



The role of law in molding character complying with the Indonesian state ideology

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Abstract

The Republic of Indonesia as one of the members of the United Nations Organization, not only has the authority to regulate the life of the nation but also subject to the regulations that created the United Nations. The Indonesian country has the character, and excellent values upheld, namely *Pancasila* – the five pillars of state ideology - which should be applied in society. The National law building is undoubtedly based on *Pancasila* as the ground norm, the norm base, which contains the aspirations to grow, to live and to thrive in Indonesia. Aspirational law based on *Pancasila* which can accommodate all types of needs of the community can undoubtedly play a role as one of the pillars of the Republic of Indonesia. Unfortunately, *Pancasila* is not optimally realized in society. This article then argues how to determine the proper way so that law plays an active role in molding Indonesian as determined by *Pancasila*.

Keywords: *pancasila*, Indonesia, character

1. Introduction

There is no law can live without human society. Laws vary the shape and the type and flow-, which always continue to grow and develop. Many of the meaning or definition of the law, does not mean that the law does not have certainty. Rules can be seen, observed and formed from various sides, what they know, who to see, where views, and to what views and molded. These things are factors that affect the existence of the law.

The law of universal can be seen from the normative and sociological side, based on scientific parent, i.e., normative jurisprudence (*normative legal science*), and sociological jurisprudence (*legitimate sociological science*). The object of normative legal science is the norms or rules of law which are supposed to be in human social life, and the purpose of sociological jurisprudence is the behavior or action about the legal community. The second condition which causes the law does not live in a vacuum, but life is full of these factors influence the non-legal, such as political, economic, socio-cultural, ideological, and various other factors.

Laws can be grown from the public, and the law can be set by the authority. "*The law is rarely out of the news; it frequently stimulates controversy, and few doubt the central role of law in our social, political, moral, and economic life*"^[1] from two directions, from the public and from authorities where the law continue to play and innovate.

The figure of legal institutions, which are expected to play an active role in shaping human behavior needs to be observed accurately and deeply. Legal role in social life, the country, and cross-border relationship are very varied and diverse. Law played as a means - "law is a tool of social engineering"^[2]. In this case, the law serve as a means of engineering innovation and change society. Community life should be updated as if the engine through the code. The role of the law is to change the pattern and a specific action or reinforce the habit of being

more believed and obeyed, or in the form of other changes. On the other side of the law can also serve as a tool of social control^[3]. In this case, the law is directed to exercise control or social supervision over the behavior or actions carried out by members of the public, in another word, the public can be controlled so as conditions in the direction of the law.

The context of the rule of law, cannot be separated from the state and the practice of law area. We have to understand as well and correctly, that the law is the object of the science of law (*legal science*).

Based on the theoretical aspects, the law can be established in the field of philosophy of law, theory of law and the science of law. On the other hand based on the practical aspects, the law can be viewed and constructed in the field of justice, law, government, and legal aid. Conditions and areas affect the development of legal science and the law for the benefit of humankind. Essentially the enforceability of the law can be attributed to the natural norm and natural facts. The second nature, law is interconnected and filling, sometimes normative law can be applied in society, sometimes otherwise the law is not applicable even rejected.

At the level of the rule of law in a region is known term the *positive law*. Positive law is a collection of regulations established by the competent authority, to be in force at the time. Along with this essential condition observed that "*laws are political decisions, the which can be perceived in a variety of ways by a member of the political system*"^[4].

2. The Role of Pancasila- The Five Pillars of State Ideology - in Indonesian Law

In the days of the Dutch East Indies colonial government, Sukarno presented ideas on the Five Principles of the State.

On June 1, 1945, is known as the Day of Birth of *Pancasila*, *Pancasila* is arranged in the Preamble of the 1945 Constitution, namely; Believe in God the Almighty, Just and

civilized humanity, The unity of Indonesia, Democracy, led by the inner wisdom of deliberations / representatives, and Social justice for all Indonesian people. The fifth principle is what we often said in the ceremony, learning, and other activities.

In practice to date, *Pancasila* is recognized as the source of all sources of law of the State" [5]. Necessary provisions that all laws and regulations in Indonesia should be based on *Pancasila*. Laws and rules are written rules that contain binding legal norms in general and formed or defined by state agencies or competent authorities through established procedures.

Now we see in real life in society, right values of *Pancasila* has been executed or applied in everyday behavior. Indonesia is known for friendly, polite, and well mannered. The government with all its bureaucratic structure makes an effort to bring social welfare for its people.

National development, especially the development of the region seems not maximally achieved. The regional administration is actually directed to accelerate the realization of the people's welfare. The establishment of public health is done through improving services, empowerment, and community participation, as well as the increased competitiveness of the region about principles of democracy, equality, justice, regional specialties in the system of the homeland [6]. The purpose of the course is based on the noble values of the principles of *Pancasila*.

National and regional development certainly can be done well, if the efficiency and effectiveness of governance and the relationship between central and local governments and harmony are implemented.

3. Applicative Ways in Molding Characters Based on the State Ideology

Law violations committed by members of society seem not yet over and are still ongoing. Corruption, money laundering, insult, abuse, fraud, dishonest competition, breach of state administrative procedures, and a variety of other legal violations are still rampant. Various acts of violence, anarchy, lack of tolerance, mutual blaspheme, even to act strange and not reasoning again occurs, such as doubling the money, hajj, pilgrimage implementation cost, and various other odd aberrations.

In this case, the values of *Pancasila* are probably not able to be adequately implemented. Perhaps this fact as an indicator of less imbued and applied with either the values of *Pancasila*, so that they committed acts that violate the law, not only hurt themselves, other people, but also the nation and the state.

It is true that the law is used by many nations in the world are the same, but how to use them can vary. Daniel Lev, a leading Indonesia identifier stated that the law in a country is determined by how the people give him a place in the levels of values [7]. Along with these statements the highest grade level in Indonesia is *Pancasila* values.

National Education consists of lines, types, and levels of education [8]. Indonesian human variety, of course, is the third track, nature, and concentration. Education is not only based on legal norms, but also ethical standards, moral norms, and customary norms and the norms of habit. Character and morals as determinants of formation of human nature Indonesia is *Pancasila*.

Law is not alone freezing there in the text but should be developed and implemented with the procedures correctly. That is, legal enforcement, law enforcement is based on *Pancasila*, depending on the material that is aspirational and its formation in accordance with the applicable requirements, and supported by law enforcement professionals, and community participation that is pro-active, cultural, law established, the management of substantial legal which can encourage the formation of human beings in line with the spirit of *Pancasila* believers in order to realize a just and prosperous society.

How to realize *Pancasila* values in Indonesia's human character among others are:

- Practicing *Pancasila* values in all channels, levels, and types of education.
- Applying the values of *Pancasila* on all kinds of bureaucratic structures of government.
- Implementing in practice everyday life through various productive activities from all levels.
- Giving an example of a role model by state officials to be clean, and other positive activities.

4. Conclusions

1. In Indonesia, the role of law is a means of social engineering as well as an instrument of innovation and change in the pattern and community action. Besides, the law is an instrument of social control monitoring over the behavior or activities of the public so as community conditions can be controlled in the direction of law.
2. *Pancasila* is the source of all sources of state law, all laws and regulations in Indonesia must be based on the values of *Pancasila*.
3. Indonesian people must apply *Pancasila* values in everyday life of nation and state to live in harmony.

5. References

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