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BOOK REVIEW:
PANCASILA MORALS, LAW AND POWER
(MORAL PANCASILA, HUKUM, DAN KEKUASAAN)

Romli Atmasasmita: Bandung; 2020; 978-623-7060-41-3; xiv +114 page

The book called Moral Pancasila, Hukum, dan Kekuasaan was written by Romli Atmasasmita with the aim of being a form of participation in bringing legal civilization in Indonesia so that it can be better and more advanced. In this book, the author elaborates on legal theory related to Pancasila, which is the state ideology as well as the source of all legal sources.

The writing of the book Moral Pancasila, Hukum, dan Kekuasaan is addressed to all readers as well as the nation's generation who are interested in law and especially experts and legal apparatus. The writer hopes that this book can provide insight and invites to manage law in the field of natural and human resources efficiently, productively, and constructively because the legal situation depends on the people who run it. If the law is implemented correctly by the right person, the law will give a fair and correct result.

To build a law that is correct and in accordance with the values and views of society is not an easy thing. However, this development can be achieved if it is carried out properly through an in-depth study of all related matters. This book presents and explains the intricacies of the law, such as the Pancasila legal system, challenges and obstacles to fundamental changes to the legal system, the relationship between law and morality, and the relationship between law and power.

The legal system and its implementation have an important role in the harmony of a country, so it needs to be arranged properly. As the next generation of the nation who expect to bring a change towards a better direction, it is important to review this book because it can provide a deeper understanding of the intricacies of law and the existence and role of Pancasila in the law. By reviewing this book, indirectly, the nation's generation has been educated to become a candidate for the right expert or legal apparatus in administering the legal system.

The book called Moral Pancasila, Hukum, dan Kekuasaan was written starting from the advice given by the author's supervisor while studying for a master's degree at the University of California, Berkeley. The author's supervisor revealed that thinkers who use references from their country (United States) should be criticized because the results of these thoughts are not necessarily per the culture and perspective of the people of other countries. The author continues to remember this advice and feels disturbed because the situation in Indonesia shows that the intellect is still relying on western (United States). As a result, several laws and regulations to enforce laws in Indonesia still adopt the legal concept in the 'West Country.' This shows that law enforcement agencies only consider Pancasila as the source of all sources of law as a conceptual or symbolic one (2). Even though everyone, including law intellect, already knows that Pancasila contains good and correct teachings, it will produce good results if applied correctly (2). Law can be interpreted as rules made to regulate the orderliness of people's lives. The applicable law has a significant influence on a country's tranquillity, so that law enforcement is vital to do. The law enforcers must use Pancasila values as the primary reference

to make policies or decisions. Law enforcement can manifest the 5th Pancasila value, namely social justice for all Indonesian people.

Pancasila is the ideology of the Indonesian nation. It was born from a complicated process for an extended period. Pancasila is a guideline in the life of the country and state for all Indonesian people. This guideline contains a collection of values that grow and develop in people's lives. Based on the statement in Pasal 2 UU No. 12 of 2011, all these values have been legally recognized as sources of all law sources in Indonesia. So it can be said that all applicable laws in Indonesia must not conflict with the noble values of Pancasila. However, even though the direction and foundation of morality are clear, the state and society have not been appropriately implemented. Along with the development of the digital era, the existence and essence of Pancasila began to be neglected, especially in the field of law. The five principal values of Pancasila should be implemented synergistically and sustainably. As explained in the book page 6, distortion in the fulfillment of Pancasila values will trigger a moral crisis in the nation. One more thing that can be a source of damage to the existence of Pancasila is anomie that is included in the guidance and enforcement of the law in Indonesia. The distortion related to the presence of Pancasila as a way of life has occurred for a long time and continues today.

Morality is one of the values of Pancasila related to the implementation of law in Indonesia. The application of Pancasila values in law is by the culture that grows and develops in this country and can build moral awareness among law enforcers for carrying out their duties. A legal figure named Holmes put forward the statements "The law is the witness and external deposit of our moral life." and "Its history is the history of moral development of the race.". From the two statements, it can be concluded that there are several meanings. First, law and morality cannot be separated even though they can be distinguished; second, the content of decency in the law is a mirror of human civilization; third, breaking the law is also a violation of decency. In the discussion of the judicial system in Indonesia, the impact of the notion of decency has not been firmly rooted even though the applicable law has been released to explore these values in the nation's people's lives. Morality, which is part of the second principle of Pancasila value, is often neglected in legal practice in Indonesia. Even though the law is formed based on public morality, the law is not part of morality, and ethics still limits the law. Thus, it is an obligation for every state administration, including law enforcement officials and the public, to uphold justice and truth based on Pancasila.

Pancasila as an ideology and the source of all sources of law has a close relationship with Indonesian law. The success of legal development can be seen from the object built. There are two objects, namely physical and non-physical. In non-physical things, human resources also include police, prosecutors, judges, or other legal experts. So that if the human resources are not sufficient to contribute to development, permitted development will not run well. Knowledge of law, including justice as one of the values of Pancasila, must be understood in-depth, even to the extent of how the law works so that there is no deviation from the value of Pancasila, especially the fifth precept. A legal figure named Sahetapy stated that law and justice have a very close relationship. So that when someone discusses the law, it will not be far from the word justice. However, there are still moments where justice is not found when someone is dealing with the law in practice. Law enforcers are experiencing a moral crisis that has resulted in decreased justice in law. Many of them often commit acts of fraud, such as accepting bribes, being biased when making decisions, and so on. They are negligent in carrying out their duties and use poorly given power and authority. So it can be concluded that although Pancasila has been recognized in writing as the ideology of the Indonesian nation, there is still no commitment to implement it in everyday life. As the source of all laws known to the public as part of the nation's politics, Pancasila has not been applied correctly in the political process as it is used as a benchmark in drafting legislation. Pancasila is only included, but the contents of the statutory regulations deviate from the context.

There are many kinds of legal systems recognized by legal experts. However, experts have classified these systems. The classification is based on historical influences or events centered in the western region so that the west legal system initially dominated the legal system. However, after the Second World War, many countries split or joined, causing integration in the legal system and eliminating the domination of the western legal system. The legal system that applies to a country must be based on the nation's history since the record that occurs brings different conditions, cultures, and views in people's lives. It cannot be denied that jurists need references from outside thoughts other than Pancasila values. A legal figure named Rudolf Von Ihering stated that we do not have to be hard on nationalism. In contrast, a foreign legal system is still needed to help develop legal civilization in the nation. However, any element of the foreign legal system adopted into the domestic legal system must still be implemented through the parameters of the Pancasila principles. For example, UU No. 30 of 1999 concerning Arbitration and Alternative Dispute Resolution. In the law, there is an arbitration law system which is the adoption of Western law, and alternative dispute resolution, which is a tangible manifestation of the customs of the Indonesian legal community.

This book reveals many things about law and its relationship with Pancasila, which is the nation's ideology and the source of all sources of law, so it is suitable to be read by people who are interested in the topic. Some words and sentences use English, but the author includes the translation in Indonesian. So that readers who have weak English language skills do not need to translate in person before reading the contents of the book.

The weakness of this book is that it requires extensive in-depth and insight to understand the book clearly and thoroughly. This book is not suitable for reading by children aged 15 years and under because the book's contents are heavier and contain many terms that ordinary people and young people rarely know.

The author uses formal and standard language in explaining the contents of the book. Explanations and arguments are presented in a coherent and clear manner. In addition, many quotations from figures are included in both English and Indonesian. However, there is always a translation when the text is in English.

After reading and observing the book, it would be nice to add some related pictures when he wanted to publish a follow-up edition of this book or create a book with a new theme. This is intended not to be too bored when reading a book that only contains writing.

In my opinion, as a reader, this book has met the needs of the intended audience because it provides a clear explanation of the law. There is an explanation of the comparative law in Indonesia which is based on Pancasila and Western law which has the ideology of liberalism. With this comparison, it hopes that readers, legal experts, and legal apparatus can learn and assess how to implement Indonesia's law.

The book entitled Moral Pancasila, Hukum, dan Kekuasaan has very informative content. The effect of this book on me as a reader and perhaps other readers is to deepen our understanding of law in Indonesia and its situation so that we as a generation of the nation can contribute by preparing various things from now on so that the legal situation will be better. In addition, we can see that Pancasila has an important role in the legal system and its implementation so that it raises awareness to maintain the existence and implementation of Pancasila values, especially in the legal realm.

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Author Biography

Romli Atmasasmita was born in Cianjur on August 1st, 1994. The author graduated from the faculty of law at Padjadjaran University in 1969. LL.M. the author got after graduating from S2 education at the University of California, Berkeley in 1981. Furthermore, the author continued his doctoral education at Gajah Mada University in 1996 and received a doctorate in law. Several years after graduating from S1 education, to be precise in 1971, Professor Romli began serving as a permanent lecturer at Padjadjaran University. In his career, he was the Director-General of General Legal Administration of the Ministry of Justice and Human Rights from 2000 to 2002 and a Bank Indonesia Supervisory Board member in 2007. Some of the experiences of international organizations that have been attended include serving as Chair of the Indonesian Delegation at the UN conference in June 1999 and 2000 in Vienna-Austria and the Chair of the Indonesian Delegation at the ASEAN Senior Law Official Meeting on 14th-18th June 2002 in Bangkok. Professor Romli has written many books, including Comparison of Contemporary Criminal Law, Reconstruction of the Principle of No Crime without Errors, and Microeconomic Analysis of Indonesian Criminal Law (3).