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Implementation of Pancasila Philosophy Values in System Development National Law

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Abstract. *The Republic of Indonesia is a developing country whose society is also transitional. Fred W. Riggs believes that transitional society is called a prismatic society model, namely a society that has traditional or agrarian characteristics along with modern or industrial characteristics. In prismatic society there is a sub- model called sela. The characteristics or traits of a prismatic society are high heterogeneity, high formalism, and overlapping. The purpose of this writing Forde scribes how the Prismatic legal system works as an Indonesian legal system and explains how to implement the values of the Pancasila philosophy in everyday life. This research uses a normative juridical type of research with research specifications carried out descriptively analytically. Normative research uses secondary data, namely data obtained from literature studies. The data collection method used is library research (library study) and the technique used to describe and process the collected data is qualitative description. This writing can be concluded that in carrying out the implementation of the values of the Pancasila philosophy, the prismatic theory of the essay is used Fred W. Riggs because it is more compatible with the Indonesian legal system, Social justice is part of the formulans the fifth principle of Pancasila which is the goal of the previous Pancasila values. Justice is not just an atomistic entity that is completely separated from its socio-cultural context, but rather an individual in his connection with other individuals and with his society. This is in line with Jeremy Bentham's theory of utilitarianism because whatever object (Pancasila) is created must provide great benefits to society, and law does not stand alone but requires society in order to create law, so the author suggests that we also study sociology, politics, economics, history and politics, such as Talcott Parsons' cybernetics theory that the formation of law which is included in the legal sub- system is sometimes*

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disturbed by cultural, political, or economic sub-systems. Also suggestions in carrying out the implementation of Pancasila values, it is necessary to look at philosophical values as the basis for the formation of Pancasila values. And in the Indonesian legal system, according to the author, do not always refer to Lawrence M. Friedmann's legal system theory because it is more suitable to use prismatic theory Fred W. Riggs or the theory of comparative law in the global context of Asia and Africa by Werner Menski.

Keywords: *Implementation; Politics; Prismatic; Values.*

1. Introduction

The Republic of Indonesia is a developing country whose society is also transitional. Fred W. Riggs is of the opinion that transitional society is called a prismatic society model, namely a society that has traditional or agrarian characteristics along with modern or industrial characteristics. In prismatic society there is a sub-model called *sela*. The characteristics or traits of a prismatic society are high heterogeneity, high formalism, and overlapping.¹ The condition of Indonesian society, which is still transitional, is characterized by two unique characteristics (horizontal and vertical), namely that horizontally the structure of society is characterized by the fact that there are social units based on ethnic, religious, customary and regional differences. Vertically, it is characterized by the existence of vertical differences between the upper strata of society and the lower strata of society, and/or the upper strata of society and the lower strata of society, and/or agricultural and industrial societies. By Furnivall² referred to as plural societies.

The preamble and articles of the 1945 Constitution of the Republic of Indonesia (UUD NRI 1945) are the source of the entire national legal policy of Indonesia. The assertion of both as sources of national legal policy is based on two reasons. First, the preamble and articles of the 1945 Constitution of the Republic of Indonesia contain the aims, basis, legal ideals and foundations of legal policy in Indonesia. Second, the preamble and articles of the 1945 Constitution of the Republic of Indonesia contain the objectives, basis, legal ideals and foundations of legal policy in Indonesia. Second, the preamble and articles of the 1945 Constitution of the Republic of Indonesia contain distinctive values originating from the views and culture of the Indonesian people inherited from their ancestors for centuries. These distinctive values are what differentiate the Indonesian legal system from other legal systems, giving rise to the term Pancasila legal state. These distinctive values, which when linked to the literature on the combination of more than one choice of social values, are referred to as prismatic value

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choices, as stated by Fred W. Riggs earlier, which is why in a legal context it can be called prismatic law.

The prismatic concept is the result of Riggs' identification of the choice of a combination or middle way of community social values and Patembayan social values as proposed by Hoogvelt⁴ states that there are two social values that live and influence members of society, namely community social values which emphasize common interests and patembayan social values which emphasize individual interests and freedom. Fred W. Riggs then proposed prismatic social values which laid these two groups of social values as the basis for building laws whose elaborations could be adapted to the stages of socio-economic development of the society concerned.

Several distinctive values which then crystallized the objectives, foundations, legal ideals and basic norms of the Indonesian state, which then gave birth to a unique Indonesian national legal system also included, among others, a combination of:

1. Importance values: between Individualism and Collectivism;
2. The concept of the rule of law: between Rechstaat and the Rule of Law;
3. Law and Society: between Development Tools and Reflections of Society;
4. State and Religion: Religious Nation State.

Because of the importance of understanding the values of the Pancasila philosophy in the development of the Indonesian National Legal System, So the author wants to write with the title "IMPLEMENTATION OF PANCASILA PHILOSOPHY VALUES IN THE DEVELOPMENT OF THE NATIONAL LEGAL SYSTEM".

2. Objective

- a. To describe how the Prismatic legal system works as an Indonesian legal system.
- b. To explain how to implement the values of the Pancasila philosophy in everyday life.

3. Benefit

- a. Theoretically:

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1) It is hoped that this research can contribute ideas to the development of legal science, especially Legal Philosophy, regarding the practice of implementing ideal Pancasila values in the Republic of Indonesia.

2) It is hoped that this research can provide a factual understanding to the wider community on how to implement Pancasila values.

b. Practically:

1) For the government, it is hoped that this research can provide practical suggestions for the government of the Republic of Indonesia in the future so that when there is a case of how to implement Pancasila values, the government will understand what actions must be taken.

2) For the community, it is hoped that this research can provide knowledge and practical advice to the community about how to implement Pancasila values in everyday life.

1. How the Prismatic legal system works as an Indonesian legal system?

2. How to implement the values of the Pancasila philosophy in everyday life?

2. Research Methods

Research is important for the development of science and technology. The method applied must be in accordance with the parent science. But that does not mean that the methodology of each science is completely different. Even though they are different, this research has the same goal, namely to reveal the truth systematically and consistently.

1. Problem Approach

This research uses a type of normative juridical research, namely legal research using a juridical-normative approach method, namely legal research carried out by examining library materials or secondary data.⁷ Normative legal research or doctrinal legal research, namely legal research that uses secondary data sources.⁸ Analytical descriptive is a type of research that is intended to describe, explain and report the condition of an object or event as well as drawing general conclusions about the object of the research.

The juridical aspect referred to is that in reviewing and viewing and explaining the problem using legal principles and principles. Meanwhile, from the normative side, researchers will

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make an inventory of existing legal regulations, both in the form of laws and various implementing regulations, which are hierarchically under the law.

2. Research Specifications

Research specifications are carried out descriptively analytically, namely a way of describing the condition of the object under study based on actual facts at this time.¹⁰ In this case, it is the implementation of the values of the Pancasila philosophy in the development of the national legal system.

3. Data Sources and Types

Normative research uses secondary data, namely data obtained from literature studies. Secondary data itself can be divided into primary, secondary and tertiary legal materials.¹¹ In this writing, secondary data sources used are as follows:

a. Primary Legal Materials

Library materials that contain new or up-to-date scientific knowledge, or new understanding of unknown facts or ideas.¹² This material/source includes laws and regulations related to this writing, Pancasila and the 1945 Constitution of the Republic of Indonesia.

b. Secondary Legal Materials

Library materials containing information about primary materials.¹³ These secondary materials/sources include, among other things, books (literature), the internet, journals, papers and documents related to this writing which can help the writer to obtain information.

c. Tertiary Legal Materials

Legal materials that can explain both primary legal materials and secondary legal materials, in the form of a Legal Dictionary Black's Law Dictionary, Big Indonesian Dictionary, and similar materials.

4. Method of collecting data

The data collection methods used in a research basically depend on the scope and objectives of the research. The research in this writing requires data obtained by conducting Library Research (library study), namely a collection of data obtained by studying related laws and regulations, books, journals, newspapers and other written sources. related to the problem

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being studied as a theoretical basis. In this normative research, interviews with informants are used as support and are not the main data.

5. Data analysis method

The technique used to describe and process the collected data is qualitative description. Qualitative descriptions are used in the method of describing data in this research because the main data used is not in the form of numbers that can be measured. 16 According to Ronny Hanitijo Soemitro, normative legal research emphasizes speculative-theoretical steps and normative-qualitative analysis. 17 All data that is edited and processed is analyzed using qualitative methods, meaning that it is not aimed solely at revealing the truth, but at understanding that truth. Then a conclusion can be obtained that can answer the existing problems.

Law is a scientific discipline that has an interdisciplinary nature. Interdisciplinary means that legal science helps explain problems related to society. It can also be said that legal science is a prescriptive science (a science that provides guidance for assessing and behaving as stated by Zevenbergen, 1925: 110 - 124).

In this sub-chapter the author wants to explain *das sollen* (the theory of what law should be) as a guide for analyzing the implementation of the values of the Pancasila philosophy in the development of the national legal system.

Talking about theory, 3 (three) theories will be referred to to analyze this article, namely:

1. Fred W. Riggs: Prismatic Theory. The prismatic theory is the result of Riggs' identification of a combination or middle way of community social

2. Jeremy Bentham: Utilitarianism. The point is that the law was formed to achieve a certain goal, namely happiness. However, the measure of legal happiness is to serve the greatest happiness of the greatest number of people, so that it only agrees with the majority and can eliminate the rights of minorities, the most important thing is that the greatest happiness in a society has been achieved.²

3. Talkot Parsons: Cybernetics. Cybernetics theory in Indonesian is translated as Structural Functionalism theory. The author will begin the explanation of Parsons' theory with four functional imperatives for action systems, namely Adaptation, Goal, Integration (Connected to each other), and Latency (Difficult to change a policy product in the form of regulations or maintenance pattern), often abbreviated to its famous AGIL.²¹ So in cybernetics, Talcott

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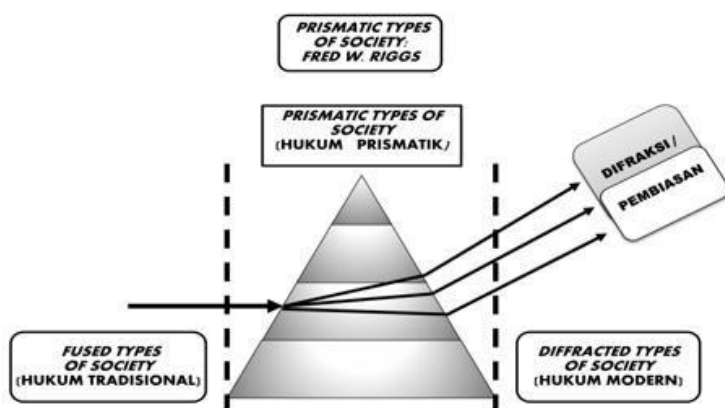
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Parsons explains regulatory structures that make it possible to produce regulations (possibilities) into reality, namely consisting of sub-sub systems, the top of which is the cultural sub- system (consisting of values, norms, and so on), social sub-system, sub- system. political system, and economic subsystem. The higher you go up, the more regulations that are formed should discuss values (speaking right and wrong) and norms (guidelines for attitude and behavior).

3. Results and Discussion

1) Prismatic Legal System as the Basis of the Indonesian Legal System In order to examine the implementation of the values of the Pancasila philosophy, this study uses Riggs' prismatic legal theory, to understand the national legal system of Indonesia and to provide an analysis of the factors that influence changes in transitional society from traditional society to modern society. The concept of prismatic society can be seen in the following forms:

Ragaan Figure 1: Ragaan: Fred W. Riggs' Concept of Prismatic Society



Source: Elaborated from Fred W. Riggs (1964)

The scope of a pluralist society like Indonesia, where there is still a strong relationship between the Patembayan community and the community, means that the application of (modern) national law, which is forced to apply to all citizens, will only be an obstacle in implementing the nation's development policies. This is in line with Riggs' view as stated in the Prismatic Law Theory.

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According to Fred W. Riggs, prismatic societies are often found in Southeast Asia and many of the practices commonly carried out in traditional societies use norms, methods and techniques from advanced societies (modern societies). These two levels can occur together in a particular society so that this results in increased dilemmatic tensions in society. Fred W. Riggs used Talcott Parsons' fifth dichotomy as a basic conception to develop his theory of prismatic society. Riggs distinguishes between "fused types of society" which are complete societies and "diffracted types of society" which are characterized by complete differentiation and separation of functions.²⁵

The prototype of a "fused" society is kinship (paguyuban), where the community fulfills almost all roles and functions. In a fractured society, all its elements have a specific structure (patembayan). In such a society there are economic sub-systems, political sub-systems, educational sub-systems, legal sub-systems, and so on. Each is self-organized in carrying out the functions of each sub- system. These sub-systems each have a certain degree of autonomy but are also dependent.

The explanation given by Riggs in the picture above is that in the concept of a prismatic society, it becomes clear that in a pluralist society, increasing tensions in their social relations have the potential to increase and become latent which always leads to conflict. Regarding the issue of conflict in a pluralist society, Ralf Dahrendorf explains that conflict occurs because of differences in power and interests in the social system. Ralf Dahrendorf believes that society has two faces, namely conflict and consensus.

2. Implementation of Pancasila Philosophy Values

In Pancasila the word justice is found in the second principle and the fifth principle. The value of just humanity and social justice contains the meaning that the essence of humans as cultural and natural beings must have a just nature, that is, fair in relation to oneself, fair towards other humans, fair towards the community, nation and state, fair towards the environment and fair towards God. The Almighty. The consequences of justice values that must be realized include:²⁷

a. Distributive justice, namely a relationship of justice between the state and its citizens, in the sense that it is the state that is obliged to fulfill justice in the form of sharing justice, in the form of welfare, assistance, subsidies and opportunities to live together based on rights and obligations;

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b. Legal justice, namely a relationship of justice between citizens and the state and in this case it is the citizens who are obliged to fulfill justice in the form of obeying the laws and regulations in force in the state; And

c. Commutative justice, namely a reciprocal justice relationship between one citizen and another. As is known, social justice is part of the formulation of the fifth principle of Pancasila. This social justice presupposes individual justice. This means that the attitudes or behavior of Pancasilaist individuals are attitudes and behavior that have the priority or virtue of justice. Besides that, individuals are also the goal of justice. What this means is that justice is not only aimed at society in general, but also at individuals.

However, this individual is not just an atomistic entity that is completely separated from its socio-cultural context, but rather an individual in its connection with other individuals and with its society. Here social justice is not the same as socialism which does not really care about individual interests.

Even though in social justice attention to individuals remains, social justice does not depend on the will of individuals, but on structures. Thus, social justice is structural justice. This justice is achieved when structures such as economic, political, social, cultural and ideological processes in society produce a fair distribution of society's wealth and ensure that every citizen obtains what is his or her right. Social justice is more easily achieved by dismantling unjust structures.

The fifth principle "Social justice for all Indonesian people" invites people to be active in sharing with fellow Indonesian people for the sake of realizing general prosperity, namely the complete physical and spiritual welfare as possible for all people. Indonesian people are aware of the same rights and obligations to create social justice in the lives of Indonesian society. Within this framework, noble deeds are developed that reflect the attitude and atmosphere of family and mutual cooperation. For this reason, a fair attitude towards others is developed, maintaining a balance between rights and obligations, and respecting the rights of others.

The meaning of the fifth precept is:

- a. Requires the state to include all people in economic, social and cultural life;
- b. Share the burden and results of joint efforts proportionally among all members of the state, paying particular attention to those whose positions are weak so that there is no injustice and arbitrariness by the strong towards the weak.

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The practice of Pancasila as stated in P4 (Guidelines for the Appreciation and Practice of Pancasila) in MPR Decree No. II/MPR/1978. Social justice for all Indonesian people includes:

- a. Developing noble actions, which reflect the attitude and atmosphere of family and mutual cooperation;
- b. Develop a fair attitude towards others;
- c. Maintaining a balance between rights and obligations;
- d. Respect the rights of others;
- e. Likes to give help to others so they can stand on their own;
- f. Do not use property rights for businesses that involve extortion against other people;
- g. Do not use property rights for extravagant things and a luxurious lifestyle;
- h. Not using property rights to conflict with or harm the public interest;
- i. Likes to work hard;
- j. Likes to appreciate other people's work which is beneficial for mutual progress and prosperity;
- k. Likes to carry out activities in order to realize equitable progress and social justice.

Humanity comes from the word human, namely a creature created by God Almighty, who has potential, thought, feeling, intention and creativity, because of this potential humans have, occupy a high position and dignity. The word fair implies that a decision and action is based on objective measures/norms, and not subjective, so that it is not arbitrary.³¹

The word civilized comes from the word adab, meaning culture. So adab contains the meaning of culture, namely attitudes to life, decisions and actions that are always based on cultural values, especially social norms and decency/morals. Just and civilized humanity implies awareness of human attitudes and actions which are based on the potential of human conscience in relation to norms and general culture. Human potential is shared by all humans in the world, regardless of race, descent and skin color, and is universal.

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Just and civilized humanity for the Indonesian people is based on the teachings of the Almighty God, namely in accordance with human nature as His creation. The main ideas of just and civilized human principles are as follows:

- a. Placing humans according to their place as God's creatures means that they have universal characteristics;
- b. Upholding independence as the right of all nations. This is also universal, if applied in Indonesia of course the Indonesian people respect every citizen in Indonesian society. This principle contains the principle of rejecting or staying away from things that are based on race and seeking inner and outer happiness;
- c. Realizing justice and civilization that is not weak. What the Indonesian people are aiming for is justice and civilization that is not passive, that is, it requires rectification and strong (law) enforcement if deviations occur. Justice must be realized in people's lives. Humans are placed according to their dignity. Humans have the same status before the law.

The rights to freedom and independence are upheld. With this principle, if there are racial groups in society, we cannot be exclusive and separate from each other. In Indonesia, the basis of social life is unity and oneness which, if linked to the principles of humanity, means rationalism must not exist. Therefore, in Indonesia it is hoped that happiness will always grow and develop physically and mentally.

Realizing justice and a civilization that is not weak means trying to realize it positively. If there is something that deviates from applicable norms and values, appropriate action must be taken. Human principles are values that have been maintained in Indonesian society since ancient times. This value was strengthened by the arrival of major religions in Indonesia and was embraced by the Indonesian people. Such an atmosphere fosters an atmosphere of familiarity, although in the past this spirit began to wane, due to the phenomenon of disintegration which featured conflicts accompanied by anarchic, violent actions and actions that degraded human dignity. The foundation of Indonesian society's life departs from the same fate and shared responsibility and humanity in the broadest sense and continuing the habit of loyalty by consensus.

Judging or weighing is a human activity that connects something with something else to then make decisions such as, good and bad, useful and useless, right and wrong.

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As the basis of State philosophy, Pancasila is not only a source of legislation, but also a source of morality, especially in the implementation and administration of the State. The second principle which reads "Just and civilized humanity" is a source of moral values for national and state life. Spiritual values are divided into 4, namely:

- a. The value of truth/reality which originates from the element of human reason;
- b. The value of beauty originates from the element of human taste (feeling);
- c. Good/moral values that originate from elements of human will/will/ethics;
- d. Religious/divine values that originate from human beliefs or beliefs.

The values contained in the fifth principle of Pancasila include: the realization of justice in social life for all Indonesian people including the fields of ideology, politics, economics, social and culture, the ideals of a just, materially-spiritually prosperous society, a balance between rights and obligations. and respecting the rights of others, the ideals of progress and development.

Pancasila values are also objective because they are in accordance with reality and are general. Meanwhile, the subjective nature is due to the thoughts of the Indonesian people. The values of Pancasila objectively include: that the core principles of Pancasila will remain throughout all time in human life, both in adapting to customs, culture and religious life.

Subjective Pancasila values include: Pancasila values arise from the results of the assessment and philosophical thinking of the Indonesian people themselves, Pancasila values which are a philosophy of life/view of life/life guidelines/life principles/instructions for life are very much in line with the soul of the Indonesian nation (volkgeist).

4. Conclusion

a. In carrying out the implementation of the values of the Pancasila philosophy, the prismatic theory of the essay is used Fred W. Riggs because it is more compatible with the Indonesian legal system. b. Social justice is part of the formulation of the fifth principle of Pancasila which is the goal of the previous Pancasila values. This social justice presupposes individual justice. This means that the attitudes or behavior of Pancasilaist individuals are attitudes and behavior that have the priority or virtue of justice. Besides that, individuals are also the goal of justice. What this means is that justice is not only aimed at society in general, but also at individuals. However, this individual is not just an atomistic entity that is completely separated from its socio-cultural context, but rather an individual in its connection with other individuals and with

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its society. Here social justice is not the same as socialism which does not really care about individual interests. This is in line with Jeremy Bentham's theory of utilitarianism because whatever object (Pancasila) is created must provide great benefits for society. c. Law does not stand alone but requires society in order to create law, so the author suggests that we also study sociology, politics, economics, history and politics, such as Talcott Parsons' cybernetics theory that the formation of law which is included in the legal sub-system is sometimes disturbed by cultural, political, or economic sub-systems. a. In carrying out the implementation of Pancasila values, it is necessary to look at philosophical values as the basis for the formation of Pancasila values. b. In the Indonesian legal system, according to the author, do not always refer to Lawrence M. Friedmann's legal system theory because it is more suitable to use prismatic theory Fred W. Riggs or the theory of comparative law in the global context of Asia and Africa by Werner Menski.

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