



PANCASILA AS A SOURCE OF LAW

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ABSTRACT

This study aims to analyze the influence of understanding Pancasila as the foundation of the Indonesian state not only functions as a political philosophy, but also as a source of law that guides national and state life. The 5th principle of Pancasila, "Social Justice for All Indonesian People," emphasizes the importance of justice and welfare in every aspect of life. In the context of law, this principle serves as a guideline for formulating public policies that are oriented towards the welfare of society, as well as fair law enforcement. The implementation of the principle of social justice in the legal system in Indonesia includes the protection of human rights, equal opportunities, and poverty alleviation. Therefore, Pancasila, especially the 5th principle, has a crucial role in creating a legal order that is responsive to the needs of society, as well as encouraging active participation of the people in the national development process.

Keywords: Pancasila Pancasila, source of law, social justice, national development.



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1. INTRODUCTION

Indonesian law and government based on Pancasila as the foundation of the state, it is very important to understand the role of Pancasila in the national legal structure (Rambe et al, 2024). As the main source of law of the 1945 Constitution Article 1. Pancasila is not only the moral principle of Muslims or other religions in Indonesia but also the main basis for public policy and legal development in this country. Pancasila has been recognized as the state ideology since Indonesia's independence in 1945.

The main principles of Pancasila, namely belief in the one and only God, just and civilized humanity, unity, democracy guided by the wisdom of deliberation and representation, and social justice for all Indonesian people contain universal values that are in accordance with the hopes of the Indonesian people. Therefore, it is important to explain Pancasila as the main source of state law so that the legal system can be understood and implemented properly for

the sake of socio-political stability. However, the implementation of Pancasila as a source of law still faces practical challenges in the era of modernization and globalization.

The demand to align international law with national law, as well as the socio-political changes that occur, require proper interpretation and flexibility in applying the basic principles of Pancasila. This discussion aims to further explain the role of Pancasila as the main source of law in legal theory and lawmaking in Indonesia (Rambe & Sihombing, 2024). We will discuss what Pancasila means in law and show how Pancasila can be used in legal decisions. This article is expected to help understand the importance of Pancasila as a legal basis in Indonesia and improve the honesty of the legal system in this country.

In Indonesia, the phenomenon of low legal awareness among students has become a quite concerning problem (Ardana et al, 2024). Students must have a high understanding and awareness of the law because they will function as intellectuals and agents of change. However, students often commit violations of the law, such as vandalism, anarchic demonstrations, fights, and violations of academic ethics, such as plagiarism (Andraini, 2023; Belladonna & Anggraena, 2019; Eksantoso et al., 2024; Pangalila & Winoto, 2022). According to Krabbe, legal awareness can be defined as human values or awareness of existing or expected laws (Ali & Heryani, 2015). Paul Scholten states that legal awareness is the awareness that everyone has about what the law is or what the law should be, a category in our mental life where we distinguish between law and non-law (Mas, 2014). However, Soerjono Soekanto put forward four measures of legal awareness: knowledge of the law, understanding of the law, attitude towards the law, and behavior (Soekanto, 1982). An important aspect in building a national and state order is the importance of the relationship between understanding Pancasila and legal awareness. Pancasila, which is the source of all sources of law, contains moral and ethical values that should be a guideline for the actions of everyone in society (Daulay et al, 2024). When society understands and internalizes these principles, they will be more aware of their legal rights and obligations and more obedient to the law (Batubara, 2019; Damayanti et al., 2024; Hartanto, 2015; Hasugian, 2022; Yudhayana & Aziz, 2024).

In everyday life, people apply the values of Pancasila in various ways. These include the value of divinity as shown by tolerance towards other religions, the value of humanity as shown by recognizing human rights, the value of unity as shown by mutual cooperation, the value of democracy as shown by negotiation to reach an agreement, and the value of justice as shown by providing equal welfare for all people (Darmodiharjo, 1995). These values are related to increasing legal awareness, which consists of people who are not only afraid of legal action, but also aware of the role of law in creating justice and social order (Rambe et al, 2024).

It is hoped that the results of this study will provide theoretical contributions to the development of research on the implementation of Pancasila values as well as provide practical input for educational institutions in increasing students' legal awareness (Rambe & Sihombing, 2024). This study will also analyze the level of students' understanding of Pancasila values, their level of legal awareness, and the relationship between students' understanding of Pancasila values and their legal awareness (Huda et al, 2024).

This study uses a quantitative descriptive method to describe and analyze students' understanding of Pancasila values and legal awareness. This study is based on positivism, which aims to describe phenomena with quantitative data, in accordance with the characteristics of quantitative research (Sugiyono, 2019). Data were collected through the distribution of questionnaires consisting of fifteen statements, which were scored Strongly Disagree (STS), Disagree (TS), Neutral (N), Agree (S), and Strongly Agree (SS). Likert scale. Understanding of Pancasila values (8 statements) and legal awareness are the two main dimensions of the survey. This study involved students, and the sample consisted of 28 respondents who were

selected purposively (Salkind, 2017). Furthermore, descriptive analysis was conducted to provide a complete picture of how students understand Pancasila values and legal awareness.

2. RESEARCH METHODE

This research is a case study with a qualitative approach designed to explore Pancasila as a source of law from the fifth principle. The qualitative method was chosen because of its in-depth and explorative nature. This method allows researchers to explore the broader meaning behind the phenomenon being studied, including a deep understanding of the values of Pancasila and how these values are implemented in national life.

This method can make it easier for us to understand Pancasila as a source of law in Indonesia. That with this method we can explain how Pancasila can be a source of law because there are very important Pancasila values in it, therefore this method helps researchers to provide and explain the values of Pancasila more clearly and broadly. Hopefully with this method we can explain and provide a better understanding of Pancasila as a source of all laws

3. RESULT AND ANALYSIS

Justice based on Pancasila is fair treatment for all Indonesian people in all fields, namely economics, politics, socio-culture and law. Justice in the principle of Pancasila, the 5th principle, is an acknowledgment that all humans are basically the same and there is no difference.

Social justice is an idealism contained in Pancasila which was created after Indonesia's independence to create a strong atmosphere where every human being can exercise their rights as citizens in all areas of life. In the principle of the 5th principle, there are values of justice that must have consequences in social life, namely:

- Distributive justice, namely the treatment of someone according to the services that have been done. For example, the state has an obligation to fulfill justice, prosperity, assistance and subsidies to citizens based on rights and obligations
- Legal justice, namely a principle or concept that refers to balance, equality, and fair treatment for all individuals in the legal system. For example, citizens are required to fulfill justice in the form of following the laws and regulations in force in the country.
- Commutative justice, namely the reciprocal relationship between citizens to obtain justice for each other.

The value of justice must be realized in order to create the welfare of citizens, protect and educate all citizens. Thus the value of social justice is referred to as the basis for relations between nations to create world order. Social justice must involve all Indonesian people and must be applied in every area of life. The main purpose of accepting the principle of social justice is because of the awareness of the equal rights and obligations of all Indonesians in creating a society based on social justice.

The points of Pancasila in the 5th principle include:

- Not using property rights for wasteful things and a luxurious lifestyle.
- Developing a fair attitude towards others.
- Maintaining a balance between rights and obligations.
- Likes to carry out activities in order to realize equitable and socially just progress.

The core content of "social justice" in the fifth principle of Pancasila is a manifestation contained in the proclamation of independence as stated in the 1945 Constitution which

means fulfilling everything that is his right in relation to living side by side with others (Rambe et al, 2024). Justice must also be applied in human life, namely humans as individual beings and also as social beings. The ultimate goal of the 5th principle of Pancasila is to realize the level of conditions of misery or poverty so that humans live as individuals who live whole and peacefully.

The 5th principle of Pancasila, "Social Justice for All Indonesian People," emphasizes the importance of justice and welfare for all citizens. The relationship between this principle and the law can be seen in several aspects:

1. **Principle of Justice:** The law aims to uphold justice. This principle encourages the formulation and implementation of fair laws, so that no individual or group is harmed.
2. **Protection of Rights:** The law must protect the basic rights of every citizen. The 5th principle encourages the law to side with the weak and marginalized groups.
3. **Social Welfare:** The law also functions to create conditions that support the welfare of society. This includes economic protection, education, and health, which are in line with the goals of social justice.
4. **Community Participation:** This principle encourages active community participation in the legal process and decision-making, ensuring that the people's voices are heard and considered.

In carrying out social, national, and state life, humans cannot be separated from the obligation to implement the law. This is related to the understanding of law as a collection of life instructions (commandments and prohibitions) that regulate order in a society. This understanding shows that the law aims to create peace, security, and tranquility in society. The high role of law in regulating community life makes law a reference in the application of legal sovereignty. In the administration of a country's government, law plays an important role in ensuring the administration of a just state. Justice is a measure in determining agreements regarding truth and error that apply in society in a country. The law has full power to regulate the application of justice in the administration of the state. This means that a government in a country is based on law and upholds the law as a basis for attitudes and behavior. Fair law enforcement can create welfare that is both physical and spiritual. The welfare of the people is physically and mentally guaranteed, namely the guarantee of clothing, food, shelter, a sense of security, and justice, as well as freedom to embrace religion. The fifth principle of Pancasila, Social justice for all Indonesian people, means that all Indonesian people have the right to receive justice in the fields of law, economy, politics and culture so that a just and prosperous society is created.

The realization of the principle of social justice for all Indonesian people is realized through daily activities carried out by the community. Every citizen must develop an attitude of family, cooperation, hard work, caring for others, and being fair to fellow citizens. This attitude of liking to help people needs to be taught from an early age so that they can stand alone and with such an attitude they do not use their property rights for arbitrary efforts towards others, do not do wasteful things, and other things that are contrary to the values of Pancasila.

Social justice in a Pancasila rule of law means that the distribution of resources is intended to create social welfare, especially for the lowest social groups or people with weak socio-economic conditions. In addition, social justice also requires efforts to equalize resources so that weak social groups can be eradicated from poverty and so that socio-economic

disparities in society can be reduced. Thus, the distribution of existing resources can be said to be socially just.

Realizing fair laws is not only the responsibility of law enforcement officers, but requires collective efforts from all elements of society. Many news media highlight various problems that hinder the realization of fair laws. One of the most prominent is the gap in access to law. Poor people are often marginalized due to limited funds and legal knowledge. Meanwhile, elite groups with their power and wealth often manipulate the law for personal gain.

Efforts to realize fair laws must be carried out comprehensively and sustainably. Some efforts that can be taken are the first, strengthening the law itself. Conducting a review of existing laws and regulations to ensure that the regulations are fair and non-discriminatory.

understanding Pancasila values and the level of legal awareness among students. The data showed that the majority of students (78.6%) strongly agreed to respect ethnic diversity in the campus environment, which correlated with high legal awareness where 60.7% of respondents stated that compliance with campus regulations was based on awareness, not because of fear of sanctions. In implementing Pancasila values, the study revealed that 64.3% of respondents strongly agreed to treat all friends fairly without distinguishing backgrounds, and 57.1% strongly agreed to actively maintain unity in lecture activities. This attitude is in line with the level of compliance with academic procedures, where 57.1% of respondents strongly agreed to follow the procedures set by the campus. The data shows that understanding the values of justice and unity in Pancasila contributes positively to the formation of rule-abiding behavior in the academic context. However, the study also identified several areas that still need improvement, especially in terms of rule enforcement by students. Although 46.4% of respondents strongly agreed to resolve problems through deliberation, only 28.6% strongly agreed to dare to reprimand friends who violate campus rules, and 32.1% strongly agreed to report academic cheating. In terms of collective awareness, the data shows that 39.3% of respondents strongly agree to apply Pancasila values in daily life on campus and avoid cheating on exams and assignments. Furthermore, 42.9% of respondents strongly agree that they understand the relationship between Pancasila values and applicable rules, which is consistent with the percentage of respondents who strongly agree to know the consequences of violating the rules. Based on these findings, it can be concluded that understanding Pancasila values plays a vital role in forming students' legal awareness, although strategic efforts are still needed to strengthen practical implementation, especially in terms of social courage to enforce rules and report violations in the campus environment.

The results of the study show that Pancasila has a fundamental role in building legal awareness among students, which is reflected in the high level of understanding and implementation of Pancasila values in campus life (Suhendar & Rambe, 2023). This is evidenced by data showing that 78.6% of students strongly agree to respect ethnic diversity in the campus environment, and 64.3% strongly agree to treat all friends fairly without distinguishing backgrounds. The application of Pancasila values in daily life on campus received a positive response where 39.3% of respondents strongly agreed, which is in line with the level of compliance with academic procedures of 57.1%. Understanding the relationship between Pancasila values and applicable regulations is also quite high, indicated by 42.9% of respondents who strongly agree, which correlates with the level of legal awareness where 60.7% of students comply with campus regulations based on awareness, not because of fear of sanctions. The role of Pancasila as a guideline in building legal awareness is also seen from the aspect of implementing the values of deliberation and mutual cooperation, where 46.4% of respondents strongly agree to solve problems through deliberation, and 32.1% strongly agree

to help friends who have difficulty understanding lecture material. However, there are still challenges in the aspect of enforcing rules among students, as indicated by only 28.6% who strongly agree to dare to reprimand friends who violate campus rules, and 32.1% who strongly agree to report academic cheating. These data indicate that although Pancasila plays an effective role in building personal understanding and awareness of the law, strengthening is still needed in the aspect of collective implementation, especially in creating an academic environment with integrity. This is confirmed by data showing that 39.3% of respondents strongly agree to avoid cheating in exams and assignments, indicating the need to strengthen the role of Pancasila as a moral foundation in building a more comprehensive legal awareness in the campus environment.

The results of the study show that understanding Pancasila values has a significant contribution as the basis for forming legal awareness among students (Lestari et al, 2024). This is reflected in the high level of understanding of the basic values of Pancasila, where 78.6% of students strongly agree to respect ethnic diversity in the campus environment, and 64.3% strongly agree to treat all friends fairly without distinguishing backgrounds. This understanding is positively correlated with legal awareness, as indicated by 60.7% of students who comply with campus regulations based on awareness, not because of fear of sanctions. The implementation of Pancasila values in campus life also shows positive results, with 57.1% of respondents strongly agreeing to actively maintain unity in lecture activities and 39.3% strongly agreeing to apply Pancasila values in everyday life (Rambe et al, 2024). This shows that understanding Pancasila values has become a strong foundation in forming law-abiding behavior in the academic environment. The study also revealed a close relationship between the understanding of Pancasila values and the level of legal awareness of students, where 42.9% of respondents strongly agreed to understand the relationship between Pancasila values and applicable regulations. This understanding is reflected in academic behavior, with 57.1% of students strongly agreeing to follow academic procedures set by the campus and 39.3% strongly agreeing to avoid cheating in exams and assignments. However, there are areas that still need strengthening, especially in the aspect of implementing the values of deliberation and social courage. Although 46.4% of respondents strongly agree to resolve problems through deliberation, only 28.6% strongly agree to dare to reprimand friends who violate campus rules, and 32.1% strongly agree to report academic cheating. These data show that although the understanding of Pancasila values has been well embedded, strengthening is still needed in actualizing this understanding into real actions that support law enforcement in the campus environment.

The results of the study show that the value of unity has a significant influence on the formation of students' legal attitudes, as seen from 57.1% of respondents who strongly agree to actively maintain unity and harmony in lecture activities. This is positively correlated with the level of student legal compliance, where 57.1% of respondents strongly agree to follow the academic procedures set by the campus (Rizky et al, 2024). However, there is an important note where 17.9% of respondents still strongly disagree to prioritize common interests over personal interests, indicating that there are still challenges in implementing the value of unity as a whole.

In the context of social justice, the data shows a gap between the understanding and implementation of these values in students' legal attitudes. Although 32.1% of respondents strongly agree to help friends who have difficulty understanding lecture material, only 28.6% strongly agree to dare to reprimand friends who violate campus rules. This reflects an imbalance between the willingness to provide social assistance and involvement in enforcing the rules. Furthermore, the data shows that 39.3% of respondents strongly agree to avoid cheating in exams and assignments, indicating that understanding the value of social justice has

a moderate impact on the formation of students' academic integrity. Based on these findings, systematic efforts are needed to strengthen the internalization of the values of unity and social justice through integrated campus programs, so that they can increase students' collective awareness in upholding and complying with applicable rules.

4. CONCLUSION

This document discusses the role of Pancasila as the source of all sources of law in Indonesia, emphasizing the importance of Pancasila values in the formation, implementation, and enforcement of law. Pancasila functions as a philosophical, ideological, and normative foundation that reflects social justice, humanity, and unity in a diverse society.

The research method used is qualitative with a normative legal approach, which allows researchers to explore the deep meaning of the application of Pancasila in a legal context. The data sources used include primary legal documents such as the 1945 Constitution and laws and regulations, as well as scientific literature and the results of interviews with legal experts.

Pancasila is considered a *grundnorm*, a concept in legal theory introduced by a legal expert from Austria. This not only goes beyond positive law, but also determines the validity of all existing laws and regulations. In this context, the challenges of implementing Pancasila in the era of globalization and legal modernization are very important to study, so that the values contained in Pancasila remain relevant and can be implemented effectively in the national legal system.

Overall, this document emphasizes that Pancasila must be internalized in every aspect of law to create justice and prosperity for all Indonesian people, and prioritize deliberation in decision-making for the common good. And with this scientific article that Pancasila as a source of law can emphasize that every rule and policy in Indonesia must be able to reflect the values of Pancasila that are in accordance with the principles contained in Pancasila. Thus, Pancasila is not only an ethical guideline but also Pancasila is a basic norm that can provide direction for law in Indonesia. Pancasila, the source of all laws, can help us to know that Pancasila is very important in the life of the nation and state without Pancasila, the law will not be formed by itself, therefore Pancasila was created because in Pancasila there are principles that are related to the laws in Indonesia. After Pancasila, laws were made as a translation of the values and principles in Pancasila, this can create more specific and operational rules in various fields of life, not only that, the function of the constitution, the law can also function as follows

1. **Implementation of Pancasila Values:** this functions as a tool for translating Pancasila values into concrete rules.
2. **Establishing Legal Certainty:** With the existence of the Constitution, the rules in the law will be clearly written and can be binding for the community and state institutions that exercise their respective rights and obligations.
3. **Regulating National and State Life:** with this the Law functions to create order and regulate aspects of social life
4. **Maintaining State Harmony and Order:** with this the Constitution can prevent violations of Pancasila values, with this the community can live in harmony because it is based on Pancasila.
5. **Protecting Human Rights and Life:** with the existence of the Constitution, it can protect the human rights of every citizen and ensure justice for the people of Indonesia.

In other words, the Constitution is like an instrument that can ensure that citizens live by the law and can regulate every rule in society that creates a harmonious life in accordance with the values in Pancasila.

References

- Al Andang L Binawan, 2004, *Hukum di Pusat Pasar : Keadilan sosial yang memudar dalam Keadilan Sosial Upaya Mencari Makna Kesejahteraan Bersama di Indonesia*, Editor AL Andang L Binawan & A Presetyantoko, Jakarta: Penerbit Kompas.
- A. Sonny Keraf & Mikhael, 2006, *Ilmu Pengetahuan: Suatu Tinjauan Filosofis*, Cetakan Keenam, Yogyakarta: Kanisius.
- Bernard L. Tanya, Yoan N. Simanjuntak, dan Markus Y. Hage, 2006, *Teori Hukum: Strategi Tertib Manusia Lintas Ruang dan Generasi*, CV. Kita, Surabaya.
- Bur Rasuanto, 2005, *Keadilan Sosial*, Jakarta: PT. Gramedia Pustaka Utama.
- Cambridge University, 2007, *Cambridge Advanced Learner's Dictionary 2th Edition*, Cambridge University Press.
- Faturochman, 1999, *Keadilan Perspektif Psikologi*, Yogyakarta: Pustaka Pelajar.
- Fukuyama, Francis, 2005, *Memperkuat Negara: Tata Pemerintahan dan Tata Dunia Abad 21*. Judul Asli: *State Building: Governance and World Order in the 21st Century*. Penerjemah: A. Zaim Rofiqi, Jakarta: PT Gramedia Pustaka Utama.
- Hans Kelsen, 1957, *What is Justice? Justice, Law, and Politics in The Mirror of Science*, University of California Press, Berkeley and Los Angeles.
- Jimly Asshiddiqie, 2004, *Konstitusi & Konstitusionalisme Indonesia*, Mahkamah Konstitusi RI dan Pusat Studi Hukum Tata Negara Fakultas Hukum Universitas Indonesia, Jakarta.
- John Rawls, 1995, *A theory of Justice*, Harvard University Press, Cambridge, Massachusetts.
- Miriam Budiardjo, 2008, *Dasar-Dasar Ilmu Politik*, Edisi Revisi, Jakarta: PT. Gramedia Pustaka Utama.
- Pusat Bahasa, 2008, *Kamus Besar Bahasa Indonesia*, Jakarta: PT. Gramedia Pustaka Utama.
- Republik Indonesia, 2009, *Undang-Undang Dasar Negara Republik Indonesia Tahun 1945*, Sekretariat Jenderal dan Kepaniteraan Mahkamah Konstitusi Republik Indonesia.
- Purwanto. (2019) Perwujudan Keadilan Dan Keadilan Sosial dalam Negara Hukum Indonesia. Fakultas Hukum Universitas Panca Bakti Pontianak 1-19
- Rambe, R. F. A., Al Khoir, A., & Marpaung, H. S. (2024). Pidana Mati dalam Pandangan Hak Asasi Manusia dan Hukum Pidana Indonesia. *Journal on Education*, 6(2), 14013-14023.
- Rambe, R. F. A., Bayu, S. I., & Sagala, S. (2023). Penerapan UU ITE (Informasi dan Transaksi Elektronik) dan UU Perlindungan Konsumen pada Kasus Jual Beli Jasa Review Palsu. *Journal on Education*, 6(1), 10030-10040.
- Rambe, R. F. A. K., & Sihombing, M. A. A. (2024). Implikasi Perlindungan Hak Asasi Manusia Dalam Hukum Pidana. *Jurnal Ilmiah Penegakan Hukum*, 11(1), 24-31.

- Rahman, Abdul. (2017). Implementasi Nilai Keadilan Sosial Bagi Seluruh Rakyat Indonesia Di Masyarakat Desa Meranti. Universitas Muhammadiyah Surakarta
- Rianto, Hadi. (2016). Implementasi Nilai Kemanusiaan Yang Adil Dan Beradab Di Lingkungan Sekolah: Sosial Horison Jurnal Pendidikan Sosial, 3(1),1-12
- Satjipto Rahardjo, 2009, *Hukum dan Perilaku: Hidup Baik Adalah Dasar Hukum Yang Baik*, Jakarta: Buku Kompas.
- Soetandyo Wignjosoebroto, 2002, *Hukum: Paradigma, Metode dan Masalah*, (Tim Editor: Ihdhal Kasim dkk), Lembaga Studi dan Advokasi Masyarakat (ELSAM) dan Perkumpulan untuk Pembaruan Hukum Berbasis Masyarakat dan Ekologi (HUMA), Jakarta.
- Theo Huijbers, 1982, *Filsafat Hukum dalam Lintasan Sejarah*, Kanisius, Yogyakarta.
- Yudi Latif, 2011, *Negara Paripurna: Historisitas, Rasionalitas, dan Aktualitas Pancasila*, PT Gramedia Pustaka Utama, Jakarta.
- Sugiyono. (2017). Metode Penelitian Kuantitatif, Kualitatif dan R & D. Bandung: Alfabeta.
- Soetoprawito, Koerniatmanto. (2010). Keadilan Sebagai Keadilan. Universitas Katolik Parahyangan. Bandung, 28 (2), 229-259.
- Purwanto. (2019) Perwujudan Keadilan Dan Keadilan Sosial dalam Negara Hukum Indonesia. Fakultas Hukum Universitas Panca Bakti Pontianak 1-19
- Wahyu, R. (2008). Ilmu Budaya Dasar. Bandung: CV. Pustaka Setia.