

Strengthening the Implementation of Pancasila Values in Life of Nation and State Private Living in Indonesia's Legal System

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ABSTRACT--Pancasila as an ideology and the basis of the Unitary State of the Republic of Indonesia, is a political choice of funding fathers in the midst of the choice of a religious or secular state in general. Aside from being an ideology and the foundation of the State, Pancasila is also the source of all sources of law in Indonesia. The purpose of the law is based on and originates from Pancasila, which is to embody human rights, which is to protect people passively or actively. Passively by preventing arbitrary actions from the emergence of legal products that are contrary to Pancasila and actively by creating humane social conditions that enable the social process to take place naturally so that every human being has the broadest and equal opportunity to develop all his full human potential with mutual respect for fellow children of the nation. But the fact is that in the life of society, nation and state after reforms many SARA groups (tribes, religions, races, groups) are free and even religion is used as a tool for certain political goals and more radical. One of the causes of the emergence of radicalism was after the P4 upgrading program was revoked so that the arrangements to ground the Pancasila praxis values in the legal system became empty. For this reason the need for stronger arrangements to ground the values of the Pancasila praxis in the reform era in welcoming and preparing for milneal generations.

Keywords: affirming, the value of Pancasila, legal system

I. INTRODUCTION

During the new order the massive implementation of the Pancasila practice began in the 1970s during the era of President Soeharto. This effort was driven by the post-tragedy situation of the PKI Movement in 1965 which was then felt by the Indonesian people not to implement the Pancasila and the 1945 Constitution in a pure and consistent manner. Therefore, in 1978 TAP MPR No. II / MPR / 1978 was born on the Implementation of Pancasila Practicing Guidelines (P4) which was then followed by the formation of a body in charge of implementing the Education Development Guidance Board Implementing Guidelines on the Implementation of Pancasila Practices (BP-7) through Presidential Decree No. 10/1979, this body was formed from the central level, regional level I and II.

The practice of Pancasila at that time was very strong and powerful through its program namely Upgrading P-4 with various upgrading patterns. From

1978 to 1998, almost twenty years there were no signs appearing on the surface of the problem of radicalism, all submerged because of the doctrine of Pancasila supremacy through P-4 Upgrading. However, history records that the P-4 doctrine in the past 20 years has a sectoral ego interest, namely the interests of the new order regime's agenda, namely to perpetuate power as well as the growth of corruption, collusion and nepotism in an increasingly uncontrolled government. Since then the New Order regime then lost trush and finally collapsed in 1998 due to the current reforms that demanded the eradication of corruption, collusion and nepotism in the ranks of government. Because the new order fort was sheltered behind the Pancasila doctrine, the P-4 upgrading program was also blamed and finally TAP No. II / MPR / 1978 was revoked with TAP MPR No. XVIII / MPR / 1998 and BP-7 was automatically dissolved.

Since that time, the latent danger of radicalism moving underground began to emerge on the surface and tried to divide the life of society, nation and state along with the flow of freedom in the reform era. To face and avoid the milineal generation not being influenced by radicalism, it is necessary to reaffirm the implementation of the Pancasila practice in a stronger arrangement in the legal system in Indonesia so that it is not easily erased or revoked by the holder of the ruling power at that time and subsequently.

II. RESEARCH METHOD

The research method is basically a scientific way to get data with specific purposes and uses. This research aims to find and develop or test the truth of a knowledge. Finding means getting something to fill in the blanks or shortcomings. Developing means expanding and digging wider and deeper about something that already exists. Test the truth is done against what already exists or doubt the truth

In order for findings to answer questions correctly and can be justified, research requires a framework of thinking that is compiled based on research methods that are appropriate to the objects and data needed. Research method options in scientific studies vary greatly

depending on the study material and data needed. The right research method will also provide a continuous research study flow so that it can be well understood.

The object of research in this paper is to strengthen the implementation of the values of Pancasila in the life of the nation and state in the Indonesian legal system to meet the millennial era, the choice of this object is the change in attitudes and behavior of the community in understanding the values of Pancasila in the life of the nation and state.

To answer the formulation of the problem of this study, researchers used a legal science research method with the type of sociological jurisdiction (socio legal research). Namely research aimed at analyzing the effectiveness of a legal norm that applies in society. The type of data used is gender data which includes primary legal material, gender legal material, tertiary legal material obtained from books, literature, legislation, papers and other data sources.

Data analysis technique uses descriptive analysis writing method, with this technique it is expected that the results of this study can illustrate the facts that exist in the object of research, namely the implementation of the values of Pancasila in social life, nation and state in welcoming and preparing millennial generations.

III. FINDINGS AND DISCUSSION

A. *Implementation of the Pancasila values of the new order era.*

Pancasila is a noble soul of the Indonesian nation, which provides philosophy in the pursuit of a life and spirit within a just and prosperous Republic of Indonesia. Therefore, the preservation, supernatural powers and efficacy of Pancasila need to be endeavored to be carried out in a real and sustainable manner for the comprehension and practice of Pancasila by every Indonesian citizen, every State organizer as well as every state and social institutions both central and regional.

But the fact is that in the 1970s after the tragedy of the September 30th Movement 1965, the government in implementing the observance and practice of Pancasila was felt to be less grounded or it could be said that the Indonesian people did not implement the Pancasila and the 1945 Constitution in a pure and consistent manner as stipulated in MPRS Decree No.XX / MPRS / 1966 article 2. This decree is then reaffirmed by MPR Decree No. V / MPR / 1973 Yuncto MPR Decree No.IX / MPR / 1978.

On the basis of these considerations, on a large scale at the General Session of the People's Consultative Assembly on March 22, 1978, the MPR established MPR Decree No.II / MPR / 1978 concerning Guidelines for the Preaching and Practicing of Pancasila (P4), with these provisions it was hoped that all Indonesian citizens could appreciate and practice Pancasila in social, national and state life.

Essence in Decree No. II / MPR / 1978 is to emphasize that Pancasila as the viewpoint of the Nation and the Nation of the Republic of Indonesia needs to be

understood and practiced significantly in the life of society, nation and state. With this understanding, it is hoped that there will be a unity of language, unity of views, unity of motion and steps in the implementation of the Pancasila practice.

Based on MPR Decree No.II / MPR / 1978, a non-departmental government agency called BP-7 was established, namely the Educational Development Guidance Board for the Implementation of the Pancasila Practicing Living Principles through Presidential Decree No. 10/1979 which was then followed up by Minister of Domestic Affairs Decree No. 239/1980, No. 163/1981 and No.86 / 1982 concerning BP-7 in the First Level Region and Second Level Region / Municipality.

With the provisions of the regulation, the unification of the "mindset" of the Indonesian people in seeing the problems of the nation and state based on the Pancasila and the 1945 Constitution is not easily divided by pitting sheep with differences in the creed values of Tribal, Religion, Race and Intergroup which often called SARA.

Efforts to ground P-4 then BP-7 massively implement P-4 upgrading in various layers of society, namely community leaders or leaders, cadres of community organizations. In 1990, a level of upgrading that was adjusted to the target audience profession was called an integrated pattern. Among students and scholars are also given upgrading with some modifications that are adjusted to the level of education. The contents of the P-4 consisting of Pancasila / P-4, the 1945 Constitution and the GBHN are then packaged in the form of teaching materials and integrated in the basic, secondary and higher education curriculum. For Elementary and Middle Schools the teaching material is given the name Moral Pancasila Education which is later changed to Pancasila and Citizenship Education, while in Higher Education it becomes Pancasila Education. This provision is confirmed by Law on National Education System No. 2 of 1989.

The upgrading of P-4 if we pay close attention is emphasized on the moral development of the nation whose essence is self-control. Every citizen is expected to be able to control himself in behaving and behaving in all aspects of life, it requires high tolerance and tolerance, and is not selfish. Thus, togetherness will be realized in a pluralistic society.

But then, when the New Order regime had been in power for 32 years, reformation began, one of the assumptions by the reformers was the assumption that P4 through its implementation namely BP7 became a political instrument played by the New Order to be able to maintain its power. Under these circumstances a pessimistic group and even sisism emerged against the efforts made by BP-7 in making Pancasila a guide to the life of society, nation and state. Although it does not rule out the possibility that the group has a hidden purpose and has its own interests which are pure sectarian or non-sectarian, who are trapped in narrow and even irrational and emotional thinking, thus denying the fact that the Indonesian nation is a pluralistic, multicultural, and heterogeneous nation.

One of the efforts is to urge the revocation of P4 which is then followed by the dissolution of BP7. The pressure was accommodated by the MPR with the issuance of TAP MPR No. XVIII of 1998 concerning the revocation of MPR Decree No. II of 1978 concerning P4 which in consideration of the letter a said "that Pancasila as referred to in the Preamble of the 1945 Constitution, needs to be affirmed its position and role in the life of the state".

If we examine the purpose of the need to emphasize the position and role of Pancasila in post-reformation state life. So the affirmation in question, the position of the Pancasila even more unclear role in its implementation. Evidenced by the withdrawal of guiding and holding life which later became a unified perspective, with the effort to build, forming a unified mindset to have a single perspective in seeing all problems in the nation and state, resulting in the Indonesian nation which is the foundation of the State Building The Unity of the Republic of Indonesia became divided, so that in fact after the reformation the rise of horizontal conflict which was a tribal conflict, religious conflict, race and inter-group conflict (SARA).

Then in the considerations, letter b said "that the Decree of the People's Consultative Assembly of the Republic of Indonesia Number II / MPR / 1978 concerning Guidelines on Living Up and Practicing Pancasila (Ekaprasetia Pancakarsa) whose material content and its implementation are not in accordance with the development of state life, needs to be revoked".

Seeing the consideration of the MPR as set forth in letter b, by saying that P4 is not in accordance with the development of state life is considered very narrow in understanding the material content contained in the MPR TAP. Because if understood in depth, the material contained in TAP MPR No. II of 1978 is universal and is a controller of the Indonesian nation in undergoing the development of state life, so there is no development of life that is too far and does not heed the values or references contained in the P4 Manuscript.

The fact that occurs, the development of state life is now very out of what is desired in P4, as it functions like a filter that filters all forms of mindset, culture, character that are not derived from the noble values of the Indonesian nation.

If we look at the current conditions, the entry of foreign culture or what is known as popular culture, an ideology that is not derived from the values of the Indonesian nation, the growing strength of radicalism, so that movements that accelerate the NKRI into the "Disintegration" division.

With the stipulation of MPR Decree No. XVIII / MPR / 1998 which revoked MPR Decree No. II / MPR / 1978 the BP-7 task ends and there is no P-4 upgrading. Lack of guidance and guidance in living in community and state life for every Indonesian citizen, every State organizer and every state and social institution as affirmed in article 4 of TAP MPR No. 2 / MPR / 1978, what happened was a conflict between fellow administrators of the State, fellow state institutions of conflict, fellow

citizens of the community. The occurrence of conflict is caused by the loss of the Pancasila Living and Living Guidelines that guide and guide life that unites the perspective / mindset of the Indonesian people's mindset in seeing, assessing all problems in the life of society, nation and state.

B. Implementation of Pancasila values in the reform era

After the fall of the new order government, the reform order began in 1998, one of the basic signs of change in governance during the reform period was the revocation of the P-4, which was blamed for being considered as a tool to perpetuate the power of the new order, besides the rampant corruption, collusion and nepotism (KKN). MPR Decree No.II / MPR / 1978 is revoked by Decree No.XVIII / MPR / 1998. In this stipulation in article 1 it is stated that Pancasila as referred to in the Preamble to the 1945 Constitution is the State Base of the Unitary State of the Republic of Indonesia which must be implemented consistently in the life of the state. To follow up on this decree, a Presidential Decree No.85 / 1999 was issued, namely the State Life Development Agency issued by President BJ.Habibi, but this institution has never heard its progress until now.

Since 1999 the reign of President BJ.Habibi until the reign of President Megawati in October 2004 for 6 (six) years of the implementation of the values of Pancasila loosened the euphoria of reform in an atmosphere of freedom after 32 years in the grip of a centralized New Order regime. It was during this reformation that the power of radical groups appeared on the surface to openly flourish by plowing in the name of democratization.

The phenomenon of radicalism among Muslims is often based on religious understanding, even though the originator of radicalism can be born from various axes, such as economic, political, social, and so on. In the political constellation in Indonesia, the problem of Islamic radicalism has become even greater because its supporters are also increasing. However, this radical movement sometimes has different views and goals, so it does not have a uniform pattern. There are those who simply fight for the implementation of Islamic law without the need to establish an "Islamic state", but there are also those who fight for the establishment of an "Islamic state of Indonesia", in addition to that there are also those who fight for the establishment of an "Islamic Khilafah". The pattern of organization also varies, ranging from moral ideological movements such as the Indonesian Mujahidin Council (MMI), Hizb ut-Tahrir Indonesia and those that lead to military styles such as Laskar Jihad, Islamic Defenders Front, and the Surakarta Islamic Youth Front. However, there are differences among them, there is a general tendency of the people to associate these movements with Islamic radicalism movements abroad. Radicalism which leads to terrorism is an important issue for Indonesian Muslims today. These two issues have caused Islam to be branded as a religion of terror and Muslims are considered to like the path of holy violence to spread their religion. Even though that assumption is

easily countered, but the fact that the terrorist in Indonesia is a hardline Muslim is very burdensome to the psychology of Muslims as a whole. Therefore it is necessary to attempt to overcome the movement of radicalism which has the potential to stretch the joints of community, nation and state life.

In the era of President Susilo Bambang Yudhoyono (SBY), efforts to implement the values of Pancasila were once initiated by the chairman of the People's Consultative Assembly Taufik Kiemas who viewed that life as a society, nation and state was felt to have a threat that threatened the nation, solidarity and unity. So that nationalism ties need to be carried out again, namely the socialization of the four most prominent pillars visible in the mandate of political education to parties, through the revision of the Political Party Law in 2011. Political parties are obliged to deepen "the four pillars of the nation and state", one of which is Pancasila. The phrase "four pillars of the nation and state" mentioned in Article 34 paragraph (3b) letter a of Law No. 2/2011 concerning Amendment to Law No. 2/2008 concerning Political Parties. The article reads complete, "Political Education as referred to in paragraph (3a) relates to the activities of: a. Deepening of the four pillars of the nation and state, namely Pancasila, the 1945 Constitution, Unity in Diversity, and the Unitary State of the Republic of Indonesia."

The existence of these four pillars has been questioned in the Constitutional Court by a number of citizens who are members of the Pancasila Guard Society of Yogyakarta, Solo and Semarang (MPP Joglosemar), which finally through PMK No. 100 / PUU-IX / 2014 states the phrase "four pillars of the nation and state" in article 34 paragraph (3b) letter a of the Political Party Act contrary to the 1945 Constitution and has no binding legal force. Then the term was changed to the socialization of the four pillars of the MPRRI, even though the socialization had been carried out by the MPR as one of its programs, it was not yet still to stem the movement of radicalism that was growing in this digital era.

C. Implementation of Pancasila Values in the Government of President Joko Widodo

The administration of President Joko Widodo in the first period began on October 20, 2014 - October 20, 2019, during the first administration, the existence of radical groups was still very high, according to the survey results of the Indonesian Survey Institute (LSI) stated that community intolerance in the first period of President Joko Widodo's administration still quite high. To deal with this religious manipulation group, the Presidential Work Unit for the Development of the Pancasila Ideology (UKP-PIK) was formed through Presidential Regulation No. 54/2017. Duties of the UKP-PIK The UKP-PIP has the task of assisting the president in formulating general policy directions for the development of the Pancasila ideology and carrying out coordination, synchronization, and control of the development of the Pancasila ideology in a comprehensive and sustainable manner.

The UKP-PIK Institute then felt that it needed to be improved so a Presidential Regulation No.7 / 2018 was issued on the Pancasila Ideology Development Agency, BPIP had the task of assisting the President in formulating the policy direction of the Pancasila ideology development, coordinating, synchronizing, and controlling the development of the Pancasila ideology in a comprehensive and sustainable manner. , and carry out the preparation of standardization of education and training, organizing education and training, and providing recommendations based on the results of studies of policies or regulations that conflict with Pancasila to high state institutions, ministries / institutions, regional governments, socio-political organizations, and other components of society. Until the second administration of President Joko Widodo, I feel that there has not yet been a massive effort to disseminate the Pancasila praxis values to the millennial generation as a stronghold of morals and the strong character of the Indonesian nation

IV. CONCLUSION

From the series of discussions above, the writer can conclude that since the reformation until now strong regulations to ground the values of Pancasila praxis in the life of society, nation and state are felt to have not existed yet. We can observe this since the repeal of TAP MPR No.II / MPR / 1978 with TAP MPR No. XVIII / MPR / 1998 which then the consequence of BP-7 institutions also disbanded, the Pancasila praxis values have no legal umbrella and cannot be sustainable to be taught to the millennial generation.

Efforts to keep Pancasila in the life of society, nation and state are maintained, namely the emergence of four pillars of the state (Pancasila, 1945 Constitution of the Republic of Indonesia, NKRI, Bhineka Tunggak Ika), and this has not been able to control the growth of radicalism groups that are piggybacking on a reform era full of freedom and increasingly strengthen up. Returning the P-4 upgrading pattern carried out by BP-7 is a necessity.

But the need to strengthen the implementation of the Pancasila praxis values is a necessity. The existence of BPIP is very much needed by the President in making a policy, but the generation of milineal should also be given an understanding, in-depth knowledge of the ideology of the Pancasila and the history of the establishment of the Unitary State of the Republic of Indonesia based on the Pancasila and the 1945 Constitution of the Republic of Indonesia. All citizens should receive information on the four pillars of the MPRRI. The most appropriate form of law and binding on all Indonesian citizens is the Law

REFERENCES

- [1] https://beritagar.id/artikel/berita/pelestarian-pancasila-dari-bp-7-hingga-bpip,_diambil_tanggal_30_januari_2020
- [2] Sugiyono, *Metode Penelitian Kuantitatif Kualitatif*, Alfabeta, Bandung, 2011

- [3] Ronny H. S., *Metodologi Penelitian Hukum*, Ghalia Indonesia, Bandung, 1982
- [4] https://www.kompasiana.com/vict_recht/55178324813311aa689de34d/menatap-ulang-perjalanan-pedoman-penghayatan-dan-pengamalan-pancasila-serta-efektivitasnya-dalam-menjaga-stabilitas-nasional, diambil tanggal 30 januari 2020.
- [5] https://www.kompasiana.com/vict_recht/55178324813311aa689de34d/menatap-ulang-%20perjalanan-pedoman-penghayatan-dan-pengamalan-pancasila-serta-efektivitasnya-dalam-menjaga-stabilitas-nasional, diambil tanggal 30 januari 2020
- [6] <http://wahidfoundation.org/index.php/news/detail/Akar-Sejarah-Gerakan-Radikalisme-di-Indonesia>, diambil tanggal 30 januari 2020.
- [7] <https://beritagar.id/artikel/berita/pelestarian-pancasila-dari-bp-7-hingga-bpip>, diambil tanggal 3 Februari 2020
- [8] <https://www.cnnindonesia.com/nasional/20191103183341-32-445250/lsi-intoleransi-di-erajokowi-masih-tinggi>?, diambil tanggal 3 Februari 2020
- [9] Peraturan Presiden No.7 Tahun 2018