

Pancasila as The Basis Of Constitutional Law: Shaping Legal Principles and Jurisprudence

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Abstract

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This research aims to explore the role of Pancasila as the legal basis of the constitution and its influence in shaping legal principles and jurisprudence in Indonesia. Using the document analysis method, this research examines legal documents, including the constitution, laws, and court decisions, to understand how Pancasila values are integrated into national law. John Locke's theory of natural rights and social contract is applied as a theoretical framework to dissect and assess the role of Pancasila in the context of constitutional law. The research finds that Pancasila, with its universal principles, serves as a strong foundation for building a democratic and just legal system, which is in line with Locke's views on limited government and the protection of individual rights.

I. Introduction

Pancasila, as the philosophical foundation of the Indonesian state, is not only a kind of moral guide but also has concrete implications in the formation of legal principles and jurisprudence.(Dewantara & SS, 2017; Widisuseno, 2014). Although it has been recognized as the legal basis of the constitution, the integration of Pancasila into national law raises a series of questions that require in-depth and comprehensive analysis.(Bo'a, 2018; Nugroho & SH, 2017), Especially facing contemporary challenges such as globalization(Hidayat & Dewi, 2021), social change (Mihit, 2023), and political dynamics(Situru, 2019).

First of all, to understand how Pancasila is integrated into national law, it is important to note that Pancasila is not just a set of principles or values but also determines the structure and purpose of the state. (Asshiddiqie, 2016). Therefore, in the formation of legal principles and jurisprudence, Pancasila provides a foothold in determining citizens' rights, government obligations, and the enforcement of justice. For example, values such as social justice, democracy, and people's welfare are reflected in laws on social and economic rights. Pancasila, as the state ideology, is officially recognized in the Preamble of the 1945 Constitution, which became the Indonesian constitution. This signifies the importance of Pancasila as a foundation for the formation of legal principles and jurisprudence in Indonesia. In practice, Pancasila influences the formation of laws, public policies, and law enforcement.

One way in which Pancasila is reflected in national law is through the incorporation of values such as social justice, democracy, and people's welfare in existing laws and regulations. For example, laws on social and economic rights are based on the principles of social justice as enshrined in Pancasila. This includes ensuring the fair distribution of resources and opportunities, as well as protecting citizens' rights to social and economic welfare. In addition, Pancasila also provides a foundation for the principles of government obligations in safeguarding the interests and welfare of the people. The government is commanded to act by Pancasila values, such as justice, democracy, and equality, in policy formation and implementation. As such, Pancasila is not only a philosophical foundation, but also plays a practical role in law formation and justice enforcement in Indonesia. The integration of Pancasila into national law helps ensure that the legal system reflects the fundamental values of the Indonesian state and society as a whole.

Second, the integration of Pancasila in national law affects legal interpretation and justice. Legal interpretation is not only centered on the text of the law but also considers the values of Pancasila as a moral guide. (Made Subawa & Bagus

Hermanto, 2023). This can be seen in court decisions that reflect the principles of Pancasila in upholding justice, especially in cases relating to human rights, minority rights, or social injustice. The integration of Pancasila into national law has a significant impact on the interpretation of law and justice in Indonesia. In this context, Pancasila is not only considered as a set of principles or values but also as the foundation that determines the structure and purpose of the state. As suggested by Asshiddiqie (2016), this means that Pancasila provides the foundation for the formation of legal principles and jurisprudence, which in turn influence citizens' rights, government obligations, and the enforcement of justice. /In particular, values such as social justice, democracy, and people's welfare are reflected in laws on social and economic rights. This shows how Pancasila is not only a moral guideline but also influences the formation of policies and regulations that underlie the legal structure in Indonesia.

Furthermore, the integration of Pancasila into national law also affects the interpretation of law and justice. The understanding of the law does not only focus on the text of the law but also considers the values of Pancasila as a moral guide. Thus, the integration of Pancasila in national law not only leads to the formation of legal structures that are based on the basic values of the state but also enriches the understanding of justice and the application of law in a broader social and moral context. This demonstrates the importance of Pancasila as a principle that continues to color the development of law and justice in Indonesia.

However, challenges arise when Pancasila values are interpreted in a complex contemporary context. In the face of contemporary challenges such as globalization, technological development, and cultural change, the integration of Pancasila values in law and policy is crucial for Indonesia (Irwan et al., 2021). As the main guideline in shaping the structure and purpose of the state, Pancasila not only sets out moral principles, but also provides a foundation for regulating citizens' rights, government obligations, and the enforcement of justice. In the context of globalization, Pancasila can be integrated to maintain Indonesia's cultural identity and promote social justice in the face of the flow of information and foreign values (Al Khanif, 2017). Strengthening the economy and improving people's welfare can also be achieved through fair and inclusive regulations based on the principles of Pancasila.

On the other hand, regulations related to technology and media can also be sharpened by following the moral values of Pancasila to maintain ethics and protect the public from the negative impacts of technology and media (Safitri & Dewi, 2021). Finally, in the context of human rights, the integration of Pancasila in law and policy can ensure that every legal step taken is in line with the human values underlying Pancasila, including the protection of minority rights and fair law enforcement (Aswandi & Roisah, 2019). Thus, Pancasila is not only a legal

foundation but also an important moral guide in answering the challenges of complex social and cultural changes in this modern era.

Previous studies have explored Pancasila in various contexts, such as in Mochtar Kusumaatmadja's work emphasizing the importance of law in national development. (Kusumaatmadja & Agoes, 2021) aims to provide an understanding of international law through an approach that connects legal rules with institutions and processes that realize these rules in reality. The research results in the form of this book present the science of international law in theory and practice and become an important reference in teaching international law in Indonesia, and Satjipto Rahardjo who advocates a progressive legal approach (Rahardjo, 2010). However, there is still a void of research regarding the in-depth analysis of Pancasila as the basis of constitutional law that specifically affects jurisprudence.

Research by Bagus Hermanto and Nyoman Mas Aryani, discusses the role of the Constitutional Court as the guardian of Pancasila ideology in constitutional decision-making. (Hermanto et al., 2020). His research aims to analyze and affirm the function and position of the explanation in the Law through the interpretation of the Constitutional Court Decision. The results found that several Constitutional Court Decisions can be used as an authentic basis for affirming the position of explanations in a law. Furthermore, research by Windicha Okliyani et al. discusses Pancasila as the foundation of the state from the perspective of the ideology of the democratic rule of law.(Okliyani et al., 2023) Discuss Pancasila in the context of global constitutionalism and as a paradigm of socio-cultural development. Explains the role of Pancasila as the basis of the state from the perspective of the ideas of democratic rule of law. The results of this study outline that Pancasila values such as social justice and popular sovereignty form the basis for the formation of law and public policy in Indonesia.

New research can make a significant contribution to the understanding and application of Pancasila in constitutional law and jurisprudential practice in Indonesia. It can pave the way for the development of laws that are more inclusive and representative of the fundamental values of the Indonesian nation. This research distinguishes itself from previous literature by applying John Locke's theory of natural rights and social contract as an analytical lens. It provides a new perspective in understanding the role of Pancasila, not only as an ideology but also as a legal framework that guides the formation of just and democratic legal principles and jurisprudence in Indonesia. As such, this study offers a significant contribution to the constitutional law literature and legal practice in Indonesia. The problem formulation in this research is as follows:

1. What is the role of Pancasila in the Indonesian legal system,

particularly in shaping fair and democratic legal principles, and how do documentation evidence and the application of John Locke's theories support this role?

2. How does the integration of Pancasila into legislation and judicial practices illustrate its role as the legal foundation of the Indonesian Constitution, and in what ways does Pancasila function as an ethical and moral guide in policymaking and law enforcement?
3. What are the primary challenges in implementing Pancasila values within the Indonesian legal system, especially considering political dynamics and globalization pressures, and how does the integration of John Locke's theories offer a new perspective in understanding Pancasila and its implications for governance and legal principles?

2. Research Method

This research employs the document analysis method to investigate Pancasila's pivotal role as the legal foundation of the constitution, influencing the development of legal principles and jurisprudence in Indonesia. The process encompasses several key steps:

Data Collection: Firstly, the identification and collection of pertinent legal documents are paramount. This involves gathering constitutional texts, laws, court decisions, and scholarly literature discussing Pancasila to establish a comprehensive understanding of its significance in constitutional law. Additionally, reviewing historical and archival materials pertaining to Pancasila's formation and evolution offers insights into its historical context and its integration into the legal framework.

Document Analysis: Subsequently, a critical examination of these documents is conducted to discern how Pancasila is embedded and manifested in law and policy. By scrutinizing the content, researchers can elucidate Pancasila's tangible impact on the formulation of legal principles and jurisprudence. Furthermore, integrating John Locke's theory of natural rights and social contract provides a structured framework for analyzing Pancasila's role within constitutional law, facilitating the connection between theoretical concepts and legal practice in Indonesia.

Data Interpretation: The interpretation of findings is contextualized within Indonesia's historical, political, and social landscape to elucidate the practical implications of Pancasila in constitutional law. This contextual analysis enables researchers to correlate Pancasila's principles with prevailing social and political conditions, enhancing the understanding of its application in legal practice.

Moreover, linking the findings with international and national legal theories expands the perspective on Pancasila's relevance and significance as the bedrock of constitutional law. This broader contextualization allows researchers to situate Pancasila's contributions within both domestic and international legal frameworks, thereby illuminating its broader implications and significance.

3. Results and Discussion

Result

The results of this study reveal the complexity and depth of Pancasila's role in shaping legal principles and jurisprudence in Indonesia. The close integration between Pancasila and the lawmaking process and court decisions demonstrates that the values embodied in Pancasila are not merely theoretical, but also have a significant impact on the daily practice of law and provide a strong moral foundation for the Indonesian legal system.

In the lawmaking process, Pancasila serves as a guide that directs the drafting of legal regulations by ensuring that the principles of humanity, justice, democracy, unity, and public welfare are reflected in every legal policy made. These values are not only the philosophical basis but are also embodied in the form of concrete legal provisions, such as in-laws on social rights, economic rights, and environmental protection. Thus, Pancasila provides a strong moral direction in establishing legal rules that aim to create a just, civilized, and prosperous society.

Meanwhile, in the realm of jurisprudence, Pancasila also influences legal interpretation and court decision-making. Court decisions often reflect the principles of Pancasila in upholding justice, especially in cases relating to human rights, minority rights, or social injustice. This illustrates that Pancasila is not only a constitutional foundation but also a moral guideline for law enforcers in interpreting and rendering legal decisions.

However, the role of Pancasila in legal principles and jurisprudence does not always go without obstacles. Challenges arise when Pancasila values must be interpreted and applied in complex contemporary contexts, such as the impact of globalization, technological development, and cultural change. Nonetheless, the results of this study confirm that the integration of Pancasila in law and policy remains an important foothold in responding to the challenges of social change, while still maintaining Indonesia's distinctive identity and cultural values. Therefore, this research underscores the importance of deeply understanding the role of Pancasila in the context of Indonesian constitutional law as a solid foundation for progress and social justice in the country.

First, in the context of lawmaking in Indonesia, Pancasila has a key role as the philosophical basis that guides the legislative process to uphold principles based on the values contained in Pancasila. In this process, what is needed is an in-depth study

of the extent to which the proposed regulations support or contradict the values of Pancasila such as social justice, democracy, unity, people's welfare, and almighty divinity. Furthermore, to ensure inclusiveness and responsiveness to community interests, the lawmaking process often involves extensive public dialog and consultation, where Pancasila values become a reference point to maintain harmony and unity. The drafting of the text of the law then takes into account the principles of Pancasila, to create regulations that are not only technically effective but also aligned with the moral principles espoused by Pancasila, such as social justice and the protection of minority rights. Finally, through an ongoing process of supervision and evaluation, the implementation of laws is monitored to ensure conformity with the values of Pancasila as well as to ensure fairness and equality within Indonesian society. Thus, Pancasila is not only a philosophical foundation but also a practical guide in the lawmaking process, ensuring that the resulting laws reflect moral values that are binding for all citizens.

Second, in the realm of court decisions, Pancasila values play an important role as a guide in the interpretation of law and the enforcement of justice. Courts use Pancasila as a frame of reference to ensure that their decisions are in line with the moral principles and values contained in Pancasila. Thus, values such as social justice, democracy, unity, people's welfare, and divinity are taken into consideration in the court's decision-making process. This approach helps to ensure that court decisions are not only based on technical aspects of the law but also consider their impact on society and social justice at large.

In this context, Pancasila is not only the constitutional foundation for the judicial process but also the moral source underpinning law enforcement. By using Pancasila as a guide, courts can interpret laws and hand down decisions that not only comply with legal provisions but also take into account the moral values contained in Pancasila. This helps to ensure that court decisions not only achieve technical justice but also strengthen social justice and the general welfare of society. As such, the use of Pancasila values in the interpretation of law and the enforcement of justice by the courts is an important step in ensuring that the justice system in Indonesia reflects moral principles that are binding for all citizens. It also shows that Pancasila is not only a theoretical concept in law formation but also a practical guideline in ensuring fair and equitable application of law in society.

In legal practice, the integration of Pancasila not only strengthens the moral foundation of the law but also gives it a strong legitimacy in the eyes of society. With Pancasila being an integral part of the lawmaking and law enforcement process, awareness of the moral and ethical values underlying the law is further emphasized. This strengthens people's attachment to the law and justice system and increases trust in legal authority. The involvement of Pancasila in the lawmaking process assures that the resulting regulations are not only based on technical considerations but also take into account the moral and justice aspects represented by Pancasila.

This creates the impression that the law is not only a set of technical rules, but also a manifestation of the values respected and held dear by society. Thus, people feel that the law is in line with their values, and they are more likely to comply with it.

In addition, the integration of Pancasila in law enforcement helps strengthen the legitimacy of legal authority in the eyes of society. When courts consider Pancasila values in the decision-making process, this gives the public confidence that the decision is not only based on technical legal aspects but also considers social and moral justice by Pancasila values. As a result, people feel that the judicial system is fair and, and their trust in legal authority becomes stronger. Thus, the integration of Pancasila in legal practice not only provides a strong moral foundation for the legal system but also increases the legitimacy and trust of the people in the law and justice system as a whole. This creates a more stable and supportive legal environment for the development of a just and civilized society.

In implementing the values of Pancasila in legal practice, the biggest challenge is ensuring that the interpretation of these values does not become subjective and open to abuse. While Pancasila provides a strong moral foundation for Indonesia's law and justice system, the risk of inconsistent or varying interpretations can arise, particularly due to its broad and abstract nature. One of the key challenges is the need for a clear and consistent framework for applying Pancasila in a legal context. This is necessary so that decisions taken by legal institutions remain objective and fair to all parties involved. This framework should set clear parameters on how Pancasila values should be interpreted and applied in lawmaking, legal interpretation, and justice enforcement. In addition, strict controls and supervision are needed to prevent misuse or misinterpretation of Pancasila values. This can be done through internal oversight mechanisms within legal institutions, as well as through public participation in the judicial process through mechanisms such as open courts or participation in the legislative process. In addition, thorough legal education on the values of Pancasila is also important so that legal practitioners can properly understand how to apply these values in their legal practice appropriately and consistently. By addressing these challenges proactively and thoroughly, the integration of Pancasila in legal practice can strengthen the legitimacy of law in the eyes of society, increase trust in legal authorities, and maintain the integrity and fairness of the justice system in Indonesia.

Overall, the results of this study confirm that Pancasila is not only a theoretical view but also a concrete foundation in the formation of legal principles and jurisprudence in Indonesia. The integration of Pancasila into national law is one of the strong foundations in building a legal system that is responsive and fair, and that is based on the moral and ethical values upheld by Indonesian society.

Integration of Pancasila in Legislation

The integration of Pancasila in legislation is an important aspect in the formation of legal principles based on the philosophical values of the Indonesian state. In this context, Pancasila is not only a kind of moral guidance but is also considered a legal foundation that must be followed by every new regulation formed. The following is a more in-depth and comprehensive discussion of the integration of Pancasila in legislation:

1. **Pancasila as the Primary Basis of Consideration:** Pancasila is explicitly integrated into the lawmaking process, where each stage of the legislative process must consider conformity with the values contained in Pancasila. This ensures that any resulting regulation is a reflection of the moral and ethical aspirations upheld by Indonesian society. Thus, Pancasila becomes the philosophical foundation that directs state policy and legislation.
2. **Influence of Pancasila in Law Formation:** Document analysis shows that Pancasila is often taken into consideration in the formation of laws, especially those relating to human rights, social justice, and democracy. For example, laws on the protection of human rights tend to refer to Pancasila values in setting limits on state power and emphasizing the importance of protecting human dignity. (Lestari, 2018).
3. **Application of Pancasila Values in Law Provisions:** The integration of Pancasila in legislation is also evident in the provisions of laws that emphasize principles that are in line with the values of Pancasila. For example, laws on the redistribution of national wealth or the protection of vulnerable groups tend to emphasize the principle of social justice contained in Pancasila. (Adhayanto, 2015).
4. **Criticisms and Challenges in the Integration of Pancasila in Legislation:** Although Pancasila is taken into consideration in the formation of laws, challenges arise in interpreting and applying the values of Pancasila, which are abstract and open to diverse interpretations. (Dahurandi & Nase, 2022). For example, how can we ensure that any regulations produced truly reflect the values of Pancasila appropriately and do not lead to conflict or abuse of power?

Thus, the integration of Pancasila in legislation is not just a formality but also reflects the state's commitment to accommodate moral and ethical values in the formation of legal principles that are based on the character and aspirations of Indonesian society. Nonetheless, challenges remain in maintaining consistency and clarity in the interpretation of Pancasila values in the context of national law.

Pancasila in Court Practice

The integration of Pancasila in court practice is important in ensuring that legal decisions are not only based on technical aspects but also consider the moral and

ethical values contained in Pancasila. The following is a more in-depth and comprehensive discussion of the role of Pancasila in court practice:

1. **Pancasila as the Basis for Legal Considerations:** Court decisions often refer to Pancasila as a basis for legal considerations, demonstrating that Pancasila is not only a theory but also an applicable legal practice. In deciding a case, judges often consider the values of Pancasila as a moral guide that ensures that the decision taken is a reflection of the moral aspirations widely recognized by Indonesian society.(Leonard, 2016).
2. **Pancasila as a Tool of Legal Interpretation:** Pancasila is used as a tool to interpret laws and apply justice in complex cases, often in situations that require balancing between different values and interests.(Christianto, 2011). For example, in cases involving conflicts between individual rights and the public interest, judges use Pancasila as a guideline to determine the limits of state power and individual rights.
3. **Balancing of Values and Interests:** The use of Pancasila in court practice also enables judges to strike a proper balance between the various values and interests involved in a case. This ensures that the decision taken considers not only the technical aspects of the law, but also its implications for social justice and the welfare of society as a whole.(Sutono & Purwosaputro, 2019).
4. **Challenges in the Application of Pancasila in Court Practice:** Although Pancasila is used as the basis for legal considerations in court practice, challenges arise in maintaining consistency and clarity in the interpretation of Pancasila values in every decision made. This requires a deep understanding of the values of Pancasila as well as the ability to apply them consistently in the context of diverse cases. (Siahaan, 2010).

Thus, the role of Pancasila in court practice is not only rhetorical but also a practical guide in ensuring that social and moral justice is upheld in the Indonesian justice system. Although challenges remain in interpreting and applying the values of Pancasila in complex cases, the integration of Pancasila in court practice is an important step in ensuring that the resulting legal decisions are in line with the moral aspirations of Indonesian society.

Pancasila and International Law

The integration of Pancasila in the context of international law highlights the relevance of the philosophical values of the Indonesian state in promoting harmonization between national laws and global norms. The following is a more in-depth and comprehensive discussion of the role of Pancasila in international law:

1. **The Relevance of Pancasila in the Context of International Law:** Although Pancasila is Indonesia's national philosophy, its principles have significant

relevance in the context of international law. Values such as peace, social justice, democracy, and respect for national sovereignty are found as principles contained in various international legal instruments, such as the UN Charter and the Universal Declaration of Human Rights.(Firdaus & Chandra, 2023).

2. Pancasila as a Navigation Guide in International Relations: Pancasila is considered a guide in navigating international relations and legal conflicts between states. The principles of Pancasila, such as *gotong royong* (cooperation), *musyawarah mufakat* (consensus), and social justice, serve as the foundation for building harmonious relations between countries at the international level. This reflects Indonesia's commitment to participate in international cooperation based on upheld moral and ethical values.(Umar, 2011).
3. Pancasila as a Means to Resolve Conflicts of Law: In the context of international legal conflicts, Pancasila can be used as a framework to resolve disputes between states by emphasizing the importance of dialogue, diplomacy, and respect for national sovereignty. This allows states to find just and sustainable solutions to conflicts without having to abandon the moral principles underlying Pancasila.(Warjiyati, 2018).

Nonetheless, challenges remain in implementing the values of Pancasila in the context of international law. One of these is the need to ensure that interpretations of Pancasila values do not conflict with international norms that have been widely agreed upon by the international community. Therefore, the integration of Pancasila in international law requires a proper balance between national interests and commitment to prevailing global norms. Thus, the role of Pancasila in the context of international law is not only as a means to promote national interests, but also as Indonesia's positive contribution to building peace, justice, and sustainable international cooperation.

Challenges of Pancasila Implementation:

The challenges in implementing the values of Pancasila reflect the complexity of political, social, and legal realities in Indonesia. The following is a more in-depth discussion of these challenges:

1. Tensions between Idealism and Political and Legal Realities: One of the main challenges is the tension between the idealism embodied in the values of Pancasila and the complex political and legal realities. While Pancasila emphasizes moral values such as social justice and democracy, its implementation is sometimes hindered by pragmatic political practices and narrow political interests. (Purwendah, 2019).

2. **Resistance to Change:** The implementation of Pancasila values is also faced with resistance to change, both from parties with vested interests and from communities that may not fully understand or support these values. The process of changing laws or policies based on Pancasila often faces significant political and social obstacles. (Eddy, 2018).
3. **Conflict of Interest:** Another challenge is the conflict of interest among different stakeholders. The implementation of Pancasila values requires broad agreement and consensus among various parties, but sometimes conflicts of interest between government, business, civil society, and other interest groups can hinder the process. (Armawi, 2007).
4. **Gaps between Existing Law and Prevailing Practice:** In addition, there is a gap between existing laws and prevailing practices on the ground. Although there are regulations that contain the values of Pancasila, their implementation is sometimes not in the spirit of Pancasila due to factors such as corruption, human rights violations, or social inequality that still occur in daily practice. (Bera, 2019).

Facing these challenges requires comprehensive and coordinated efforts from various parties, including the government, legislature, judiciary, civil society, and the private sector. Measures needed include broader education and socialization of Pancasila values, Pancasila-based legal and policy reforms, strengthening law enforcement agencies, and building a Pancasila-based legal culture and awareness. Thus, it is hoped that Pancasila's values can be more effectively implemented in various aspects of Indonesia's social and political life.

Discussion

The findings show that Pancasila serves not only as a state ideology but also as an essential legal instrument in guiding policy-making and law enforcement that reflects democratic values and social justice. The integration of Pancasila in legislation and court practice confirms its role as a vital basis of constitutional law.

However, this research also highlights the challenges faced in implementing the values of Pancasila, especially in a dynamic political context and in the face of globalization pressures. Further efforts are needed to ensure that Pancasila remains relevant and effective as the basis of constitutional law in Indonesia.

John Locke's theory, which is one of the foundations of liberal political philosophy, has significant implications in constitutional law. Locke introduced the concepts of natural rights and social contract, which emphasized that government should be based on consent given by the people and should aim to protect the natural rights of individuals, namely the rights to life, liberty, and property.. The implications of this theory in the context of the research "Pancasila as the Legal Basis of the Constitution:

Forming Legal Principles and Jurisprudence" are as follows:

Natural Rights and Pancasila

The relationship between Pancasila and the concept of natural rights, as introduced by philosopher John Locke, illustrates the relevance of the philosophical values of the Indonesian state in the context of human rights protection. (Kishardian et al., 2022). Here is a more in-depth discussion of the relationship between Pancasila and natural rights:

1. **Similarities with Locke's Concept of Natural Rights:** The principle of Just and Civilized Humanity in Pancasila has similarities with the concept of natural rights introduced by John Locke. Both emphasize the importance of protecting human rights as inherent rights possessed by every individual, including the rights to life, liberty, and property.
2. **Human Rights Protection in the Context of Pancasila:** In the Indonesian context, the rights to life, liberty, and property must be interpreted through the lens of Pancasila values. That is, these rights are understood not only in an individualistic context, as in Locke's concept of natural rights, but also the context of social welfare and justice emphasized by Pancasila. For example, the right to life does not only mean the individual's right not to be deprived of life, but also the state's obligation to ensure all citizens' access to basic needs such as food, housing, education, and health.
3. **Integration of Pancasila Values in National Law and Policy:** One of the implications of the relationship between Pancasila and natural rights is the need for the integration of Pancasila values in national laws and policies relating to the protection of human rights. This means that the principles of Pancasila should be the basis for the formation of laws and policies that ensure the protection of human rights in the context and needs of Indonesian society.
4. **Human Rights Enforcement in the Context of Pancasila:** Human rights enforcement should also be conducted within the framework of Pancasila values, which places the interests of social welfare and justice at the center. This ensures that human rights enforcement not only protects individual rights but also pays attention to the common good and the balance between individual rights and the collective rights of society.

Thus, the relationship between Pancasila and the concept of natural rights highlights the importance of recognizing and protecting human rights in the context of the philosophical values of the Indonesian state. This confirms that the understanding and enforcement of human rights must be aligned with the principles of Pancasila to achieve the goals of social welfare and justice desired by Indonesian society.

Social Contract and Governance

The relationship between Locke's social contract theory and the principle of governance in Pancasila shows similarities in the understanding of the legitimacy of government and responsibility for the welfare of society. The following is a more in-depth discussion of the relationship between social contract and governance in the context of Pancasila:

1. **Government Based on the Consent of the People:** Locke's social contract theory emphasizes that legitimate government is founded on the consent of the people. This principle is in line with the principle of Democracy Led by Wisdom in Consultation/Representation from Pancasila, which asserts that state power comes from the people and should be used for their benefit.
2. **General Welfare as the Goal of Government:** The social contract suggests that the primary duty of government is to promote the general welfare and protect the rights of individuals. This is also in line with the principles of Pancasila, including the principle of Social Justice for all Indonesians, which emphasizes the importance of equitable distribution of resources and opportunities to ensure social welfare.
3. **Government Based on Wisdom in Consultation/Representation:** Pancasila affirms that wisdom in government should be based on deliberation and wise representation. This reflects the democratic principles of the social contract, where government decisions should reflect the will of the majority and should take into account the interests of the whole society.
4. **Government's Responsibility to the People:** The implication of the relationship between the social contract and the principles of governance in Pancasila is that any government action must reflect the will of the people and must always aim to promote the general welfare. This emphasizes the importance of government accountability and transparency in carrying out its duties as well as the need for mechanisms that allow active participation of the people in the decision-making process.

Thus, the relationship between the social contract and the principles of governance in Pancasila emphasizes the importance of government legitimacy derived from the consent of the people as well as the government's responsibility to promote the general welfare through the aspirations and interests of the people. This becomes the foundation for the development of a democratic, just, and civilized society in accordance with the ideals of the Indonesian state embodied in Pancasila.

Limits on Government and Individual Rights:

The recognition and limitation of government power and the protection of individual rights are important aspects of political theory and legal philosophy. The

relationship between Locke's principles of limited government and individual rights and the values of Pancasila can provide deep insights into how Pancasila plays a role in the context of limited government power and the protection of individual rights. Here is a further explanation:

1. **Limitation of Government Power:** Locke emphasized that government must be limited so as not to abuse its power over individuals. This is in line with the principles of Belief in One God and Indonesian Unity in Pancasila, which demand that the government should be subject to the rule of law and uphold universal moral values. In this context, Pancasila demands that the government not act arbitrarily and treat all citizens fairly.
2. **Protection of Individual Rights:** Locke also pointed out the importance of protecting individual rights, such as the rights to liberty, life, and property. This reflects the values of Pancasila, especially the principle of Social Justice for all Indonesian people. Pancasila emphasizes that all individuals have the same right to fair and equal treatment under the law, without discrimination.
3. **The Function of Pancasila Principles as a Limitation on Government Power:** Research could explore how Pancasila principles, such as Fair and Civilized Humanity, and Social Justice for all Indonesians, function as a constraint on government power. This means that in their actions and policies, governments must ensure that they not only fulfill the needs of the people, but also safeguard the basic rights and dignity of individuals by the principles of Pancasila.
4. **Protection of Individual Rights through Pancasila Principles:** Research can also examine how the principles of Pancasila can be used as a foundation to ensure the effective protection of individual rights. For example, through law enforcement and public policies based on Pancasila values, such as gotong royong and social justice, the government can ensure that individual rights are effectively protected and promoted.

By understanding how the principles of Pancasila act as a constraint on government power and as a protector of individual rights, this research can provide valuable insights into the implementation of Pancasila values in political and legal practice in Indonesia.

Pancasila and Constitutional Liberalism:

The link between Pancasila and constitutional liberalism, as developed by John Locke, offers an interesting perspective in understanding the characteristics of the legal basis of the Indonesian state constitution. Further explanation of this is provided below:

1. **Pancasila and the Limits of Government Power:** The concept of constitutional liberalism emphasizes the importance of limiting government power so as not to

abuse its authority over citizens. Similarly, Pancasila values, such as Just and Civilized Humanity, assert that the government should act within the limits set by law and moral principles. In this context, Pancasila not only regulates, but also limits government power so as not to violate individual rights.

2. Pancasila and Government Accountability: Constitutional liberalism emphasizes the importance of government accountability to the people. Likewise, the principle of Democracy Led by Wisdom in Consultation/Representation from Pancasila demands that the government should be accountable to the people in decision-making relating to the public interest. This reflects a participatory and transparent approach to the decision-making process, which is one of the fundamental principles of constitutional liberalism.
3. Pancasila and the Protection of Individual Rights: Constitutional liberalism emphasizes the protection of individual rights as a top priority. Similarly, Pancasila affirms the basic rights of individuals, such as the right to life, liberty and social justice. Therefore, Pancasila serves as a foundation to uphold and protect individual rights from excessive interference from the government.
4. Pancasila and the Principle of the Rule of Law: The principle of the rule of law, which is one of the key aspects of constitutional liberalism, is also reflected in Pancasila. Pancasila asserts that the law should be the foundation for all government and individual actions, so that no one is above the law. This shows a commitment to upholding a fair and equitable rule of law for all citizens, without exception.

Thus, an understanding of constitutional liberalism can provide a new perspective on the role and characteristics of Pancasila as the legal basis of the Indonesian state constitution. Pancasila not only functions as a regulatory instrument, but also as a tool for limiting government power, upholding the principle of accountability, protection of individual rights, and the principle of the rule of law.

By integrating Locke's theory into the analysis of Pancasila as the legal basis of the constitution, this research offers a deeper understanding of how democratic values and human rights can be strengthened in the Indonesian legal and policy context. The implications of Locke's theory help assess and strengthen the role of Pancasila in shaping just and democratic legal principles and jurisprudence in Indonesia.

4. Conclusion

- a. This research explores the role of Pancasila in the Indonesian legal system. Through document analysis methods and the application of John Locke's theories of natural rights and social contract, this study reveals that Pancasila is not only the state ideology but also serves as an essential legal instrument in shaping just and democratic principles of law and jurisprudence.

- b. The integration of Pancasila in legislation and court practice demonstrates its vital role as the legal basis of the Constitution. Pancasila serves as an ethical and moral guide in policy-making and law enforcement, ensuring that the principles of democracy and social justice are realized in legal practice. The research also highlights the relevance of Pancasila in the context of international law and the challenges faced in implementing its values, especially in the face of political dynamics and the pressures of globalization.
- c. By integrating Locke's theory, the research provides a new perspective in understanding Pancasila, emphasizing the importance of limited government to protect individual rights and promote responsible and transparent governance. In conclusion, Pancasila continues to play a key role in the evolution of Indonesia's constitutional law, and continued efforts are needed to ensure that Pancasila values remain relevant and effective in guiding Indonesia toward a more democratic and just future.

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