

## THE URGENCY OF LEGAL DEVELOPMENT IN THE ERA OF GLOBALIZATION BASED ON THE VALUES OF PANCASILA AS NATIONAL IDEOLOGY

Suwardi

Universitas Muhammadiyah Kotabumi, Indonesia

Email : [suwardi.amri@gmail.com](mailto:suwardi.amri@gmail.com)

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### ABSTRACT

Legal development in the era of globalization based on the values of Pancasila as the nation's ideology is an urgent need. Globalization has presented complex challenges in various aspects of people's lives, including in the legal domain. This study aims to examine the urgency of legal development rooted in the values of Pancasila as the ideological foundation of the Indonesian nation. This research highlights the importance of maintaining the sustainability of Pancasila values in the context of globalization, where various foreign influences can threaten the integrity of national cultures and values. The problem to be discussed in this study is how the urgency of legal development in the era of globalization based on Pancasila values as the nation's ideology. The research method used is a normative research method with a statute approach and analyzed using content analysis.

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### 1. Introduction

The intensified development of society along with the development of information and communication technology has caused a shift in the values of applicability in society. New understanding is needed when faced with conditions that are experiencing a shift in the value order (Nahak & Hildigardis, 2019). There has been a change in social values in the fabric of society, has shifted the old values that are more traditional. Society enters the enactment of new values as a result of the dynamic process of scientific and technological progress (Yuniarto, 2016). The development of increasingly sophisticated contemporary technology has crossed the territorial boundaries of a society without being able to be prevented. Society also ultimately reflects the validity of these new values, including values about free trade and increasingly sharp business competition. Such orientation is becoming increasingly relevant considering that world development has entered the era of globalization which requires maturity and hard work to face competition (free (Rosyad & Maarif, 2020) competition) due to free trade. The borderless position of the world community without barriers resulted in the opening of market share. And it is recognized that in globalization the key

word is market / market as the main variable in the consideration of global business strategies (Hisyam & Pamungkas, 2016).

The Global Era or now known as the Industrial 4.0 era turned out to have a tremendous impact on the order of political life, nation and state. The positive impact certainly does not need to be discussed, but the negative impact has the consequence of changing the behavior of the Indonesian nation based on Pancasila (Musa, 2015). Globalization has had an impact in various fields, there is a tendency for the emergence of the ends of nation state (Ambiro Puji Asmaroini, 2017). This kind of condition cannot be allowed to run without norms and rules of law. Globalization demands the development of illegal changes in the system, because it involves all aspects of life, in the form of economic, political, socio-cultural, including aspects of crime. The impact of globalization is the rapid attack of trade and investment liberalization by developed countries to developing countries (Affan, 2017). The intensified development of society along with the development of information and communication technology has caused a shift in the values adopted by society. New understanding is needed when faced with conditions that are experiencing a shift in values. Advances in information and communication technology have forced society to enter a phase of development of globalization. Globalization leads to the condition of a process that places the world community can reach out to each other or be interconnected in all aspects of their lives, both in culture, economy, politics, technology, and the environment (Santoso, 2018)(Sigit Surahman, 2013).

Developments in society due to globalization have influenced developments in the national legal order of nations. In the end, existing legal norms must be able to adapt to changes that occur, but then it does not mean that they have to abandon the values adhered to, such as the view of life, ideology and state basis. Pancasila has become the source of all sources of law. For this reason, the law must still be able to combine the implications arising from the flow of globalization with the basic values contained in Pancasila. Because if the law stops and cannot keep up with the acceleration of development, then the law loses its function in the eyes of the community. Law becomes identityless, the essence of a legal order that should regulate people's lives towards the noble goal of order and justice (Sri, 2015).

The law must be able to provide regulation in all aspects of human life. If it is remembered that in this era of globalization each country must depart from an attitude of openness due to a borderless position, the territorial sovereignty of the state becomes thin in its boundaries so that developments in other parts of the world will affect the territory of other countries. Issues of global transparency, democratization, civil society, human rights, public accountability, non-discrimination are rapidly affecting the enforceability of legal norms. In this case, Pancasila as part of the elements of the nation's psychological character is a filter in transforming these global values in national life, because globalization cannot be accepted unanimously and cannot be ruled out or avoided. The transformationalist approach is most appropriate and not hyperglobalist that excludes nation states nor is it an approach that underestimates the impact of globalization (Kurniasari & Budiarmo, 2018).

Referring to this statement, Pancasila in its position as a psychological element plays an important role in the history of nations in the world because this can determine the superiority of the existence of the nation concerned. In the end, it must be able to create conditions for harmonious integration between globalization values that have influenced state sovereignty and existing political, economic, and social structures with the content of the value order in Pancasila, whether we like it or not, we must enter the current of globalization resulting from advances in information and communication technology. Pancasila as stated in the Preamble of the 1945 Constitution qualifies as the basis of the state, and contains political philosophy, because the founding fathers at that time put Pancasila in a special object, namely the context of state life. In addition to the paradigm of state life, the founders also placed Pancasila as a legal ideal, which has a broad dimension, both the legal system formulated in the text of the 1945 Constitution and outside it, both written and unwritten. This implies that ideology (Mukhadis, 2013). Pancasila should be a morally binding force for all

subjects of law on Indonesian soil. That is, every subject of state life is obliged to practice Pancasila and carry out all its partial functions in realizing the ideals of the nation, namely an independent Indonesian state. Unified, sovereign, just and prosperous. The order of life described in the Preamble above is still abstract so that it often results in multiple interpretations. Such nature and essence are often a strength, as well as a weakness of Pancasila itself which in its history has experienced many tests in the form of abuses in its implementation. (S Surahman, 2016)

For this reason, we must also remain grounded in the realm of local wisdom values as superior values to integrate local wisdom values as superior values to integrate with global values, including the rule of positive law. The products of legislation enacted sometimes contain a lot of global values, as an undeniable implication, the excesses that must exist from the conditions of the value order that have globalized in borderless efforts. Based on the description of the background of the problem above, the problem in this discussion is How is Legal Development in the Era of Globalization Based on Pancasila Values as the Nation's Ideology and How is globalization and its implications for the practice of Pancasila (Lestari, 2019).

## **2. Materials and Methods**

The research method used is a normative research method, using a statute approach related to the urgency of legal development in the era of globalization based on Pancasila values as the nation's ideology (Marzuki, 2011). The statute approach is to examine matters concerning legal principles, legal views and doctrines, and laws and regulations related to Legal Development in the Era of Globalization Based on Pancasila Values as the Nation's Ideology, with accurate and accountable data. In addition, an in-depth examination of the legal facts is also held to then seek solutions to the problems that arise in the symptoms concerned (Fajar & Achmad, 2010).

## **3. Result and Discussion**

### **Pancasila in the Middle of the Globalization Era**

The resilience of the Pancasila ideology was again tested when the world entered the era of globalization where many alternative ideologies penetrated into all joints of the nation through information media that could be reached by all children of the nation (Muhammad, 2004). Pancasila is actually an open ideology, which is an ideology that is open in absorbing new values that can be beneficial for the survival of the nation. However, on the other hand, national vigilance against the new ideology is required. If Indonesia is not careful, then people will tend to follow the flow of foreign ideologies, while the original ideology of the Indonesian nation itself, namely Pancasila, is forgotten both its values and its implementation in everyday life. The challenge (A P Asmaroini, 2016) faced in the era of globalization is the number of alternative ideologies through information media that are easily accessible to all children of the nation such as radicalism, extremism, consumerism. This also makes the community experience a decrease in the intensity of Pancasila learning and also the lack of effectiveness and attractiveness of Pancasila learning. Then the next challenge is social exclusivism related to the rapid flow of globalization which leads to the strengthening of the tendency to politicize identity, symptoms of polarization and social fragmentation based on SARA. The demographic bonus that will soon be enjoyed by the Indonesian nation is also a challenge to instill the values of Pancasila to the younger generation in the midst of globalization (Hidayat & Dewi, 2021).

The era of globalization has a strong influence on every aspect of people's social life, causing various social changes in society both positively and negatively. Changes that occur today are accompanied by the emergence of various technological developments that are increasingly sophisticated and modern, so that humans are increasingly easy to access information. The development of technology makes society more therapeutic between two choices, namely people who accept the presence of communication and information technology, and on the other hand, people assume that these technological advances actually cause structural problems, which then penetrate

all aspects of people's lives. Related to technological developments that have an impact on modernization, science and technology is a technological development that has the most rapid development (Pranoto, 2018).

Pancasila is the ideology of the state and nation, because this recognition is still intact and constitutional today, despite the history of post-reform amendments<sup>28</sup>. Pancasila is still recited in various official ceremonies without reducing the order or content of the sentence. This is done with the intention that our daily lives always stick to the values in each precept of the Pancasila. But in its implementation practices, it turns out that there are still practices that violate the value of Pancasila as can be seen in plain view (Regiani & Dewi, 2021). Pancasila in the future will maintain state authority and law enforcement and be the protector of citizens' basic rights as human beings. Therefore, it is very important to instill awareness of the potential dangers of external interference that can damage and invite students to maintain the nation's identity and increase the nation's mental and ideological resilience. The social representation of Pancasila that people should remember should be Pancasila ideology of tolerance, Pancasila ideology of pluralism, and Pancasila ideology of multiculturalism (Savitri & Dewi, 2021). The social representation of Pancasila in question is a frame of reference for state and nation values that become the identity of the Indonesian nation. Hamdi explained that if Pancasila becomes a reference, then the implementation of Pancasila values will be more easily seen in state practice, for example when making political policies. Furthermore, Hamdi explained that it seemed that Pancasila could provide solutions in the midst of various ideologies such as socialist and liberal as well as in the midst of identity politics efforts by religion, ethnicity, and interests.

### **The Urgency of Legal Development in the Era of Globalization Based on Pancasila Values as the Nation's Ideology**

Globalization is the formation of organization and communication between people around the world to follow the same system and rules. In other words, different cultures between nations seem to merge into one. Globalization then touches on important aspects of human life and creates new challenges in an effort to utilize globalization for the benefit of life (Nurohmah & Dewi, 2022). Pancasila is the basis of state ideology that contains cultural values since ancient times. Pancasila is composed of five main joints proposed by the founding fathers of the nation by thinking about the interests of the state. Ideology plays an important role in the integration of a country, especially in (Wibowo & Najicha, 2022) developing countries, so it is not the result of thoughts from one group alone, but the cultural values of all Indonesian people. Therefore, Pancasila contains the values of the Indonesian nation which must also be implemented in the life of the nation and state (Pratiwi et al., 2021). Pancasila as the basis of the state was then faced with the phenomenon of globalization. Globalization brings a new order by erasing borders between countries. The negative impact can be felt if many foreign cultures enter Indonesia and erode the original values of the Indonesian nation. For example, this globalization has affected one aspect of our culture, namely gotong royong. Globalization brought Indonesia to a more individualist society. In fact, as we know, gotong-royong is a concept that is upheld by our upstream through the fourth precept (Ayu & Trisiana, 2017).

Pancasila has a fixed position as an ideology, meaning that its content must not be changed. However, that does not mean Pancasila will become ancient. Pancasila itself has a more open and not closed nature to changes in life patterns that occur in society. Pancasila is actual and able to adapt to the times. What is meant by "conformity" here does not mean that Pancasila must change the values it contains, but that it is able to explicitly insight concretely, thus sharpening its ability to solve actual problems. Therefore, ideological interpretation must be carried out rationally and critically by confronting various problems and various views of life that change one after another, so that its operational meaning is revealed (Ekaprasetya & Dewi, 2022).

In the era of globalization, the world seems to turn into a global community where every member interacts with each other regardless of whether the country is developed or developing, village or

city, everything will interact. As a developing country, Indonesia still has to fight for the improvement of the welfare of its people. The situation that each member has is different, and this is the reason why Indonesia cannot progress if it follows other countries that have different conditions or habits. What is considered good for us is not necessarily good for others, and vice versa. Adhering to the nation's values listed in Pancasila encourages the state to understand its weaknesses and strengths (Pratama & Najicha, 2022)(Wulandari & Dewi, 2021).

Another point was put forward by Talcott Parsons in his book entitled *Social System*. Parsons argues that there are four paradigms of functions that must continue to be carried out so that society continues to exist and be sustainable. First, society needs to maintain its cultural value system. In Indonesia, the case occurs in the maintenance of Pancasila as a guideline for community culture. Second, society must be able to adapt to change, which in this paper is globalization. Third, there is a function of continuous integration of diverse elements of society. Integration can occur if all levels of society have the same life guideline, namely Pancasila. Finally, society needs to have a common goal that is born from Pancasila and is constantly improved by the leader and the dynamics of society.

In fact, we must admit that Pancasila itself has not had its rightful place in the hearts of the people. The appreciation and understanding of the value of Pancasila has not really been infused, as evidenced by the many implementations of foreign cultures that do not fit into Indonesian culture. Pancasila needs to be socialized and reinstilled, especially for young people in the process to develop themselves to become a modern society and be able to maintain their existence. One of the toughest challenges in countering the negative tides of globalization is preparing education for young people who will undertake Indonesia's development in the future. It is hoped that the progress of the Indonesian state will be in accordance with the vision and mission that has been outlined by the defenders of the country in Pancasila.

Pancasila has an important role as a filter for new values. The Indonesian people need to be able to adapt quickly to the times, but Pancasila is needed to maintain the original cultural values. Pancasila can be used to sort out which values can be absorbed and then adjusted to the values of Pancasila itself. That way, Pancasila is not rigid and closes the way for change. Pancasila actually provides an opportunity for new values to grow in the country while remaining under the personality of the nation. In line with the acceptance of the truth of the noble values of Pancasila, the flow and enthusiasm to make Pancasila a paradigm in scientific studies accelerated. It is fully realized that science plays an important role in human life, science as an institution of truth-seeking, which must always be encouraged to continuously develop, and when absolute truth belongs only to the Khalik, the process of hunting for truth through science also needs to be guided, controlled and controlled so that it is always in a direction that is close to the truth. It is at this point that the belief exists, that Pancasila can play a role as a paradigm of science, which provides direction as a lantern devoted to the national interest and the benefit of all Indonesian people.

So one would recognize that the elements of a legal system do not only consist of structural and substance components, because there is still a need for other elements and must be considered, namely a legal culture that includes general attitudes and values that can determine the working of the legal system concerned. Legal culture is themotorof justice, the legal *culture provides fuel for the motor of justice* and further formulated as attitudes and values that are related to law and the legal system, along with attitudes and values that have a positive or negative influence on behavior related to law, or can be interpreted as all factors that determine how the legal system gets its logical place within the framework of culture belonging to the general public. Legal culture in this case is part of social behavior and values, or some argue that the emphasis of this legal culture is on values related to law and legal process. And legal culture also, including opinions, opinions, habits, ways of thinking and ways of acting, both from law enforcers and the community in the end through legal culture will be able to see the law more realistically, the law as it is in people's lives so that it can be known

whether the law is used or not in people's lives, including in this sense is whether there is a mistake in the use of law or abuse of law in people's lives.

In the development of this distinctive Indonesian legal culture, we must carefully and carefully choose adequate noble values with a living value system and believed to be true by the Indonesian people. Careful attitude in the development of legal culture is considered necessary considering that legal culture always plays an important and decisive role for the work of the legal system as a whole, so that the components in the legal system, namely substance, structure and culture complement and complement each other. Legal culture that contains noble values that contain noble values that are believed to be true by all components of the nation and for the Indonesian nation, the noble values in question are none other than the values of Pancasila itself. And the values of Pancasila must be the basis that directs ideas, ideas, views and perceptions from all components of society in the life of the nation and state. Legal development in the transformation of various fields cannot be autonomous or independent from other sectors, must always be related to development in other sectors such as politics, economy, social and culture. Sometimes it often causes sharp criticism leveled at legal development, namely the lack of responsiveness of the law in anticipating the development of a legal society that changes so quickly. The laws that existed from the beginning were expected to be the *rules of the game* turned out to be unable to do anything and even had a tendency to fall behind.

Legal development has many aspects and is therefore quite complicated. It includes not only the development of legislation and structure but also substantial behavior. Legal development also has synergistic relationships with other fields and forces. In the face of such rapid development according to the law seems conservative, the law is often understood as the police who maintain security and order. Law often changes when social values change, while others argue by emphasizing the interpretation of law as an agent of modernization as proposed by Roscoe Pound as *an instrument of social engineering*. The presence of law in the midst of society clearly produces various kinds of opinions, but one thing is certain that law is a requirement with values so that law can be interpreted as a reflection of values because it was born to realize certain values in the social life of society. In a society that is developing, it will always be distracted by change, no matter how we define development and whatever indicators we use for the community in development, the role of law in development is to be able to ensure that the changes that occur and are experienced by the community can be passed in an orderly way.

The participation of law in development is clearly a very crucial factor for the success of development, especially during a prolonged multidimensional crisis, the law must manifest itself with the existence of *Political will* from the government to raise the idea of the rule of law so that in the end the law can act as a commander who is expected to be able to solve, regulate all problems that arise in the life of the *amasyarakat*, and create order in the social fabric of society.

Pancasila as a whole must be a national guideline, as a *national standard, norm and principles* that also contain *human rights and human responsibility*. Pancasila can also serve as a margin of appreciation as a limit or edge line of appreciation for the law that lives in a *pluralistic society (the living law)* so that it can be justified in the life of national law. Benchmarks can be used by referring to the content of values in the content of Pancasila to form laws, while still being based on the values as stated in the 5 (five) precepts. Law as a system must be understood as a quantity of various elements and the interweaving that connects various elements and the interweaving between these elements builds structures and systems. Finally, law as a system can be interpreted as law as a fabric that connects values, both primary and skunder values and / or intrinsic values and instrumental values in building legal structures. In this regard, in the character of legal science must be able to utilize Pancasila as a paradigm of appreciation that in the formation of legal theory and practice in Indonesia must rely on universal ethics contained in the precepts of Pancasila, such as:

- a) It must not contradict the principles of the Supreme God who respects the order of religious life, religion as a great interest.

- b) Respect for human rights values, both political rights and economic rights, and within the framework of relations between nations, must respect *the right to development*.
- c) It should base national unity on respect for the concept of *civic nationalism*
- d) Must respect the index or *core values of democracy* as a *democracy audit* tool
- e) It must place *legal justice* within the framework of *social justice* and in relations between nations, *global justice*.

Legal development in Indonesia at this time requires direction and input that provides added value, which is very necessary to regulate the life of the nation and state in an orderly, orderly and just manner, while protecting human rights. To achieve this goal, strategic steps are needed to increase the acceleration of legal reform covering four aspects, namely legislation, human resources, institutions, and infrastructure as well as legal culture. These four factors are standard values in solving fundamental problems in the field of law which include, legal planning, law-making processes, law enforcement and fostering legal awareness.

Through legal development based on this strategy, it is hoped that it will be a legal policy that is able to support the goals of nation and state and transformation on a global, national and regional scale. The politics of national legal development as intended, is expected to produce legal products that are in accordance with the ideals of the life of an independent, sovereign nation, both in the political, economic and social fields in the global arena. In the global era, legal development is marked by the tendency to demand market needs that are increasingly globalized. In such conditions the legal products formed rely more on the wishes of the government, due to market demands. The demands of economic needs have been able to cause fundamental changes both in physical and socio-political and cultural terms that are able to transcend existing legal institutions. The existing legal product is more directed at efforts to give direction in order to resolve conflicts that develop in economic life

Legal development aimed at economic life in the global era must be able to lead and focus on legal rules that are expected to smooth the wheels of economic dynamics and development that does not break away from the economic democratic system by heeding people's access to achieve efficiency and protection of small groups. In the global era, the existence of law is seen as a cause of changes in various fields that require norms or *rules of law* that can provide direction to noble ideals as the first time the idea of trade liberalization was born, namely wanting economic equality and prosperity of the world community which has been considered unfair due to the practice of colonialism.

#### 4. Conclusion

Based on the description above related to Legal Development in the Era of Globalization Based on the Values of Pancasila as the Nation's Ideology, it can be concluded that the results of the study show that Pancasila as the nation's ideology has a central role in guiding legal development that reflects Indonesia's identity and characteristics. Legal development based on Pancasila emphasizes principles such as social justice, unity, and community welfare. In addition, the values of Pancasila also promote human rights, diversity, and justice in international relations. The sustainability of Pancasila-based legal development in the era of globalization is an effort to maintain Indonesia's legal sovereignty amid increasingly complex global challenges. Therefore, governments, legal institutions, and communities must collaborate in ensuring that the laws built are aligned with the values of Pancasila and remain relevant in the face of global world changes. In conclusion, the urgency of legal development in the era of globalization based on the values of Pancasila as the nation's ideology is very important to ensure that Indonesian law reflects the characteristics, identity, and principles that this nation upholds. In facing the challenges of globalization, understanding and recognizing Pancasila as a moral and ethical guide in legal development will provide a strong foundation for achieving justice, unity, and public welfare.

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