



RELATIONSHIP BETWEEN LAW AND SOCIAL JUSTICE VALUES OF PANCASILA FOR THE LIFE OF INDONESIAN SOCIETY

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ABSTRACT

Indonesia is a country of law based on Pancasila. With the problems that continue to arise in Indonesian society, Pancasila will be a source of reference for forming and enforcing law in Indonesia. If justice does not exist, law will only be a formality. The rights and obligations of citizens are no longer protected by law. As a result, Pancasila becomes a philosophy of life and a guide for the life of the nation and state. They must be used as a guideline for acting, behaving, and making policies in the Indonesian system of government. This study uses a qualitative approach. This study will show that, given the large number of people in Indonesia who want justice, law is tied to Pancasila. Every life must have values of justice, because in essence something that is unfair will cause inequality, therefore the presence of law can help realize true justice. The relationship between law and the social justice values of Pancasila is fundamental in shaping the legal framework and social fabric of Indonesia. Pancasila, as the foundational ideology of the state, incorporates principles of justice, equality, and social welfare that directly influence the formulation and application of laws and policies. This paper explores how the social justice values enshrined in Pancasila, such as fairness and equal opportunity, are integrated into the Indonesian legal system and their impact on society. It analyzes the challenges and opportunities in ensuring that Pancasila's values are reflected in everyday legal practices, including judicial decisions and governmental actions. Despite the legal framework in place, gaps remain in the effective implementation of these ideals, particularly in addressing social disparities and ensuring access to justice for all. This study suggests that while significant progress has been made, continued efforts are needed to align the legal system more closely with the ideals of Pancasila, ensuring that social justice becomes a lived reality for every citizen in Indonesia..

Keywords: Pancasila, Law, Social Justice

1. INTRODUCTION

"Pancasila" comes from the Sanskrit word "Panca", which means "five" and "sila", which means "principle" or "basis." Therefore, Pancasila can literally be interpreted as "five principles" or "five foundations." This term is used to refer to the five principles that form the basis of the Republic of Indonesia. The founders of this country created these principles during the process of forming the country after the proclamation of independence. Pancasila includes values that underlie social, political, and cultural life, and serves as a guideline for national and state life. However, the word "law" comes from the Arabic word "hukm", which means "ruling" or "command." This term in law refers to the rules that govern how people behave. "Dharma", which comes from Sanskrit, can also mean obligations or moral standards that govern human life.

Social justice can be defined as justice that covers all aspects of life and applies in society because it is justice together. Social justice for all Indonesian people means that every citizen has the right to fair treatment in the political, legal, economic, social, and cultural fields. The value of social justice must be applied to create a just and prosperous Indonesian society both physically and spiritually. People can be better physically and mentally if they have access to clothing, food, shelter, a sense of security, and justice, as well as freedom of religion and opinion. The value of social justice for all Indonesian people means that everyone in Indonesia has the right to justice in the legal, economic, political, and cultural fields. This will produce a just and prosperous society. The fifth principle cannot be implemented separately from the other principles because the fifth principle is based on and inspired by the previous principles that are interconnected.

Justice can be applied in two general ways: by treating everyone the same way and ensuring that the rights and freedoms of everyone are not violated by anyone, including the government itself. Justice can only occur if there is no violation of one's freedom and violation of the rights of others. If someone acts fairly by giving what should be given to everyone, not violating the rights and freedoms of others, seeing everyone with the same dignity and honor, and treating everyone fairly in all their duties and obligations in community life.

Social justice in this country is still a problem. For example, in the economic sector, the monopoly system continues to grow, crippling the Indonesian people's market today. The condition of the people's market is further exacerbated by the presence of supermarkets that are very aggressive. Therefore, the people's market is increasingly hit, and the turnover of market traders is decreasing. Indonesia is facing this major problem. One of the ongoing challenges is realizing social justice for all Indonesian people, which is the fifth principle. Due to the inequality of social justice in Indonesia, around forty percent of the population is still struggling to maintain social welfare. From the examples above, it can be concluded that realizing social justice is a shared responsibility of the

mandate contained in the 1945 Constitution as well as the obligation of individuals, the nation, and the Indonesian state. In Indonesia, the value of social justice is starting to decline, as shown by the many law enforcers who are unfair in handling community problems, especially those related to the poor (Rambe & Sihombing, 2024).

2. RESEARCH METHODE

This research is a descriptive qualitative research, which provides a factual and systematic description of stimulation and events regarding factors, characteristics, and relationships between phenomena. This research aims to build fundamental foundations by describing qualitative aspects without delving into statistical analysis. (Moleong, 2012) A qualitative approach is a research procedure based on a methodology that examines a social phenomenon and humanitarian problems. The subject of the research is the source of data collected during the research. While the object of the research is the law of social justice in Indonesia. This study uses a data collection method by collecting various articles on cases of social justice and legal deviations found in Indonesia. This study aims to understand the relationship between law and Pancasila, especially in the value of social justice.

RESULT AND ANALYSIS

Pancasila as a Norm in the Basis of the Indonesian Legal System

A. The Concept of Social Justice in Pancasila

The fifth principle, which is the hope of the previous principles, states that every Indonesian has the right to receive fair treatment in all aspects of life and their needs, including social, economic, political, legal, and cultural. Justice is also required to fulfill basic human needs such as housing, food, and clothing, including the need for work and a decent life, as well as the need for other basic needs. (Daman, 1992)

According to Bakry, social justice is a demand to organize all levels of society to ensure that everyone is treated fairly so that no strong group oppresses the weak and no group controls most of the country's wealth. The state is responsible for maintaining the prosperity of its people. (Bakry, 1987) The concept of social justice is very important for society, especially in terms of social and economic development. This concept is rooted in the values of Pancasila, especially the fifth principle, which emphasizes the importance of social justice for all Indonesian people. Social justice is an effort to reduce social inequality and ensure that everyone has equal access to resources and opportunities.

Social justice can be defined as when every member of society has an equal right to well-being regardless of their cultural, social, or economic background. In the Indonesian context, social justice is also related to accepting diversity and the need to create harmony among various groups in society. Social justice is the fifth principle of Pancasila, which emphasizes the importance of well-being for all Indonesian people. This shows a commitment to building a society that respects each other and is harmonious. As the foundation of the Indonesian state, Pancasila contains principles that support social justice. According to the fifth principle, "Social justice for all Indonesian people", everyone must receive justice in various aspects of life, such as the economy, education, and law. However, in reality, there are many problems that hinder the implementation of this social justice, such as social discrimination and economic inequality. of National, State, and Community Life. MPR Decree No. VI/MPR/2001 concerning the ethics of National, State, and Community Life is an elaboration of the values of Pancasila as guidelines in

thinking, behaving, and behaving which are a reflection of religious and cultural values that are rooted in community life (Fransiska Novita Eleanora).

B. The Role of Law in Realizing Social Justice

Law is a rule that regulates how people behave. Law arises from the awareness of society that requires common rules, not from a vacuum (Mulia, 2005). Pancasila is the basis of all sources of legal science, and as a result, every legal product must follow Pancasila by respecting humans as social beings who need justice. In a country based on Pancasila, it is very important to understand human rights as stated in the second principle, namely "Just and civilized humanity", which places humans with their nature, dignity, and dignity. The Unitary State of the Republic of Indonesia recognizes and upholds human rights and basic human freedoms as rights that have existed since birth and must be protected, respected, and upheld by everyone.

Justice is a complex problem that can be found in all levels of society. To ensure justice for everyone, the law has two main functions. The values of humanity and justice are only formal standards that are not far from morality and are based on normative rules. There must be legal capacity to meet the demands of justice and guarantee legal certainty. As a demand, justice demands that everyone's rights be respected and everyone be treated equally. Justice is an important standard for resolving conflicts and maintaining peace. Justice itself is the correct moral basis for maintaining human dignity. As a national ideology, Pancasila can provide the basis for the formation of the Indonesian legal system, as follows:

1. The values and norms of Pancasila as its guide. Therefore, Pancasila does not follow the ideology of relativism or legal positivism.
2. In the legal system, as far as realizing justice will show its own meaning. Law is not similar to justice, but aims to realize justice itself for the benefit of all people.
3. The legal system functions to maintain the dynamics of the life of the Indonesian nation because law also needs to provide a perspective for the future. The function of law in maintaining public order is to open up the possibility of a process of change and renewal so that progress will be reflected.
4. In the development process, for Indonesian citizens the legal system can guarantee the process of self-realization. So that all do not fall into alienation, technocracy, or dependency, the development of society needs to be directed.

Social justice requires society, including the state, to realize general welfare by helping weak members, and on the other hand, citizens are required to give society, including the state, what is their right to share the burden and benefits to its citizens proportionally. As expressed by Mardiatmaja, the goal of social justice is a balanced and orderly structure of society or state by helping its citizens when needed. Social justice requires the state to always improve general welfare, namely physical and spiritual welfare for each of its citizens. Basically, general welfare means two things: 1) recognition and respect for the basic rights of every citizen and foreign resident; and 2) the availability of cheap goods and services for the needs of life for the majority of people Law (Rambe et al, 2024). Gustav Radbruch stated that law carries the value of justice because justice has a normative and constitutive nature for law. According to him, justice must be based on positive law and is also an absolute component of law, so that rules cannot be considered law without justice. (Bernard, 2013) However, Gustav Radbruch said about the principle of priority, that justice is the most important thing to apply the law correctly and fairly to achieve the goals of law. After that, the benefits and legal certainty are the most important. (Rahardjo, 2012)

C. Impact on Community Life

The fifth principle states that every Indonesian citizen must be able to live fairly and prosperously and respect the rights of others. However, for some reason, until now there are still many deviations such as poverty, discrimination, or unfair treatment. All actions in Indonesia must be based on applicable laws and must not deviate from the five principles of Pancasila. The word "fair" means fair to God, fellow human beings, and oneself in the principle of social justice for all Indonesian people. The implementation of justice is closely related to community life.

The meaning of the value of justice is that every Indonesian must receive fair treatment in the fields of politics, law, culture, and economy so that a just and prosperous society is created without discrimination and with human equality in it. Upholding the language of unity and providing equal rights for every citizen is another way to implement the principle of justice. According to the fifth principle of Pancasila, every Indonesian has the right to the opportunity to live fairly and prosperously while respecting the rights of others as members of society. However, so far there have been many deviations from the fifth principle, such as poverty, discrimination or unfair treatment by law enforcement officers themselves.

Laws are made to create good justice throughout the country. Truth or justice is considered the core of law (Rambe et al, 2023). Law enforcement is the process of realizing various ideas into reality. Legal demands consist of various perspectives of legislative institutions packaged in legal provisions. The implementation of law includes law enforcement efforts, which must be followed by public awareness of human rights. A society's sense of justice certainly greatly influences its legal perception. The legal philosophy of society and the habits of law enforcement are components of legal culture. The three pillars of law enforcement are justice, certainty, and legal interests. All three are important to achieve a good understanding of the law, proper law enforcement, and protection of society without distinguishing social classes. In particular, the purpose of the judiciary is to emphasize the contents of previous laws. However, it should be remembered that legal certainty is related to human behavior and not just the law. In addition to fair law enforcement, additional efforts are needed to make the environment a pleasant place for all.

3. CONCLUSION

After Indonesia's independence, Pancasila was built to ensure that everyone can exercise their rights as citizens in all aspects of life, including social and personal justice. The three pillars of law enforcement are justice, certainty, and legal interests. Indonesian society has the right to fair and just socio-political treatment before the law without discrimination. Justice means that everyone's rights are respected and everyone is served in the same way. By providing opportunities for vulnerable people to build a just society, social justice achieves its ultimate goal. The law facilitates all of these things, so that society can live in an orderly manner and social justice can be achieved.

In conclusion, the relationship between law and the social justice values of Pancasila plays a crucial role in shaping Indonesia's legal system and society. Pancasila, as the foundational ideology of the state, offers a philosophical and moral framework that directly influences the formulation of laws and policies aimed at promoting justice, equality, and social welfare. The values of social justice embedded in Pancasila, such as fairness and equal opportunity, are critical in guiding legal practices and government actions to ensure the well-being of all citizens. However, while the ideals of Pancasila have been integrated into Indonesian laws, there remain challenges in fully realizing these principles, especially in addressing social disparities and ensuring that justice is accessible to all segments of society. To achieve a more just and equitable society, continued efforts are needed to align legal practices with the core values of Pancasila, ensuring that social justice is not only a theoretical ideal but a lived reality for every citizen. Ultimately, Pancasila provides a blueprint for a just legal system, but its full potential can only be realized through consistent application and commitment to its social justice values in Indonesia's legal and social spheres.

Furthermore, it is important to recognize that the effective application of Pancasila's values in the legal system is essential for fostering social cohesion and national unity. The principles of social justice outlined in Pancasila should be actively reflected in both legislation and the judicial process, ensuring that the marginalized and disadvantaged groups are protected from injustice and inequality. While Indonesia has made progress in aligning its legal system with these values, there is still a need for further reform and adaptation to modern challenges, including economic inequality, access to education, and public services. The law must evolve continuously to meet the aspirations of Pancasila, making justice a practical and attainable reality for all Indonesians.

To achieve a more just and equitable society, continued efforts are needed to align legal practices with the core values of Pancasila, ensuring that social justice is not only a theoretical ideal but a lived reality for every citizen. Ultimately, Pancasila provides a blueprint for a just legal system, but its full potential can only be realized through consistent application and commitment to its social justice values in Indonesia's legal and social spheres.

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