

Pancasila Has not Become Paradigm of Legal Studies

Thursday, 06 October 2011 WIB, By: Marwati


YOGYAKARTA - Legal studies prevailing in Indonesia need to have Pancasila paradigm. Pancasila paradigm should be the typical methodology of jurisprudence in Indonesia. In fact, the Pancasila paradigm can complete all forms of anomalies in a variety of legal issues that failed to be resolved with conventional jurisprudence. "Hopefully, this can awaken the need to return to the paradigm of Indonesian original jurisprudence, Pancasila," Professor of Law, Prof. Dr. Sudjito, S.H said, in seminar on law and constitution, *Pancasila for Development and Practice of Legal Studies* in Auditorium of MM UGM, Friday (30/9).

He said, the law in Indonesia currently is a positive law that prevails in almost all countries. This law emphasizes rationality, but it comes from the ratio of the rulers. "Our politicians produce laws with their ratio. Furthermore, the judges uphold the tradition of law which has long prevailed in Indonesia. They have not applied the law with the Pancasila paradigm. As long as laws are based on rationality, what follows are common sense, political ambition and desires to get rich soon," he said.

He suggested, firstly, Pancasila serves as the foundation of each law, secondly, the value of Pancasila as the basis for the formulation of chapters and paragraphs in each Act, and thirdly, any decision of the court verdict should state the header '*For the sake of justice based on God Almighty*'.

"Regulation in drafting laws and court decision is not just formality, but requires to be obeyed, which would eventually produce substantive justice," he said.

Meanwhile, a member of faculty of constitutional law in the Faculty of Law, Mohammad Fajrul Falaakh, S.H., M.Si., said that new national legislation products serving as daily constitutions should be the derivation toward the constitution. According to Mohammad, the formulation of Pancasila and constitutional values which are general and abstract in nature should be derived contextually in accordance with the time to become dynamic values and regulations.



He gave an example, the people's sovereignty values and principles in Pancasila requires Indonesia to be built as a democratic State so that the law should be developed and enforced by the ideals of justice and community interests.

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