other reference materials. The series of stages is intended to facilitate the study of research problems. All of this legal material is collected by reading, recording and connecting between one legal material and another legal material which is focused on the need to answer the problem being studied.

2.3 RESEARCH AND DISCUSSION RESULT

2.31 PANCASILA AS AN ELEMENT OF AWARENESS REQUIRES UNDERSTANDING AND PRACTICE IN PEOPLE'S LIVES

Technological advances are an extraordinary breakthrough, especially in the use of positive things. For example, fundraising for natural disasters or other social activities, the implementation and equitable distribution of education that is very

⁵Bambang Sugono, *Legal Research Methods*, Raja Grafindo Persada, Jakarta, 1998. Thing; Id. at 88.

easy to access with online education, the efficiency of systematic promotions and campaigns and supporting the strength of unity and unity between communities and other positive examples. This is possible because the transformation in the modern world that is conditioned by the digital world will definitely affect the way people socialize and interact and of course it does not rule out the possibility of potentially weakening the values of Pancasila, including the spread of hoaxes, radicalism, social polarization, and the degradation of digital morals and ethics, especially in the younger generation and can also have a great tendency to weaken the uniqueness of the Indonesian nation. For example, the values and attitudes of mutual cooperation, the value of local wisdom is increasingly eroded due to different ways of socializing. The integration of Pancasila as a consciousness-based value system in society, especially in today's digital era, faces various problems and challenges that must be faced properly and wisely. To overcome these challenges, collaborative cooperation from various parties and social elements as a whole is needed, starting from the role of the Government, the supporting role of the community and the role of educational institutions. The government as the authority in determining strict regulations as well as for public access.

Foreign cultures, which are increasingly accessed through the internet, must be able to be protected by understanding and implementing strict legal rules. Our nation's culture is clearly much different from foreign culture towards the adoption of behavior. The fact of how culturally diverse and potentially dangerous there is no role for the Government in abolishing this, for example, a report published by the Commission on Homosexual Offences and Prostitution (the *Wolfenden*⁶ Report in 1959 in the UK) states that this report recommends that criminal sanctions against homosexual practices among adults be abolished in private. The reason for the elimination of criminal sanctions as punishment is because even though the practice is considered immoral, to justify the existence of criminal sanctions is considered inappropriate. This is because the moral standards of society in the UK feel that actions related to morality in terms of romance (homosexuality and prostitution) are not legal matters. Sociologically and normatively, the case mentioned above is important to observe even though there are different moral reasons in it, but in order to save the Indonesian nation, the enforcement of morality on the definition of moral ethics that are different from foreign cultures is absolutely necessary so that the identity of the Indonesian nation is saved. The definition of morality must be expressly detailed and clarified in the substance of laws and regulations as an embodiment of Pancasila values. The definition is to eliminate ambiguity due to different standards in society in translating what can be called moral behavior.

The question about whether Pancasila as an element of consciousness requires understanding and practice in people's lives, of course, the answer is very clear, yes,

⁶ H.L.A Hart, law, liberty and morality. 2009. Yogyakarta, Genta publishing, Hal:6.

it is very necessary to understand the values of Pancasila, especially in community life, but to explain this, of course, there are fundamental things that need to be answered as normative and historical causal questions, namely how the understanding and development of law in society is indeed influenced by morality or vice versa, that is, whether morality is influenced by law. The question is important because law and morality are two different things, although they are sometimes interrelated or even sometimes unrelated. This study exists because there are many ways in which morality determines the flow of law so that it can be logical in the collective social thought flow of society so that later it can be accepted as an agreed legal rule.

The law that was ratified as an answer to the morality above then gave rise to a new thing that must be emphasized in the basic rules (basis of thought), namely what kind of moral reference should be included and whether it should also be included in the definition of the law itself or even included in the legal system. This kind of understanding must exist in the makers of laws and regulations in Indonesia so that the rules made can be synergized with Pancasila which functions as a *ground norm* or moral foundation for the Indonesian nation. So that at least there are no rules that overlap morally and not just overlap in the order of laws and regulations. The correlation of the importance of understanding Pancasila as a basic element of thought with systems and lifestyles in the life of society and the state, this can be studied from several things below:

1) The Meaning of the Pancasila Ideology Behind the Law.

Pancasila requires an understanding to be able to manifest it into the substance of laws and regulations in Indonesia. Sourced from life experiences that are in accordance with the identity character that is suitable for the Indonesian nation, Pancasila, of course, is closely related to the meaning of the ideology behind the law, considering that law is the rules of the game of the life of the nation and state. Law and ideology are thus inseparable and are considered as independent of each other. This fact requires us to look at and study the law carefully so as not to be deceived by the language used in the law that seems to be neutral.

According to Emile Durkheim, law is a clue or indicator of the existence of a society that binds itself to other members of society in the unifying of the same language, thinking and behaving in the same way. The meaning here is due to the solidarity among its members.⁷ It is in Durkheim's view that law acquires its moral color, even though the morality referred to here is not moral in the normative sense but morality

⁷ RonyHaitijo Soemitro, Law and Society Studies, Alumni, 1985, Bandung. Pages 12-13.

in question is its manifestation as a social reality.⁸ Durkheim's concept of law as a social morality develops in a society, so law is a reflection of solidarity.⁹ The habits of the Indonesian people are the result of the deposits of thought that are united in the Pancasila forum, so these habits must be rational. From a philosophical point of view, habits are considered rational if they are suitable and in accordance with the natural attitudes and behaviors of the members of society. From the point of view of legal history, the terms fair and ratio must be interpreted according to the connotations given by rulers and legal experts for each specific period.¹⁰ Thus, not all customs at once will become a law, but must meet some of the characteristics of these habits. This can be exemplified in the peculiarities of mutual cooperation in Indonesian society, so it is characteristically inappropriate if it is called liberal or socialist.

Former President Soekarno as an Indonesian nationalist figure who has very strong characteristics, among others, through his thinking about an ideology that is suitable for Indonesia, must be an ideology that reflects and emphasizes the identity of the Indonesian nation so that Indonesia needs an ideology that understands neomysticism.¹¹ According to Soekarno, Pancasila contains five creeds of Indonesian nationalism, namely: Godliness; Nationalism; Humanitarianism or internationalism; Democracy; Social justice. The identity of the nation itself is related to certain principles that characterize the old and modern character of Indonesia, namely: brotherhood; Deliberation, cooperation. This characteristic is then implied when stating the purpose of the State in the substance of the preamble to the 1945 Constitution such as the ideals of justice; prosperity; eternal desecration; elimination of exploitation; world order and at the same time also glorify nationalism. The description contains neomystical beliefs that the Indonesian people adhere to and is also very influential in the way of judging the Indonesian nation.

2) The Relationship of Pancasila with Major Ideologies in the World.

Pancasila according to Manuel Kaisiepo's view that as an ideology, Pancasila is too normative to be able to reach in the realm of problems in general, for example, other economic and social problems including concrete laws such as poverty, then Pancasila is methodologically weak compared to other ideologies such as Socialist and liberal. In Socialism, the emphasis is on contributing focused on economic ideas with centralized planning and social economy, while in Liberalism, the emphasis is

⁸ Suteki, *Legal Design in Social Money*, 2013, Tahfa Media, Semarang, p. 127.

⁹ Soetandyo Wignyosoebroto, *Law, Paradigm, Methods and Dynamics of the Problem*, Elsam and Huma, Jakarta, Pg: 29

¹⁰ John Gillissen and Frits Gorle, *Legal History, An Introduction*, Borrower, Freddy Tenker, 2005, Refika Aditama, Bandung, p: 249.

¹¹ Suteki, *Legal Design in Social Money*, 2013, Tahfa Media, Semarang, p. : 172.

on distributing goods and services to market ideas and privatizing the market. On the other hand, Pancasila is still struggling at the normative level that is abstract.¹²

Pancasila has not defined clearly, both conceptually in the embodiment of laws and regulations in Indonesia and operationally clearly in the realm of procedures or mechanisms in achieving common goals. In fact, as an ideology, Pancasila must have a concrete and real program. According to Ignas Kleden, Pancasila as the philosophy and ideology of the state is a concept that can have an anthropological meaning, namely national *identity* or ontological meaning (*national entity*).¹³ Deductively, this concept derives several other concepts, for example, related to the political and economic system, so we know the concept of the Pancasila democratic political system or the Pancasila economic system. Because the concept is never clear about its definement, it does not succeed in becoming an actual conceptual grip, but it is more suitable to be called an anti-concept because it cannot show the basic essence of something (*what is*) but rather can show what is *not*). In other words, the concept of the Pancasila political system and the Pancasila economic system is never clear in the concept, but the uniqueness of Pancasila can be clear if juxtaposed with other ideologies regarding its differences. For example, in the Pancasila economic system, we can definitely understand that it does not lead to a capitalist system or not as a socialist system.

Pancasila emphasizes that it is a firm ideology of the State of Indonesia. This results in its interpretation will be highly dependent on the party who has authority or the party who is in control in the government or the rulers of Indonesia. In this context, Pancasila is understood as an ideology that gives legitimacy to power.¹⁴ This can be called the pejorative meaning contained in ideology, namely manipulated consciousness. Marxists call this the concept of false consciousness (*false consciousness*); or as Lucas is called *Verdinglicbung* (reification) or hegemony (hegemony) from Gramsci.¹⁵

From the above reality, it is necessary to find the right formula to translate the principles of Pancasila whose character is abstract, but even though it is something abstract, Pancasila can still be a guideline in assessing a policy issued by the government. Therefore, even though Pancasila contains formal principles, it cannot be used as a ready-to-use guideline to overcome concrete problems. However, by

¹² Manuel Kaisiepo, Pancasila and Social Justice: The Role of the State". The paper was presented at the National Symposium "Pancasila Restoration: Reconciling Identity Politics and Modernity", FISIP UI Depok Campus. May 31, 2006.

¹³ Ignas Kleden, in P. Handono Hadi, The Essence and Content of Pancasila, 1994, Yogyakarta, Publisher: Kanisius, Page 230.

¹⁴ Paul Ricour, Ideologi and Utopia as Cultural Imagination, dalam D.M. Borchet dan D. Stewart (eds), Being Human in a Technological Age, 1979, Ohio, Hal: 79.

¹⁵ Francisco Budi Hadiman, Ideology as Political Thought, Discourse, Journal of Philosophy and Theology, 2003, STF Driyarkara, Vo; 2 No 1 April 2003, p. 20.

looking at and examining the relationship between Pancasila and the substance of the Article in the 1945 Constitution of the Republic of Indonesia and the opinions of the founders of the nation who formulated Pancasila, we can understand and understand what is actually meant by the desire of the precepts in Pancasila. Thus, Pancasila can still be used as a reference for solving problems related to social, economic, legal and other matters related to the life of the nation and the economy.

2.3.2 PANCASILA AS AN ELEMENT OF AWARENESS CAN OVERCOME SOCIAL AND ECONOMIC DISPARITIS IN COMMUNITY LIFE.

Pancasila as an ideology whose existence does not only depend on the economic basis that is established in social relations alone, following Colin Sumner's view, the basis of ideology is not only from the effects of economic relations, but also has an active role in strengthening economic relations itself as well as social practices in general.¹⁶ The understanding and understanding of the ideological basis will be different if we examine and decipher the ideology of Marxists and non-Marxists. For example, in capitalist society, ideology plays a role in making people from different backgrounds equal subjects. In *The German Ideology* which describes structural contradictions in real social life. Ideology, according to Altrusser, plays a role in blurring these differences through its emphasis on the view that society is made up of individuals and ideology provides an imaginary picture of ourselves as subjects. In other words, capitalist ideology makes us feel that we are individuals-individuals who equally have the freedom to do anything. It is clearly not in accordance with the reality of life in our society that we are bound by a set of social structures and that no subject is free to withdraw from that structure.

According to Glifford Geertz, ideology is a tool of social and political analysis. In other words, ideology is a cultural map, a set of symbols that make an incomprehensible social situation understandable and meaningful for those who experience it.¹⁷ According to Daniel Dhakidae's opinion, Pancasila cannot be separated from the 1945 Constitution of the Republic of Indonesia, so the interpretation of it must include the articles contained in

¹⁶ Petrus C.K Bello, Legal Ideology, 2013, Publisher: Insan Merdeka, Jakarta, p: 16.

¹⁷ Glifford Geertz, Ideology as a Cultural System, dalam *The Interpretation of Cultures* Selected Essays (New York:Basic Books, 1973) Hal:193.

it.¹⁸ The 1945 Constitution of the Republic of Indonesia consists of liberal elements, native elements, and organic elements. The organic element referred to here is that the State has a very large role in regulating all sectors of economic activities. The ideology grows and is actively correlated in a society that is undergoing change. As in Indonesia, in the midst of a turbulent social situation, people cannot react or become aware spontaneously to the social order or social picture that is stable to be used as a guideline and such a beginning. Until finally finding the right formula, namely Pancasila which is not too liberal and also cannot be called too socialist. Or to borrow Geertz's opinion that ideology serves to harmonize oppositions in society. The cause of social chaos itself is not the existence of class conflict as imagined by Marxists, but by the process of secularization and the destruction of the traditional social order.

Pancasila is an understanding of the arrangement used by the State of Indonesia to achieve what it aspires to, namely to improve public welfare. Regarding the goal itself, it can be assumed that if the State is the subject, then the goal in question is purely for itself but must be beneficial to society which at the same time accommodates elements of togetherness, freedom and solidarity. The view of the State based on Pancasila is ideal, but the problem is why general welfare is difficult to achieve in a country that adheres to the ideal, in fact the State still needs a free lunch program for its people, so it can be ascertained that poverty and social disparities exist. Efforts to achieve the goals are taken with active steps and initiatives from the State itself. Thus, a prosperous state can be said to go beyond its duties and authority, it will tend to be totalitarian.¹⁹ The state's task is basically not to eliminate the responsibility and autonomy of individual communities, but rather to support and stimulate people to be willing to make active efforts so that they will not kill private autonomy and public autonomy that exist in society itself.

The ideal understanding in Pancasila of course needs an ideal translator, in this case the translator depends on the rulers to be translated as what the

¹⁸ Daniel Dhakidae, Ancasila and Social Justice, Paper presented at the National Symposium "Restoration of Pancasila: Reconciling the Politics of Identity and Modernity", UI Depok Campus, May 31, 2006.

¹⁹ Jurgen Hebermas, *Between Facts and Norm: Contributions to a Discourse Theory of Law and Democracy*, Terjemahan William Rehg, 1998, MIT Press, Massachussets, Hal: 407.

implementation of Pancasila is enshrined in the implementation of each article in the applicable laws and regulations. Legal products produced in a legal system must also be able to influence people's behavior that can encourage the creation of behaviors that can reduce poverty.²⁰ The state can intervene in the use of its natural resources. One example is agrarian resources that have been specifically regulated in the Basic Agrarian Law (UUPA 1960). The legal regulations as part of the law are also required to fulfill their applicability philosophically, dogmatically, and sociologically. the applicability is based on different values, including: the value of justice, the value of certainty (*certainly*) and the value of usefulness (*utility*). The essence of the legal philosophy is in accordance with Gustav Radbruch's opinion on law, who said that "*The idea of law is defined through a triad of justice, utility, and certainly*".²¹ The value of utility or utility arises from an analysis of justice. One of the values that must be outlined in the system of laws and regulations is the value of justice. The value of justice raised in this context is certainly not in an individual context, but the value of social justice. In reality, the realization of the value of individual justice is very determined by each individual in interacting with each other. In contrast to the concept of individual justice, the realization of the value of social justice is highly dependent on the role of the state through the sharing of social structures in certain societies so it does not depend on the wishes of individuals.

Sudarto P. Hadi's opinion is that a good law is a law that contains the principles of sustainability, justice and democracy. this can be achieved as long as the preparation involves various parties involved from the beginning of the process (*good process*). Law-making should also pay attention to these three principles in reconstructing it if irregularities are found in its enforcement in society. In addition, the value of social justice that Brian Barry summarized into three groups, including: economic group (income); political (related to power authority) and social (status).²²

In reality, there are indications that the intrusion of all economic attributes of capitalism has made most of Indonesians marginalize the togetherness that is an important part of social justice. Some symptoms in society

²⁰ Soemitro, Ronny H, Legal and Poverty Studies, 1989, Semarang, Tugu Muda, p: 9.

²¹ Suteki, Legal Design in Social Money, 2013, Tahfa Media, Semarang, p. : 248.

²² Suteki, *Ibid*, p: 250.

sometimes forget the basic elements of Pancasila that want common welfare. For example, the privatization of national companies in a certain sense makes many things that were originally public owned become private property. For example, the privatization of drinking water, which is clear in Article 33 of the 1945 Constitution that earth, water and other natural resources are controlled by the state for the welfare of the Indonesian people, sometimes is only an ideal discourse. According to the view of Satjipto Raharjo, who is one of the legal experts who has contributed many of his writings to the progress of this nation, he argues that we should place Pancasila as our social capital. We are often proud of the title of a virtuous nation, family, and togetherness, but unfortunately this does not penetrate into and reach our legal culture.

The meaning of social justice in the economic sector in the 1945 Constitution of the Republic of Indonesia, both before the amendment and after the amendment, turns out that there are fundamental differences regarding the meaning of social justice contained in Article 33 of the 1945 Constitution of the Republic of Indonesia. Before the amendment, social justice was more interpreted in the sense of the economic system in a socialist direction, while after the amendment, social justice in its enforcement tended to be neosocialist. This can be proven that the addition of paragraph (4) to the 1945 Constitution of the Republic of Indonesia has been interpreted as new principles such as the liberal system (no longer communal) can be studied by the use of the words efficiency, independence, democracy which tends to marginalize the spirit of togetherness which is an important element in social justice.

From the above explanation, it is in line with what has been stated by Michael Poeter in his book *The Competitive Advantage of Nations* 1990. In this theory, the state not only trades but also competes. If the country wants to achieve prosperity (measured by numbers and economic growth as Indonesia is doing now), then it is clear that Indonesia must compete with other countries, especially to seduce capital (investment) so that multinational companies are interested. In this context of competition, the state is competing to reduce obstacles so that investors are interested in investing and at the same time the state must develop its natural resources

as well as the culture, economy, and history of the nation.²³ The implication of this is that the role of the state must be further backward in its intervention in the economic sector, which will certainly lead to the field of regulatory regulation and have an impact on the redistribution of wealth.

The challenge faced by Pancasila is, of course, how to neutralize the influence of neoliberalism, which in reality today has entered many realms of thought and legal substance in the Indonesian state, which can be proven by the translation of Pancasila in the 1945 Constitution of the Republic of Indonesia and in the substance of other legislation. On the other hand, Indonesia wants prosperity as achieved by developed countries. Departing from Gramsci's concept, neoliberalism is indeed a national ideology used by advanced industrial countries such as Japan, the European Union, and the US. So if we look at how neoliberalism works at the institutional level of the rules that apply and apply in Indonesia, it can be said that actually the ideology of Pancasila has begun to be eroded by a new ideology, namely neoliberalism. Neoliberalism in its substance is that the emphasis on private property rights is guaranteed, and at the same time the incentive to compete in depleting natural resources is increasingly elaborated and described as something natural or natural.²⁴ In this case, of course, there are no communal values and mutual cooperation that is grown, which of course is in harmony with Pancasila. Why are these values not grown, this is because these values will collapse the rules of draining natural resources which are nothing but basic elements (gotongroyong and communal are the pillars of the Pancasila economic system). Such a mindset is one of the ways in which market mechanisms weaken democratic prospects. With the consequence of prioritizing the regulatory system based on market logic, this means eliminating other potentials that adhere to social principles and reducing the virtues of social values that are essential for democratic participation in relation to policymaking.

²³ I Wibowo, "Emoh Negara: Neoliberalism and Anti-State Campaigns" in I Wibiwo and Francois Wahono (ed) Neoliberalism, p: 279.

²⁴ Vicki Birchfield, Contesting the Hegemony of Market Ideology: Gramsci's "Good Sense" and Polanyi's Double Movement", Review of International Political Economy, Vol 6 No 1 (Spring, 1999), Hal: 32.

III. COVER

3.1 CONCLUSION

The question about whether Pancasila as an element of consciousness requires understanding and practice in people's lives, of course, the answer is very clear, yes, it is very necessary to understand the values of Pancasila, especially in community life, but to explain this, of course, there are fundamental things that need to be answered as normative and historical causal questions, namely how the understanding and development of law in society is indeed influenced by morality or vice versa, that is, whether morality is influenced by law. The law that was ratified as an answer to the morality above then gave rise to a new thing that must be emphasized in the basic rules (basis of thought), namely what kind of moral reference should be included and whether it should also be included in the definition of the law itself or even included in the legal system. The correlation of the importance of understanding Pancasila as a basic element of thought with systems and lifestyles in the life of society and the state, this can be studied from the meaning of the Pancasila ideology behind the law and the relationship between Pancasila and the relationship between Pancasila and the major ideologies in the world.

The State's goal is to achieve welfare for community members. The ideal understanding is in Pancasila and of course you need an ideal translator in this case the translator depends on what the rulers want to translate as what the implementation of Pancasila is enshrined in the implementation goals of each article in the applicable laws and regulations, considering that the ideal understanding turns out that there are still poverty and social gaps in Indonesia. One example is agrarian resources that have been specifically regulated in the Basic Agrarian Law (UUPA 1960). The legal regulation as part of the law is also required to fulfill its applicability philosophically, dogmatically, and sociologically. the applicability is based on different values, including: the value of *justice*, the value of certainty (*certainly*) and the value of usefulness (*utility*). The value of justice raised in this context is certainly not in an individual context, but the value of social justice. In reality, the realization of the value of individual justice is very determined by each individual in interacting with each other. In contrast to the concept of individual justice, the realization of the value of social justice is highly dependent on the role of the state through the sharing of social structures in certain societies so it does not depend on the wishes of individuals.

3.2 SUGGESTION

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