



Pancasila and The Construction of The Legal Hierarchy in Indonesia

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ABSTRACT

This paper aims to provide a general description of the existence of Pancasila philosophy in the hierarchy of laws in Indonesia. Pancasila's initial position as a grand norm to the end of Pancasila's role in the course of law in Indonesia. The research method used in this study is a normative research method by collecting data from the library and various literature and from the internet, which is the primary data material and secondary data material based on predetermined qualifications. The finding showcased two things: First, Pancasila's philosophical understanding is based on the positivistic values of Hans Kelsen that the law has levels (stufenbau theory) that must be objective without prejudice and justice. Second, Pancasila should be used as the primary basis in the formation of law in Indonesia to produce laws that follow the values of Pancasila.

A. Introduction

Pancasila's position was not born from the views of the founders of the Indonesian nation. As a state of law, it would be very ironic not to know the

origin of the birth of Pancasila and its position, which of course, will have an impact on the quality of law formation in Indonesia, which is not optimal. For the construction of law in Indonesia to be maximized, it is fitting that in its structure. It must be in line with the Stufenbau theory pioneered by Hans Kelsen, which requires the existence of a hierarchy rather than law where a specific legal provision from other higher legal requirements. It is hoped that harmonization between laws and regulations can minimize the occurrence of overlap between laws and rules, with one another to realize justice as the primary goal guided by Pancasila as the basis for its considerations.¹

There are still various laws and regulations that do not follow the spirit or soul contained in Pancasila. The adultery offense is included in Article 284 of the Criminal Code, where the concept of adultery in the Criminal Code does not follow Pancasila as an embodiment of values or spirit of the culture of the Indonesian people.

The understanding of Pancasila and its position is one of the topics that several researchers in the academic field have highlighted. The research that has been produced can be classified into several groups. First, a study that examines the application of Pancasila values in the life of the Indonesian nation, the study succeeded in finding the fact that Indonesia is increasingly moving away from Pancasila.² The second is a study of Pancasila philosophy as the basis for the student movement, social life, and entrepreneurial spirit. This study describes how the hierarchy of the precepts of Pancasila is related in general.³ Third, a study that examines the position of Pancasila in the construction of the national legal system. The study explained that various products of juridical norms still have not considered Pancasila as the primary reference source in their formation. It has implications for the many effects of legal norms that are disputed or tested and the number of juridical norms examined. It indicates a weakness in the construction of the national legal system.⁴ The last is a study that seeks to research and examine Pancasila as the basis for legal development in Indonesia. This study aims to explain the sustainable legal development based on Pancasila to support national goals.⁵ These studies still have many gaps and shortcomings because they only focus on discussing Pancasila at the practical level, do not

¹Iriyanto Widisuseno, "Azas Filosofis Pancasila Sebagai Ideologi dan Dasar Negara", *Jurnal Humanika*, Vol. 20, No. 2, 2014.

²Prima Roza, "Mengobarkan Kembali Api Pancasila", *Jurnal Sositologi*, Vol. 14, No. 1, 2015.

³Condra Antoni, "Filsafat Pancasila Sebagai Basis Pergerakan Mahasiswa, Kehidupan Sosial dan Spirit Kewirausahaan", *Jurnal Integrasi*, Vol. 4, No. 2, 2012.

⁴Eka Lestari Sulistyani, "Pancasila Dalam Konstruksi Sistem Hukum Nasional", *Jurnal Negara dan Keadilan*, Vol. 7, No. 2, 2018.

⁵Any Ismayawati, "Pancasila Sebagai Dasar Pembangunan Hukum di Indonesia", *Jurnal Pemikiran Hukum dan Hukum Islam*, Vol. 8, No. 1, 2018.

discuss the thoughts that underlie the birth of Pancasila, and do not specifically discuss the position of Pancasila in the hierarchy of legal formation in Indonesia.

The writing of this article is expected to fill the void that occurred in previous articles—explaining the rationale that gave birth to Pancasila, which is now used as a source of value in the formation of law in Indonesia, which will be outlined in two big questions. First, what is Hans Kelsen's legal hierarchy theory (stufenbau theory) view to realize Pancasila as a source of law in the formation of law in Indonesia? This question focuses on how the view or concept of the legal hierarchy theory (stufenbau theory) was pioneered by Hans Kelsen in realizing Pancasila as the basis for the formation of law in Indonesia. Second, what is the position of the Pancasila philosophy in the legal hierarchy in Indonesia?

This article departs from the argument. First, the birth of the Pancasila philosophical understanding is based on the positivistic values of Hans Kelsen, which the founders of the Indonesian nation adopted. Indonesia is positioned as one of the countries that adhered to positivistic formal legal thinking in applying its law. Second, as the source of all sources of value in the formation of law, Pancasila should be used as the primary basis in the formation of law in Indonesia, which of course will give birth to an excellent legal product, namely a legal product that is in line with the values in Pancasila.

B. Method

This study uses normative research methods. The normative research method refers to library research. The data were collected by using various literature from articles and books. The type of data used in conducting this research is in the form of primary legal data consisting of the provisions of the law, namely the 1945 Constitution of the Republic of Indonesia and related laws and books on Pancasila. Secondary legal data consists of journals and books related to the subject being researched, such as State Theory and others. Tertiary legal data consists of a legal dictionary, encyclopedia dictionary, and expert opinions in articles and the internet directly and indirectly related to the researched thing. Data in concepts, theories, and expert ideas, are processed through descriptive, conceptual, philosophical-analytic approaches. The conceptual analysis is carried out critically, in-depth to the root of the problem so that we get a synergy or synthesis in the form of legal views and the theory of the legal hierarchy in the philosophy of Pancasila.

C. Finding and Discussion

1. The View of Hans Kelsen's Legal Hierarchy Theory (Stufenbau Theory)

Since 1945 after proclaiming its independence, the founding fathers (founders of the nation) established Indonesia as a state of law. It is stated in the pre-amendment 1945 Constitution, namely in the general explanation, which says that the State of Indonesia is a state based on the law (*rechtsstaat*) and not based on power (*machtsstaat*). After the amendment, the 1945 Constitution in Article 1 paragraph (3) also stipulates that Indonesia is the law.⁶ Therefore, the law becomes a barometer in every state government administration. Law, in theory, has various levels or levels.

According to Kelsen in Dyah Ochtorina Susanti and Aan Efendi, sources of law have more than one meaning. Sources of law include all methods of law creation or any higher norm concerning the lower norms governing its formation and understanding the basis for enacting the law, especially the ultimate basis, namely the basic norms of a legal order. The basis for passing the law is only the highest positive legal norms governing the formation of norms below it. According to positivist legal theory, only law can be a source of law.⁷ In Indonesia, this source of law is known as Pancasila. Pancasila as a social contract, namely as mutually agreed on norms as the basis of social life and the state's base. Pancasila, which is related to law, always has a general tendency that Pancasila is placed as the highest part of the pyramid model of Indonesian law.⁸

A legal theory that explains the presence of a legal hierarchy still requires relatively proper development to improve the quality of law formation. There are various theories, one of which is the pure legal theory coined by Hans Kelsen in Stufenbauteory. Stufenbau's theory is a form of contribution from the Hans Kelsen positivist school. The characteristic of this theory views law as a system that is interrelated with one another, forming a pyramid arrangement consisting of a hypothetical basic norm which then lower law is more concrete than higher law.⁹ Hans Kelsen in Eka argues that legal norms are tiered and layered in the hierarchy (organization) in the sense that a higher norm applies, originates, and is based on a higher norm. So on

⁶Widiatama, Hadi Mahmud, and Suparwi, "Ideologi Pancasila sebagai Dasar Membangun Negara Hukum Indonesia", *Jurnal Usm Law Review*, Vol. 3, No. 2, 2020.

⁷Dyah Ochtorina Susanti and A'an Efendi, "Pancasila dalam Teori Jenjang Norma Hukum Hans Kelsen", *Jurnal Legislasi Indonesia*, Vol. 18, No. 4, 2021.

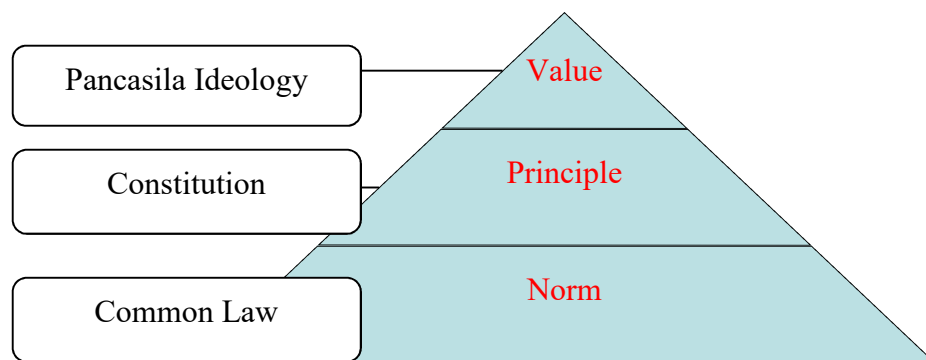
⁸Derita Prapti Rahayu, "Aktualisasi Pancasila Sebagai Landasan Politik Hukum Indonesia", *Jurnal Yustisia*, Vol. 4, No. 1, 2015.

⁹Merdi Hajiji, "Relasi Hukum dan Politik dalam Sistem Hukum Indonesia", *Jurnal Hukum Indonesia*, Vol. 2, No. 3, 2013.

until a norm that cannot be explored further is hypothetical and fictitious, namely the basic norm (ground norm).¹⁰

Furthermore, Hans Kelsen gave teachings on *stufenbau des Recht* which prioritized the hierarchical nature of the legislation. *Stufenbautheorie's* teaching argues that a legal system is more hierarchical than law in which a specific legal provision originates from another higher legal provision.¹¹ It shows that higher regulations must be the basis for forming lower regulations. The hierarchies include the following:

Figure 1. Norm Hierarchy



The birth of the *stufenbau* theory by Hans Kelsen has its purpose: to form an understanding that is universally applicable to all countries to form a legal framework that can be used anywhere. There is no disparity between different views on the construction of different legal buildings. So that it will be a theoretical contribution related to how hierarchical law should be in a country.¹²

One form of theoretical contribution adopted by the Indonesian people is a tiered legal system. The basic form of adoption of *stufenbau* theory in the Indonesian legal system can be seen in Law Number 12 of 2011 concerning the Establishment of Legislations, especially in the provisions of Article 7 paragraph (1), which types and hierarchies of laws and regulations consist of: a. the 1945 Constitution of the Republic of Indonesia; b. Decree of the People's Consultative Assembly; c. Laws/Government Regulations in Lieu of Laws; d. Government regulations; e. Presidential decree; f. Provincial Regulations; g. Regency/City Regional Regulation.

¹⁰Eka N.A.M. Sihombing, "Menyoal Ketentuan Usul Pindah Pegawai Negeri Sipil Di Lingkungan Pemerintah Daerah Kabupaten Nias Barat", *Jurnal Penelitian Hukum De Jure*, Vol. 19, No. 1, 2019.

¹¹Sudiyana and Suswanto, "Kajian Kritis Terhadap Teori Positivisme Hukum Dalam Mencari Keadilan Substantif", *Jurnal Ilmiah Ilmu Hukum Qistie*, Vol. 11, No. 1, 2018.

¹²Muhtadi, "Penerapan Teori Hans Kelsen dalam Tertib Hukum Indonesia", *Jurnal Ilmu Hukum*, Vol. 5, No. 2, 2012.

Thus, with the hierarchy of laws and regulations mentioned above, it is not permissible if a lower regulation conflicts with the regulations above it; this is in line with the principle of *lex superior derogate legi inferiori*, which means that higher laws and regulations nullify their validity. Therefore, the more concrete (lower) law must be in line with the higher regulation, and it would be impossible if the lower regulation negates the higher regulation.¹³ Laws were created to protect the people and give fair treatment. Of course, the regulations are used as guidelines in the preparation of laws and regulations, as the principal rules apply to drafting regulations from the initial formation process until the end. These regulations apply to the public. So that with the existence of standard rules, each drafting of regulations can be carried out in a definite standard. Standard way and method bind all institutions authorized to form laws and regulations; thus, the said regulations can meet the community's needs for good laws and regulations.¹⁴

A hierarchical regulation in Law Number 12 of 2011 concerning the Establishment of Legislation indicates adopting the *Stufenbau* theory taught by the State of Indonesia. So that with, the adoption of the *stufenbau* theory automatically gives a position to Pancasila as the highest norm and at the same time as the basic norm (ground norm).¹⁵ Pancasila is the basis for forming the constitution or the Indonesian Constitution and the formation of laws and regulations under it. This position requires that the formation of positive law achieve the ideas in Pancasila and can be used to test positive law. By being established as the state's fundamental norm (*staatsfundamentaln*orm), the formation of law, its application, and its implementation cannot be separated from the values of Pancasila. Thus, Pancasila is the highest norm whose position is higher than the Constitution or the Basic Law.¹⁶

What serves as the essential foundation in the formation of applicable laws and regulations and at the same time as the basis for carrying out the life of the nation and state, which results in content material in good laws and regulations is material that reflects the values of Pancasila and at the

¹³Nurfaqih Irfani, "Asas *Lex Superior*, *Lex Specialis*, dan *Lex Posterior*: Pemaknaan, Problematika, dan Penggunaannya dalam Penalaran dan Argumentasi Hukum", *Jurnal Legislasi Indonesia*, Vol. 16, No. 2, 2020.

¹⁴Sopiani and Zainal Mubaroq, "Politik Hukum Pembentukan Peraturan Perundang-Undangan Pasca Perubahan Undang-Undang Nomor 12 Tahun 2011 tentang Pembentukan Peraturan Perundang-Undangan", *Jurnal Legislasi Indonesia*, Vol. 17, No. 2, 2020.

¹⁵Dani Pinasang, "Falsafah Pancasila Sebagai Norma Dasar (*Grundnorm*) dalam Rangka Pengembangan Sistem Hukum Nasional", *Jurnal Hukum UNSRAT*, Vol. 20, No. 3, 2012.

¹⁶Teguh Prasetyo, "Membangun Hukum Nasional Berdasarkan Pancasila", *Jurnal Hukum dan Peradilan*, Vol. 3, No. 3, 2014.

same time provides rejection. The measure to determine bad laws and regulations is legislation that does not reflect the values of Pancasila in it.

2. The Position of The Pancasila Philosophy in The Legal Hierarchy in Indonesia

National development implies the development of legal substance, a legal structure, and legal culture. It is necessary to study and research systematically and comprehensively regarding the formation of regulations and laws that are the objectives of state law. Law enforcement does not provide extensive information regarding the nation's legal journey because the political system makes the people shield so that the welfare and order of the people are neglected. As a result, the law becomes idiomatic and stunted. The current configuration of the political system has the opportunity to organize social changes oriented towards the administration of a dignified and better government. However, the configuration of the nation's political system has not colored the behavior patterns of people's lives because the perspective of the formation of regulations and legislation does not pay attention to the signs or concepts of the formation of regulations and legislation comprehensively.¹⁷ Therefore, Pancasila must be a perspective and system in forming a regulation so that the legal system can be appropriately synchronized.

In essence, the national legal order must be based primarily on Pancasila.¹⁸ Pancasila is not closed but an open ideology, meaning that it can justify but is needed. Therefore, an open ideology belongs to all the people to find themselves and their personalities in that ideology. Pancasila ideology is actual, dynamic, and constantly adapt to the times. Pancasila is essentially the source of all sources of law or a source of a legal order.¹⁹ Pancasila as the basic norm is the nation's view of life reflected in the 5 (precepts) in Pancasila. The position of Pancasila in the Indonesian legal system is the source of all sources of law or sources of a legal order, so Pancasila is used as the primary value for the preparation of legal norms in Indonesia. Before being ratified, Pancasila values already existed in the customs and culture of the Indonesian people, for example, in their manifestation as a view of life, identity, way of life, character style, philosophy of life. Pancasila values have

¹⁷Mastorat, "Perspektif Pembentukan Peraturan dan Perundang-Undangan di Indonesia", *Jurnal Fundamental*, Vol. 15, No. 1, 2018.

¹⁸Fais Yonas Bo'a, "Pancasila Sebagai Sumber Hukum dalam Sistem Hukum Nasional", *Jurnal Konstitusi*, Vol. 15, No. 1, 2018.

¹⁹Husein Muslimin, "Tantangan Terhadap Pancasila Sebagai Ideologi dan Dasar Negara Pasca Reformasi", *Jurnal Cakrawala Hukum*, Vol. 7, No. 1, 2016.

been integrated with the life of the Indonesian nation, so the Indonesian nation is the "causa materialist" Pancasila.²⁰

Pancasila ideology is the foundation of the life of the Indonesian people, both from the system of government and law. Pancasila, the constitution, and the rule of law is one unit that guarantees the establishment of a state, namely the state of Indonesia. Pancasila Ideology has five fundamental values used in running the state administration.²¹ The presence of Pancasila in Indonesia is one of the tangible manifestations of the recognition and protection of pluralism. Which is explicitly stated in the principle of "*lex est quaedam rationis ordination ad bonum commune, ab eo qui curam steep communitatis habet promulgata.*" All forms of law formation must be based on Pancasila to protect the interests of all its people and encourage the people to implement it.²²

Pancasila as a philosophical principle and the basis of the State can be found in three approaches. The first is an ontological approach; namely, Pancasila values contain intrinsic and extrinsic properties. The second epistemological, namely Pancasila, provides the basics of thinking that the basis for establishing the Indonesian State must be explored from within the culture and civilization of Indonesia. The third is the axiological approach, namely that Pancasila provides the basis for normative considerations about Pancasila as the ideology and basis of the State.²³

Pancasila as a philosophical basis means that Pancasila is a norm, more specifically as a fundamental norm (Groundnorm). Norm is the embodiment of values because every norm must have a value that functions as a source of norms.²⁴ As a norm, Pancasila must be formed and composed of values taken from the culture of Indonesia, which are helpful as benchmarks or guidelines for behaving in the life of the state. It was used as a source of law that became the forerunner in the legal hierarchy in Indonesia. Pancasila as the basis of the state means that everything related to the constitutional life of Indonesia is based on Pancasila. All regulations that apply in Indonesia must all come from Pancasila itself. All acts of power or

²⁰Iriyanto Widisuseno, *op.Cit.*

²¹Sutrisno, "Peran Ideologi Pancasila dalam Perkembangan Konstitusi dan Sistem Hukum di Indonesia", Vol. 1, No. 1, 2016.

²²Fradhana Putra Disantara, "Konsep Pluralisme Hukum Khas Indonesia Sebagai Strategi Menghadapi Era Modernisasi Hukum", *Jurnal Hukum dan Politik Islam*, Vol. 6, No. 1, 2021.

²³Widisuseno, *op.Cit.*

²⁴Pinasang, *op.Cit.*

power in society must be based on applicable legal regulations. The law also applies as the norm in the country so that Indonesia becomes a state of law.²⁵

The position of Pancasila as a source of law requires the law's formation to be following the values of Pancasila. However, this provision still has weaknesses in further elaboration. As stated by Backy Krisnayuda, the formation of laws has not provided space for Pancasila to transform itself into the laws that were formed. The provisions of Article 2 also stop, and there is no further regulation on the role of Pancasila in the formation of laws.²⁶ Therefore, the material content of the legislation must follow the values of Pancasila. The in-laws and regulations must reflect the principles of protection, humanity, nationality, kinship, archipelago, diversity in diversity, justice, equality in law and government, order and legal certainty, and/or balance, harmony, and harmony. The formation of good Indonesian laws and regulations must put forward the ideals of Indonesian law in taking ideas for the realization of just certainty. In addition, the principle of a state based on law is a proper foundation for creating good legislation.²⁷

Pancasila will not find its position in the hierarchy of laws and regulations as described in Law No. 12 of 2011; this is because Pancasila is a reflection of the abstract values of the Indonesian nation, so Pancasila as a fundamental norm has meaning. Which is broader than the constitution and laws, also in its position, Pancasila has a higher position than the constitution and laws. As a source of legal sources, then in its formation, the constitution must refer to the values contained in Pancasila, which is then passed on to the laws and regulations below, which are more concrete in regulating people's lives.²⁸ Pancasila as a benchmark in harmonizing the substance of the draft law. However, this is interrupted by the word "Pancasila," without any indicators and variables of Pancasila values being referred to. In addition, Pancasila and the Constitution of the Republic of Indonesia are benchmarks for harmonization, unanimity, and consolidation of the draft bill. It means interpreting Pancasila and the 1945 Constitution of the Republic of Indonesia as two different things. In this case, Pancasila needs to describe the indicators and variables of the Pancasila values as a benchmark. At the same time, the

²⁵Alvira Oktavia Safitri and Dinie Anggreani Dewi, "Pancasila Sebagai Dasar Negara dan Implementasinya dalam Berbagai Bidang", *Journal of Education Psychology and Counselling*, Vol. 3, No. 1, 2020.

²⁶Backy Krisnayuda, 2016, *Pancasila & Undang-Undang: Relasi dan Transformasi Keduanya dalam Sistem Ketatanegaraan Indonesia*, Grafindo Persada, Depok.

²⁷Ferry Irawan Febriansyah, "Konsep Pembentukan Peraturan Perundang-Undangan di Indonesia", *Jurnal Perspektif*, Vol. 21, No. 3, 2016.

²⁸Kurnisar, "Pancasila Sebagai Sumber dari Segala Sumber Hukum di Indonesia", *Jurnal Media Komunikasi FPIPS*, Vol. 10, No. 2, 2011.

1945 Constitution of the Republic of Indonesia already has clear indicators, namely in the articles contained in it.²⁹

In that case, Pancasila is a material source of law during the formal ones such as legislation, agreements between countries, jurisprudence, and customs. Pancasila as a source of material law is determined by the content or weight of the material contained in Pancasila. There are at least three qualities of Pancasila material: first, the content of Pancasila is the philosophical content of the Indonesian nation. Second, the content of Pancasila as a national legal identity. Third, Pancasila does not determine orders, prohibitions, and sanctions but only determines the fundamental principles for forming law (meta-Juris).³⁰

Thus, the position of Pancasila has become a necessity in the formation of legislation. It must be in line with the values of Pancasila. The values or precepts contained in Pancasila, namely the principle of Belief in the One and Only God, the principle of Just and Civilized Humanity, the principle of Indonesian, the principle of Democracy Led by Wisdom of Wisdom in Representative Deliberations, and the last is the principle of Social Justice for All People Indonesia.

Pancasila is not only used in the context of the formation of legislation, but it has become a necessity in carrying out life in society. Pancasila also guides it because Pancasila should not only be a guide informing legislation. However, further and broader, in practice, Pancasila must also be a benchmark or guideline in carrying out life because Pancasila is the basis or standard of morality in human life.

Pancasila as a legal school will undoubtedly eliminate the pluralism of the legal system in law because the more plural or diverse the laws applied, the more contradictions that occur between these legal systems. Islamic law cannot be parallel with common law, nor can customary law be parallel with civil law. The diversity of legal systems like this makes the law unproductive. It makes it increasingly challenging to achieve Indonesian legal ideals such as certainty, justice, benefit, prosperity, and welfare. For this reason, Pancasila must be present as a legal school to reconcile legal disharmony caused by legal diversity.³¹ The five principles of Pancasila contain universal values and have a particularity based on the traditions of the Indonesian nation. The dimensions of universality and particularity lead to conceptual tensions in Pancasila, which shows that the founders of Indonesia

²⁹Arfa'i, Bahder Johan Nasution, and Febrian, "Aktualisasi Pancasila Sebagai Sumber Hukum dalam Pembentukan Undang-Undang", *Jurnal Undang*, Vol. 3, No. 2, 2020.

³⁰Pinasang, *op. Cit.*

³¹Bo'a, *op. Cit.*

wanted to establish a nation-state with a modern character, but still based on the traditions of the Indonesian nation.³²

The explanation is that Indonesia places Pancasila as the basis of the nation's philosophy and as a guiding star in forming laws and regulations and becomes the basis of morality for all Indonesian people. Pancasila's position is the hallmark of positivism, especially Hans Kelsen's pure legal positivism. Positivism influences the understanding of Pancasila legal thought through two teachings, namely the *stufenbaut* theory teaching, which requires the formation of lower laws to be based on higher laws, and the *Stufenbau des recht* teaching, which prioritizes the hierarchical existence of statutory regulation. The two teachings contained in positivistic legal thought have influenced the legal system adopted by the Indonesian people. Pancasila is an abstract norm that must be the source and basis in the forming. On the other hand, the understanding of positivistic legal thought influences the orientation of the legal objectives to be realized by the Indonesian people, namely, prioritizing legal certainty in applying the law in Indonesia.

D. Conclusion

Stufenbau's theory is one of the teachings that determines the formation of law must be based on the basic norms or fundamental values of a country to help form more concrete legal rules in regulating people's actions. The positioning of these more concrete rules can equate to an extension of the basic norms of a country. Indonesia, which expressly declares that Pancasila is the guiding star and the source of law in Indonesia, has the consequence. The consequence is the formation of law in Indonesia must represent the spirit of Pancasila. Therefore, the formation of law can ideally fulfill various aspects contained in Pancasila, namely aspects divinity, humanity, unity, deliberation for consensus. In the aspect of justice, a tiered legal system is created, as implied in Stufenbau's theory.

Pancasila has its position in the structure or legal hierarchy of the Indonesian nation, namely as the source of all sources of law that function as a guiding star or reference and guide in various activities, including the formation of law in Indonesia. The position of Pancasila in Indonesia is clear as a basic abstract norm (Groundnorms) so that for the values of Pancasila to be concretized, the values of Pancasila must be contained in various forms of laws and regulations so that they can regulate and direct the actions of the Indonesian people.

³²Aidul Fitriada Azhari, "Negara Hukum Indonesia: Dekolonisasi dan Rekonstruksi Tradisi", *Jurnal Hukum Ius Quia Iustum*, Vol. 19, No. 4, 2012.

The limitation of the study is Pancasila's history is not explained. So, there is no historical knowledge in understanding Pancasila as a source of law. It is better if further research can explain how the history of Pancasila is used as a source of all sources in the formation of a regulation.

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