

***Pancasila* as Guiding Principles in the Formulation of National Law¹**

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Background

The ongoing debate in parliament regarding the Nursing Bill and the Healthcare Workers Bill is just another instance of a common occurrence: Debate over views, ideas and schools of thought regularly colours the formulation of laws. This is a logical consequence of the representative system found in our constitutional design, whereby parliament, as the representative of the people, directly elected by the people through democratic general election, is a concrete manifestation of the people's sovereignty. Thus, parliament functions to aggregate the aspirations of the people and also to represent the voice of the people within government. Therefore, the existence of parliament is important in a constitutional democratic state.

However members of parliament often find themselves trapped in transactional politics, prioritising the interests and benefits of their respective parties rather than those of the people. In such conditions, social control by the people as holders of sovereignty is necessary to uphold the goals and ideals of the country, as stated in the preamble to the 1945 Constitution, namely protecting the entire Indonesian nation and all of its people,

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advancing the general welfare of the nation, enriching the life of the people and participating actively in the endeavour to achieve world order.

In this paper, as a constitutional judge, I not only restrain myself from stepping into the space of polemic and debate in the parliamentary realm regarding these two bills, but I also refrain from commenting on the content of these two bills because both could one day be brought before the constitutional court for judicial review. In this seminar, I will convey the concept of the positive formation of laws and regulations that can fulfill and conform to the sense of justice in society.

Rule of Law in Indonesia

As stated in the Elucidation of the 1945 Constitution, the Indonesian state is guided by law (*Rechtsstaat*) not mere power (*Machtsstaat*). In the Amendment to the 1945 Constitution, it is explained that Indonesia is a constitutional state with very high constitutional values, which is further confirmed in Article 1 paragraph (3) of The 1945 Constitution of the Republic of Indonesia (UUD NRI 1945), which states that "Indonesia is a constitutional state". In this Amendment to the 1945 Constitution, it is no longer stated that Indonesia adheres to the concept of *Rechtsstaat*, translating the concept to refer more to rule of law. The question is whether Indonesia's concept of *negara hukum* following the Amendment to the 1945 Constitution is more aligned with *Rechtsstaat* or Rule of Law. It is also equally important to ask whether Indonesia prior to the Amendment to the 1945 Constitution did indeed adhere strictly to the concept of *Rechtsstaat*.

In order to find out whether the rule of law has actually been adopted by Indonesia, we can look to the Preamble and the Articles of the 1945 Constitution as the ultimate source of legal politics in Indonesia. Together, they contain the objectives, legal ideals and fundamental norms of the Indonesian state, which represent both the foundation and the goal of Indonesian legal politics. Furthermore, the Preamble and Articles of the 1945 Constitution

contain distinctive values that come from the views and culture of the Indonesian people as inherited from the ancestors of the Indonesian nation.³

From these two parameters, it is clear to see that the concept of *negara hukum* adopted by Indonesia from independence to the present is not the concept of *Rechtsstaat* nor the concept of rule of law, but rather a new variation based on the views and philosophy of the Indonesian people. This new concept manifests as a constitutional state based on the *Pancasila*, a crystallisation of the views and philosophy of the noble, ethical and moral values of the Indonesian people, as stated in the Preamble to the 1945 Constitution and further implied in its Articles. It can be understood that the *Pancasila* provides both the foundation of the norms of the Indonesian state (*grundnorm*) and also the ideals of Indonesian law (*rechtsidee*) as a normative and constitutive framework of belief. It is normative because it functions as a basis and prerequisite that underlies any positive law, and it is constitutive because it directs the law towards established ideals. With its inclusion in the Preamble to the 1945 Constitution, the *Pancasila* stands as the primary basis for the fundamental principles of the state, *staatsfundamentalnorm*.

This concept of a constitutional state of *Pancasila* is the main characteristic that distinguishes the Indonesian legal system from other legal systems, which, according to the literature on combining social values, is referred to as a prismatic choice or, in the context of law, prismatic law.⁴ Prismatic laws are laws that integrate the good elements contained in various laws (legal systems) so that a new and complete law is formed.

The characteristics of the *Pancasila*-informed Rule of Law found in Indonesia are as follows:⁵

³ Moh. Mahfud M.D., *Membangun Politik Hukum Menegakkan Konstitusi*, LP3ES Library, Jakarta, 2006, pg. 23

⁴ *Ibid.*

⁵ *Ibid.* pg. 23–30

First, Indonesia is a familial state. In a family state, while there is recognition of human rights or individual rights (including property rights), the priority is placed on common interests over individual interests. On the one hand, this is in line with the traditional values of the Indonesian society, which are familial in nature (*gemeinschaft*), but it also aligns with the more modern shift towards a society based on group identity (*gesellschaft*). This is in stark contrast to the concept of a western rule of law, which emphasizes the widest possible range of individual freedom and is at the same time contrary to communist–socialist legal states, which emphasise communal or collective interests. In the *Pancasila*–constitutional state, efforts are made to create harmony and balance between the interests of the individual and the interests of society by giving the state the possibility to intervene where necessary for the creation or maintenance of order in national and state life, in accordance with the principles of the *Pancasila*.

Second, Indonesia observes a rule of law with legal certainty and justice. With its prismatic nature, the concept of the *Pancasila*–constitutional state, both in the process of its formation and in its implementation, is a combination of various positive aspects taken from both *Rechtsstaat* and Rule of Law. One example, a combination of the principles of legal certainty and justice, creates a prerequisite that legal certainty must be established in order to uphold justice in society in accordance with the principles of the *Pancasila*.

Third, Indonesia is a religious state. Assessing the relationship between state and religion, the concept of the *Pancasila* rule of law is not based in secularism, but it also does not establish a theocracy nor an Islamic Nomocracy. Specifically, the state under the *Pancasila* and rule of law is a divine state, in the sense that life in the Indonesian nation and state is based on a belief in God Almighty, thus opening a freedom for citizens to embrace religion and faith according to their respective beliefs. The logical consequence of this prismatic choice is that atheism as well as communism are prohibited because they contradict belief in God Almighty.

Fourth, integrating law as a means of change in society and as a mirror to the culture of the people. By combining these two concepts, the *Negara Hukum Pancasila* aims to maintain and reflect the values of society and the living law in an attempt to encourage and direct society towards positive progress in accordance with the principles of the *Pancasila*. I don't agree with the principle of pluralism or multiculturalism in Indonesia. My view is that Indonesia, in building a national legal system, should adhere to the principles of *Bhinneka Tunggal Ika* or "unity in diversity". So even though we need to embrace to the principle of legal unification to achieve the nation's ideals, we must do so with careful attention to the varied views of the people, as is promoted under the principle of "unity for all".

Fifth, the formulation of national laws must be based on legal principles that are neutral and universal. These principles include the *Pancasila* as the fundamental ideal; equality amongst groups and reference to shared values that do not prioritise any groups over others; mutual cooperation and tolerance; a shared vision and mission; and a mutual trust underlying all of the above.

The Indonesian Legal System

According to Hans Kelsen⁶ a legal system is not a system of equal norms merely coordinated with one another but a hierarchy of norms placed in a systematic order across multiple levels.

This hierarchical structure is apparent in the fact that the formation of one norm, namely a lower norm, is informed by other, higher norms, which are in turn informed by yet other norms at higher levels, a chain of influence that terminates at the highest norm, the supreme norm, on which the validity of the whole system is based. Kelsen writes:

"...The legal order, especially the legal order the personification of which is the state, is therefore not a system of norm coordinated to each other, standing, so to speak, side by

⁶ Hans Kelsen, *General Theory of Law and State*, Russel & Russel, New York, 1961, pg. 110–161

side on the same level, but a hierarchy of different level of norms. The unity of these norms- the lower one- is determine by another-the higher-the creation of which is determined by a still higher norm,and that this regressus is terminated by a highest, the basic norm which, being the supreme reason of validity of the whole legal order, constitutes its unity.”

Experts have offered several perspectives on Kelsen’s opinion, but they all share similar conclusions. The first view was offered by Hamid Attamimi, who described the legal hierarchy as a pyramid with the constitution at its peak and the regulations beneath elaborations on that constitution. This view is structural in nature, placing the constitution at the top of the pyramid. The second view comes from Satjipto Rahadjo, who quoted Hans Kelsen's opinion that, "this regressus is terminated by a highest, the basic norm ...". Thus, Satjipto Rahardjo described the legal hierarchy as an *inverted* pyramid, with the constitution as the highest law at the widest part of the pyramid, which is more functional in nature, highlighting the breadth of the supreme norm subsuming all lower norms. Even though they look from different perspectives, these two views share a common thread that the formation of a lower norm is informed by higher norms, which are in turn formed with influence from other, yet higher norms, a regress that terminates at the highest norm, namely the constitution. This presents the constitution as an abstract norm that needs to be explained and described by the legal products that are under it.

In the context of Indonesia’s hierarchy of laws, the 1945 Constitution is the supreme law of the land, though being abstract, it is necessary to elaborate upon it through the legal products beneath it (*concretiserum*).⁷ On the other hand, the nation’s founding fathers

⁷ The 1945 Constitution is elucidated through the laws that sit underneath it at various levels of the hierarchy. This can be seen in Article 7 of Law No. 12, 2011 on the Formulation of Laws, which lays out the hierarchy of laws in Indonesia as follows: the 1945 Constitution, Parliamentary Decree,

internalised the Jakarta Charter, which contains the *Pancasila*, as part of the preamble to the 1945 Constitution to provide the Constitution with a spirit, based upon the philosophy and noble character of the Indonesian people. Therefore, the *Pancasila* as a legal ideal (*rechtsidee*) offers direction and guidance for national legal politics. Furthermore, the *Pancasila* is permanent in nature, while the articles in the Constitution constitute basic legal politics that are semi-permanent.

According to Hamid Attamimi, the *Pancasila* as a legal ideal (*rechtsidee*) has two consistent and continuous functions, namely constitutive and regulative, towards the Indonesian legal norm system. Consequently, the *Pancasila* is positioned as a fundamental norm in the legal system which determines that the legal norms under it are formed in accordance with and not in contradiction to the *Pancasila*.⁸

Developing the National Legal System

Philosophically, the Preamble to the 1945 Constitution represents a *modus vivendi* (noble agreement) for the Indonesian people to live together in the bonds of one plural nation. It can also be considered a certificate of birth for the nation, containing its proclamation of independence and identity and the steps required to achieve the nation's ideals and goals. From a legal point of view, the Preamble to the 1945 Constitution with the *Pancasila* contained within it forms the basis of the state philosophy, gives birth to the legal ideal (*rechtsidee*) and provides the foundation for a separate legal system in accordance with the very spirit of the Indonesian nation. The *Pancasila* as the basis of the state is the ultimate source of all law, providing legal guidance and presiding over all laws and regulations. As such, the Preamble to the 1945 Constitution constitutes a fundamental norm and the

Law / Interim Law, Government Regulation, Presidential Decree, Regional Regulation (Province), Regional Regulation (City).

⁸ Kaelan, *Negara Kebangsaan Pancasila: Kultural, Historis, Fofosofis, Yuridis dan Aktualisasinya*, Paradigma, Yogyakarta, 2013, pg. 518

fundamental principles of the state and cannot be altered by any legal means without altering the very identity of the nation.

In establishing the Indonesian state as being based upon a concept of rule of law influenced by the *Pancasila*, it is necessary to know beforehand the goals of the Indonesian state as implementing any legal system must always focus on the realisation of these goals. For this, we can look to the fourth paragraph of the Preamble to the 1945 Constitution, where the nation's goals are laid out as follows:

Protect the nation and all of its people;

Promote general welfare;

Enrich the life of the nation's people;

Participate in world peace and social justice.

The realisation of these objectives is the obligation of the Indonesian state as the highest organisation of the Indonesian nation, whose implementation must be based on the five principles of the state contained within the *Pancasila*. From this it can be understood that activities of state administration must be based on the the five principles of the *Pancasila*: Belief in one God, just and civilized humanity, Indonesian unity, democracy led by wisdom in deliberation / representation, and social justice for all Indonesian people.

In the context of the realisation of the goals of the Indonesian state as listed above, every state policy issued by state administrators (including efforts to develop a national legal system) in the effort to implement a state based on *Pancasila* law must comply with the four principles of Indonesian law, namely:⁹

Maintaining the integration of the nation and state both ideologically and territorially;

⁹ *Ibid.*, pg. 18; see also: Arief Hidayat, *Empat Kaidah Penuntun*, Lecture delivered to students of the Diponegoro University Master of Law, 2011, pg. 2

Realising the sovereignty of the people (democracy) and the rule of law (nomocracy) simultaneously, as an inseparable unit;

Realising general welfare and social justice for all Indonesian people;

Creating tolerance on the basis of humanity and civilisation in religious life.

As such, the legal system built to ensure the implementation of rule of law based on the *Pancasila* must intend to...¹⁰

Ensure the integration of the nation and state both ideologically and territorially;

Uphold the agreement of the people, whether decided through deliberation to reach consensus or by voting, the results of which can be tested juridically for consistency with the *rechtsidee*;

Realise general welfare and social justice;

Realise civilised religious tolerance, in the sense that it must not prioritise nor discriminate against any specific group or groups.

The development of the national legal system is based on two sources of material law, namely pre-independence sources and post-independence sources. Pre-independence sources of material law consist of (1) traditional customary law, as a living law that has developed organically in Indonesian society; (2) religious law, both Islamic law and other religious laws; (3) Dutch law; (4) Japanese law. While post-independence sources consist of: (1) international legal instruments; (2) civil law; (3) common law.

From these two sources of pre- and post-independence material law, a national legal system was developed with the intention of reforming the national legal system. The development of this national legal system was carried out with the Proclamation of Independence of the Republic of Indonesia as its starting point and was based on the 1945 Constitution (or the

¹⁰ Moh. Mahfud M.D., *Op. Cit.*, pg. 19; See also: Arief Hidayat, *Op. Cit.*, pg. 3

1945 NRI Constitution, after the amendment to the Constitution), which contains in its preamble and articles the objectives, foundations, legal ideals and basic norms of the Indonesian state, which were taken as the goals and foundation of the development of such a system.

It was hoped that a complete Indonesian national legal system based on the principles of *Pancasila*, which are prismatic in nature, would realise the goals of the Indonesian state as stated in the Preamble to the 1945 NRI Constitution.

As for the post-reform national legal system, it is inseparable from various obstacles, both internal and external. Internal obstacles include first, the culture of society, which tends to be feudalistic and paternalistic and causes the law to become elitist and corrupt; second, the lack of awareness of national and state politics amongst state administrators, such that the law, which incidentally is a result of a political process, is based not on the national interest but rather on the interests of certain groups.

Meanwhile, external obstacles are first, the influence of globalisation, which brings other ideologies outside of the *Pancasila*, impeding a complete understanding of the *Pancasila* and affecting the mindset of society and second, foreign policy pressure from superpower countries, resulting in conflicts between national interests and foreign interests and greatly affecting the development process of the national legal system.

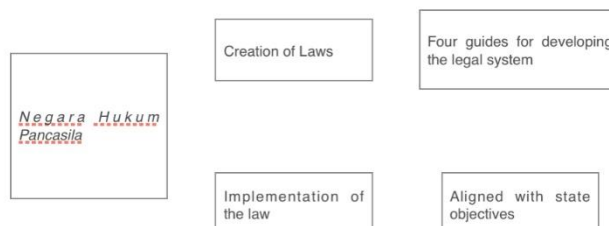
Thus, it is hoped that a national legal system can be created which 1) can guarantee the integration of the nation and state both ideologically and territorially; (2) uphold's the agreement of the people, whether decided through deliberation to reach consensus or by voting, the results of which can be tested for juridical consistency with the *rechtsidee*; (3) can achieve general welfare and social justice; (4) can create civilized religious tolerance, neither prioritising nor discriminating against specific groups. In addition, in accordance with Article 6 paragraph (1) of Law 12/2011 concerning the Formation of Legislative Regulations, the formation of national law needs to be based on the principles of protection, humanity,

nationality, kinship, nationality, diversity, justice, equality before the law and the government, legal order and certainty, balance and harmony. These principles are derived from the noble values of the *Pancasila* as a legal ideal (*rechtsidee*). Thus, the *Pancasila* is the soul and spirit that inspires the formation of national law.

Part 1: Developing a National Legal System



Part 2: The Concept of *Negara Hukum Pancasila*



¹¹ *Ibid.*, pg. 1

System of State Administration

The framers of the 1945 Constitution agreed that the state should be a democracy. The nation has steadily positioned the people as the ontological basis. Though democracy is not perfect, it has been determined that no other system that is superior. The choice of a democratic political system as accommodated for in the 1945 Constitution is not an easy, one-time process, but an ongoing process resulting from the continuous exploration and elaboration as well as compromises in the varied thinking of national leaders. National figures, such as HOS Tjokroaminoto, Tan Malaka, Soekarno, Sjahrir, Hatta, and more, communicated their thoughts through their writings long before the draft of the 1945 Constitution was formulated, especially regarding the concept of democracy that was to be built in the independent Indonesian state.

Examining the thoughts of these figures

H.O.S. Tjokroaminoto idealised the principles of social democracy as the basis for the struggle for Islam and for the state. On the other hand, Tan Malaka preferred a socialist democracy that emphasized cooperation. In contrast, Soekarno was of the view that the state must be both a political democracy and an economic democracy. Sjahrir identified democracy with popular socialism. Hatta was different again. In a speech, Soekarno loudly stated:

"Ladies and gentlemen, I suggest that if we are looking for democracy, it should not be Western democracy, but a political–economical process of deliberation that can give rise to social welfare ..."

On the same subject, Hatta stated, somewhat more concretely, that Indonesian democracy should align with the culture and noble values of the nation, not merely copy Western conceptions. Thus, Hatta suggested that the nation would need to develop a democratic

model suitable and adapted to the Indonesian character, namely a kinship democracy based on deliberation.¹² In one of his books, Hatta writes:¹³ 13

"... we do not throw away what is good from our old principles, we do not replace genuine democracy with imported goods. We can revive the original democracy, not in an outdated place, but at a higher level, in accordance with today's society."

Although they appear diverse, these thoughts essentially conclude with the same idea, namely that democracy must fight for the balance of achieving freedom, equality, justice and brotherhood, in the spirit of deliberation.¹⁴ These thoughts and their conclusions influenced the discussion and debate during the *BPUPKI* (Indonesian Investigating Committee for Preparatory Work for Independence).¹⁵

Meanwhile, Agoes Salim reminded us of the importance of deliberation over a Western-style democracy. According to Agoes Salim, deliberation and unanimity relies not solely on majority votes, but inclusively includes minority aspirations and support in decision making. In a deliberative democracy model, legitimacy is not determined based on who wins, but on how broad and involved the deliberative consensus processes are. The concept of

¹² Yudi Latif, *Negara Paripurna: Historisitas, Rasionalitas, dan Aktualitas Pancasila*, Gramedia Pustaka Utama, Jakarta, 2011, pg. 417

¹³ Hatta, "*Tentang Nama Indonesia*", *De Scocialist*, No. 1, Decemeber 1928, republished in *Kebangsaan san Kerakyatan: Karya Lengkap Pidato Bung Hatta*, LP3ES, Jakarta, 1998, pg. 347

¹⁴ Yudi Latif, *Op. Cit.*, pg. 420

¹⁵ Originally Investigating Committee for Preparatory Work for Independence (*Badan Penyelidik Usaha-Usaha Kemerdekaan Indonesia*). Various studies and official statements have appended "Indonesian" to the title, so that it has become known as BPUPKI. BPUPKI was formed by the Japanese Government in Indonesia on 29 April 1945 (not March 1 1945, as many history books claim) with the task of drafting a constitution for Indonesia, whose independence had been promised for the near future.

deliberative democracy heavily coloured the formulation of Indonesian politics and state administration.

Apart from democracy, which is one of the foundations for state administration, there are also other elements in state administration, namely theocracy, nomocracy and ecocracy.¹⁶

The three elements of state administration, namely theocracy, democracy and nomocracy, were discussed and debated by the founders of the nation in BPUPKI and PPKI sessions.

Democracy must be accompanied by the principle of nomocracy, and nomocracy with democracy. A democracy without a nomocracy will cause chaos in society, while a

nomocracy without democracy gives rise to arbitrary actions. Furthermore, the principles of democracy and nomocracy need to be supported by the principles of theocracy and

ecocracy. In the practice of state administrators, these four elements are complementary and interrelated so as to produce a concept of a constitutional democratic state. Indonesia

as a constitutional democracy has a distinctive character and characteristics because it is based on the noble values of the *Pancasila*, one of which adheres to the theocratic principle,

namely the principle of belief in the one and only God. This implies that every implementation

¹⁶ Ecocracy is a term that became popular at the end of 1990 in various forums and mass media regarding environmental issues. The principle of ecocracy has been contained in the amendment to the 1945 Constitution, which is regulated in Article 28H paragraph (1) and states, "Every person shall have the right to live in physical and spiritual prosperity, to have a home and to enjoy a good and healthy environment, and shall have the right to obtain medical care," and Article 33 paragraph (4) of the 1945 Constitution which states, "organisation of the national economy shall be conducted on the basis of economic democracy upholding the principles of togetherness, efficiency with justice, continuity, environmental perspective, self-sufficiency, and keeping a balance in the progress and unity of the national economy." The essence of ecocracy is based in the principles of sustainable development. See Jimly Asshiddiqie, *Green Constitution: Green Shades of the 1945 Constitution of the Republic of Indonesia*, Rajawali Press, Jakarta, 2009, pg. 5–6.

of state power must be based on religious values and the nation's belief in God Almighty (theodemocracy).¹⁷

Function of the State in Health Services

Indonesia adheres to a religious welfare state. Therefore the government has the task of building public welfare in various fields (*bestuurzorg*), granting independence to state administrators to act on their own initiative in regulating the social life of their people¹⁸. Owing to these developments, the role of the state in this century is different from the role of the state in previous centuries, where the state only acted as a night watchman state (*nachwachterstaat*).¹⁹

The responsibility of the state in providing public services is contained in the fourth paragraph of the Preamble to the 1945 Constitution, which emphasises that the purpose of establishing the Republic of Indonesia is to promote general welfare and to educate the nation's people. Apart from the preamble, the state's responsibility to administer public

¹⁷ In court decisions, this can be seen in the oath taken by justices with the phrase, "*Demi Keadilan Berdasrakan Ketuhanan Yang Maha Esa.*" (For justice in the name of God Almighty).

¹⁸ Moh. Mahfud MD, *Demokrasi dan Konstitusi di Indonesia: Studi tentang Interaksi Politik dan Kehidupan Ketatanegaraan*, Rineka Cipta, Jakarta, 2003, pg. 29

¹⁹ The government as a *nachwachster* has very narrow space not only in the political field but also in the economic field which is controlled by the argument of *laisser faire, laisser aller*—namely that a state's economic conditions will be healthy if everyone is allowed to take care of their respective economic interests. From a political point of view, the main task of a *nachwachstertaat* is to guarantee and protect the economic position of those who control the tools of the government, namely the ruling class, which is an exclusive group, while the fate of those who are not among the ruling class is ignored by the *nachwachterstaat* ... see E Utrecht, *Pengantar Hukum Administrasi Negara Indonesia*, FH PM UNPAD, Bandung, 1960, pg. 21.

services is also regulated in Article 34 paragraph (3) of the 1945 Constitution, which states, "The state shall have the obligation to provide sufficient medical and public service facilities."

The mandate of these two provisions, contained in the constitution as the supreme law of the land, implies that the state is obliged to meet the needs of every citizen through a system of government that supports the creation of public services in order to fulfill the basic needs and civil rights of every citizen through public goods, public services, administrative services and good health services, as stated in Article 28H paragraph (1) of the 1945 Constitution, "Every person shall have the right to live in physical and spiritual prosperity, to have a home and to enjoy a good and healthy environment, and shall have the right to obtain medical care."

In Article 34 paragraph (4) of the 1945 Constitution, it is also emphasized, "Further provisions in relation to the implementation of this Article shall be regulated by law." Therefore, the provisions of Article 34 paragraph (3) and Article 28H paragraph (1) of the 1945 Constitution are made concrete by the existence of a law in the health sector that guarantees the fulfillment of the needs of the community for health services and public services. However, in formulating such laws to uphold the provisions of these two Articles, it must be ensured that they are harmonious and coherent with the *Pancasila* as a legal ideal (*rechtsidee*) and the 1945 Constitution as a guiding principle for the formation of national law.

As this paper comes to a close, I would like to reiterate that the *Pancasila* must be the spirit that underlies the formation of national law so that the legal products produced by the parliament are in accordance with the characteristics and character of our nation based on the *Pancasila*.

Bibliography

Hidayat, Arief, *Kebebasan Berserikat di Indonesia (Suatu Analisis Pengaruh Perubahan Sistem Politik terhadap Penafsiran Hukum) [Freedom of Association in Indonesia (An Analysis of the Influence of Changes to the Political System on Legal Interpretation)]*, Badan Penerbit Universitas Diponegoro [Diponegoro University Press], Semarang, 2006.

—————, *Bernegara Itu Tidak Mudah (dalam Perspektif Politik dan Hukum) [Statehood is Not Easy (Political and Legal Perspectives)]*, Inaugural speech at Professor of Law Inauguration Ceremony before the Faculty of Law at Diponegoro University, Badan Penerbit Universitas Diponegoro, Semarang, 2010.

—————, *Empat Kaidah Penuntun [Four Guiding Principles]*, Lecture on Legal Politics delivered as a part of the Master's and Doctoral Law programmes, 2010.

Hernowo, *Implementasi Pancasila Menjamin Integrasi Nasional Berdasarkan Wawasan Kesatuan dan Persatuan Bangsa [Implementing the Pancasila Ensures National Integration based on Insights into Unity]*, LPPKB, Jakarta, 2006.

Kaelan, *Pendidikan Pancasila [Pancasila Education]*, Paradigma, Yogyakarta, 2004.

—————, *Negara Kebangsaan Pancasila: Kultural, Historis, Filosofis, Yuridis, dan Aktualisasinya [Nation of the Pancasila: Cultural, Historical, Philosophical, Juridical and their Actualisation]*, Paradigma, Yogyakarta, 2013.

Kartohadiprodjo, Soediman, *Pancasila Sebagai Pandangan Hidup Bangsa Indonesia [Pancasila as a Guide to Life in Indonesia]*, Gatra Pustaka, Jakarta, 2010.

Kiemas, Taufiq, *Empat Pilar Kehidupan Berbangsa Dan Bernegara Sebagai Sumber Moralitas Dan Hukum [Four Pillars of Nation and State as a Source of Morality and Law]*, Speech at the Honorary Doctorate Awarding Ceremony for Trisakti University, 2013.

Latif, Yudi, *Negara Paripurna: Historisitas, Rasionalitas, dan Aktualitas Pancasila [A Plenary*

State: History, Rationale and Actualisation of the Pancasila], Gramedia Pustaka Utama, Jakarta, 2011.

Latif, Yudi, *Pancasila Sakti [Sacred Pancasila]*. Article in Gatra Magazine, Edition No. 48 Year XVII, 12 October 2011.

Mahfud MD, Mohammad, *Membangun Politik Hukum Menegakkan Konstitusi [Building Legal Politics to Uphold the Constitution]*. Pustaka LP3ES, Jakarta, 2006.

Said Ali, As'ad, *Negara Pancasila: Jalan Kemaslahatan Berbangsa [Nation of the Pancasila: Pathway to National Benefit]*, Pustaka LP3ES, Jakarta, 2009.

Tahrir Azyhary, Muhammad, *Negara Hukum: Suatu Studi Tentang Prinsip-Prinsipnya Dilihat Dari Segi Hukum Islam, Implementasinya Pada Periode Negara Madinah dan Pada Masa Kini [The rule of law: a study of its principles from a perspective of Islamic law, its implementation in the period of the State of Medina and in the present]* Kencana, Jakarta, 2010.

Utrecht, E., *Pengantar Hukum Administrasi Negara Indonesia [Introduction to Indonesian State Administrative Law]*, FH PM UNPAD, Bandung, 1960.