Pancasila Legal Paradigm to Realize Substantive Justice in the Law Formation and Enforcement Reform

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***Abstract*— The legislative process and law enforcement are two interrelated things. If the laws and regulations produced in the legislative process do not produce substantive justice, then law enforcement will not be able to produce substantive justice. It cannot be denied that still many legislative regulations and law enforcement products in Indonesia that do not demonstrate Pancasila as the source of all state law source to produce substantive justice. In author's view, this problem can be brought home by the questioning two important matters. (1) Can a legal pluralism approach produce substantive justice? And (2) How can Pancasila be the legal paradigm in Indonesian law making and enforcement reform process to realize substantive justice? With legal pluralism approach, this study claims that those process can only be obtained only if the reform processes takes into account the existence of four basic legal requirements, namely: Legal certainty, equality before the law, democratic legitimacy, and upholding human dignity. With that, the development carried out must always prioritize the need to elevate public awareness about the Pancasila legal system, including of all the legislators and government officials so they can always think and act in accordance with the five principles contained in Pancasila. Therefore, that reform process not only will realizing a legal system that based on Pancasila, but also to create substantive justice for all Indonesian society.**

***Keywords*— Pancasila; Substantive Justice; Legal Pluralism.**

I. INTRODUCTION

Indonesia`s Law enforcement is complicated and has many weaknesses. Therefore, many people feel pessimistic, and even apathetic towards it. As seen in the survey by Lembaga Survei Indonesia (LSI) last year, we can clearly see that 31% of the public (the majority) stated that Indonesian law enforcement was poor. Only 27.9% of them stated that the condition of law enforcement in Indonesia was in good condition. Meanwhile. 1.8% of the public said that law enforcement in Indonesia was in a very good condition.[1] The survey seems to show that law enforcement in Indonesia is considered bad by society. Moreover, in the current era of information disclosure, the mass media often report many case about poor law enforcement in Indonesia. There is almost no good news today about the law enforcement in Indonesia. Whether the cases are big or small, they all show that law enforcement in Indonesia is still a major problem that must be found a solution.

The legal pluralism approach is a reflection of Pancasila. Before describing the legal pluralism, the author describes first about Pancasila. In this context, the authors gives the definition of Pancasila as the crystallization of values and norms of pluralistic Indonesian people since thousand years ago. Pancasila is also the foundation and ideology of the Indonesian State and also the way`s of life of the Indonesian nation. Sukarno called it *filosophische grondslag* and *Weltanschauung* which means state philosophical foundation and worldview`s of Indonesian nation. Indeed, the debate over the formulation of Pancasila among the founding parents was quite

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interesting and lengthy at that time. Because they assumed that the foundation of the state (Pancasila) that they compiled was the determinant of how the state after independence was run.

From classical to contemporary, philosophical studies on Pancasila are indeed very comprehensive and strategically studied. By examining philosophically about Pancasila as the foundation and ideology of the state of Indonesia, it is a critical effort in revealing awareness of the historical journey of the Indonesian nation, namely through essential exploration to explore the principles of existence (ontology), evidence of truth (epistemology), and imperative norms (axiology). Which leads to the goal of having Pancasila as the foundation and ideology of the state of Indonesia.[2]

First, Pancasila is a *staats fundamental norm* or *Staatsgrundnorm* in Hans Kelsen`s pure theory of law perspective.[3] When referring to the stratum of the Indonesian laws and regulations, we can say that the 1945 Constitution of Republic of Indonesia (*staat verfassung*) and so on – as quoted by Maria Farida in her book Science of Legislation. Other scholars like Hans Nawiasky calls it Staats Fundamental Norm. It is because to Hans Nawiasky, the most fundamental norm for the state (like Pancasila), is the highest norm in the state". So even the science of law in its development cannot be separated from the development of general science, so there is not the slightest bit of legal product that is accepted dogmatically (in the analogy: a struggle of thought arises, then a theory emerges, then the theory dims or begins to fall so that a new theory emerges until the next).[4]

Second, globalization and technological developments are growing rapidly, so that the consequences of Pancasila must be able to anticipate the demands of these developments. *Third*, the legal situation in Indonesia which is plural has the consequence of placing Pancasila at the central position in legal development, in the formation of laws or in law enforcement. It is for the third reason that the philosophical study of Pancasila in the field of legal development is very comprehensive for each period. In the field of law, which places Pancasila as the central position, both in the making process of the laws and law enforcement.

In terms of the formation of legislation, according to the author, it is a strategic step in actuating the Pancasila values as the prime source for legislation products that lead to substantive justice. According to Law Number 12 of 2011 concerning the Establishment of Legislation, "*Pancasila is the source of all sources of state law*". If we read the fourth paragraph of 1945 Constitution of the Republic of Indonesia preamble, we know that these *source of all sources of state law* that explained in Law Number 12 of 2011 are: "*the belief in One and Only God, just and civilized Humanity, the Unity of Indonesia and a Democratic Life guided by wisdom in Deliberation/Representation, and by realizing social Justice for all the people of Indonesia*". By placing Pancasila as the state fundament and ideology, we can clearly claimed that all of the substance to form regulations and laws in Indonesia cannot be inconsistent with the Pancasila values.

From the examples of cases above, the writer argues that in the making process of regulations in Indonesia, whether they are proposed by the DPR or the government, it seems still ignores Pancasila. Whereas, as the *staatsfundamental norm*, Pancasila must be the prime reference in those process. In this case, Pancasila as the source of all sources of state law in Indonesia must be considered by all of the law maker as the paradigm to create substantive justice with its values contained namely: The principle of the divinity of God and the diversity of the religious life and; Respect human rights values; National unity must be based on the idea of a civic and pluralistic nationalism; Must follow the core values of democracy for promoting accountable and responsive government for the people and; Requires legal justice as the principles for the formation of social justice.

In its development, the achievement of justice is carried out with three approaches, namely: *First*, the philosophical approach produces ideal justice; *Second*, positivist normative approaches result in formal justice; *Third*, socio-legal approaches to produce material justice. So it was this approach that Werner Menski then tried to combine and offered a fourth approach, namely the legal pluralism approach. It is by the legal pluralism approach that substantive justice can be achieved.[i] For authors, the legal pluralism approach is the right approach for Indonesian society. In this plural perspective, in the process of formation of the laws, legislators must be able to make all of the product of legislation process are embodied by values that live in society (living law) and morals/ethics, likewise with the law enforcement process. As the foundation and ideology of the state, Pancasila must be the guardian for all of the state administrations to make laws and regulations that are acceptable to the public by the society which is plural in nature.

The formation of laws and law enforcement are to interconnected things. The success of which is an indicator of whether in its implementation it has achieved substantive justice. Substantive justice can be achieved if using the right approach, both in 40 terms of law formation and law enforcement. In this case, the author tries to conceptualize and propose that the legal pluralism as an approach can realize substantive justice that based on Pancasila values, both in terms of law formation and enforcement. With the condition of pluralistic Indonesian society, in order to make this paper more focused, the author formulates the problem formulation into 2 (two), namely: Can a legal pluralism approach produce substantive justice. And (2) How can the legal pluralism approach

- which is considered a reflection of Pancasila - be used to realize substantive justice in the legislative and law enforcement process in Indonesia.

Some previous scholars have discussed legal pluralism. Such as in Sunaryo's 2013 research on globalization and legal pluralism of the Pancasila legal system development,[5] and Fais Yonas Bo'a's 2019 book on Understanding Pancasila (*Memahami Pancasila*),[6] they conclude that the existence of Pancasila is increasingly being eroded in the national legal system. For them, one of the causes of which is the strengthening of legal pluralism which results in contradictions or legal disharmony. Otherwise, this paper actually have a different view. With some argument that will be shown below, this paper actually wants to position legal paradigm as an correct approach for Indonesian law reform process to realizing more substantive justice in the law and regulations formation and its enforcement with the guidance of Pancasila. Why the formation of laws and law enforcement? Because the formation and the enforcement of the law are two interrelated things that cannot be separated to produce substantive justice in society. The legal pluralism approach used in the formation of laws will result in substantive justice resulting in substantive justice enforcement through legal pluralism approaches, the authors will initiate a concept that the legal pluralism approach is the solution for producing substantive justice in law formation and enforcement that based on Pancasila values.

The various problems that have been raised above clearly show about the urge for returning Pancasila in laws system in Indonesia so that the values contained in it, can be actualized in the process of the legislation and laws enforcement. These efforts are significant to do not only for restoring Pancasila as the state foundation and ideology and also Indonesian nation's way of life, but also to fix – fundamentally – the legislation and law enforcement process in Indonesia in order to produce substantive justice that hinge on the values of Pancasila.

II. LITERATURE REVIEW

A. Legal Pluralism and Substantive Justice

Legal pluralism is an aproach in law that contradict with legal centralism. The legal centralism wants the state law to be the only law for the whole society, and overrides the values and norms that grown in society (living law), such as religious and customary law. Legal centralism can ignore living law and legal norms that have long developed in society.

Initially, legal pluralism was interpreted as an approach that see state law have to live coexistence with many legal systems in certain social fields. From the literature, we can say that legal pluralism are based on what Tamanha argues as morality/reason which are came from the culture of the society, and not only from the state institution. In this perspective, she says that morality/reason are the product of a culture which having symbolic meaning. It includes the axiological expression of what can be says true or false, good or bad, and also aesthetical sense like beautiful or ugly. In her sense, morality/reason are also give society a conceptions about the ontological existence of reality and supernatural-metaphysical kind. Apart from that, morality/reason also give an epistemological element in society thought to make them can grasp the knowledge. Weather it came from science, religion, magic or folklore. So, in legal pluralism many things that lives in society which have symbolic aspect like morality and custom (society law) are interconnected with morality/religion (natural law) and the state (positive law).[7]

That's why Menski argues in his research on comparative law in Asia and Africa, that law enforcement in many countries in Africa and Asia is very different from law enforcement that enacted in European countries. In his writings, Menski also add that countries in Europe is already bound with the state law, meanwhile in Africa and Asia countries, its society attached more to its culture and religion than the state law. Therefore, the approach to understanding the way of law in Africa and Asian countries should no longer be based on the 3 (three) classic approaches such as normative, philosophy, and socio-legal. This is why Werner Menski proposes the fourth approach, namely legal pluralism. In this sense, legal pluralism combine or mix 3 (three) classical approaches by emphasizing the relationship between state law (positive), social law, and natural law (culture and religion) to see the law that exist in Africa and Asia countries.[8]

Ruling by only using the rule and logic of the state law is only resulting a dead end for substantive justice. Through legal pluralism, the law maker and society not only be bound to state law with its enforcement, but also with non-enforcement aspect like moral or cultural institution that have lived in society before the state itself exist. In this sense, legal pluralism is giving more room for society to searching substantive justice more than legal centralism because it consider more holistic values and norms. In relation to Pancasila, that Pancasila expects that substantive justice is a priority both in terms of law formation and law enforcement. This is the sole reason why this approach can be seen as a tools to realize substantive justice.

In its development, the legal pluralism approach is not an approach which can also be accepted subjectively. In the discourse, we saw a lot of scholars criticize this approach. Like Tom De Boer said, that sometimes legal pluralism abandons constitutionalism, which in return reject the electoral accountability and other legalities which

had written in the constitution. In this perspective, legal pluralism ignores the principle of hierarchy from the constitution and tends to ignore the principle of legality as well.[9] Russell Sandberg also claim that legal pluralism approach is politically and academically shallow. With that terms, he says that the biggest failure of legal pluralism approach is the incapability to differentiate legal norms with social control.[10] In contrast to other studies, Laura Grenfell said that the role of legal pluralism is indeed important for a transitional country like Timor Leste, but there must still be certain limits so that the supremacy of constitutional law and checks and balances can be maintained, inconsistency in the openness of law enforcement, practices not in accordance with international human rights standards; and disadvantages for women.[11]

B. Legal Substantive and Pancasila

The issue of justice is a complex study in its problems and debates. Aristotle is probably the first initiator who has tried to dissect the idea of justice in the second chapter of his book *Ethikon Nicomachean*, he divides the moderation of justice into iustitia generalis and iustitia particularis. In contrast to Hans Kelsen, Kelsen relies on the rationality fundament of the norm of justice in one of the oldest teachings about what is justice from the jurist Domitus Ulpanius "*Iustitia est constans et perpetua voluntas ius suum quique tribuendi. Ius praecepta sunt haec: honeste vivere, alterum non laedere suum quique tribuere*".[12] Furthermore, John Rawls in his book A Theory of Justice gives an opinion about justice with the concept of justice as fairness. This means that Rawls distinguishes the concept of justice from the concept of fairness.[13]

In contrast to Rawls, Werner Menski divides justice by looking at how justice is achieved (using what approach), namely: *First*, a philosophical approach (natural law) produces ideal justice. *Second*, the positivist approach (state law) produces formal justice. *Third*, the socio-legal approach (society socio-legal) produces material results. Then, Menski proposed a fourth approach (way to achieve justice), namely the pluralism legal approach which leads to perfect justice. Perfect justice, in this sense, can be called holistic justice because he showing that legal pluralism approach includes all aspect in the legal world such as positive (state), society (custom), and natural (morality/religion) that must be seen as the three interconnected things and absorb each other.

From this perspective, legal pluralism than can be called as the best approach for understanding the law and its enforcing method in a plural society. Because it not only encourage the society and state to accept the existence of all kind of different normative legal orders within the same geographical and temporal space, but also make the valued things like Pancasila – as a state fundament and ideology and nation`s way of life in the case of Indonesia, can be actualized as the reference on the formation of laws which lead to substantive justice. Pancasila can be seen as a fundamental idea and norm in the formation of legislation. In this sense, Mahfud MD (in Derita P. 2015) said that in the development of a responsive national law, Pancasila must have a paradigm (set basic belief) in every legal reform.[14]

In the legal system of Indonesia, Pancasila is the *staats fundamental norm*, meaning the highest law, then followed by 1945 Constitution of the Republic of Indonesia, the TAP MPR RI and the constitutional convention as a basic rule (*Staatsgrundgesetz*), *Formell Gesetz* as well as *Verordnung* & *Autonome Satzung* which starting from Government Regulation (PP), Presidential Decree, Kepmen, and other implementing regulations. Indonesia also adheres to the legal politics of pluralism, which means that it is based on enforcement more than the legal system.

Likewise, law enforcement in Indonesia cannot rely solely on state law. Legal pluralism usually consists of non-state forms of justice and social regulation as law, but often coexists with state law. In other words, a normative order does not need to be legalized or enforced by the state to have legal force. In other words, that understanding the plurality of systems, practices and institutions that are parallel to state law, the legal pluralism approach understands that various legal systems can work the same and also contradict.

With the condition of a pluralist society, law enforcement cannot be swayed by rule and logic, which only relies on state law as the only existing law. In this regard, with legal pluralism as an approach, society and state can produce substantive justice through the morals, ethics and religion should as a source for law enforcement. Pancasila is a constitution, which means it is the result of the nation's agreement to be willing to pledge to unite in the Indonesian state, so Pancasila is a symbol and a reflection of that unity. So Pancasila can also be utilized as the foundation and the prime source of law as well as in law enforcement.

The legal pluralism approach is very different from the positivistic approach which will only lead to injustice for justice seekers. One example of a real form of legal pluralism approach to law enforcement is to reflect on Progressive Law thinking, which rejects the status a quo in law enforcement, which means rejecting domatic laws. Non enforcement of law policies can be a solution in law enforcement in Indonesia, through restorative justice it can also be an alternative for every law enforcement.[15]

In this regard, the police must have the courage to break out of state law if the *a quo* regulations unable achieving substantive justice. The police should be able to prioritize the choice of substantive justice, which are based by the conscience of justice that lived in the community. For example, the restorative justice system that already regulated by National Police Chief Regulation Number 8 of 2021. Through this regulation, the *a quo* regulation provides conditions for settlement with using restorative justice with peace for both parties, either through fulfilling the rights of the victim, returning goods or compensating for losses. In this case, the Police should be able to prioritize substantive justice through restorative justice, rather than being fixated on regulations that require that the perpetrator must be prosecuted according to the faults that can actually be resolved by restorative. So only in casuistic and very exceptional cases, namely a conflict between procedural justice made by positive law and the substantive justice, so that procedural justice can be ignored. Thus the police as law enforcers reflect Pancasila in law enforcement with a legal pluralism approach as a reflection of Pancasila, resulting in law enforcement with substantive justice.

III. METHOD

The research used to produce this prescriptive writing is normative juridical research with a case study approach. Through this method, this research will try to explain the condition of an object of study associated to the law science. This research used secondary data which obtained through the writings of academics and Indonesian regulations related to the topic raised. By using literature studies, all of the material is collected for a review process to draw conclusions.

IV. RESULT AND DISCUSSION

A. Pancasila Legal Paradigm in Law system in Indonesia

As written in the fourth paragraph of the preamble to the 1945 Constitution of the Republic of Indonesia, the essence of Pancasila values is the Divinity, humanity, unity, democracy and social justice. These five essence values are something that must be actualized in Indonesian legal system, which includes all the process from the formation to enforcement. As a constitutional state, Indonesia must obey this because it is a necessity. Especially in terms of human rights and social justice. As stated in principles number 2 and number 5 of Pancasila, in terms of law formation and enforcement, everything that connected to it must lead to the creation of justice, legal certainty, and guaranteeing prosperity for all Indonesian people. In this context, all laws and regulations that exist in Indonesia must not only functioning as guidelines or norms for accommodate the legal and justice needs of society, but also to realizing Pancasila in society's daily life based on the values contained therein.[16]

In the Indonesian context which have written and unwritten laws such as culture and customs, Pancasila is best described as a national *volkgeist* in Karl Meinheim's view. In Meinheim`s perspective, Pancasila as a *volkgeist* is functioning like a spirit that animates all those written and unwritten laws. In this view, the law formation and enforcement process in Indonesia should be carried out to respond the existence of the values contained in this *volkgeist*, or Pancasila. Thus, this perspective encourage all of the law makers and enforcers in Indonesia to always explore the existence of Pancasila values not only within state institutions, but also within the culture, religion, and the morality of Indonesian society as desired by Legal Pluralism. Thus, the justice that emerges from this kind of system of law making process and enforcement is not only the positive justice (state law), but also social justice (social law) which is more substantive in nature by paying attention to the existence of the *volkgeist* of the Indonesian nation, namely Pancasila that writen on the fourth paragraph of the preamble of the 1945 Constitution of the Republic of Indonesia.[17]

Therefore, the Pancasila legal paradigm actually is a unique paradigm for Indonesia, but has an objectivity content that can be consider as universal too. Because, this paradigm not only combines universal values in Pancasila such as humanity, nationalism, democracy, and social justice with the culture, beliefs and religions that live in Indonesian society, but also tries to present an objective legal order that can be obeyed by all elements of the society which are plural. It is because Pancasila originates from the culture of the society itself to become *volkgeist* of the Indonesian nation. However, this legal paradigm has not yet been fulfilled in reality. Therefore, fundamental improvements are needed. That`s include educational institutions and academic discourse correction in order to be able to produce changes at the level of understanding, especially for scientists and law enforcement officers in Indonesia. In this case, this understanding contains a view of legal pluralism which states that the legal paradigm based on Pancasila is something that is very fundamental and necessary to produce substantive justice in the life of a plural Indonesian society. According to authors, fundamental improvements like this need to be made because legal centralism still be the mainstream paradigm of the majority of the law scholars and law enforcers in Indonesia. This is why the law system in Indonesia still characterized by positive legal justice than substantive justice.

Furthermore, it must also be realized that the Pancasila legal paradigm takes into account the existence of four basic legal requirements which must always be fulfilled, namely: Legal certainty, equality before the law,

democratic legitimacy, and upholding human dignity. With that, the development carried out on three aspects of Indonesian legal system, which are structure, substance and culture, must always prioritize the need to elevate public awareness about the Pancasila legal system, including the legislators and government officials so they can always think and act based on the five principles contained in Pancasila. Therefore, the legal development process which carried out must always pay great attention to the meaning in each principle of Pancasila and also the society`s need for law. In this context, Pancasila can be explained as a *leitstar dinamis* or dynamic guiding principle. In this sense, even though Pancasila contains fundamental principles for the Indonesian nation such as divinity, humanity, nationalism, democracy and social justice. However, the understanding of each values is actually dynamic or can always be contextualized by all Indonesian society in order to answer the challenges of each period which are certainly different. Therefore, the Pancasila legal paradigm - in this context – can be explained too as a sustainable legal paradigm that takes into account various possible changes that may occur in the future. By providing the opportunities for all of society to be able to contextualize the values in such way, the Pancasila legal paradigm can be considered itself to have inherent adaptability or persistence.

B. The Institutionalization of Pancasila in Law System Reforms

Making Pancasila as a reference basis for redesigning law system finds its urgency when we have a fact that in many processes of legal drafting for existing laws and regulations in Indonesia, the legal theory which are used is often sourced from other ideological paradigms that are opposite with Pancasila. Thus, this condition give an opportunity for the birth of many policies that are not in line with the moral imperatives of Pancasila. For example, what was found in the results of research conducted in 2021 by the Pancasila Ideology Development Agency (BPIP). It was discovered that of the 84 laws and 42 regional regulations studied, there were 64 laws and 40 regional regulations that were deemed to need to be revised because they were not inline with Pancasila values. Several years earlier, the Constitutional Court (MK) even canceled the implementation of Law Number 7 of 2004 concerning Water Resources, Law Number 9 of 2009 concerning Educational Legal Entities, and Law Number 17 of 2012 concerning Cooperatives because they were considered contradict with the 1945 Constitution. Apart from that, the lack of role models from the country's elites is also one of the key factors that contributes to the difficulty of efforts to reform laws in Indonesia with the values of Pancasila. Why not, with the still rampant acts of corruption by state elites, all efforts made to carry out legal reform will fall into the assessment of hypocrisy.[18]

The things above show that the internalization and institutionalization of Pancasila values in the phase of formation of laws and policies in Indonesia is still weak. Even though Pancasila is the foundation of the Indonesian state and the source of all sources of state law, in reality there is still the possibility of forming or implementing policies and laws and regulations that conflict with the values of Pancasila. In other words, there is still a wide gap between what should be (*das sein*) and reality (*das sollen*). In order to do the refom process, than the institutionalization of the values of Pancasila is the main things that needs to be done. In this case, the law system reform must able to penetrate Pancasila with all of its values into every stage in the laws and policies formation process, namely during the planning, preparation, formulation, discussion stages, up to the process of harmonization, ratification, promulgation and dissemination. Apart from simultaneously continuing to evaluate existing laws and regulations enforcement to ensure their alignment with the values of Pancasila, Then, the entire process in the formation phase must be ensured with fulfill involvement and participation from society or community to oversee and ensure that the values of Pancasila are truly contained in every step in the regulations and policy formation in Indonesia.

Then, about the aspect of law enforcement, it can be realized that the problem of human resources for Indonesian law enforcement is still a major factor that causing obstacles for the expected legal reform. By looking at the phenomenon of widespread bribery and corruption practices among the law enforcement officials in Indonesia, we can confirm that law enforcers in Indonesia - whose function is supposed to be enforcing the law - are actually be the breaker of the law themselves. As recorded in the results of a survey conducted by the Corruption Eradication Commission (KPK) in 2023, for example, it is known that the law enforcement sectors are the highest sectors level of corruption. Compared to other government sectors for over the past 8 years (2016-2023), the law enforcement sectors is always dominating in each years with the percentage of 16% (2021) to 35% (2018).[19] This fact indicates that the quality of law enforcement officers in Indonesia has weak character or integrity. With poor human resource conditions like this, how can we expect to create a reform process in the law enforcement sector? and how can we expect public will regain its trust when many of the human resources involved in law enforcement sector still participate in bribery and corruption practices?

Based on the fact, improving the quality and integrity of law enforcers in Indonesia is a key effort in order to reform the legal system in Indonesia. In this case, the values contained in Pancasila clearly must be used as something that needs to be internalized and institutionalized into the education system, training, and work culture of law enforcement officers in Indonesia. Through various education and training models, the process of internalization and institutionalization of Pancasila values must be carried out to create the character of law enforcers in Indonesia who not only have more integrity and professionalism in carrying out their duties, but are

also able to become role models for society to always actualize Pancasila. in everyday life. This kind of thing will clearly lead to the creation of awareness among law enforcers and the public to uphold a pluralism legal system in Indonesia that is based on Pancasila as the fundament and ideology of the state as well as the nation's way of life.

V. CONCLUSION

As the foundation and ideology of the state as well as the nation's way of life, Pancasila should be the prime reference source for legal system reform in Indonesia. By using a legal pluralism approach, that reform efforts are not made by making positive legal certainty as the target, but rather to creating substantive justice in society in accordance to Pancasila. Therefore, all kinds in the reform processes carried out on the three aspects of the Indonesian law system, namely structure, substance and culture, not only will result in the creation of legal certainty, equality before the law, democratic legitimacy and upholding human dignity; But also in the creation of awareness among the public. as well as all of the law enforcers in Indonesia about the importance of realizing a legal system that based on Pancasila. This reform is the only solution that can be done in order to create substantive justice for all Indonesian society which are plural and recognize Pancasila as their *volkgeist*.

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