

THE VALUE OF PANCASILA AS AN IDEOLOGY IN THE ERADICATION OF CRIMINAL ACTS OF CORRUPTION

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Laws define what must be done and what cannot be done or prohibited. The legal targets to be aimed at are not only people who are actually acting against the law, but also legal actions that are likely to occur, and to the state apparatus to act according to the law. Such a working system of law applies one form of law enforcement that applies in Indonesia. The increase in uncontrolled corruption will bring disaster, not only to the life of the national economy, but also to the life of the nation and state in general. To answer the writing questions that have been formulated above, the authors will use the normative research method. Pancasila as the source of all sources of law in Indonesia can provide a legal system building, which is free from corruption and still upholds human rights for all Indonesian citizens. The Pancasila method as a source of law forms a legal system, namely by basing all national policies on the morals and original characteristics of the Indonesian nation. So that corruption can be prevented not because of the death penalty in the law, but corruption can be prevented because of the moral building and moral formations contained in Pancasila.

Keyword : Pancasila, Corruption, Criminal

A. Introduction

The state of Indonesia is a rule of law, what is meant by a rule of law is a country that upholds the rule of law to uphold truth and justice, and there is no power that cannot be accounted for (accountable).¹ In law enforcement in every country that adheres to the rule of law, there are three basic principles, namely the supremacy of law, equality before the law, and law enforcement in a way that does not conflict with the law (due process of law).² In the 1945 Constitution of the Republic of Indonesia, Article 1 paragraph (3) states that the State of Indonesia is a legal state based on Pancasila and the 1945 Constitution which contains the meaning of all actions, patterns of behavior of citizens which must also be synchronized with the norms set by the state.³

Laws define what must be done and what cannot be done or prohibited. The legal targets to be aimed at are not only people who are actually acting against the law, but also legal actions that are likely to occur, and to the state apparatus to act according to the law. Such a working system of law applies one form of law enforcement that applies in Indonesia.⁴ Every citizen has the right and must be treated as a human being have the same degree as others, so also have equal standing before the law and the government.⁵ As a rule of law, actions taken by both the government and citizens must be based on law.⁶ Policies are laws, regulations, procedures, administrative actions,

¹ *Penjelasan Pasal 1 Ayat (3) Undang-undang Dasar Negara Republik Indonesia Tahun 1945*

² *Panduan Pemasarakatan Undang-Undang Dasar Negara Republik Indonesia Tahun 1945 dan Ketetapan Majelis Permusyawaratan Rakyat Republik Indonesia, 2014, Sekretariat Jendral MPR RI, Cetakan Ketiga belas, Jakarta, Page. 68*

³ *Batara Pareto Deddi, Jawade Hafidz, and Andri Winjaya Laksana, The Domination of National Criminal Law in Law Enforcement of Illegal Fishing by Foreign Ship in Indonesian Waters, Ratio Legis Journal Vol 1 No 3, September 2022, Page. 314-321*

⁴ *Evi Hartanti, 2000, Tindak Pidana Korupsi, cetakan pertama, edisi kedua, Sinar Grafika, Jakarta, Page. 1*

⁵ *Muhammad Yusuf, Andri Winjaya Laksana, Upaya Kejaksanaan Dalam Pembuktian Tindak Pidana Pengeroyokan Dalam Persidangan Pidana (Studi Kasus Kejaksanaan Negeri Demak), Prosiding Konferensi Ilmiah Mahasiswa Unissula (KIMU) 2 Universitas Islam Sultan Agung Semarang, 18 Oktober 2019, Page 248-163*

⁶ *Ahmad Faisol and Anis Mashdurohatun, Law Enforcement against the Criminal Action of Little Theft, Vol 2 Issue 4, December 2020, Page 647-657*

incentives, or voluntary practices of governments and other agencies.⁷

The development process can lead to progress in people's lives, besides that it can also result in changes in the social conditions of the community which have negative social impacts, especially regarding the problem of increasing criminal acts that are troubling the community. One of the criminal acts that can be said to be quite phenomenal is the problem of corruption. This crime is not only detrimental to state finances, but is also a violation of the social and economic rights of the community.⁸

Corruption is something that is not foreign to us and has become an open secret in society, both the small, middle and high class people and law enforcement officials are no exception. It might be said that corruption is not something that is not uncommon to hear. Such corruption includes improper activities related to power, governmental activities, or certain attempts to improperly obtain a position, as well as other activities such as bribery.⁹

The increase in uncontrolled corruption will bring disaster, not only to the life of the national economy, but also to the life of the nation and state in general. Widespread, massive and systematic corruption is also a violation of the social and economic rights of the community so that corruption can no longer be classified as an ordinary crime, but has become an extraordinary crime. Even so, efforts to overcome it can no longer be carried out normally, but in an extraordinary way (extra ordinary).¹⁰

Corruption has hit this country for a long time and almost touches all lines of people's lives and continues in more complex and sophisticated forms. This is also one of the causes of the difficulty in eradicating this criminal act of corruption. It seems that corruption has reached what Robert Klitgaard calls "a culture of corruption". What Klitgaard means here is not the essence of the existence of "culture" or that all Indonesian people commit corruption so that it is difficult to fight in any way because sometimes situations are conducive that make corruption feel comfortable in the midst of society because corruption has become part of people's lives.¹¹

The term corruption in the Indonesian Encyclopedia is called "korupsi", while another term for corruption comes from Latin, namely *corruptio*, the term corruption appears in several European languages, such as English, namely corruption, corrupt, and corruptie in Dutch, a symptom in which officials, state agencies abuse their authority with the occurrence of bribery, forgery and other irregularities. The literal meaning of corruption can be:

1. Corrupt (rotten, likes to accept bribes or kickbacks, uses power for their own interests or so on)
2. Corruption (rotten acts such as embezzlement of money, receiving bribes, and so on)
3. Corruptors (people who are corrupt)¹²

Meanwhile, Black in his book *Black's Law Dictionary*, reveals corruption is an act carried out with the intention of providing an advantage that is not in accordance with official obligations and the rights of other parties, wrongly using his position or character to gain an advantage. for himself or for others, along with his obligations and the rights of others.¹³

Fuady categorizes corruption as a type of white-collar crime or tie crime.¹⁴ This type of crime is different from crimes that involve people or street criminals. The parties involved are

7 Ma'ruf Cahyono, Bahtiyar Efendi, and Anis Mashdurohatun, *Restructuring Institutional and Legal Policies in Fostering the Ideology of Pancasila*, *Lex Publica* Vol. 7, No. 1, 2020, Page 28-39

8 *Ibid.*

9 Gurnar Myrdal, *Asia Drama, Volume II*, New York: Pantheon, 1968, Page. 937 Yang dikutip dari Ermansjah Djaja, *Memberantas Korupsi Bersama Komisi Pemberantasan Korupsi (KPK)*, Sinar Grafika, Jakarta, 2010, Page. 24.

10 Penjelasan Undang-Undang Nomor 30 Tahun 2002 tentang Komisi Pemberantasan Tindak Pidana Korupsi, Penerbit CV.Eko Jaya, Jakarta, 2002

11 Robert Klitgaard, *Membasmi Korupsi (terjemahan)*, Yayasan Obor Indonesia, Jakarta, 2005, Page. 82-85.

12 *Ibid.*,8.

13 Henry Campbell Black, *Black's Law Dictionary, Edisi VI*. (St.Paul: West Publishing, 1990).

14 Munir Fuady, *Bisnis Kotor; Anatomi Kejahatan Keras Putih*, Bandung: Citra Aditya Bakti, 2004, Page. 22.

distinguished people and are usually highly educated. Corruption is also carried out in sophisticated ways with various modus operandi, which seem to make corruption an ordinary and legal act. If measured by the modus operandi, corruption is a form of high-class crime which is actually motivated by wrong principles.

Meanwhile, according to Baharudin Lopa, giving the notion of corruption is a criminal act of bribery and unlawful acts that harm or can harm the state's finances or the country's economy, harm the welfare or interests of the people.¹⁵ The forms of corruption that are increasingly diverse can be described as follows:

1. State financial losses
2. Bribery bribe
3. Embezzlement in office
4. Blackmail
5. Fraud
6. Conflict of interest in procurement
7. Gratification

Armen Yasir also elaborated on the forms of corruption that exist in everyday life:

1. Epidemic corruption: its scope is directly related to various government activities that concern the public interest. Its form can be in the form of community welfare services (education, housing, agriculture, electricity, etc.), legal instruments (taxation, price control, etc.), as well as services (SIM, KTP, land certificates, permits, etc.)

2. Planned corruption, the scope of which relates to political goals, this form is deliberately planned for the operational needs of the government which is not financed by the budget (it will appear that when it comes to an election, the issue of money politics is the most important)

3. Corruption in development, its scope relates to the function of government as a regulator of the economy which has an important role in the government as a regulator of the economy which has an important role in dealing with entrepreneurs, entrepreneurs, importers, exporters, producers, distributors, and so on.¹⁶

According to Law Number 31 of 1999 Juncto Law Number 20 of 2001 concerning the Eradication of Criminal Acts of Corruption, what is included in the criminal act of corruption is any person who is categorized as against the law, commits acts of self-enrichment, benefits himself or others or something corporation, abuses the authority as well as the opportunities or facilities available to them because of their position or position which can be detrimental to the state's finances or the country's economy.¹⁷

Juridically, corruption is not limited to actions that fulfill the formulation of offenses that harm the state's finances or the country's economy, but also actions that fulfill the formulation of offenses that harm society or individuals. Therefore, the formulation can be grouped into two, namely a group of offenses that can harm the state's finances or the country's economy, and a group of bribery offenses, both active (who bribe) and passive (who is bribed).

From the explanation above, it can be concluded, it can be concluded that the notion of corruption is a bad act, such as embezzlement of money, taking bribes, and so on to enrich oneself, other people, or corporations which results in losses to state finances, which are carried out by people -people with interests and power. In this case, corruption is an act that is highly commendable which can harm a nation and state.

The cases that have emerged have captured the public's serious attention, the cases here

¹⁵ Baharudin Lopa, *Masalah Korupsi Dan Pemecahannya*. Jakarta: Kipas Putih Aksara, 1997. Page 5

¹⁶ Armen Yasir, *Penanggulangan Masalah Korupsi Dari Perspektif Ketatanegaraan*. Bandar Lampung: Makalah Pada Seminar Dies Natalis Ke 42 Universitas Lampung, 6-7 September 2007.

¹⁷ Undang-Undang Nomor 31 Tahun 1999 Jo Undang-Undang Nomor 20 Tahun 2001.

have been collected from several online media article sources and are presented with the aim that the reader can find out how many and how severe corruption cases are in this country. These cases include the driver's license simulator (SIM) corruption case, the beef import quota bribery case, the Lebak Banten district election dispute case, the pilgrimage fund corruption case, the Palembang athletes' village corruption case, the SKK oil and gas bribery case, and the recent incident. Recently, namely the case of the Ministry of Social Affairs' Covid-19 social assistance and corruption within the Ministry of Maritime Affairs and Fisheries.

The above phenomenon is an indication of how the morality of the nation's children has moved away from the noble values of Pancasila, transcendental divine values, honesty values, justice and humanity values, modesty values, unity values and unity. All of them accumulate in the soul and personality of the Indonesian people as the national identity of the Indonesian nation. At a time when the country is suffering from a multi-dimensional moral crisis, it is necessary and it is time to actualize the values of the Pancasila philosophy in the life of the nation and state which is expected to strengthen morality and behavior as an effort to prevent (preventive) crimes of corruption.

B. Research Methods

To answer the writing questions that have been formulated above, the authors will use the normative research method¹⁸ is a research method that is carried out by examining library materials or mere secondary data. The type of research used in this research is using secondary data which includes secondary legal materials consisting of draft laws, research results, works from legal circles.¹⁹ The research specifications used in this study used descriptive analytical.²⁰

C. Results and Discussion

1. The Value of Pancasila as an Ideology in Eradicating Corruption

Corruption is actually not a new problem in the life of Indonesian society. Because since the time the Dutch colonized Indonesia, corruption had grown rapidly causing the Dutch trading partnership to go bankrupt in 1602. When Indonesia gained independence, the problem of corruption had not yet been resolved considering the basic human character of being never satisfied. So that even though they have obtained a high position, when there is an opportunity to commit corruption coupled with a weak legal system, corruption is still growing rapidly.

When Indonesia was experiencing the New Order era, corruption became increasingly systemic and involved officials in power and received the omission of law enforcers. Corruptors exploit the state budget in various ways to enrich their personal and group interests. This condition continues until now when the breath of freedom in the reform era has been blowing hard. The post-reform era did not dampen various acts of corruption, in fact, corruption has become increasingly widespread.

Seeing the condition of the nation which is getting worse in the face of corruption in Indonesia, of course it is important to see how far corruption has an impact on people's lives. Because basically corruption crashes into human nature as beings who have ethics and noble character. A corruptor has actually harmed the interests of society, hindered economic progress, damaged morality and weakened the national economy. So it is appropriate to say that corruption is a tool that can destroy a nation.

¹⁸ Bimo Bayu Aji Kiswanto, and Anis Mashdurohaturun, *The Legal Protection Against Children Through A Restorative Justice Approach*, *Law Development Journal*, Volume 3 Issue 2, June 2021, Page 223-231

¹⁹ *Ibid*

²⁰ Julizar Bimo Perdana Suka, Bambang Tri Bawono, and Andri Winjaya Laksana, *The Implementation of Code of Conduct for Members of Police as Accurators of Murder*, *Law Development Journal*, Vol 4 No 2, June 2022, Page 197-204

Community welfare will not be achieved if corrupt practices are still running safely and are maintained. A corrupt country will have high rates of theft and tax evasion. Corruption also often creates simplified business rules; or regulations that could stifle markets and force investors to pay more. Corruption can reduce the amount of budget available for various government programs, including Gross Domestic Product (GDP = Gross Domestic Product) and financing for the public sector, such as education and economic equity programs. Corrupt countries also tend to be less efficient and less stable in running their government and less responsive to the wishes of the people.²¹

As a social disease, corruption in Indonesia develops in three stages, namely elitist, endemic and systemic. In the elitist stage, corruption becomes a social pathology in power circles involving state officials. At the endemic stage, corruption has begun to reach the lower classes of society. If it has entered a critical period, then corruption will develop increasingly systemically where every member of society in the system experiences the disease of corruption so that it ignores moral values that are integrated into the weakening of Indonesian human personality.²²

If you want to be honest, actually the development of corruption cases is very high in Indonesia, which ironically has not been matched by rapid eradication. Since 1960, the eradication of corruption has been very slow. This can happen because corruption is related to power, where abuse of power for personal and crony interests is often allowed and law enforcement is weak in carrying out enforcement. With the symbiosis of mutualism between rulers and law enforcers, cooperation is created to make corruption a normal thing and create free omissions.

In view, corruption is a social construction involving the upper and lower classes. Corruption among the grassroots is a social construction related to corruption among the people such as leaders and other community leaders. In many developing countries, corruption is considered part of the system within a country so that to overcome it, the existing system must be improved.²³ The rise of corruption cases in Indonesia is of course very painful because corruption has torn apart the ideals of the nation's founders. Corruption violates the goals or ideals of the Indonesian rule of law which are definitively set forth in paragraph 4 of the preamble of the 1945 Constitution which includes protecting the whole nation and Indonesia's bloodshed, promoting public welfare, educating the nation's life and participating in maintaining world order based on independence, eternal peace and social justice. .

It is hard to imagine that the authorities want to protect the country if they allow corruptors to be busy enriching themselves at the expense of others, thus creating a widening social gap in society. It is also difficult for people's welfare to progress when the state budget that should be the right of the people is actually seized by a handful of state elites for their personal and group interests. There is also no world order, when Indonesian leaders have not been able to discipline themselves in maximizing the state budget for the benefit of the people. The dream of educating the nation's children has also been erased when corruptors are allowed to undermine the character of the nation's children by serving a bad example by cultivating corrupt practices.

The 2014 Corruption Perceptions Index issued by Transparency International Indonesia (TII), Indonesia's position was able to increase two levels compared to the previous year. In 2014, Indonesia's CPI score was 34 (107th out of 175 countries measured). Indonesia's 2014 CPI score managed to increase by 2 points. But Indonesia's position is still far behind compared to other Southeast Asian countries such as Malaysia and Singapore. While referring to the Analysis Results Report of the Financial Transaction Reports and Analysis Center, during Jan-

21 Graeff P. *Why Should One Trust in Corruption? The Linkage between Corruption, Norms, and Social Capital, dalam The New Institutional Economics of Corruption*. J.G. Lambsdorff, M. Taube, & M. Schramm (ed.), Routledge: Abingdon, Oxon RN. 2005, Page 5

22 Suroto, "Terapi Penyakit Korupsi: Peran PKN" *Jurnal Pendidikan Kewarganegaraan*, Vol 5, 2015. Page 11

23 Soemanto (et.al), "Pemahaman Masyarakat Tentang Korupsi" *Jurnal Yustisia*, Vol 88, 2014, Page 13

uary-October 2014 corruption was the most dominant crime with a total of 167 LHA (47.2%) followed by fraud 62 LHA (17.5%) and taxation 30 LHA (8.4%) These two statistical data explain how the problem of corruption is still a big homework for this nation going forward. Observing the data above, of course there are many reasons someone commits corruption. But actually this crime was born due to the weakening of the implementation of Pancasila values and the waning of public awareness to make Pancasila the state ideology that must be applied in everyday life.²⁴

For this reason, collective awareness is needed in the Indonesian people to restore the goals of the Indonesian state so that it remains grounded in the belief in Pancasila as the nation's way of life. Where the values of Pancasila must become the basis and guideline in regulating the attitudes and behavior of Indonesian people in relation to the goals of society and the universe, as well as nature in all dimensions of life such as economics, politics, socio-culture, law and defense and security.²⁵

Corruption is an act that completely destroys public trust in corruptors, which can even destroy all elements of social and state life (Wignjosubroto, 2004). Meanwhile, on the other hand, corruption (corrupt, corruptie, corruptio) can also mean decay, ugliness, and depravity. This definition is also supported by Acham who defines corruption as an act that deviates from the norms of society by obtaining benefits for oneself and harming the public interest.²⁶ In essence, corruption is abusing the trust given by the public or owners for personal gain.²⁷ So that corruption shows a contradictory dual function, namely having authority given by the public which should be for public welfare, but used for self-gain.²⁸

An opinion poll conducted by Kompas daily Litbang shows that the causes of corrupt behavior, namely:

1. Driven by economic motives, namely wanting to have a lot of money quickly despite having a low work ethic,
2. Low morale, and
3. Weak law enforcement.²⁹

Meanwhile, according to Rudel, corruption occurs because of the monopoly of power, weak accountability of an institution, and the amount of authority given to someone.³⁰

Pancasila as a reflection of Indonesian human personality is actually an ideal value that was well outlined by the nation's founders. When formulating Pancasila, there is debate which leads to what is the best model for Indonesian people in the future. Through intensive discussions and intellectual debates, the noble conception of Pancasila was born. For this reason, all forms of deviation in Indonesian society should be returned to the weak understanding and experience of the Indonesian people regarding Pancasila.

Indonesian people who are Pancasilaist in spirit definitely oppose and strongly reject corrupt behavior. Because already present in him the awareness that corruption is an act that violates the rights of others. Even though every citizen has the right to get the same opportunity to live in a prosperous, just and prosperous life as mandated by the nation's founder. When an Indonesian man commits corruption, then he has harmed the rights that should be obtained by every citizen of that country.

24 Agus Santoso, "Investasi, Korupsi, Demokrasi, Desentralisasi, dan Kemakmuran Rakyat" Makalah disampaikan dalam peluncuran Corruption Perception Index TII, Jakarta, 3 Desember 2014.

25 Syarbaini, Syahrial. Pendidikan Pancasila (Implementasi Nilai-Nilai Karakter Bangsa) di Perguruan Tinggi. Bogor: GPage.ia Indonesia. 2012 Page 1

26 Acham, K. „Formen und Folgen der Korruption“, in C. Brünner (ed.) Korruption und Kontrolle, Wien, 1981 Page 54

27 Alatas, Korupsi: Sifat, Sebab, dan Fungsi. Jakarta: LP3ES, 1987, Page 66

28 Darsono. Korupsi sebagai Kompensasi Underpayment: Suatu Tinjauan Teori Equity. Jurnal Bisnis dan Akun-tansi, 3(2), 2001, Page. 477-487.

29 Purwantari, B. I. Mempertanyakan Banalitas Korupsi. Kompas, 2010.

30 Rudel, T. K., & Xin, X. The Context for Political Corruption: A CrossNational Analysis. Social Science Quarterly, 85(2), 2004, Page. 294-309.

A person with the spirit of Pancasila also realizes that Indonesia is a state of law (article 1 paragraph 3 of the 1945 Constitution), so it is very important to uphold the law by not taking any action that violates the law. As religious beings, there is also no religion that teaches to harm the interests of others. No less important, every time defending Pancasila is defending the country, where one form of defending the country is by fighting acts of corruption that are detrimental to the future of the country.

In Islamic law personal responsibility is the basic principle of punishment. The principle of personal criminal responsibility is based on the Al-Quran and the Hadith of the Prophet Muhammad which are sources of Islamic law. The hadith narrated by Ahmad, Ibnu Majah and Tirmizi from Amr bin Ahwash, the Prophet Muhammad SAW said “Whoever commits a violation must bear his sins alone. A father does not bear the sins of his child, and vice versa, that is, a child does not bear the sins of his child.”³¹

The ethical values contained in the five Pancasila precepts can shape human behavior in all aspects of life:

1. The first precept, “Belief in the One and Only God” contains a moral dimension in the form of a spiritual value of getting closer to the Creator, obedience to religious values and beliefs.
2. The second precept, “Just and civilized humanity”, contains a dimension of humanism, which makes humans more humane in an effort to improve the quality of humanity in relations between nations.
3. The third precept, “Indonesian Unity”, contains the dimensions of high values of solidarity, a sense of togetherness, and a sense of love for the motherland. Fight together in order to defend the country.
4. The fourth precept, “Populist which is led by wisdom in representative deliberations”, contains the dimensions of the value of respecting others, having a willingness to hear the opinions of others, respecting each other if there are different opinions, not forcing one’s will and not being exclusive in feeling one’s own opinion and way of thinking. most correct.
5. The fifth precept, “Social justice for all Indonesian people”, contains a dimension of caring for other people, participating in helping difficulties, calamities or disasters that happen to other people..

When viewed from the streams of ethics, the ethics of Pancasila is more inclined to the ethics of virtue, although it does not abandon and still recognizes theological and deontological ethics. Virtue ethics predominates, because it is reflected in the four types of pious character, viz:

1. Wisdom, is interpreted as the implementation of an action that is driven by desire, for the sake of realizing something good based on the unity of reason-God’s will, by maintaining the values of the religiosity of life.
2. Simplicity, is interpreted as limiting yourself from anything that goes beyond the limit so that it will eventually lead to consequences that are considered wrong.
3. Firmness, interpreted as limiting oneself in the sense of avoiding suffering; And
4. Justice, interpreted as giving a sense of obligation to oneself and others and to God related to their rights.³²

Pancasila is not a form of rigid and open rules. So that in its implementation it can be developed in various dimensions of life and involve many parties who have the same interest in

31 Sri Endah Wahyuningsih, *Prinsip-Prinsip Individualisasi Pidana dalam Hukum Pidana Islam. Cet. I, Badan Penerbit Universitas Diponegoro, Semarang, 2013, Page. 108 - 111.*

32 Ristek dikti *Direktoral Jenderal Pembelajaran dan Kemahasiswaan. Pendidikan pancasila untuk Perguruan Tinggi. Dir.Jend Belmawa Kementerian Riset, Teknologi, dan Pendidikan Tinggi.2016, Page 4*

maintaining and practicing the values of Pancasila.

In the context of overcoming the problem of corruption, the implementation of Pancasila values can be started from family life by getting used to the obligation to carry out religious teachings so that they are able to become a stronghold of morality and the front guard in assessing an act whether it is good or bad or right in the future in the eyes of God Almighty. A person who is religious before carrying out his actions will consider the good and bad sides in the eyes of God and whether it is beneficial or detrimental to himself and his environment. In addition to the family factor, the role of religious leaders is also important in educating and educating the public to say firmly against acts of corruption because they are contrary to religious teachings. The interaction between the clergy and the community becomes a symbiosis of mutualism in efforts to prevent opportunities for corruption.³³

2. The Value of Pancasila as an Ideology Relates to Realizing the Eradication of Corruption Crimes

The nation and state of Indonesia is a nation that was born “by the grace of Allah the Almighty”, and this recognition is officially stated in the highest document of the Preamble to the 1945 Constitution, and Belief in One Almighty God is included in Chapter XI concerning Religion Article 29 paragraph (1) of the Constitution. NRI 1945.

The above statement conveys an understanding and acknowledgment that the existence and origin of the Indonesian nation is due to the intervention and will of Allah the Almighty and not produced by a community agreement of free individuals such as the concept of a liberal state. For the Indonesian people there is a close relationship between the state and religion which is based on Belief in One Almighty God which is the first precept of Pancasila, and thus the Indonesian nation has noble legal instruments as the foundation of national and state life, namely Pancasila and the 1945 Constitution.

The consequence of making Pancasila the basis of the nation’s philosophy means that in every nation and state life must make Pancasila the basis that animates every step of development including the development of the Indonesian National Legal System, both the development of legal substance, legal structure and legal culture.³⁴

In the formation of the legal system in Indonesia, Pancasila is the source of all sources of law. Pancasila is a source of moral law for the Indonesian nation, which is expected to minimize acts of corruption. This refers to the countries of South Korea, China and Japan, which chose to instill moral and cultural values that exist within their nation and state, to minimize acts of corruption. There is an opinion from Sidarto Danusubroto, that morality and culture education is instilled from an early age as in South Korea, China and Japan. Although in the era of globalization, but still has the character of the nation. These three countries educate their people to be disciplined, polite, hard working, responsible, so that the level of corruption is low.

Pancasila contains in it the basics of morality and character that should be owned by the Indonesian people, even though the times are growing. Pancasila is a moral and character basis taken from the culture and purity of the Indonesian nation to act. Because the values contained in the Pancasila precepts are the crystallization of the noble culture and personality of the Indonesian nation. Pancasila has become part of the social, national and state life order process so that Pancasila is the identity of the nation.

From this, we need a progressive rule as stated by Karl Von Savigny that law is not

33 Inggar Saputra, *Implementasi Nilai Pancasila Dalam Mengatasi Korupsi Di Indonesia*, JPPKn, Vol.2, No.1, Juni 2017 Page 78

34 Sri Endah Wahyuningsih, *Urgensi Pembaharuan Hukum Pidana Materiel Indonesia Berdasarkan Nilai–Nilai Ketuhanan Yang Maha Esa*, *Jurnal Pembaharuan Hukum*, Volume 1 No.1 Januari –April 2014, Page. 17.

made, but grows and develops with society (das rech wird gemacht, est ist und wird mit dem volke). That's why Indonesia needs to build a legal system that puts forward the moral basis that comes from the culture of the Indonesian nation. Basic morals that uphold the values of honesty and dedication to serve the nation and state.

Pancasila as the basis of Indonesian philosophy provides logical consequences in the form of all forms of legal rules in Indonesia based on Pancasila. Positive law that exists in Indonesia, must not conflict with the values of Pancasila. It should be remembered that the existence of Pancasila as the philosophy of the Indonesian nation, was formed and taken from the pure culture and habits of the Indonesian nation. Furthermore, the values of Pancasila are spelled out in the 1945 Constitution as the basis for the Indonesian state Constitution, which is then derived in other laws and regulations that are under it. Thus, Pancasila is a benchmark for all government actions in making policies, and society in carrying out actions of daily life.

The ideals of Pancasila law in building a legal system have the following three values:

1. Basic Values, namely principles that are accepted as propositions that are more or less absolute. The basic values of Pancasila are divinity, humanity, unity, social values, and justice values.
2. Instrumental values, namely the general implementation of basic values, especially in the form of legal norms which are further crystallized in laws and regulations.
3. The value of praxis, the actual value of praxis is the touchstone of whether the value is real. Practical values are actually the touchstone of whether basic values and instrumental values really live in Indonesian society. For example, public compliance with the law or law enforcement.

Furthermore, on the basis of Pancasila values, the Indonesian national legal system should have been built on the following basis:

1. Belief in one and only God, meaning that the formation of law in Indonesia must be based on divine or religious values. Apart from that, in every legal formation there must be a guarantee for freedom and there must not be a law that privileges and is based on one particular religion and criticizes other religions. There needs to be tolerance in religious life.
2. Just and civilized humanity, meaning that in every law formation there must be guarantees and respect for human rights. Because human rights (HAM) are basic rights that are owned and attached to human beings from birth. So it is necessary to guarantee the protection of human rights.
3. Unity of Indonesia, meaning that in every legal formation must pay attention to the unity or integrity of the nation and state. In the formation of law, it should not result in division (disintegration) and divide the nation and state.
4. Democracy led by wisdom in representative deliberations. Means that, in every legal formation, it must prioritize democratic values that involve all elements in the country, both the legislative government and the community. This is like the principle of democracy, namely the existence of public participation in making political decisions.
5. Social justice for all the people of Indonesia. This means that the formation of national law must aim to provide justice and welfare for all Indonesian people. Welfare covers various aspects of life in Indonesia.

Furthermore, the Pancasila values which underlie morals in the life of the nation and state are then implemented into legal norms. Development of a legal system through Pancasila as the basic philosophy in eradicating corruption. Pancasila can provide legal certainty, and provide a legal system building to eradicate corruption while still looking at the human rights values inherent in all Indonesian citizens.³⁵

³⁵ Widi Nugrahaningsih, *Pancasila Sebagai Sumber Hukum Bagi Anti Korupsi Dan Menjunjung Hak Asasi Manusia*, Jurnal Serambi Hukum, Vol. 08 No. 02 Agustus 2014 – Januari 2015, ISSN:

D. Conclusion

From the description above, it can be concluded that:

Corrupt behavior is also detrimental to the integrity and integration of the public because it has a national impact resulting in hampered development in all areas of Indonesian people's lives. Corruption also makes people distrust their leaders, thus clearly violating the fourth precept. With corruption, the social justice side of the Indonesian people is disturbed because it creates social inequality for all Indonesian people which distances us from the ideals of a just and prosperous country as the dreams of the nation's founders when they declared the state of Indonesia. Implementation of the first to fifth precepts can use many elements of life such as family, society, government or state and educational institutions. All of these synergize in preventing and taking firm action against corrupt behavior in various areas of life. Besides that, it is also necessary to show appreciation for personal and institutional so that they can become role models for other Indonesian people.

Pancasila as the source of all sources of law in Indonesia can provide a legal system building, which is free from corruption and still upholds human rights for all Indonesian citizens. The Pancasila method as a source of law forms a legal system, namely by basing all national policies on the morals and original characteristics of the Indonesian nation. So that corruption can be prevented not because of the death penalty in the law, but corruption can be prevented because of the moral building and moral formations contained in Pancasila. This is where Pancasila lies in eradicating corruption while upholding human rights.

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