

# Pancasila Legal Philosophy: Ethical and Ontological Foundations Indonesian Legal System

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## Abstract:

This research examines in depth the aspects of legal philosophy related to Pancasila as the ontological and ethical basis in the structure of Indonesian law. From an ontological perspective, Pancasila is determined as the existential essence (*causa prima*) of national law, which originates from the cultural-religious values of Indonesian society and is manifested in hierarchical-pyramidal principles. In an ethical context, Pancasila serves as a legal ideal (*rechtsidee*) and basic moral norm that guides the creation, interpretation, and implementation of laws to achieve Social Justice. This type of research is normative-philosophical using conceptual, historical, and legislative methods. The results of the study indicate that the neglect of the ontological and ethical dimensions of Pancasila has led to a crisis of legal legitimacy and disorientation in progressive law enforcement. Thus, a reactualization and recontextualization of the Pancasila Legal Philosophy is needed as a Staats fundamental norm that is the soul of the entire legal system, from the grund norm to the implementing regulations, to ensure moral integrity and substantive justice in the Indonesian legal system.

**Keywords:** Pancasila; Philosophy; Ethical; Indonesia

## INTRODUCTION

The Indonesian national legal system explicitly positions Pancasila as the source of all legal sources (People's Consultative Assembly Decree No. III/MPR/2000 and Law No. 12 of 2011). This position is not merely formal and legal, but also a profound philosophical determination. The recognition of Pancasila as a Philosophische Grondslag (philosophical foundation) and Weltanschauung (worldview) makes the study of Pancasila Legal Philosophy essential for understanding the nature, purpose, and morality of law in Indonesia (Maulida, Z et al., 2023).

The Pancasila Philosophy of Law emerged as a reflective effort to discover the essence, purpose, and fundamental values underlying national law. It moves beyond the study of positive law (*das sein*) to an exploration of the ideal of law (*das sollen*). This study focuses on two main philosophical dimensions: ontology and ethics (axiology) (Prasetyo, 2018). The ontological dimension seeks to answer questions about the nature and origins of Indonesian law, while the ethical (axiological) dimension focuses on the values of justice and morality that should be the ultimate goal of law (Isnawan, 2016).

Indonesia, as a state based on the rule of law (*rechtsstaat*), places law as a primary pillar in the administration of the state and social life. However, the effectiveness of law depends not only on its formal aspects, but also on its substance and underlying values. Pancasila, as the staats

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fundamental norm, is the source of all legal sources in Indonesia. Therefore, a deep understanding of Pancasila's legal philosophy is crucial for lawmakers, law enforcers, academics, and all Indonesian citizens (Maulida, Z et al., 2023).

However, despite its lofty position, legal discourse and practice in Indonesia are often trapped in the trap of legal positivism, which emphasizes solely procedural aspects. This is reflected in various significant issues: inconsistent legal products, excessive overlapping regulations, and a crisis of public trust in law enforcement, which is perceived as being strict against the weak and weak against the strong. This phenomenon indicates an erosion in the understanding and application of the philosophical dimensions of Pancasila, particularly in its ontological and ethical aspects.

This study argues that the restoration of the legal system in Indonesia must begin with a reaffirmation of the ontological foundation (essence of existence) and ethical foundation (moral values and goals) of the Pancasila Legal Philosophy (Hariyanto, 2018). This analysis is crucial for providing a comprehensive framework, so that the law can function as a social engineering tool based on national morality, aiming to achieve substantive justice. Today, we often witness various legal problems arising from the lack of appreciation and implementation of Pancasila values within the legal system. Corruption, injustice, discrimination, and various other legal violations indicate that the law in Indonesia does not fully reflect the noble values of Pancasila.

## METHODS

This research uses a normative-philosophical legal research method. It focuses on the study of legal norms, principles, and rules contained in Pancasila, the 1945 Constitution, and theories related to the Pancasila Legal Philosophy (Negara, 2023). Its main characteristics are examining law as an ideal system of norms, rules, and principles, and placing Pancasila as the focus of philosophical study. The general data sources used are secondary data, consisting of:

1. Primary Legal Materials: Pancasila (in the Preamble to the 1945 Constitution), the 1945 Constitution of the Republic of Indonesia, and the Decree of the People's Consultative Assembly (TAP MPR) which regulates the position of Pancasila and the hierarchy of legislation
2. Secondary Legal Materials: Doctrines, textbooks on Pancasila Legal Philosophy (especially the works of Kaelan, Notonagoro, and Rahardjo), scientific journals on law and philosophy and relevant previous research results.

The analysis technique used is qualitative-descriptive analysis. Using a conceptual approach (conceptual approach) by analyzing the core concepts in the legal philosophy of Pancasila, especially the ontological and ethical (axiological) dimensions (Disemadi, 2022). Concepts such as *causa prima*, the essence of human nature, unity, and social justice are examined based on the thoughts of Indonesian philosophers and fundamental literature (Maanen, 1979). The Statute Approach by analyzing the formal position of Pancasila as the source of all sources of law and its implications for the hierarchy and substance of legislation in Indonesia, as stipulated in the relevant regulations.

## RESULTS

### Implementation of Pancasila Legal Philosophy in the Indonesian Legal System

A Implementing the Pancasila legal philosophy in the Indonesian legal system requires comprehensive and sustained efforts. Several steps that can be taken include: first, revitalizing the legal education curriculum. The Indonesian legal education curriculum needs to be revitalized by incorporating a more in-depth course on the Pancasila legal philosophy. This aims to equip prospective law enforcement officers with a strong understanding of Pancasila values. Second improving the quality of legal formation. The legal formation process in Indonesia must involve

active public participation and take Pancasila values into account. Lawmakers must have a deep understanding of the Pancasila legal philosophy.

Third, strengthening law enforcement requires law enforcers to possess high integrity and commitment to the values of Pancasila. Law enforcement must be conducted fairly, transparently, and accountably. Fourth, increasing public legal awareness requires providing the public with a better understanding of the law and the values of Pancasila. This can be achieved through various legal outreach and counseling activities.

The Pancasila Legal Philosophy plays a crucial role as the axiological basis and fundamental norm that underpins the entire Indonesian legal system. Philosophically, Pancasila is the foundation of the state philosophy and the nation's outlook on life, serving as the nation's soul and guiding principle. Juridically, Pancasila is considered the source of all state laws, or *Staats* fundamental norm (Prasetio, T., & Barkatullah, 2017). This position demands that national legal development embrace the spirit of Pancasila and reflect the nation's progress by ensuring the realization of each principle of Pancasila, from the principle of belief in God, which serves as the foundation of morality and religion, to the principle of social justice, or the fifth principle, as the primary objective of axiology.

To achieve substantive justice, legal implementation must encourage progressive legal practices that are oriented towards the liberating interests of the people, and reject a enforcement (Rahardjo, 2010). In the judicial realm, the role of the Constitutional Court is crucial as the guardian of state ideology, which through its decisions must ensure that laws are in line with the legal ideals of Pancasila, especially in providing protection for constitutional rights for marginalized groups so that a balance is achieved between legal certainty and justice (Wounde, A. H., Rato, D., & Setyawan, 2023).

The legal philosophy of Pancasila serves as a crucial unifying guide in addressing the various sources of law existing in Indonesia, such as customary law, religious law, and Western or positive law. The principle of unity in Pancasila demands that the national legal system be able to unify these various sources of law into a harmonious whole, placing the interests of the nation above those of groups. This integration is achieved through the principle of democracy, which forces policymakers and regulations to proceed through deliberation and consensus guided by wisdom and prudence. Thus, legal legitimacy is not merely formal and procedural, but also possesses democratic and philosophical legitimacy, ensuring that the resulting law truly represents and reflects the collective will of a religious yet unified society (Kunantiyorini, 2015).

The function of law is not only as a tool for maintaining order, but also as a means of driving development that can meet various needs while reconciling differences. Although the legal philosophy of Pancasila is very strong legally and philosophically, its implementation often faces major challenges, particularly in the form of a legitimacy crisis and disorientation in the application of the law caused by the inconsistency between the objectives of the law and the practice of positive law. Indonesian law is often caught in a practice of law application that is too rigid, procedural, and based on instrumental logic, rather than the moral logic of Pancasila.

Therefore, a recontextualization is urgently needed, where Pancasila must be enacted as a philosophy in the application of law (working law) at every level of legal decision-making, whether by the legislative, executive, or judicial branches. The goal of this recontextualization is to ensure that every future legal product is able to balance the demands of globalization and the free market with the public moral values and social justice mandated by the principle of social justice, so that law can become a means of achieving comprehensive social welfare for all Indonesian people.

### **Detailed Analysis of the Ethical Basis of Pancasila Law (Axiological)**

The ethical (axiological) basis of Pancasila Legal Philosophy answers the question of the normative objectives and highest moral values of Indonesian Law. This objective is the realization of complete Social Justice. Hierarchy of Ethical and *Rechtsidee* Values: The Pancasila principles form a hierarchy of ethical values that must become the *rechtsidee* (legal ideals) of Indonesia, where higher values (divinity) inspire the lower values (divinity, humanity unity, democracy, social

justice). This legal ideal rejects Pure Utilitarianism Ethics with the view that law only aims for the benefit of the majority, because it can sacrifice minority rights and justice (Second Principle). Then it also rejects Rigid Deontological Ethics with the application of formal rules without considering the moral context and social consequences, which are necessary to achieve substantive justice (Rahardjo, 2010).

The ethics of the people's principle and deliberative legal legitimacy (the Fourth Principle) require that legal legitimacy is not only formal-democratic, based solely on voting procedures, but must also be viewed from a deliberative and ethical-democratic perspective. Deliberation as a legislative ethic indicates that the law-making process should be based on the Wisdom of Deliberation or Representation. From an ethical perspective, this means that legal products must reflect a synthesis of values, not simply the result of political bargaining (Cetera, 2021). Substantive public participation is an aspect of the people's principle that urges the need for meaningful and in-depth public involvement in lawmaking, thus ensuring that the resulting laws truly meet the interests of the wider community (Ismayawati, 2017).

Social Justice as the Ethical Peak (Fifth Principle) is the pinnacle of ethical principles in Pancasila law. This idea requires the law to implement distributive justice (the distribution of resources and development outcomes) and collective justice (protection for marginalized groups). In this regard, all rights, including economic rights and property rights, must be implemented in accordance with the principle of social function. The law needs to intervene in the market or structural injustices to ensure equality, not simply guaranteeing freedom of contract. Social Justice acts as a driving force for Progressive Law. The character of Progressive Law, which dares to challenge the rigidity of conventional rules and places the ethics of justice as a top priority, is reflected in the efforts to realize the Fifth Principle (Suteki, 2016).

**Table 1.** Echical (Axiological) Foundations of Pancasila as the National Phylosophy

<b>Please</b>	<b>Core ethical Values</b>	<b>Ethical Relevance in Law</b>
Almighty God	Religions values, absolute morality	The las must align with divine values and uphold natural law and universal morals. It requires law enforcement with integrity and freedom from corruption.
Just and civilized humanity	Human rights (HAM), human dignity	The law must guarantee the protection of human rights and treat all people as equal before the law (equality before the law)ethics in the judicial processs (professionalis, and legal certeainty)
The unity of Indonesia	National values, Nationalism	The law must maintain the integrity of the nation, reject discrimination, and prioritie national interest above the interest of groups or classes.
Demograacy Led by the wirdom of deliberation/ representation	Democracy, deliberation	Laws must be formed through a participatory, deliberative legislative process that reflects the will of the people. The ethics of wise legal decision-making.
Social Justice for all Indonesian People	Distributive justice, collective justice	The law must aim to equalize opportunities and outcomes, proect the vulnerable, and achieve substainative justice encompoassing economic, social and cultural aspects. This is the highest legal ideal ( <i>Rechtsidee</i> )

### Philosophical Criticism and Disorientation in Contemporary Law

The experience of law enforcement in Indonesia illustrates a significant disorientation due to the disconnect between legal practice and the ontological and ethical foundations of Pancasila. Ontological disorientation refers to the dominant influence of legal positivism, which has transformed Pancasila law from a system of ethical values into merely a set of rule-making techniques. When law enforcers ignore the principles of Divinity and Humanity, the law loses its

spiritual and moral essence. One concrete example is cases of corruption and bribery in the judicial system, where law enforcement officers are ontologically unaware of themselves as individuals with a divine aspect and bound by absolute moral principles.

Then, ethical disorientation manifests itself in the practice of legal formalism. Judges often make decisions based on the certainty of the law (formal) without considering the ethical consequences of their decisions on social justice (substantive). This formalism contradicts the ethics of democracy and social justice, which demand wise legal discovery that favors the people (Mertokusumo, 2009).

Globalization and liberalization of law bring ethical threats in the form of the influx of extreme individualism and legal capitalism. If national law is not firmly grounded in the ontology of Unity and the ethics of Social Justice, legal products can be dominated by the interests of capital and powerful individuals, which is diametrically opposed to the spirit of communalism and mutual cooperation in Pancasila (Pelawi, 2020).

### Recontextualization of Pancasila Legal Philosophy as *Staats fundamental norm*

Recontextualization is an effort to restore Pancasila to its active and central role as the fundamental norm of the state (*Staats fundamental norm*) that animates and guides the entire legal system. In the context of substantive judicial review (*philosophical judicial review*), the Constitutional Court must consistently refer to Pancasila Legal Philosophy as the primary benchmark in assessing the substance of legal norms, rather than relying solely on procedural legality. This philosophical approach requires judges to evaluate whether statutory norms reflect the values of Divinity, Humanity, and Social Justice, not merely whether they comply with formal legislative procedures. For example, constitutional review of socio-economic laws should examine whether such laws genuinely protect marginalized groups and promote equitable welfare distribution. This reflects the Pancasila principle of *Keadilan Sosial bagi Seluruh Rakyat Indonesia*. Such an approach demands the application of a hierarchy of principles in constitutional adjudication, where Pancasila occupies the highest normative position above statutory and constitutional texts (Asshiddiqie, 2010)

Improving the ethical quality and philosophical understanding of law among law enforcement officers requires a transformative approach through legal education. Pancasila Legal Philosophy should be positioned as the primary foundation of legal education curricula, rather than treated as a merely symbolic subject. Law enforcement officials must be equipped with moral intelligence (*moral quotient*) and social sensitivity so that they can interpret the law purposively and humanistically. For instance, judges who apply restorative justice in minor criminal cases demonstrate a philosophical commitment to humanity and deliberation (*musyawarah*), instead of rigid legal formalism. This reflects the philosophical development of Pancasila values in law enforcement practice, where justice is understood as moral responsibility rather than mechanical rule application. Such an orientation enables legal actors to implement the law progressively in line with Pancasila's ethical ideals (Kirom, 2011).

In the application of laws relating to public service ethics, government institutions and state officials must conceptualize law enforcement as an ethically grounded public service. This means prioritizing public welfare, fairness, and social benefit while rejecting corrupt and discriminatory practices. For example, administrative decisions that favor transparency and equal access to public services embody the Pancasila values of social justice and humanity. This approach is consistent with the ethical worldview of the Indonesian people, which emphasizes deliberation and collective welfare as the foundation of justice. Pancasila's philosophical ethics require law enforcers judges, prosecutors, police officers, and advocates to adhere not only to the literal text of the law but also to its substantive moral purpose. This alignment between legal norms and moral values represents the essence of Progressive Law, which views law as a living instrument to achieve justice and human dignity (Rahardjo, 2010).

## DISCUSSION

### Ontological Basis of Pancasila Legal Philosophy

The ontological foundation of Pancasila legal philosophy is a study of the nature and essence of law in force in Indonesia, which attempts to answer the fundamental question of what constitutes the ultimate source of law in Indonesia. From an ontological perspective, Pancasila is considered the existential essence (*causa materialis*) of national law, derived from existing cultural and religious values and a shared outlook on life for the community. Therefore, the existence of law in Indonesia stems from the nation's identity itself, not merely the result of power or logic. This view clearly rejects pure legal positivism, which separates law from ethics and higher values, because law in Indonesia must always possess moral integrity based on the principles of Pancasila.

The ontological essence of Pancasila lies in its systematic, hierarchical, and hierarchical structure. The Pancasila principles form a complete and inseparable unity, with the first principle (belief in God) as the ontological foundation and the fifth principle (social justice) as the ultimate goal. This hierarchy ensures vertical harmony, where lower norms must not conflict with higher norms. The entire legal system, from the 1945 Constitution to its implementing regulations, must reflect this ontological unity, which Hans Nawiasky identified as *Staats fundamental norm*, the highest norm that forms the basis of the entire state legal system.

In depth, this ontology serves to position Pancasila as the absolute framework of reference in the creation of legal norms, as well as the highest philosophical legitimacy. If a legal regulation (such as a statute) is deemed fundamentally contrary to the values of Pancasila, it loses its ontological validity, regardless of how it was formulated. This function makes Pancasila a material source of law that determines the content and substance of law, in contrast to formal sources of law that only regulate its form.

This ontological foundation also influences the legal state in Indonesia, a Pancasila state based on the rule of law, characterized by kinship and deliberation, not merely a state based on the rule of law (*rechstaat*) or liberal legal rules (Hidayat, 2020). As the core of the 1945 Constitution, Pancasila establishes the legal direction for achieving social justice grounded in an awareness of God and humanity. These characteristics require law enforcers to adhere not only to the text of regulations but also to adhere to the legal ideals of Pancasila, which serve as the highest moral standard. A direct impact of this ontology is the impetus for the development of laws focused on national identity.

This ontology recognizes and integrates various existing legal systems (Customary Law and Religious Law) into the national legal framework, as a form of respect for the nation's material causes. Furthermore, this humanistic and just ontology encourages the formation of progressive law, namely, law that not only implements texts but also serves human interests and substantial justice, in accordance with the mandate of the principle of social justice (Rahardjo, 2009).

### Ontology of Divine Principles and the Concept of *Causa Prima*

Notonagoro explains that the first principle, Belief in the One and Only God, is ontologically the deepest source (*causa prima*) of the existence of the other four principles (Notonagoro, 1975). This emphasizes two fundamental ontological dimensions, namely Transcendent Law: Indonesian law essentially recognizes the existence of an attachment to values that transcend human creation (*ius constitutum*), namely Divine Natural Law. Positive laws that contradict the basic morality of God (for example, legalizing oppression, insults to dignity) are ontologically flawed. Humans as *Homo Religiosus*: The ontology of Pancasila law positions humans as divine beings (*homo religiosus*). This implies that the purpose of law is not only to regulate worldly order, but also to facilitate the achievement of *falah* (spiritual and material happiness), which is the basis of the ethics of integrity in law enforcement (Bo'a, 2018).

The principle of belief in the One and Only God is ontologically positioned as the *Causa Prima*, the beginning of all existence and purpose of a nation, including its legal system. This ontological

recognition demonstrates that law in Indonesia must adhere to transcendental values and absolute truths derived from God. This position fundamentally distinguishes Indonesian law from secular legal systems, as it asserts that the source of legal legitimacy comes not only from human reason or political will, but also from spiritual aspects. This attachment to the *Causa Prima* lends a spiritual dimension to national law.

The principle of divinity directly influences legal morality, so that every regulation must be based on religious morality and prioritize universal ethical values. This means that the law must recognize and protect the rights of citizens to practice their religion and beliefs, and serve as a tool to prevent moral and social damage that conflicts with divine values. In terms of function, the ontology of the principle of divinity demands the existence of spiritual descent in society, which is considered a primary prerequisite for achieving physical and social order. Law not only regulates interactions between humans, but also regulates the relationship between humans and their God.

In its implementation, this principle serves as the basis for establishing norms aimed at maintaining public morality, such as prohibitions against immoral acts, blasphemy, or practices that undermine social ethics. The ontological basis of the divine principle plays a significant role in the judicial review process conducted by the Constitutional Court (MK). As the guardian of the constitution, the MK must ensure that no legislation contradicts the values of the *prima causa* as stated in the preamble to the 1945 Constitution. These divine values serve as a filter and ethical guide for judges when interpreting and evaluating norms that can be interpreted in various ways, so that every legal decision has a strong moral basis and is not merely textual (Hidayat, 2020). From an anthropological perspective, the first principle emphasizes that Indonesian individuals are divine beings, possessing a spiritual dimension inseparable from their physical dimensions. Therefore, legal regulations must not hinder the fulfillment of this spiritual aspect, and a legal system that makes materialism the sole purpose of life must be avoided. The law should counter the tendencies of extreme secularism and capitalism, which could undermine the ontologically recognized public morality.

### **Ontology of the Principles of Humanity and Indonesian Natural Law**

The concept of "Just and Civilized" humanity (the Second Principle) is the foundation for legal studies within Pancasila. The Pancasila legal system is based on the view that humans are dualistic (both as individuals and as social beings) and monopluralist (containing both body and soul). Humane justice is not only about equality before the law, but also respect for the value and dignity of the whole person. The law is obliged to protect natural human rights (HAM), namely rights granted by God, not those granted by the government. These natural rights must be recognized and protected by the state in accordance with the teachings of the Principle of Belief in God, thus making these human rights ethical and civilized, which differs from the purely secular concept of human rights.

The idea of Pancasila Law is characterized by natural law in Indonesia, which requires a balance between individual rights and social responsibilities. For example, the right to property (individual) must fulfill a social (communal) function, representing an ontological synthesis that rejects the extremism of liberal individualism (Kaelan, 2020). The ontology of the principle of just and civilized humanity is rooted in an understanding of the monodualist nature of human nature, consisting of spiritual and spiritual aspects, and both as individuals and social beings. This recognition forms the basis of the entire legal system, requiring the law to always see the whole.

The law must respect the dignity and worth of every individual as a legal subject with value, not merely a tool or object of state power. The principle of humanity ontologically creates Indonesian natural law (*ius naturale*), which affirms that human rights (HAM) are inherent and inherent in every individual from birth, not a gift from the state, let alone from the authorities (Widjaya, 1984). This understanding forms the basis for Chapter XA of the 1945 Constitution on human rights. Indonesian natural law requires that positive law guarantee and protect human rights, and firmly rejects all forms of legal practices that are discriminatory, feudalistic, or degrading to human dignity.

The emphasis on the term "civilized" in the second principle provides a unique ethical and cultural dimension to Indonesian legal ontology. Civilization requires that justice be administered without cruelty or inhumanity, and that every legal process prioritize decency, morality, and dignity. Therefore, the law must support equal treatment before the law and guarantee the right of every citizen to work and receive fair and adequate remuneration (Ismayawati, 2017). While recognizing universal human rights, the Pancasila's view of humanity differs from the concept of liberal individualism. This principle requires a balance between individual rights and social responsibilities. This means that the application of human rights must be in line with the values of divinity and unity, reflecting the public interest. The law has a responsibility to ensure that individual rights do not harm or threaten the collective rights of society, reflecting communal justice (Wounde, A. H., Rato, D., & Setyawan, 2023).

This humanitarian aspect is the philosophical motivation for progressive law. The humanitarian perspective places the individual as the focus and goal of law. Ideal law should serve as a tool to free individuals from the suffering caused by rigid, procedural, or instrumentally logical application of law. When there is a conflict between formal legal certainty and substantive justice, judges must have the moral courage to uphold justice for all, in accordance with just and civilized humanitarian principles.

### **Ontology of the Principles of Unity and the Legal Concept of Mutual Cooperation**

The principle of Indonesian Unity (the Third Principle) provides a collective ontological basis. The essence of Indonesian law is the law of mutual cooperation or communal law of a religious nature (Fuad, 2013). The rejection of Social Atomism illustrates that Pancasila law rejects the ontological view of a divided (atomistic) and liberal society. Instead, it recognizes the existence of an organic unity (organization) of the state. The role of law is to maintain social cohesion, integration, and harmony in diversity (*Bhinneka Tunggal Ika*). Laws that divide society or are discriminatory are ontologically inconsistent with the values of Pancasila.

The ontology of the principle of Indonesian unity considers the Indonesian nation as a unified whole amidst the diversity of ethnicities, religions, races, and social groups (*Bhinneka Tunggal Ika*). Ontologically, this principle serves as the foundation for the development of an integrated national legal system and is the primary tool in maintaining and strengthening national unity. Law in Indonesia must be designed and implemented with the aim of resolving primordial conflicts, by placing national interests above personal or group interests. One direct consequence of the ontology of unity is the emergence of the legal concept of mutual cooperation. This concept reflects the essence of legal life in Indonesia, which is collective and family-oriented, where deliberation and cooperation are prioritized in dealing with various problems.

Mutual cooperation opposes the extreme individualism that stems from liberalism and desires that legal mechanisms prioritize restorative justice and consensus, rather than merely punitive approaches. The principle of unity encourages efforts to integrate and harmonize the diverse sources of law in Indonesia, including customary law, religious law, and positive law. This ontology demands that customary law, a tangible representation of the nation's cultural unity, be recognized and considered as a material source of law in the creation of national legislation. This integration process must be well-planned to avoid disharmony or overlapping norms that could threaten national unity. From a legal-political perspective, the ontology of unity demands the strengthening of the concept of state sovereignty to maintain territorial integrity.

The law should be a tool for the state to protect all Indonesian people and the Indonesian homeland. This principle emphasizes that all laws and regulations must aim to maintain and strengthen unity, while legal choices made by the government must always be based on the overriding national interest. Within the framework of decentralization, the ontology of the principle of unity serves as a moral and legal boundary for regional autonomy policies. While diversity is accepted, regional regulations must ontologically not contradict or threaten the integrity of the Unitary State of the Republic of Indonesia and the ideals of unity. Laws resulting from autonomy must remain in line with the principle of the unity of the national legal system based on

Pancasila, serving as a means to achieve equitable social justice throughout the region, not the other way around.

## CONCLUSION

The Pancasila Legal Philosophy is the inseparable ontological and ethical foundation of the Indonesian legal system. From an ontological perspective, Pancasila establishes that the essence of law stems from the values of God and humanity, as well as the collective nature of society as the bearer of these principles. From an ethical (*axiological*) perspective, Pancasila serves as a moral framework and legal ideal (*rechtsidee*). Therefore, the reactualization and recontextualization of Pancasila legal thought present fundamental moral norms (*Staats fundamental norm*) that guide the law toward achieving social justice that reflects the values of God and humanity. Strengthening the understanding and application of the ontological and ethical aspects of Pancasila is key to creating a legal system that is not merely formal but also just, dignified, and reflects the spirit of the Indonesian nation as a whole. As a conclusion, it can be emphasized that the legal philosophy of Pancasila is positioned as *Staats fundamental norm* which not only functions as a formal legal basis, but also as an ontological and axiological source that determines the purpose and nature of national law.

### Conflict of Interest

All the authors declare that there are no conflicts of interest.

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