

Pancasila as a Legal Ideal: Reconstructing Indonesian Legal Philosophy

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ABSTRACT

This article examined Pancasila through legal philosophy and reconstructed its function as the legal ideal of Indonesia. The study employed normative legal research using philosophical, conceptual, statutory, and case approaches. It found that Pancasila should not be reduced either to a formal source placed mechanically above positive law or to a political slogan invoked without argumentative control. Pancasila operates as an integrated normative horizon that grounds, interprets, criticises, and transforms law. To operationalise this position, the article proposed a Layered Pancasila Philosophical Test consisting of a legality and constitutional frame, five substantive dimensions derived from the principles of Pancasila, and safeguards of coherence, proportionality, public reason, and *contestability*. The model requires law-makers and judges to demonstrate how a legal measure respects religious freedom, human dignity, plural national unity, deliberative democracy, and social justice as an indivisible unity. This reconstruction preserves Pancasila as an open legal ideal while preventing its authoritarian, selective, or merely symbolic use.



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INTRODUCTION

Law never operates merely as a neutral arrangement of commands. Behind every rule lies a view of the human person, power, freedom, order, and the justice to be realised. Accordingly, discussion of Indonesian law cannot stop at the formal validity of legislation, but must answer a more fundamental question: what values direct the formation, interpretation, and enforcement of law? In the Indonesian context, the constitutional and historical answer to that question is Pancasila. The formulation of the five principles in the fourth paragraph of the Preamble to the 1945 Constitution of the Republic of Indonesia establishes the state's normative orientation, while Article 2 of Law Number 12 of 2011 affirms Pancasila as the source of all sources of state law. This affirmation shows that the legality of national law cannot be separated from the philosophical foundation that gives rise to it and limits its use. A historical reading shows that Pancasila was formed as a meeting point connecting nationhood, humanity, democracy, belief in God, and social justice (Latif, 2011).

Although the juridical position of Pancasila is relatively clear, legal practice reveals more complex problems. Pancasila is frequently mentioned in recitals, speeches, academic papers, and judicial reasoning, but such references are not always accompanied by reasoning that explains the relationship between a particular principle, the norm being formulated, the objective selected, and its consequences for citizens. As a result, Pancasila may undergo two forms of reduction at once. First, a formalistic reduction that treats it as though it were the highest positive norm in the hierarchy of legislation without explaining its philosophical character. Secondly, a symbolic reduction that turns it into rhetorical legitimacy for any policy whatsoever (Bo'a, 2018). The position of Pancasila within the legal system may be eroded when it is treated merely as a symbol, while pragmatic legislative politics may distance the formation of legislation from Pancasila as a legal ideal (Anggono, 2019).

Legal philosophy provides a critical space for overcoming both forms of reduction. Through legal philosophy, Pancasila can be understood not as a collection of slogans, but as an idea concerning the nature of law, the means by which legally accountable knowledge is obtained, and the purposes that

law must serve. This reading is important because terms such as source of law, basic norm, legal ideal, legal ideology, and philosophical foundation have different theoretical consequences. Directly equating Pancasila with Hans Kelsen's *grundnorm*, for example, may overlook the fact that the *grundnorm* is an epistemic presupposition within pure theory of law rather than a positive norm enacted through constitutional procedures (Manullang, 2020). Samekto and Fatharani (2025) emphasise the need for caution so that the concept of the *grundnorm* is not simplified into merely the apex of a hierarchy of norms (Samekto & Fatharani, 2025).

Indonesian legal literature has developed several important approaches. The first group emphasises the position of Pancasila as a source of law and a legal ideal that binds the formation of national law (Arfa'i et al., 2020). The second places Pancasila as a constitutional norm embedded in the Preamble to the 1945 Constitution and as a parameter for the harmonisation of legislation and constitutional judgments (Muttaqin et al., 2024). The third elaborates the ethical, religious, humanitarian, and substantive-justice dimensions of Pancasila law (Andriawan, 2022). The fourth advances critiques of foundationalism, the rigidity of the rule-of-law state, and the potential use of Pancasila to expand ideological coercion (Silalahi, 2024). Taken together, these studies enrich understanding, but they do not yet fully provide an operational method capable of showing when a norm genuinely accords with Pancasila and when reference to Pancasila merely serves as justification after a political decision has been made.

This methodological gap becomes apparent when the values of Pancasila must be applied to concrete problems that bring legal certainty into tension with justice, majority interests with minority rights, economic growth with equitable distribution, or unity with freedom of dissent. Without an open framework of reasoning, particular principles can easily be selected selectively. Unity may be used to suppress criticism; belief in God may be interpreted to restrict religious freedom; deliberation may be reduced to a formal procedure; and social justice may be treated as a programmatic promise without clear distributive measures. Arizona warns that the revival of Pancasila rhetoric may become problematic when constructed as an adversarial ideology (Arizona, 2019), while Chia emphasises the potential of Pancasila as a basis for pluralism that binds different groups through a shared civic commitment. The openness of Pancasila must therefore be accompanied by argumentative discipline so that it does not turn into uncertainty or an instrument of domination (Chia, 2022).

Contemporary debate also shows that the philosophical status of Pancasila remains contested. In Constitutional Court Decision Number 151/PUU-XXIII/2025, the applicant challenged the elucidation of Article 2 of the Law on the Formation of Laws and Regulations, which positions Pancasila as the ideology and philosophical foundation of the state. The Court did not examine the merits because the application was considered unclear, but the case demonstrates that normative affirmation alone has not resolved questions concerning the meaning, limits, and manner of using Pancasila in legal argumentation. This situation further strengthens the need for a model that not only states the position of Pancasila, but also guides the translation of its values in a rational, constitutional, and reviewable manner.

This study proceeds from the thesis that Pancasila is best understood as an open legal ideal performing four functions simultaneously: foundational, interpretative, critical, and transformative. The foundational function means that Pancasila provides the moral and political justification for the existence of the Indonesian legal order. The interpretative function means that its principles guide the interpretation of ambiguous norms. The critical function means that Pancasila provides a standard for assessing positive law, including law that is procedurally valid but produces injustice. The transformative function means that Pancasila directs legal change towards human dignity, deliberative democracy, unity in diversity, and social justice. These four functions must not be separated, because such separation would produce law that is valid but soulless, or noble morality without institutions and procedures.

On the basis of this thesis, the study aims to reconstruct Pancasila through legal philosophy and formulate a Layered Pancasila Philosophical Test (UFPB) as a method of reasoning for legislators, government officials, and judges. The novelty of the article lies in combining three layers of assessment: a legal and constitutional framework; five substantive dimensions derived from the unity of the principles; and argumentative safeguards consisting of coherence, proportionality, public reason, evidence, and openness to correction. The model is not intended to replace constitutional review, but to strengthen the quality of justification before and after a norm is formulated. Its contribution is

theoretical because it clarifies the status of Pancasila as a legal ideal, methodological because it provides assessment stages, and practical because it can be used in academic papers, legislative harmonisation, judicial reasoning, and policy evaluation.

RESEARCH METHODS

This study is normative legal research with a prescriptive character (Marzuki, 2017). The approaches employed comprise philosophical, conceptual, statutory, and case approaches (Erliyani, 2021). The philosophical approach is used to analyse the ontological, epistemological, and axiological dimensions of Pancasila in law. The conceptual approach is used to distinguish the legal ideal, sources of law, legal ideology, philosophical foundation, and *grundnorm*. The statutory approach examines the Preamble to the 1945 Constitution, Law Number 12 of 2011 and its amendments, and BPIP Regulation Number 4 of 2022 concerning Indicators of Pancasila Values. The case approach is used in a limited manner in relation to Constitutional Court decisions and literature on the use of Pancasila in constitutional reasoning.

Primary legal materials consist of the constitution, legislation, and court decisions. Secondary legal materials comprise relevant scholarly journal articles and books on legal philosophy, with priority given to publications from the past ten years. Materials were collected through library research and searches of official documents. The collected materials were classified under four themes: the normative position of Pancasila, concepts of legal philosophy, the application of Pancasila in the formation and enforcement of law, and critiques of ideological misuse. This classification was used to bring affirmative and critical arguments into dialogue so that the reconstruction would not merely repeat established doctrine.

The analysis was conducted through systematic interpretation and philosophical hermeneutics. First, each concept was tested for consistency with the constitutional structure and the legal theories cited. Secondly, the five principles were read as a single hierarchical-pyramidal unity rather than as a list of independent values. Thirdly, the implications of each principle were translated into assessment questions for the formation and application of norms. Fourthly, the proposed model was tested normatively against the risks of formalism, relativism, and authoritarianism. The results were then formulated prescriptively as principles and stages of reasoning that can be replicated across different fields of law.

RESULTS AND DISCUSSION

1. Pancasila in the Ontology of Indonesian Law

The ontological question in legal philosophy examines what is meant by law and what reality makes law worthy of obedience. In positivism, the existence of law is determined primarily by social facts and authorised sources. The Indonesian experience, however, shows that national law was formed through the encounter of customary law, religious law, colonial legacies, and modern law. Pancasila is present not as one competing subsystem, but as a horizon that gives identity and direction to the entire system. The ontology of Pancasila law is therefore relational: law is understood as a normative order connecting human beings with God, with one another, with the political community, with decision-making processes, and with structures of welfare. Pradhani describes the Indonesian human person as a unity of body and spirit living in relationship with God, other people, and nature; this anthropological conception differs from that of a wholly atomistic individual (Pradhani, 2018).

This relationality explains why a Pancasila rule-of-law state is not identical to a power state, a religious state, or a minimal liberal state. The state remains limited by law and human rights, but law is not regarded merely as a negative boundary upon power. Law also bears a positive responsibility to establish conditions that make meaningful freedom and shared welfare possible. Bagiastra connects the Pancasila rule-of-law state with the orientation of a welfare state (Bagiastra, 2020), while Aswandi and Roisah affirm that Pancasila democracy and the protection of human rights must be understood as mutually reinforcing. Individual rights are therefore not erased by collective interests, and collective interests must not be allowed to become a justification for sacrificing individual dignity (Aswandi & Roisah, 2019).

Pancasila as a legal ideal occupies a position distinct from legislation. Legislation acquires validity through authority and procedure, whereas the legal ideal provides a standard for why that validity is exercised and towards what ends law is developed. Pancasila, as the source of all sources of law, should bind the national legal system. Such binding force, however, does not mean that Pancasila must be treated as the text of a statutory provision that can be applied syllogistically. It operates at the level of principles and objectives, so its normative force is evident in the assessment of legal content, processes, and consequences. This approach emphasises the actualisation of Pancasila in the formation of legislation, rather than merely mentioning it in the legal considerations (Arfa'i et al., 2020).

The distinction between a legal ideal and a positive norm also helps to resolve the debate concerning the *grundnorm*. Positioning Pancasila as a *grundnorm* may be useful metaphorically to indicate its foundational position, but becomes problematic if Kelsen's theory is taken literally (Manullang, 2020). A foundationalist view treats Pancasila as the final answer to every legal problem, whereas another view explains that the *grundnorm* is a rational-practical presupposition that is not identical to a formally enacted norm. This article therefore uses the term legal ideal, or *rechtsidee*, to emphasise the orientative and evaluative functions of Pancasila. Pancasila gives form to law without having to be reduced to a single rung in the hierarchy of legislation.

The ontological consequence is that the existence of Indonesian law is incomplete if it satisfies only formal validity. A norm may be valid because it was made by an authorised institution, yet be philosophically defective if it degrades human dignity, closes off participation, fractures national unity, or widens injustice. Conversely, a moral appeal that does not acquire institutional form is also insufficient as law. This reveals the dialectical relationship between positive law and the legal ideal: positive law provides certainty and coercive force, while Pancasila provides substantive legitimacy and a direction for correction. Accordingly, the rule-of-law state must not become trapped in the rigidity of legal sources; Pancasila must open space for discursive interpretation rather than close down debate.

2. The Epistemology of Pancasila Legal Reasoning

The epistemological question concerns how it can be known that a norm accords with Pancasila. Such conformity has often been inferred from a general assertion that a policy reflects the values of belief in God, humanity, unity, democracy, and justice. This method is inadequate because it does not demonstrate the causal relationship between the norm and the value. Pancasila legal reasoning must move from assertion to justification. Law-makers must identify the problem, the objective, affected groups, regulatory alternatives, the reasons for selecting an instrument, and evidence of its consequences. Each option must then be assessed against the five principles as an integrated whole. The assessment does not stop at good intentions, but extends to institutional design and actual effects.

The unity of the principles is the first epistemic requirement. The principle of Belief in the One and Only God cannot be invoked while disregarding humanity and unity; the principle of unity must not negate democracy; and the principle of democracy is incomplete without an orientation towards social justice. Separating the principles produces partial interpretations that are readily manipulated. Pancasila must express its religious dimension as the spirit of law, but that religious dimension must be present as an ethic that respects freedom and dignity, not as a basis for imposing belief. Likewise, its other dimensions show that Pancasila can support covenantal pluralism: a commitment to common life among communities that need not share the same metaphysical outlook (Hangabei et al., 2021).

The second requirement is the use of public reason. Public reasons are reasons that can be understood and debated by citizens from different backgrounds. In the context of Pancasila, public reason does not mean excluding religion or tradition, but translating their moral inspiration into arguments that respect the equality of citizens. A restriction of rights cannot be justified merely by stating that a policy accords with Pancasila morality. Law-makers must demonstrate a legitimate objective, a rational relationship between means and ends, the necessity of the restriction, and a balance between benefits and harms. In this way, Pancasila functions as a common language without erasing plural sources of belief.

The third requirement is openness to correction. Pancasila is a permanent foundation of the state, but its application and interpretation must respond to developments in social life. Changes brought about by digital technology, artificial intelligence, ecological crises, global mobility, and emerging forms of inequality require interpretations relevant to present conditions. Loyalty to Pancasila is therefore not adequately expressed through the repetition of past ideas, but must be accompanied by the

ability to actualise its values responsibly. Openness in interpretation is necessary if Pancasila is to provide a foundation for substantive justice and the formation of law that is responsive to society's needs. Nevertheless, the interpretative process must remain guided by the constitution, respect for human rights, democratic principles, and the integral relationship among all the principles, so that it does not lead to an unrestricted and uncontrolled interpretation.

The fourth requirement is institutional integrity. The interpretation of Pancasila must not depend entirely upon the intuition of officials. It must be embedded in procedures that leave a record of reasons: academic papers, records of deliberations, public consultations, impact assessments, dissenting opinions, and judicial reasoning. The 2022 amendment to the Law on the Formation of Laws and Regulations strengthened meaningful public participation, while BPIP Regulation Number 4 of 2022 provides indicators of Pancasila values for policies and legislation. These instruments should be regarded as the beginning of institutionalisation, not as substitutes for argumentation. A list of indicators is useful only when it is employed to examine reasons and effects openly.

3. The Axiology of Pancasila Law: Legal Certainty, Justice, and Utility

The axiological dimension concerns the purposes to be realised through law. In its application, law must maintain a balance among legal certainty, justice, and utility. Legal certainty is necessary so that society has clear guidance for action and is protected from the arbitrary exercise of power. Justice is necessary so that every rule is not only applied consistently, but also respects human dignity and allocates rights, obligations, burdens, and benefits appropriately. Utility is necessary so that law can provide solutions to the various social problems confronting society. These three objectives must be situated within the framework of the purposes of the state and the unity of Pancasila values, so that the formation and application of law are oriented not only towards efficiency, but also towards humanity, social justice, democracy, and the common good (Manullang, 2017).

The principle of Belief in the One and Only God provides an ethical horizon in which power is not the source of absolute truth. It restrains the arrogance of the state and demands moral responsibility. In a plural state, its legal consequences include the protection of freedom of religion and belief, the prohibition of discrimination, and respect for the ethical contributions of religion in the public sphere. Belief in God is not identical to the establishment of a theocratic state; on the contrary, it rejects the absolutisation of human beings and institutions. A policy that invokes religion while degrading another group therefore contradicts the internal relationship between the first and second principles.

The principle of Just and Civilised Humanity places human dignity as a fundamental value that cannot be sacrificed in either the formation or the application of law. Respect for human rights is not an element separate from Pancasila, but an essential part of honouring human beings as persons possessing dignity, freedom, and rights that must be protected. Within the framework of the rule-of-law state and Pancasila democracy, the protection of human rights must be realised through just rules, limitations upon power, and equal treatment for every citizen. In criminal justice practice, such protection requires a balance among the interests of offenders, victims, society, and public order. Law founded upon Pancasila therefore does not justify cruel punishment, an unfair judicial process, or the sacrifice of individual rights merely to create the appearance of order (Adawiyah & Rozah, 2020).

The principle of the Unity of Indonesia directs law to preserve common life within a plural society. Unity does not mean standardising all differences, but building solidarity, a sense of belonging, and shared responsibility amidst diversity. Law must therefore prevent discrimination, segregation, and the exploitation of identity-based sentiment that can divide society. At the same time, law must recognise the distinctiveness of customary communities and regions, provided that such recognition does not conflict with the principle of equal citizenship. Within this framework, unity is understood as a living constitutional identity that is continually maintained through legal practices that are inclusive, just, and respectful of diversity (Dedihasriadi & Nurcahyo, 2020).

The principle of Democracy Guided by the Inner Wisdom of Deliberation/Representation provides the foundation for a system of democracy that prioritises deliberation, rational consideration, and wisdom in decision-making. Legal legitimacy cannot rest solely upon majority votes, but must also be constructed through an open and participatory process capable of accommodating the diverse interests of society. Every law-making process must provide space for members of the public to express their views, have those views duly considered, and know the reasons underlying the decision taken. Representative institutions therefore function not only as formal mechanisms for decision-making, but

also as forums for building mutual understanding and ensuring meaningful public involvement. Such participation is especially important for groups most substantially affected by a policy or regulation.

The principle of Social Justice for All the People of Indonesia provides a foundation for the formation of law oriented towards equitable distribution, protection, and the improvement of social conditions. Every legal policy must consider who receives the benefits, who bears the burdens, and how it affects vulnerable groups. Social justice cannot be realised merely through formally equal treatment, but must also take account of differences in the conditions, needs, and capacities of every citizen. Within this framework, policies in the fields of the economy, land, the environment, taxation, and public services must be assessed on the basis of access, equitable distribution, sustainability, and the actual ability of society to enjoy its rights. Social justice also requires corrective measures against structures and policies that repeatedly produce poverty, disparities, and inequality (Febriansyah, 2017).

4. Matrix of the Dimensions of Pancasila Legal Philosophy

To prevent the five principles from remaining abstract, each must be translated into a philosophical focus, legal principles, and assessment questions. Table 1 shows that a single principle does not produce one predetermined rule. Each principle operates as a reason that must be connected to facts, objectives, and effects. The questions in the table are not a closed list, but a minimum framework for preventing the selective use of Pancasila.

Table 1 Dimensions of Pancasila Legal Philosophy and Assessment Questions

Principle/Dimension	Philosophical Focus	Legal Principles	Main Assessment Question
Belief in the One and Only God	Transcendence and moral responsibility	Freedom of religion; non-discrimination; the state does not absolutise itself	Does the norm respect freedom of conscience and refrain from imposing a particular religious interpretation upon citizens as equals?
Just and Civilised Humanity	Human dignity and civility	Human rights; equality; <i>due process</i> ; proportionality	Does the norm treat every person as a subject of dignity, protect rights, and avoid imposing excessive burdens?
The Unity of Indonesia	Solidarity in diversity	Inclusion; non-discrimination; national integration; recognition of diversity	Does the norm strengthen common life without standardising identities or excluding particular groups?
Democracy	Popular sovereignty and deliberative wisdom	Meaningful participation; accountability; public reason; representation	Are affected parties heard, are their reasons considered, and is the decision explained openly?
Social Justice	Distribution of benefits, burdens, and opportunities	Equitable distribution; protection of vulnerable groups; welfare; sustainability	Who receives the benefits and bears the costs; does the norm reduce inequality and improve access to rights?

5. The Layered Pancasila Philosophical Test

On the basis of the ontological, epistemological, and axiological reconstruction above, this article proposes the Layered Pancasila Philosophical Test (UFPB). The term layered is used because conformity with Pancasila cannot be determined by a single indicator. A norm must first be valid within the framework of the rule of law, then assessed against five substantive dimensions, and finally examined for the quality of its argumentation. These three layers form a single sequence. Failure at the level of legality cannot be remedied by a good moral objective; substantive failure cannot be justified by orderly procedure; and a substantive claim cannot be accepted without reasons and evidence that can be scrutinised.

The first layer is legality and constitutionality. Assessment at this layer covers the authority of the law-making institution, the appropriateness of the type and form of legal instrument, procedural openness, conformity with higher norms, and respect for citizens' constitutional rights. Pancasila must

not be used as a reason to disregard legal procedures or depart from constitutional provisions (Eddyono, 2019). As a legal ideal, Pancasila values must instead be realised through the principle of the rule of law, limitations upon power, and lawful procedures for the formation of law. Constitutionalism therefore serves as the first boundary ensuring that the use of Pancasila remains consistent with the 1945 Constitution of the Republic of Indonesia and does not become a justification for the arbitrary exercise of power (Nugraha, 2023).

The second layer is an assessment of the substance of the five dimensions set out in Table 1. The assessment addresses objectives, means, processes, and effects. A norm may have a sound social objective but employ discriminatory means; it may be drafted through a participatory process yet produce an unequal distribution; or it may strengthen short-term unity while sacrificing long-term freedom. The assessment must identify conflicts of value honestly and explain the reasons for giving priority to a particular consideration. No principle automatically defeats another. Conflicts are resolved through practical harmonisation that preserves the core of each principle.

The third layer consists of argumentative safeguards. First, coherence requires consistency among the problem, objective, instrument, and the unity of the principles. Secondly, proportionality requires suitability, necessity, and a fair balance in any restriction. Thirdly, public reason requires a justification that can be debated among equal citizens. Fourthly, an evidential basis requires the use of relevant data and acknowledgement of uncertainty. Fifthly, openness or *contestability* ensures the availability of mechanisms for objection, review, evaluation, and revision. These safeguards distinguish Pancasila as an open legal ideal from a closed ideology that demands obedience without explanation.

The result of the UFPB need not always be binary. A norm may be assessed as compliant, compliant subject to improvement, or non-compliant. The conditional category is important where the objective of a norm can be justified but its procedure, scope, or safeguards remain inadequate. In the formation of legislation, the outcome of the assessment must appear in the academic paper and the record of harmonisation. In adjudication, it must be visible in the structure of reasoning that connects the facts, constitutional norms, Pancasila values, and the operative order. In administrative policy, it must be connected to performance indicators and evaluation mechanisms.

Table 2 Stages of the Layered Pancasila Philosophical Test

Layer	Object of Assessment	Assessment Elements	Consequence
I	Legality and constitutionality	Authority, procedure, legal form, hierarchical consistency, constitutional rights	Fundamental defect if it fails
II	Pancasila substance	Belief in God, humanity, unity, democracy, and social justice as an integrated whole	Revise the objective, means, or scope
III	Quality of justification	Coherence, proportionality, public reason, evidence, and openness to scrutiny	Strengthen reasons, safeguards, evaluation, or corrective mechanisms

6. Application in Law-Making and Judicial Reasoning

In the formation of legislation, the Layered Pancasila Philosophical Test should be applied from the stage of identifying the problem, rather than after the draft has been completed. At the planning stage, law-makers must explain which Pancasila values are relevant to the matter to be regulated and what conflicts among values may arise. At the stage of preparing the academic paper, the affected groups, regulatory and non-regulatory policy options, effects on citizens' rights, unity, the quality of public participation, and the distribution of benefits and burdens must be mapped (ALW, 2020). During deliberation, every public submission must be considered and answered openly. The evaluation stage must then assess whether the objectives of the regulation have been achieved while ensuring that its implementation does not cause excessive or disproportionate harm. Pancasila thereby becomes not merely a formal element in the recitals, but a framework of thought and a method of assessment throughout the process of forming legislation (Sudrajat, 2018).

The application of the Layered Pancasila Philosophical Test can also strengthen the quality of legislative politics. Political parties and representative institutions cannot base their legitimacy solely

upon electoral victory, but must also demonstrate a clear relationship among the legislative programme, the interests of society, and the objectives to be realised on the basis of Pancasila values. Every draft regulation with wide-ranging effects must be accompanied by an explanation of the Pancasila values forming its foundation, the available policy alternatives, potential risks to vulnerable groups, and the reasons for accepting or rejecting public submissions. Comprehensive documentation will increase the accountability of the legislative process, reduce opportunities for transactional law-making, and facilitate scrutiny by society and the courts (Anggono, 2019).

In judicial reasoning, Pancasila may be used where a norm is unclear, where principles conflict, or where the literal application of a rule may produce injustice. Nevertheless, the use of Pancasila must not replace analysis of the applicable positive law. Judges must begin their reasoning with the facts, formulate the legal issues, identify the relevant norms, and examine their conformity with the constitution. Pancasila values may then be used to strengthen the reasons for selecting the interpretation that is most just, humane, and consistent with the purposes of law. In cases producing binding judgments with wide-ranging effects, judicial reasoning must also be structured consistently so that it does not conflict with Pancasila values. The Layered Pancasila Philosophical Test can provide a clear structure of reasoning so that efforts to achieve substantive justice remain within the limits of law, the constitution, and judicial authority (Aulia et al., 2023).

By way of illustration, if a norm restricts expression in the interest of unity, a judge must examine at least five matters. First, whether the restriction is prescribed by clear law. Secondly, whether the objective of preserving unity is concrete and legitimate. Thirdly, whether the expression genuinely creates a demonstrable risk. Fourthly, whether a less restrictive measure is available than prohibition or criminalisation. Fifthly, whether the effect of the restriction upon minority groups and the quality of democracy is balanced against its benefits. Unity, when read together with humanity and democracy, rejects restrictions that are vague, excessive, or discriminatory.

Constitutional Court Decision Number 151/PUU-XXIII/2025 can also be read through this framework. The Court found the application unclear and did not proceed to the substance. At the first layer, the decision affirms the importance of precision in the grounds of the application, the relief sought, and the constitutional standard of review. The case nevertheless leaves academic space to explain that the phrase ‘Pancasila as the ideology and philosophical foundation of the state’ must be understood in a manner compatible with religious freedom and the rule of law. The UFPB would require every use of that phrase to explain the limits of coercion, respect for dignity, openness to pluralism, and mechanisms of correction. Criticism of the misuse of the concept can thus be addressed without abandoning the position of Pancasila.

In criminal and administrative law enforcement, this model requires officials to view law as an open system. Adawiyah and Rozah (2020) show that a criminal justice system informed by Pancasila must take account of society’s sense of justice and the balance of interests. Dedihariadi and Nurcahyo (2020) add the dimension of the personal integrity of law-enforcement officers. The UFPB connects the two: personal integrity must be supported by procedures, reasons, oversight, and impact evaluation. Exemplary conduct without institutions is easily lost, while institutions without ethics are easily manipulated.

7. Safeguards against Ideological Authoritarianism

The reconstruction of Pancasila as a legal ideal must take account of historical experience in which ideology was used to restrict criticism and justify the exercise of power. The risks include a state monopoly over interpretation, selective use of particular principles to support policy, disregard for the interrelationship among the principles, criminalisation of differing views through unclear provisions, and the replacement of legal proof with moral or ideological claims. The protection of Pancasila must not be used as a reason to weaken the constitution, restrict freedom excessively, or justify conduct contrary to the rule of law. Loyalty to Pancasila must therefore be realised through limitations upon power, openness of interpretation, respect for constitutional rights, and public oversight of every use of Pancasila in the formation and application of law.

The first safeguard is human rights as a minimum floor. No interpretation of Pancasila may degrade dignity, abolish *due process*, or discriminate against citizens. The second safeguard is a distinction between criticism of Pancasila and concrete acts that violate the law. The state must not criminalise thought merely because it differs; restrictions may be imposed only upon conduct that

satisfies clearly defined elements and causes a demonstrable and accountable danger. The third safeguard is a plurality of interpreters. Academics, courts, state institutions, customary communities, religious communities, and citizens must be able to participate in interpretation. BPIP may provide guidance and education, but it should not become the sole tribunal of interpretative truth.

The fourth safeguard is the obligation to provide clear and accountable reasons. Every policy invoking Pancasila must explain its factual basis, the objective to be achieved, possible conflicts of value, available policy alternatives, and potential effects. The fifth safeguard is independent review through the courts and public oversight. The sixth safeguard is periodic evaluation to assess the correspondence between policy objectives and the effects arising from implementation. Together, these safeguards position Pancasila as a legal foundation open to assessment and correction. The strength of Pancasila does not lie in immunity from criticism, but in its capacity to be justified rationally, transparently, and democratically. Pancasila thus retains a strong normative core while remaining capable of adapting its application to developments in social life.

With these safeguards in place, Pancasila ideology is not understood as a doctrine that controls the entirety of citizens' private lives. Pancasila is more appropriately positioned as a shared constitutional orientation that guides the administration of the state while limiting the exercise of power. In public life, Pancasila provides the foundation for the formation of law, the protection of rights, and the maintenance of common life in a diverse society. Its application, however, must not be used to standardise beliefs, cultures, or lawful choices of life. Within this framework, citizenship is built upon solidarity, shared responsibility, and respect for difference without removing the freedom and autonomy of each individual.

8. Implications for National Legal Development

Theoretically, this reconstruction positions Pancasila between an unduly narrow positivism and an uninstituted moralism. Law continues to require sources, procedures, and certainty, but formal validity is brought together with moral-constitutional reasons. This approach also avoids the claim that any one foreign philosophical school is wholly identical to Pancasila. Pancasila can engage in dialogue with natural law, positivism, *sociological jurisprudence*, hermeneutics, and progressive law, but is not absorbed into any of them. It is a historical-normative synthesis that must continually be tested against Indonesian problems.

Methodologically, the Layered Pancasila Philosophical Test can be integrated into legal education and standards for the formation of legislation. In legal education, students should not merely be directed to memorise the principles of Pancasila, but should also be trained to identify conflicts of value, use evidence appropriately, formulate reasons acceptable in the public sphere, and assess the effects of policy upon different social groups. In the formation of legislation, the result of the Pancasila assessment may be included in the academic paper to show the relationship among Pancasila values, regulatory objectives, policy choices, and possible effects. In judicial proceedings, legal reasoning may be structured to clarify the relationship among Pancasila, the 1945 Constitution of the Republic of Indonesia, constitutional rights, and the facts of the case. Oversight institutions may use the assessment results to evaluate the implementation of policy after it has entered into force. This approach enables Pancasila to continue functioning as a normative direction without turning it into a foundation that closes off debate, criticism, and rational scrutiny.

Institutionally, coordination is required without the centralisation of interpretation. BPIP may develop methodological guidance on the basis of BPIP Regulation Number 4 of 2022; the Ministry of Law may incorporate it into harmonisation; the DPR and the Government may use it in academic papers; and the courts may safeguard constitutional boundaries. Participation by civil-society organisations, universities, and affected groups must become a permanent component. Under this architecture, Pancasila is present not only at the stage of political legitimation, but throughout the legal cycle: planning, formation, application, review, and evaluation.

Ultimately, the measure of the success of Pancasila law is not the frequency with which the term Pancasila is mentioned, but the quality of legal life it produces. Law imbued with the spirit of Pancasila must be experienced through equal treatment, fair procedures, responsible freedom, inclusive unity, participatory decisions, and a more just distribution of welfare. Where these outcomes are not achieved, Pancasila functions as a critique of positive law and as a reason for its improvement. It is here that the legal ideal operates as a guiding star, not as a stamp of power.

CONCLUSION

The study of legal philosophy shows that Pancasila should neither be reduced to the highest positive norm operating mechanically nor be allowed to become an unmeasured political slogan. Pancasila is an open legal ideal performing foundational, interpretative, critical, and transformative functions. Ontologically, Pancasila law proceeds from the relational human person and a rule-of-law state that connects freedom, solidarity, democracy, and welfare. Epistemologically, the conformity of law with Pancasila must be demonstrated through public reason, the unity of the principles, an evidential basis, procedural integrity, and openness to correction. Axiologically, Pancasila directs legal certainty, justice, and utility towards human dignity and social justice.

The proposed Layered Pancasila Philosophical Test consists of a legal-constitutional framework, an assessment of five substantive dimensions, and argumentative safeguards comprising coherence, proportionality, public reason, evidence, and openness. This model enables Pancasila to be used operationally in the formation of legislation, policy, and judgments without turning it into a closed ideology. Its principal implication is the need for a requirement to document the Pancasila assessment in academic papers, harmonisation processes, judicial reasoning, and policy evaluation. In this way, Pancasila is maintained as a living foundation: sufficiently strong to direct law, yet sufficiently open to criticism and renewal through democratic constitutionalism.

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