
Ontological Relations of the 1945 Basic Act as the Constitution with Pancasila as the State Ideology

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ABSTRACT

This article discusses the relationship between Pancasila and the UUD 1945 as a constitution and laws, implementing regulations and policies to see its ontological gaps. The discussion focused on the constitutional phenomenon, which must elaborate on constructing the 1945 Basic Act and Pancasila. This article aims to see the dimensions of legal ontology related to the understanding and practice of justice in the country and state. The method used is to apply a content analysis approach, which identifies patterns, themes, or meanings that arise from the concept material contained in Pancasila and the 1945 Basic Act. Hail from this research is found ontological problems that need deeper attention. Given the overly broad ontological nature, further research is needed to identify deeper problems. This research has significant significance because it can be a marker of problems at the philosophical level that need attention.

1. INTRODUCTION

The essence of the Constitution is the framework for forming the state. Although the Constitution is identical to the Constitution, it is fundamentally different. The Constitution is a set of basic rules and various provisions to regulate the functions and structure of government institutions, including the basis of cooperative relations between the state and the people in the life of the nation and State (Untari & Rianto, 2019). Meanwhile, the Constitution is the highest foundation in state administration (Sibuea & Hosnah, 2022). The Constitution is not always in writing; it can be a convention or agreement the community holds. In comparison, the Constitution is always in written form. The Constitution is abstract and general, while the Constitution is more specific and detailed in regulating various matters such as human rights and the system of government.

In Indonesia, the Constitution has been written into the 1945 Basic Act. There are life values that will later become the principle of statehood. These principles are reflected in the regulations contained therein. The form of the Indonesian Constitution is inseparable from the influence of Dutch colonialism. This can be seen from the origin of the term 'Basic Law' as a translation of the Dutch term, namely '*Grondwet*' (Budiardjo, 2003). The term 'basis' in it intends to indicate that the Basic Law is the highest and main source of written law in Indonesia.

The Constitution should not be separated from the nature of state ideology because state ideology is born from the community's conditions or way of life. State ideology is a set of beliefs, values, principles, and goals underlying a country's political, social, and economic system. It is a conceptual framework that forms the foundation of the philosophy or basic view of the state. State ideology underlies public policymaking, governance structures, international relations, and understanding of the state's duties and responsibilities toward its citizens.

The ideological reality for the Indonesian nation that is based on the conditions and way of life in society is Pancasila. Therefore, Pancasila is widely understood as a state ideology. Consequently, the Constitution must have ontological links to Pancasila. The essence of Pancasila is the core or essence of the basic values contained in Pancasila as the basis of Indonesian state philosophy (Ningsih, 2021). Pancasila is intended to create a sovereign, democratic, socially just state and uphold human values (Saifuddin, 2012). Pancasila is a guide in forming state policy, social and economic development, and maintaining harmony and unity in the Indonesian nation. The values in Pancasila are to build a country that prioritizes divinity, humanity, unity, consultation, and justice so that it is expected to cause equality that respects diversity. Pancasila became the legal, political, and social basis in Indonesia and became the basis for developing and building a just, democratic, and just nation.

An important issue that deserves attention is that the Constitution seems to be a game of interest groups. Factually, the constitutional issue has become a topic of discussion among politicians in Indonesia. Recently, there have been discussions about the possibility of the Indonesian president serving three terms (Hardiyanto et al., 2022). This issue has been widely discussed in various circles. The issue is still controversial. There is also the discourse of postponing the general election (Sapii et al., 2022). Some politicians have also discussed amending the Constitution (N.N., 2023). Such phenomena should be expected to be interest-based.

The game's impact allows the loss of ontological relations between the Basic Law as the

Constitution and Pancasila as the state ideology. The loss of ontological relations can obscure the function of the Constitution as a means of governing and nurturing society. Is it true that the 1945 Basic Act functionally plays an ontological role of Pancasila as the state ideology? The ontological relation referred to here is the relationship between the concept of the concept in the 1945 Basic Act and the domain of knowledge in Pancasila.

Many experts have discussed the Constitution in various scientific journals. However, it generally does not touch on the ontological relationship between the Constitution and state ideology. Mondada (2014), although discussing the Constitution, focuses more on the problem of multimodal resources for social interaction purposes. Hanitzsch (2017) also discusses the Constitution but from the journalistic side. He sees the role of journalism articulated and enforced on two different levels. The first is normative and cognitive role oriented, and the performance of the roles practiced and narrated. The journalistic role process model contains a circular structure in which normative, cognitive, practice, and narrative roles are linked through internalization, enactment, reflection, normalization, and negotiation processes. MacLean (2016) looks at the Constitution from the point of view of friendship and its development with alcohol. For him, social science tends to state that friendships increase pleasure in alcohol use. While he saw the use of alcohol as a tool to develop friendships, on the other hand, he saw the Constitution as diction from the point of view of friendship and alcohol. In addition, Dorsey (2015) explains the Constitution as a limitation in the real case of a constitution-free state, precisely in South Texas. He explained that searches and seizures of goods, which are usually commonplace, are not allowed under South Texas law because their law refuses to recognize the fourth amendment of the U.S. Constitution.

Experts who pay attention to Pancasila are also not small. Intan (2019), in her presentation, stated that Pancasila is considered a *public religion* that can overcome interreligious conflicts. Pancasila is a solution to unite the diversity of beliefs. Najih (2018) argues that Pancasila is the main inspiration for building legal character. Pancasila, in its capacity as a state ideology, is not only the basis of law formation but also the basis of the economic system that runs in Indonesia. Guritno (2023) sees an economic system based on Pancasila as relevant to the Islamic economic system. Muqith (2022) also believes that Pancasila is currently only a verbal jargon, so efforts must be made to deepen understanding and practice to maintain Pancasila as a state ideology.

On the other hand, Iskandar (2016) argues that since the reform in 1998, Pancasila has now become too tightly held in state life. Because of this too-close belief, many punitive efforts are imposed on people who doubt Pancasila. In line with Iskandar's opinion, Mu'ti (2019) also considered the 1998 reform as the starting point for the rise of intolerance. Mu'ti sees that discrimination and intolerance are unconsciously embedded in the implementation of Pancasila as a manifestation of the statement, "I am Indonesia, I am Pancasila."

2. METHOD

The material object of this study is the text of the 1945 Basic Act which is often understood as a constitution, and Pancasila, which is understood as a state ideology. This research uses a content analysis approach. This approach is to analyze and understand the content of the text, intending to identify patterns, themes, and meanings of the text of the 1945 Basic Act and Pancasila as

material objects. In this approach, material objects become data sources that are the target of research.

Researchers in identifying patterns and themes try to discover the themes or topics in the material analyzed. Patterns and themes precede principles, i.e., statements bound by logical formulas contained in the text. Next, narrative analysis is carried out to find the material contained in the narrative structure. Lastly, it seeks to find meaning through interpretation. At this stage, researchers will look for the meaning in the material and compare the results of public interpretation of the content of the text of Pancasila and the 1945 Basic Act. The results of this interpretation are certainly not inherent in the text of Pancasila and the 1945 Basic Act. However, they are contained in various scientific journal articles, social media, news, and audio or video recordings such as lecture recordings, presentations, discussions, or television programs.

3. RESULTS AND DISCUSSION

3.1. RESULTS

3.1.1. Constitutional Phenomenon

The Constitution is the first foundation for the running of a country. As the fulcrum of a country, the Constitution becomes a guideline and framework for running a country. Asshidiqie had previously quoted Rosseau to explain that the Constitution is the agreement of citizens to form a forum for living together (Asshiddiqie, 2008a, 2021). However, the operation of a constitution depends on the law enforcers in the country.

Herman Heller once explained that the essence of the Constitution is not as a basic law in a country (Endo, 2001; Fu & Young, 2007; Kusnardi & Ibrahim, 1983). He explained that there are three stages in the formation of the Constitution, namely the stages of reality, abstraction, and codification; after passing through all these stages, the Constitution finds the right position that clearly describes the socio-political conditions of the community (Rifan & Rahmawati, 2021; Wilson, 1969). The process taken to reach the codification stage is very long, including the struggle of the Indonesian people towards independence, the era of defending independence, and the era of maintaining the establishment of Pancasila, until now.

Gardner explains that traditional methods of interpretation of the Constitution can lead to constitutional misapplication (Gardner, 1992; Mannheim & Hardiman, 1991). The misapplication is not caused by law enforcement's inability to analyze and interpret the Constitution. However, factually it is precisely in applying the Constitution itself. This is because the country's Constitution does not comprehensively cover the fundamental values that exist in the country's society (Gardner, 1992; Sulistiyono & Isharyanto, 2018). Constitutions often lack the political realities envisioned by the founding fathers (Gardner, 1992; United-State-Congress, 2001). Ultimately, political conditions change over time following the interests of those who have voice dominance through their influence on the people.

Ideally, The Constitution contains basic laws that help people achieve what they aspire to and the ideals they want when they voluntarily form a common social contract with the surrounding society. The rules contained therein also manifest philosophies, customs, and customs, which then govern the division of power (Craig, 1998; Thaib, 2004).

The Constitution also spells out a power-sharing system. Division of power is needed to

maintain the balance of power. The division is carried out to prevent one party from acting arbitrarily. A state led by absolute power is a *machtstaat* state, while a state led by the rule of law is a *rechtsstaat* state (Muabezi, 2017; Shalihah & Adhayanto, 2017).

Indonesia applies a legal system that adheres to the concept of *rechtsstaat*. In the word *rechtsstaat*, it has been described that the doctrine's focus is 'the state.' Although it refers to one thing in common, namely a state ruled by the rule of law, this concept differs from the 'rule of law' concept. Barber once explained errors in translating the concepts of 'the rule of law' and 'rechtsstaat'. The two terms do not refer to the same thing.

Krygier (2015) emphasizes two semantic differences from differences in the terms 'rule of law' and 'rechtsstaat.' The absence of the word 'state' in the term 'rule of law' has grammatical grounds. This happened because the doctrine of the 'rule of law' was born in a region that prioritized the monarchy's power to lead the country, England. Therefore, statehood and punishment in the region focus on the king and not the State (MacCormick, 1984).

According to Jimly Asshiddiqie, both the understanding and content contained in the Constitution will continue to change according to the development of human civilization (Asshiddiqie, 2008b). The dynamics in a country's Constitution will certainly have the potential to change the philosophy and values a country will adopt. The existence of constitutional changes certainly does not necessarily occur without reason. Changes in people's interests are also one of the things that cause constitutional changes (Santoso, 2013). Furthermore, the causative factor for changing the Constitution is changes in society through the encouragement of *democratization of welfare states* and changes in the economic system due to industrialization and advances in science and technology (Aji, 2017).

3.1.2. Constitution of 1945

The 1945 Basic Act is a written constitution, which in various discourses, politicians are seen as the country's highest basic law. There are several principles contained in the 1945 Basic Act, including the principles of (1) the Unitary State of the Republic of Indonesia, (2) the Recognition of Human Rights or *Hak Asasi Manusia* (HAM), (3) National Cultural System, (4) State Defense, and (5) State Objectives (Efendi, 2015). On the other hand, the 1945 Basic Act is considered flexible and elastic, can keep up with the times, and can apply from the past until now (Ariyanto, 2019).

The principles of the *Negara Kesatuan Republik Indonesia* (Unitary State of the Republic of Indonesia or NKRI) are the principles that underlie Indonesia's Constitution and system of government. This principle refers to territorial unity, national sovereignty, unity, diversity, and the rule of law. The principle of territorial unity asserts that although Indonesia's territory consists of islands and diverse regions, they are constitutionally inseparable from a unitary state.

The principle of National Sovereignty emphasizes that the highest power is in the hands of the state and the people of Indonesia. The state has the right to regulate and control affairs within its territory in the political, economic, social, and cultural realms. The Principle of Unity affirms that although Indonesia consists of various ethnicities, religions, languages, and cultures, all the nation (*bangsa*) respect these differences to foster unity, solidarity, and cooperation. The principle of diversity affirms the importance of respecting, protecting, and promoting cultural, religious, customary, ethnic, and linguistic diversity in Indonesia. The Principle of the Rule of

Law affirms that the law applies to all persons and institutions in Indonesia. No individual or group is exempt from the law to ensure fairness, openness, and accountability in the Indonesian legal system.

The Principle of Human Rights Recognition is a reflection of Indonesia's commitment to respect, protection, and promotion of human rights. There are at least nine articles that affirm human rights principles. The articles are Article 27 Paragraph (1): "*Segala warga negara bersamaan kedudukannya di dalam hukum dan pemerintahan dan wajib menjunjung hukum dan pemerintahan itu dengan tidak ada kecualinya*" (All citizens have equal standing in law and government and are obliged to uphold that law and government with no exception). Article 28A Paragraph (1): "*Setiap orang berhak hidup, mempertahankan hidup, dan kehidupan yang layak bagi kemanusiaan*" (Everyone has the right to live, to sustain life, and a life worthy of humanity). Article 28B paragraph (1): "*Setiap orang berhak atas pengakuan, jaminan, perlindungan, dan kepastian hukum yang adil serta perlakuan yang sama di depan hukum*" (Everyone has the right to recognition, guarantee, protection and fair legal certainty and equal treatment before the law). Article 28C paragraph (1): "*Setiap orang bebas dari penyiksaan, perlakuan yang keji atau yang merendahkan martabat, penangkapan, penahanan, penggeledahan, penggeledahan surat, pengambilan badan dan kebebasannya, kecuali dalam hal serta menurut cara yang diatur oleh undang-undang*" (Everyone shall be free from torture, cruel or degrading treatment, arrest, detention, search, mail search, bodily retrieval and liberty, except in the case and in the manner provided for by law). Article 28D Paragraph (1): "*Setiap orang berhak atas pengakuan, jaminan, perlindungan, dan kepastian hak atas kebebasan pikiran, kepercayaan, menyampaikan pendapat, dan mengeluarkan pendapat dalam bentuk lisan atau tulisan dan sebagainya dengan menggunakan saran dan media cetak yang tersedia*" (Everyone has the right to recognition, assurance, protection and certainty of the right to freedom of thought, belief, expressing opinions and expressing opinions in oral or written form and so on using available advice and print media). Article 28E Paragraph (1): "*Setiap orang berhak atas kebebasan berserikat, berkumpul, dan mengeluarkan pendapat*" (Everyone has the right to freedom of association, assembly, and expression). Article 28I Paragraph (1): "*Setiap orang berhak untuk memeluk agama dan beribadah sesuai dengan agamanya serta memilih pendidikan dan pengajaran*" (Everyone has the right to embrace a religion and worship according to their religion and to choose education and teaching). Article 28I Paragraph (2): "*Setiap orang berhak untuk memilih dan dipilih dalam pemilihan umum, serta berhak memperoleh perlindungan dan jaminan hukum dalam mencapai hak-hak politiknya*" (Everyone has the right to vote and be elected in elections, and has the right to legal protection and guarantees in achieving his political rights). Article 28J Paragraph (1): "*Setiap orang berhak atas perlindungan diri pribadi, keluarga, kehormatan, martabat, dan harta benda yang di bawah kekuasaannya, serta berhak atas rasa aman dan perlindungan dari ancaman ketakutan untuk berbuat atau tidak berbuat sesuatu yang merupakan hak asasinya*" (Everyone has the right to the protection of his person, family, honor, dignity and property under his control, and to security and protection from the threat of fear to do or not to do something to which he is entitled.).

The National Cultural System reflects that the Indonesian state and people are committed to protecting, developing, and promoting Indonesia's rich and diverse culture. This national cultural system involves various elements, policies, and institutions working together to achieve

these goals. In the 1945 Basic Act, the national cultural system is regulated in Article 32, which states that the state has the responsibility to develop and promote Indonesian national culture. The state is tasked with protecting Indonesia's cultural heritage, advancing works of art and culture, and supporting the development of science and technology. Article 33 states that the state regulates the national economy and covers cultural aspects. This article emphasizes that the natural resources and wealth contained therein are controlled by the state and used for the greatest prosperity of the people. In addition, this article also emphasizes that the national economy is organized based on the principle of kinship by prioritizing the public interest. Thus, in the context of the national cultural system, the 1945 Basic Act provides a foundation for protecting, developing, and promoting Indonesian culture. The government is responsible for protecting and maintaining Indonesia's cultural heritage and supporting the development of works of art, culture, and science.

The concept of defending the state in the 1945 Basic Act is regulated in Article 27 paragraph (3) and Article 30 paragraph (1) of the 1945 Basic Act. Article 27, Paragraph (3) states that every Indonesian citizen must participate in state defense efforts. These obligations include conscription and other people's obligations stipulated by law. Article 30, Paragraph (1) states that the state regulates a defense and security system that allows citizens actively participate in the state's defense. This defense and security system is based on the spirit of mutual assistance between the state and the people. It involves citizens' active participation and contribution in maintaining sovereignty, territorial integrity, and state security. The concrete implementation of the concept of defending the state, including the types and forms of people's obligations and the defense and security system, is further regulated in implementing laws and regulations governing national defense and security in Indonesia.

The objectives of the Indonesian state are stated in the Preamble of the 1945 Basic Act in the fourth Paragraph. The Paragraph affirms that "The Unitary State of the Republic of Indonesia is sovereign of the people based on the One and Only God, humanity, unity, active free politics, and social justice." Based on the quote above, the purpose of the state, according to the 1945 Indonesian Constitution, is the creation of people's sovereignty, one and only god, humanity, Indonesian unity, active free politics, and social justice.

People's sovereignty is the principle that the highest power must be in the hands of the people, and the state serves as a container for carrying out the will of the people. The principle of the Almighty God requires the Indonesian state to recognize the existence of the Almighty God as a foundation in the life of society, nation, and state. This principle reflects an attitude of respect and recognition for the religions adopted by the people of Indonesia. The humanitarian principle indicates the state's goal to advance humanity in all aspects of life, including protecting and respecting human rights, upholding human dignity, and paying attention to welfare and social justice for all Indonesian people. The principle of unity indicates that the state must maintain the nation's unity, overcome divisions, and respect cultural, ethnic, religious, and linguistic diversity within the framework of the *Negara Kesatuan Republik Indonesia* (NKRI). The principle of free active politics indicates that the state adheres to an independent foreign policy and prioritizes Indonesia's national interests in relations with other countries. The principle of social justice requires the state to strive to achieve social justice for all Indonesian people. States are responsible for addressing social and economic inequalities and ensuring equitable access

to resources and justice in society.

3.1.3. Pancasila

Pancasila became the basis for the 1945 Basic Act, which was placed as the state ideology in various discourses. This discourse has become a topic of discussion among politicians in Indonesia. However, there are different views on the relationship between Pancasila and Islam (Anwar et al., 2021). Pancasila is still considered the basic ideology of the Indonesian State (Amsari, 2009). Some politicians argue that Pancasila is an important ideology that can prevent disintegration and create a sense of solidarity in Indonesia's diverse society (Anwar et al., 2021). In essence, the discourse on Pancasila as a state ideology has shown differing views on its compatibility with Islamic teachings, its role in preventing disintegration and creating a sense of solidarity, and the importance of constitutional democracy and the rule of law.

In Indonesia, Pancasila as an ideology still invites pros and cons. Some people believe that the practice of Pancasila is necessary because it is seen as a unifying ideology of various ethnic groups, beliefs, and religions. However, others argue that Pancasila is not a true ideology but a temporary vehicle that can be replaced by a more comprehensive ideology (Hasib 2011). Some believe that Pancasila is a pluralistic ideology that can accommodate different beliefs, including Islam. However, other parties argue that Pancasila is not following Islamic teachings (Anwar, Sunesti, and Gusmian 2021). Despite its controversy, Pancasila is still considered the ideology of the Indonesian State (Aditya 2016; Umbrella 2022; Sukoco and Gafur 2016).

Pancasila consists of five basic concepts. First, the implementation of nation and state must be based on the One and Only Godhead philosophy. Second, Indonesia as a nation and state must implement the concept of Just and Civilized Humanity. Third, any internal or external stakeholder in the Indonesian state must implement the concept of Indonesian Unity. Fourth, affirming people's sovereignty must be based on Peoplehood Led by Wisdom in Consultation / Representation. Finally, any internal or external stakeholder must conduct Social Justice for All Indonesian People. Pancasila is the basis of all state policies and binds all Indonesian citizens.

The five basic concepts are the philosophical basis, the manifestation of universal principles, the nation's view of life, the binding of diversity and unity, and the source of all sources of law. Pancasila, as a philosophical basis, shows that Pancasila is the main foothold in regulating the life of society, nation, and state. The philosophy of Pancasila is based on the belief in the existence of God Almighty, which is the moral and spiritual foundation for all values and principles contained in Pancasila.

Pancasila is a manifestation of universal principles and is relevant for the life of the nation and state, not only in Indonesia but in the context of global life. These principles are the necessity of believing in and implementing the values contained in the concepts of social justice, unity and diversity, just and civilized humanity, deliberation and democracy, and the balance between rights and obligations.

The concept of social justice is a value that aspires to be realized through efforts to reduce social inequality, fight for the economic and social rights of the people, and ensure fair opportunities for all citizens to gain access to education, employment, health services, and other public facilities. The concept of unity and diversity is a value that is expected to occur so that the Indonesian nation is always united in factual and natural diversity. This concept manifests

efforts to build harmonious relations between different groups of people of different ethnicities, religions, races, and groups. So, the ideal values contained the mandate that the government and society in Indonesia strive to create an inclusive environment, respect differences, and encourage intercultural dialogue. The concept of just and civilized humanity is an effort to protect and respect human rights and promote human values such as empathy, tolerance, and respect for human life. The moral message of the mind implicitly contained in it is the necessity to strive to build a safe, peaceful, and dignified society. Deliberation and democracy are universal principles of participation and decision-making involving all citizens. Inclusive deliberative and democratic processes allow individuals to participate in public decision-making and maintain equitable decision-making. The concept of balance between rights and obligations is a manifestation of the principle to provide fair and balanced treatment between rights and individual responsibilities so that any internal stakeholders of the nation and the State of Indonesia must respect the rights of others and collective interests. Indeed, the manifestation of universal principles in Pancasila is an attempt to apply values that are relevant in the Indonesian context and line with universal values recognized by the international community.

Pancasila is a view of life reflecting noble values and norms Indonesian society recognizes. Pancasila provides guidelines for individuals and communities to live their daily lives, both in relations between individuals and the state. Pancasila is also recognized as a state ideology that can accommodate the diversity of Indonesian society. Through its principles, Pancasila encourages unity, unity, and harmony amid differences in ethnicity, religion, race, and group. Pancasila as a state ideology also strengthens the sense of nationalism and identity of the Indonesian nation.

On the other hand, Pancasila also acts as a source of law. That is, Pancasila has a strong position as the highest source of law in Indonesia. The laws formed must be in harmony with the values and principles of Pancasila. Pancasila is a reference for lawmaking and government policy. When there is a legal product that contradicts Pancasila, it must be null and void.

Pancasila, as a state ideology, plays an important role in regulating the life of the Indonesian nation and state. As the main foundation, Pancasila is the foundation for forming values, public policies, and legal frameworks that aim to achieve justice, unity, and prosperity for all Indonesian people.

3.1.4. Relationship of the 1945 Basic Act with Pancasila

The ontological relationship may still have problems to be resolved, not at the level of the 1945 Basic Act and Pancasila. But at the level of the Law and various implementing regulations. One example that can be mentioned is Chapter XIII on Education and Culture, Article 31 which consists of five verses. The first paragraph (1) states that "*Setiap warga negara berhak mendapat pendidikan*" (Every citizen has the right to education). The second verse (2) states: "*Setiap warga negara wajib mengikuti pendidikan dasar dan pemerintah wajib membiayainya*" (Every citizen is obliged to attend basic education and the government is obliged to finance it). The third paragraph (3) states that "*Pemerintah mengusahakan dan menyelenggarakan satu sistem pendidikan nasional, yang meningkatkan keimanan dan ketakwaan serta akhlak mulia dalam rangka mencerdaskan kehidupan bangsa, yang diatur dengan undang-undang*" (The government seeks and organizes a national education system, which increases faith and piety as well as noble

character in the context of educating the nation's life, which is regulated by law). The fifth paragraph (4) gives the mandate that "*Negara memprioritaskan anggaran pendidikan sekurang-kurangnya dua puluh persen dari anggaran pendapatan dan belanja negara serta dari anggaran pendapatan dan belanja daerah untuk memenuhi kebutuhan penyelenggaraan pendidikan nasional*" (The state prioritizes the education budget of at least twenty percent of the state revenue and expenditure budget and from the regional revenue and expenditure budget to meet the needs of implementing national education). While the fifth paragraph (5), confirms the government's obligation that "*Pemerintah memajukan ilmu pengetahuan dan teknologi dengan menjunjung tinggi nilai-nilai agama dan persatuan bangsa untuk kemajuan peradaban serta kesejahteraan umat manusia*" (The government advances science and technology by upholding religious values and national unity for the advancement of civilization and the welfare of mankind).

At first glance, there are no significant problems in the relationship between Pancasila and Article 31 of the 1945 Basic Act and its five verses. However, when viewed from the implementation of Article 31 paragraph (4), it can be believed that ontological problems must be resolved, because the existing facts show that in the education balance in 2021, there are still unchecked injustices. No one took issue with the injustice.

It is reported in <http://npd.kemdikbud.go.id> that the education budget for 2021 has been set at twenty percent of the State Budget (APBN), which is five hundred and fifty trillion rupiahs (Rp. 550,000,000,000,000,-) from the total state budget of two thousand seven hundred and fifty trillion rupiahs (Rp. 2,750,000,000,000,000,-). They are divided into five categories: education development funds, education budgets through regional transfers, budgets for the Ministry of Education and Culture, budgets for the Ministry of Religion, budgets for other ministries/institutions, and education budget reserves. The budget for education development funds is 12.09% or Rp 66,405 trillion. The education budget through regional transfers is 54.37% or Rp. 299,064 trillion. The Ministry of Education and Culture budget is 14.82% or Rp. 81,534 trillion. The budget for the Ministry of Religions is 10.16% or Rp. 55,885 trillion. While the budget for Other Ministries/Institutions is 4.19% or Rp. 23,066 trillion. Finally, the education reserve budget is 4.37% or Rp. 24,050 trillion.

The data seems to have no problem. However, if we look closely, the fairness in the distribution of the budget is questionable. Because, from the existing reports, there has never been a comprehensive elaboration on using the budget in each division element. For example, the budget for education development funds, education budget through regional transfers, budget for the Ministry of Education and Culture, budget for the Ministry of Religion, and budget for other ministries/institutions, can be seen. However, the use report for education budget reserves is difficult to find.

Differences regarding budgets for the Ministry of Education and Culture, the Ministry of Religion, and other Ministries/Institutions also need attention. Judging from the number of education units managed by the Ministry of Education and Culture with the Ministry of Religion and Other Ministries / Institutions is quite important to look at again. There is one small phenomenon that reflects injustice. Higher education in Indonesia under the auspices of any ministry is divided into three categories: high relations with work unit status, public service agency status, and legal entity status. When one of the universities with the status of a work unit

under the Ministry of Religion organizes an international seminar, a budget of up to Rp 1,944,150,000 can be given (one billion nine hundred forty-four also one hundred and five thousand rupiah).

In comparison, universities with the same status under the Ministry of Education and Culture find it difficult to get a budget for organizing international seminars. These colleges have the same status. For this reason, there are indications of an ontological problem in the relationship between the 1945 Basic Act and Pancasila at the level of implementation of laws and regulations.

4. CONCLUSION

The ontological relationship at the norm level between the 1945 Basic Act and Pancasila is final. However, the ontological relationship between Pancasila and the laws and regulations below it needs attention. There are no significant problems in the relationship between the 1945 Basic Act and Pancasila. The ontological construction of each precept, when related to the content of the preamble to the 1945 Basic Act and its articles, is sufficient to have a definite coherence of relationships. That is, the relationship between the two has characteristics that both have the same spirit to produce the right solution or answer in the nation and state. The scope of the relationship between the two is clear and can be identified.

The state-based solution is the ontological relation of the two basic entities of the Indonesian state. The two basic entities of the state, both the 1945 Basic Act and Pancasila are manifestations of solutive ideas which, if implemented purely and consistently, will negate the adverse effects on the business of the nation and state. Indeed, it must be recognized that as an entity, the 1945 Basic Act has a statutory structure that can be understood as an interpretation and translation in implementing articles in the 1945 Basic Act. The entity can be analyzed and broken down into simpler components. Analysis of the factual reality of the state's elaboration, interpretation, and practices as outlined in the laws and regulations needs to be carried out to identify problems that may be present behind the laws and regulations. Indications of the presence of ontological problems are a marker that various implementing regulations and implementation policies need to be reviewed so that the concept of social justice for all Indonesian people can be implemented properly.

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