

# Storage of Functions and Values from Pancasila in Law Enforcement as a Guideline of Life in Community

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**ABSTRACT**--Pancasila has become an agreement of the Indonesian people as the basis of the state of the Republic of Indonesia, but in its implementation efforts have experienced various obstacles both internal and external. Pancasila as the nation's view of life needs to be implemented in real life, this has been exemplified by the nation's founders through hard work and struggle so as to produce Indonesian independence. Concern for the legal conditions that are so far from the element of justice makes thought interested in discussing whether the values taught by Pancasila are still heeded or ignored. Pancasila which is an ideology of the nation as a way of life and a foundation in social, national and state activities seems to only be memorized without application including in the legal field. The quality of the country which is the benchmark of guarding the ideology of the nation is highly anticipated to control the implementation of a just law based on the noble values of Pancasila. Thus the situation and conditions will be desired and expected by all Indonesian people in all aspects, especially legal aspects. Pancasila as the basis of the State is domiciled as a source of applicable law in Indonesia. All laws and regulations must be a translation of the principles contained in Pancasila. All laws and regulations that are not in accordance with Pancasila, are null and void. Therefore, to be able to understand the accuracy of a statutory regulation, it is necessary to understand it by exploring the concepts, principles and values contained in Pancasila. Pancasila as the basis of the state is implemented into legal norms that are coercive, binding and contain sanctions. Anyone who does not comply or does not comply will be dealt with in accordance with applicable law. Therefore it is necessary to hold law enforcement on all laws which are the elaboration of the Pancasila State Foundation.

**Keywords:** law, Indonesia, norms, Pancasila

## I. INTRODUCTION

Pancasila as the source of all sources of law in force in Indonesia, has the values contained therein which have been explained in the Preamble to the 1945 Constitution as a source of the overall politics of Indonesian national law.

Various legal policies in the reform era after the amendment of the 1945 Constitution have not been able to implement the fundamental values of the Pancasila and the 1945 Constitution which foster a high sense of trust in the law as a reflection of equality and legal protection of various differences of views, ethnicity, religion, beliefs, race and culture that is accompanied by high quality honesty, mutual respect, mutual respect, non-discriminatory and equality before the law.

The law is all forms of rules that must be obeyed by the community in certain places and at risk of sanctions for those who violate. These rules are not only obeyed but must be implemented even enforced because otherwise the existing rules are only as a wording of meaningless words in people's lives. As stated in the 1945 Constitution the 3rd amendment to article (1) paragraph (3) that Indonesia is a state of law not a state of power.

The basic principles adopted in the basic law provide a picture of the law as the basis of people's lives. This is the reason why the law needs to be upheld, and for Indonesia what is upheld is the rule of law rather than the supremacy of power.[1]

Law enforcement is defined as the efforts of certain law enforcement apparatuses to guarantee and ensure that a rule of law runs as it should. Laws are upheld for the benefit of the community so that a safe and peaceful society is achieved.

In the study of legal philosophy, Notonagoro's findings explained that Pancasila was the source of all sources of law in Indonesia. Despite the apparent weight and political background, Pancasila has been stated in the GBHN 1983 as "the only principle" in social and state life. There are also recorded a number of texts on Pancasila in the perspective of a religion because in addition to local elements ("property and characteristics of the Indonesian people") there is a recognized universal element in every religion.[2]

## II. LITERATURE REVIEW

Pancasila which in Sansekerta means five bases, indeed becomes the basis and guidelines for all Indonesian people. There are five core that have a relation to one another. Among them are divinity, humanity, unity, democracy and justice.

In the first precepts that read the Almighty God. What God can interpret is everything and has the highest place in the hearts of every person who believes in Him. Man's love for God is a form of obedience to the creator of the universe and all of its contents.

Before the Pancasila was ratified by August 18, 1945, there was a debate about the first precepts which then decided the first precept was "The Almighty God" not contained in the Jakarta Charter "Belief in the obligation to carry out Islamic sharia for its adherents".

That is because Indonesia is a state based on Pancasila not Islamic law. Although the majority of Indonesia's population is Muslim, there are other religions that are also shared by the people.

In the life of the nation and state it is very important the attitude of mutual tolerance between religious communities. If tolerance becomes a personality in all Indonesian people, there will be no disputes between religious communities that often occur lately. It is indeed an irony of its own, as a country known for the Eastern manners and manners. Many parties solve problems with violence and anarchism. Religion should be a unifying sense of nationalism in its adherents, although there are differences but that should be what unites us more.

The second precepts which read Humanity are just and civilized. Which means humans who have a soul of justice, humans are God's creatures with the most perfect form, but also equipped with thoughts so that they are expected to be able to become a fair and wise leader in the world. Basically, humans are social creatures who will not be able to live alone.

Humans are made up of bodies, forms in the form of objects. Unlike other creatures, humans have the ability to think, feel and will. It was realized with humans who have many desires as well as spiritual and physical needs. These needs must be met in a balanced manner so that humans remain in a state of both mind and body.

Humans have the desire to obtain knowledge to reach truth and reality. Having a sense of fulfilling the desire to obtain art in the broadest sense for beauty. Also desires to fulfill the desire to obtain good things, to achieve truth and goodness.[3]

Human nature is an individualist creature as well as a social being. In reality humans have selfish qualities that are selfish in various ways. But humans also can't be separated from other individuals and the surrounding environment. Humans will not be able to live alone, because it has become human nature to need other people in any case. As a form of attitudes and human nature that is natural and what it is, and the essence of humanity as a whole is diversity, psychiatric, intelligent, tasteful, willful, individual, socially behaved, own personality and creatures of God Almighty.

The third precept is Indonesian Unity. Which means that the nation and state of Indonesia are united and sovereign. If the Almighty Godhead depicts the human relationship with God, as well as the Humanity of the Just and Civilized human embodiment with other humans, then the Unity of Indonesia is a manifestation of one's nationalism towards his people.

In the life of the nation and state, a sense of unity towards the nation consists of various races, ethnicities, religions and regions as well as languages. But the differences make our country diverse and have many cultures that must be preserved and preserved. The diversity of the Indonesian state becomes interesting and unique in the eyes of the international world. If the United States becomes a federal state, it is different from Indonesia which is united with the islands from Sabang to Merauke.

The unity in all of these nations must indeed be fostered so that even as adults they will still have a sense of love and nation towards the country. In the current era of globalization, the sense of unity and nationalism of Indonesian people is decreasing. It happened because of the swift flow of modernization which grew besides the end of the authoritarian New Order which had been in power for more than thirty two years.

When our country reforms become democratic countries in the real sense. But because of that democracy too many bad things have an impact on our country. One of them is the release of East Timor from the Unitary State of the Republic of Indonesia and is now renamed Timor Leste.

The Fourth Precept of Democracy is led by wisdom in consultation / representation. This precept only covers a part of the sphere of life, is living together in society and the country. In the fourth precept which holds people in the sense that our country is a country that upholds the aspirations and interests of all levels of Indonesian society.

In the Indonesian state, it is the people who are sovereign. The people have an important role in the survival of the country. Like during the proclamation of independence, the resignation of President Soekarno due to the events of the G30S / PKI, the end of the New Order after thirty-two years in power. Even in the era of reform the people were directly involved in electing legislative members as well as the president. It is a form of people's aspirations to fill their roles as good citizens.

The development in terms of government transparency towards the people at this time did not run as it should. The role of the legislative assembly which should be the voice of the people in the government is still far from expectations. In fact, not a few of the people's representatives did Corruption, Collusion, Nepotism for their personal interests. It is indeed an irony of its own in the continuation of democracy that has only been felt by the people for approximately fourteen years. The system must indeed be reformed so as not to drag on problems that become obstacles to make this country better.

Democracy adopted by the Indonesian state indeed makes the people as the final determinant. The motto that is always associated is from the people, by the people, for the people which means the people who determine and vote. And in the end it will return to the people, because the people who feel the results of their own choice.

The fifth precept that reads Social justice for all Indonesian people. The fifth precept in this Pancasila is as an embodiment of the first precept, the Godhead of the One. The second precepts, just and civilized humanity, the third precepts, the unity of Indonesia and the fourth precepts of populism, led by wisdom in consultation / representation. That becomes an important part in the reflection of Pancasila which has become a part of all Indonesian people.

The fifth precept which means justice. The justice in question is fair for all elements of Indonesian society. Justice can also be in the form of laws that apply to all citizens without exception. As a state of law, Indonesia is

indeed far from the facts in the field. Many frauds in the judicial process that occurred in almost all regions in Indonesia. That becomes an irony because as a state that holds justice, it is the law enforcers who commit many violations.

### III. RESEARCH METHOD

In compiling this scientific work data that can be accounted for its correctness are used, how to obtain data that is used through certain research in order to achieve the expected goals in order to meet both quality and quantity requirements.[4]

This type of research used in this study is normative juridical, which is a way to approach the problem that will be examined by using secondary data as the main material to be investigated.

The research specification used in this study is descriptive, that is, research that describes a situation or object to address the problem under study. Pancasila which is an ideology of the nation as a way of life and a foundation in social, national and state activities seems to only be memorized without application including in the legal field.

### IV. FINDINGS AND DISCUSSION

#### A. Function of Pancasila.

##### 1. Pancasila as a Philosophical System

Philosophy derived from Greek which means love of wisdom. There are two main points of philosophy: philosophy as a product that includes understanding. Philosophy is the parent of various kinds of science. Philosophy as a type of knowledge, science, and also the thoughts put forward by philosophers since ancient times. Besides philosophy as a process which means the form of a philosophical activity in the process of solving a problem by using a certain method or method in accordance with the object.

Philosophy is indeed developing rapidly in all parts of the world even in Europe philosophy is an important and popular science among the nobles. Very rapid development and even then made the philosophers create the main branches of philosophy are: Metaphysics, Epistemology, Methodology, Logic, Ethics and Aesthetics.

The unity of the Pancasila precepts is essentially not only a formal logical unit, but also includes the basic ontological, epistemological and axiological basis of the Pancasila precepts. As explained that the unity of the Pancasila precepts is hierarchical and has a pyramidal form, it is used to describe the unity of the Pancasila precepts in a formal logical sense. In addition to the unity of the precepts of meaning and nature in terms of quantity as well as in terms of their content which is related to the nature and nature of the precepts of Pancasila. Such unity includes unity in terms of ontological, epistemological basis and axiological basis of the precepts of the Pancasila.

Philosophically, Pancasila as a united philosophical system has its own ontological, epistemological and axiological basis which is different from other philosophical systems such as materialism, liberalism, pragmatism, communism, idealism and other philosophical understandings in the world.[5]

#### II. Pancasila as a Political Ethic

Pancasila is essentially a value which is the source of norms that apply in society including legal, moral and state norms. In Pancasila philosophy there are several characteristics including critical, fundamental, rational, systematic and comprehensive which are all values. Thus the existing thought does not directly describe the norms but rather a basic value.

In general, ethics is a behavior or behavior. In politics must also have ethics to be in accordance with the rules and norms that apply in the surrounding environment. Indonesian politics are currently at the lowest limit in Indonesian history. There are so many cheats in elections that should be based on honest, fair, public and secret. If political actors carry out the meaning and function of Pancasila, that certainly will not happen.

Political ethics is related to humans as political actors. Which specializes in human morals as political actors. Politics is closely related to Pancasila because it is related to government. Because usually political actors are also actors in government as well.

Ethics are divided into two groups namely general ethics and special ethics. General ethics discusses the basic principles of all human actions, while special ethics discusses those principles in relation to human obligations in various spheres of life. Specific ethics can be divided into two, namely: individual ethics which discusses the obligations of humans as individual beings to themselves, as well as through conscience towards their Lord.

There are also social ethics discussing obligations and moral norms that should be obeyed in relationships with fellow human beings, society, nation and state, social ethics contains many ethics concerning certain areas of human life, for example family ethics, professional ethics, environmental ethics, educational ethics, sexual ethics and including political ethics concerning human political dimensions.[6]

#### B. Deviation from Pancasila

Pancasila as the basis of the State of Indonesia should be studied and practiced its values in daily life. In addition to learning the functions and meanings of Pancasila, we must also know the history of Pancasila. Where the founders of this nation really exerted their energy and thoughts to formulate Pancasila, it was done because all national figures at that time wanted to make Indonesia a dignified nation and uphold ancestral values.

Indonesia is a country with a variety of cultures and languages, it makes our country very special. Various tribes exist in one country but that often gets us involved in a problem. Disputes often occur between residents because of insults to one another. This is not in accordance with the values of Pancasila, Pancasila makes

the diversity of our country a unifying tool not to break the kinship of all Indonesian people.

The basis of the state and ideology can indeed be changed, but when it has been changed it will also change the whole existing order in the country. This will certainly have an impact on all aspects of national and state life. The most fundamental thing in government is the establishment of good relations between the executive, legislative and judicial bodies. Meaningful relationships are equally devoted to the people who have given them the confidence and put aside personal interests.

Nowadays there are a lot of law violations committed by government officials and law enforcers. Though they are role models of the people, their every movement is valued by the community. At present the position as regional head or legislative member is interested not only in the desire to serve the people and the state, but instead is used as an arena to enrich themselves and become an arena to show off among the political elite. This position has indeed become a vehicle for political parties to increase prestige.

Social deviations that occur in the community are not new. Many of them occur because people do not know or even have no idea about the meaning and function of Pancasila. They only know that the basis of the state is Pancasila and there are five precepts. Lack of community understanding can be due to a low level of education or lack of community interest to find out. This became natural because the government itself did not provide enough information. Aside from just socialization, real evidence of the behavior of the nation's leaders is also needed.

Being ironic is the world of education in Indonesia today. There are many frauds in various things. Such as education funds that should be used for learning support facilities and infrastructure for students are actually corrupted by people's representatives who are supposed to oversee the distribution process. In addition, the role of the teacher, the teacher was once called an unsung hero, but now the title is not quite right. Teachers who should educate their students who are the next generation actually do not even set a good example.

Corruption in government cannot be separated from the world of education in this country, how can it produce a good and honest successor to the nation if religious and moral schools are only complementary. In one week only less than two hours of teaching and learning process.

The government's focus on minimum scores in the UN (National Examination) also has a negative impact on students. The government only pursues quantity without thinking about quality. That makes students cheat even on purpose. It is undeniable that it is already like tradition, every UN must be found cheating. Starting from cheating to buying the answer key in order to graduate with good grades.

Determination of graduation or not a student in the UN should not only be from the value they get at the UN. Although now grades during learning are also counted, it actually creates new cheating because many teachers manipulate grades so that their students graduate.

This was done not to embarrass the name of the school and to attract new students to enter the school. The government must first improve its quality as a supporter of the National education program. After that, they will conduct programs to improve the quality of students. The most important thing is moral and religious lessons for students to be equipped for their future.

As well as good quality educators, because now many students are taking part in tutoring institutions that are now many in the regions. If many students attend the tutoring program it indicates that our education system is wrong and it should also be improved.

How do you want to become a developed country free from corruption if the system of education is wrong. This makes the children of the rich prefer education abroad compared to their own country. Education is not only a means to get good grades but more important is to form good personalities and characters so that in the future they can become good leaders.

## V. CONCLUSION

Conclusion of this research is the function and meaning of Pancasila in the life of the nation and state which is the basis of Indonesian society began to shift. This is clearly seen in various aspects of life that occur in society in general. Starting from violations of social norms, law and even religious norms were violated. Violations committed by people who do not know about the meaning and function of Pancasila are also carried out by people who already know. In fact, not a few are done by government officials as well as legislators. They do it for their own personal benefit which should be their job to protect and set a good example for the community at large. That certainly becomes an irony of its own. In the midst of globalization that is now endemic in Indonesia, it does not have a positive impact, instead there are many negative impacts from the progress of science and technology. Because it makes the nationalism fade and does not even care about the culture or problems that are sweeping the nation.

Education is the most important means in shaping the morals and personality of a human being apart from the family and community environment. This should make education clean from the practices of Corruption, Collusion, Nepotism. As a means of forming the personality of the nation's children education in Indonesia is very improper. There is a lot of cheating in various aspects from technical and non-technical as well as the existence of social classes in the world of education. The rich will easily go to a school that is considered a superior school even though in terms of ability it is less considered "smart".

While the poor are only able to attend ordinary schools even though they are usually smart. The most important thing now is how much money you have not because of the child's ability to go to school in that place. Will it continue like this? How can people who are truly unable to access education.

Education is something that must be obtained by all citizens and the government should be really serious about addressing the problems of social inequality that occur in the world of education in Indonesia. Because it is the ideals of this nation, free from all forms of colonialism including colonialism in the form of citizens' stupidity. If we return to the meaning and function of Pancasila to be studied and practiced, the nation's current problems will never occur. Because the meaning and function of the Pancasila is the ideals of freedom fighters who are of all time.

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