

Pancasila as Law Enforcement Ethics

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Abstract

Pancasila is not only a source of derivation of laws and regulations, but also a source of morality, especially in relation to the legitimacy of power, law and various policies in the implementation and administration of the state. On religious legitimation, but based on legal legitimacy as well as democratic legitimacy. It is by this that distinguishes the state of the Almighty Godhead from the state of theocracy. The method of writing in this journal is a qualitative method, with an interdisciplinary approach. Although the Indonesian state does not base on religious legitimacy, morally the life of the country must be in accordance with the values that come from God, especially the laws in state life.

Keywords: Political Ethics, Law, Pancasila



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INTRODUCTION

In this day and age, ethics are often ignored by the Indonesian people. So that it can result in the loss of the true character of the Indonesian nation. To overcome this, it is necessary to introduce Pancasila as an ethical system. Because basically Pancasila as the basis of the Indonesian state which plays an important role in every aspect of Indonesian people's lives. As we know, Pancasila provides fundamental and universal basics. With regard to Pancasila as an ethical system, we realize that the values contained in Pancasila are one unity of precepts with other precepts. Each precept contains its own value or meaning. Ethics itself is not sufficiently defined from the issue of friendliness and civility. The scope of ethics is very broad. Pancasila as an ethical system is the points contained in Pancasila that reflect the ethics that exist in the Indonesian nation. This formation is based on conscience and behavior.

Ethics is indispensable in carrying out the life of the nation and state and as a code of ethics for law enforcement. Pancasila is the foundation of the Indonesian state. Because Pancasila is the foundation of the Indonesian State, every action or behavior carried out by Indonesian citizens must be guided by the values of Pancasila. Each item of Pancasila contains guidelines that can be used as a basis for Indonesians to act. The actions taken by the Indonesian people must also be based on moral values. Pancasila as an ethical system is a thought structure that is structured to provide guidance or guidance to every Indonesian citizen in behaving and behaving. The formulation of the problem consists of: What are the ethical and moral notions? What is the importance of Law Enforcement Must Be Based on Pancasila? What is the relationship between Pancasila Ethics as a legal profession? And What is the relationship between Pancasila Ethics as a law enforcement code of ethics?. The purpose of this article is to know the meaning of ethics, to know Pancasila as a legal profession and to know ethics in Pancasila as a law enforcement code of ethics.

RESULTS AND DISCUSSION

Definition of Ethics

The term ethics comes from ancient Greek. The singular form of the word "ethics" is ethos, the plural is ta etha. Ethos has many meanings, namely permanent residence, habits or

manners, ethics, disposition, feelings, attitudes and ways of thinking. Although it means ta etha, ie. Habit. According to the Big Indonesian Dictionary, ethics is the science of good and bad behavior, moral rights and obligations. Types of Ethics consist of:

1. Descriptive Ethics. Ethics that critically and rationally examines human attitudes and behaviors and what everyone seeks as something valuable in life. In other words, descriptive ethics speaks of facts as they are, that is, human values and behavior as facts relating to deep-rooted situations and realities.
2. Normative ethics. An ethic that defines the different attitudes and behaviors that are ideal and what people are supposed to do or what people should do and what actions are valuable in this life. Therefore, normative ethics is a standard that can guide human beings to act well and avoid evil according to the rules or norms agreed upon and applied in society.
3. Metaethics or meta. The word meta comes from the Greek word meaning above or above. This metaethics questions normative language so that it can be reduced to a statement of reality. The focus of this metaethics is special meaning and ethical language.

Moral Definition

Moral is a law of behavior that is applied to each individual in socializing with others so that respect and respect are established among others. Moral Purpose and Function in general, moral purpose and function is to realize the dignity and dignity of the human personality through the practice of values and norms. Some of the goals and functions of morals are as follows: To guarantee the realization of one's personal dignity and dignity and humanity. To motivate people to behave and act with kindness and virtue based on the awareness of morally based obligations. To maintain the harmony of social relations between people, because morals become the basis of trust in others.

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The Importance of Law Enforcement Must Be Based on Pancasila

Pancasila is not a concept of thought alone, but a set of values as a guide in various aspects of life. For this reason, Pancasila must be the ethical and moral foundation when the Indonesian nation builds political, governmental, economic, law enforcement, socio-cultural and various other aspects of life institutions. All circles must understand Karno's great thoughts and know the traces and historical processes of making Pancasila the basis of the state. Pancasila is the most relevant thought in the present and future. Pancasila can be used to ward off and counter threats. Actually, Pancasila can also be used as something to create opportunities. Nationalism is not a solitary nationalism, not chauvinism, but a nationalism that leads to world unity.

Pancasila Ethics as a Legal Profession

Professions in large Indonesian dictionaries are fields of work that are based on the education of certain skills (skills, vocational and so on). The types of professions known include: legal profession, business profession, medical profession, educational profession (teacher). according to Budi Santoso, the characteristics of the profession are: An organized field of a continuous and expanding intellectual type. An intellectual technicality. Practical application of intellectual technicalities to practical affairs. A long period for training and certification. Some standards and questions about ethics that can be held. The ability to give leadership to one's

own profession. Association of members of the profession who become a familiar group with a high quality of communication between members.

In the systematics of ethics as described above, according to the author, it can be seen that professional ethics is included in the field of social ethics studies, namely ethics that talks about human obligations as members of society. So what does the profession itself say? And what about the word work, is it different from the profession? Profession is different from work. Before we question the nature of the profession, it is first necessary to express that man himself is a makhluq who enjoys working. The notion of working here must be interpreted broadly, not only in a physical, but also psychic sense.

Darji Darmodiharjo and Sidharta concluded that work is a necessity for every human being, especially for humans entering a productive age. By working man will gain satisfaction in himself. The higher the level of satisfaction that man wants to achieve for work, the harder the effort required, in other words, that work that brings high satisfaction demands high requirements and then the higher the demands, the more psychic the nature of the work. The requirements attached to the job also cause a job to have a different quality weight from other jobs So it can be said that the higher the requirements of a job, the more qualified the work. Well, the highest value of work quality is what is called a profession.

The legal profession is a profession to create an order of justice that allows human beings to live their lives reasonably (not necessarily dependent on physical or financial strength). This is because Justice order is a basic human need; and Justice is the most sublime Value and virtue and is an essential element and human dignity. The development of the legal profession includes 4 (four) areas of legal work, namely: Formal conflict resolution (justice involving the professions of judges, advocates, and prosecutors); Conflict prevention (legal drafting); Informal resolution of conflicts (mediation, negotiations); and Application of law outside of conflict. Legal profession in Indonesia includes all major legal functionaries such as Judges, Prosecutors, Advocates, Notaries, Police and other Positions. If there is a deviation or violation of the code of ethics, then they must be willing to account for the consequences in accordance with the demands of the code of ethics. Usually in professional organizations there is an honorary council that will correct violations of the code of ethics. The legal profession is one of the professions that demands the fulfillment of moral values and their development. That moral value is the force that directs and underlies noble deeds.

Frans Margins Suseno (1975) posits five criteria of strong moral values that underlie the personality of legal professionals: Honesty, Authenticity, Responsibility, Moral independence, Moral courage. To realize fair order, law is a means that manifests in various rules of social behavior called legal rules. All positive legal rules that apply in a society are arranged in a system called the legal system. The existence and functioning of the legal system with its legal rules and its enforcement is the product of human struggle in an effort to overcome life's problems. In the dynamics of human welfare, the law and its legal system are noted as one of the very important factors in the process of the cultivation and smoothing of the human mind.

The legal profession has and exercises professional authority that rests on superior technical competence. Meanwhile, people who stumble over legal problems and intersect with the profession do not have technical competence or are not in a position to objectively assess the implementation of technical competence in carrying out the profession requested by their professional services. Therefore, people who stumble over legal issues and intersect with the profession are In the position of no other option except to trust the carrying out of the related profession. They must trust that the profession will provide professional services in a quality and dignified manner and will not abuse the situation, but rather with dignity. And, dignifiedly will direct all his knowledge and scientific expertise in carrying out his professional services.

Pancasila Ethics as a Law Enforcement Code of Ethics

Law Enforcement code of conduct, Ethics or code of ethics of the legal profession is a moral norm that must be obeyed by brandes who work in the field of law. To make good laws is necessary for people who have good morals and ethics. Likewise to carry out and enforce it. Some examples of areas of the law enforcement profession include. Judge's code of conduct, The code of ethics of the judge profession is a prevailing ethical norm and must be obeyed by judges, this organization was created by their organization that works as a judge, namely the Indonesian Judges Association (IKAHI), in the IKAHI VIII munas in Bandung on March 30, 2001 decided the profession of the Indonesian judge code of ethics. The code of ethics states, among others: The code of ethics of the profession of judges and the code of conduct; Aims and objectives; The nature of the judge; The judge's attitude; Obligations and prohibitions of judges; Honorary Commission of the profession of judge; and Sanctions.

The Prosecutor's Code of Ethics, as a complement to the guidance and ethics of the profession as a prosecutor based on the Attorney General's Decree Number: Kep/074/j.a.7/1978 dated July 17, 1978 was ratified by Panji Adhyaksa. This banner is a procuratorial device, a symbol of corps pride, a symbol of the ideals of the procuratorate and a soul binder of the procuratorate corps. On the banner is the emblem of the procuratorate corps. The prosecutor's code of conduct is similar to other professional codes of ethics. Contains noble and ideal values as a guide for behaving in one profession. Which if it can later be carried out in accordance with the objectives will produce prosecutors who do have good moral qualities in carrying out their duties. So that judicial life in our Country will lead to success.

As a component of executive power in the field of law enforcement, it is appropriate that after this period of time, the prosecutor's office reflects again on the existence of its institution, so that from this contemplation, it is hoped that a new paradigma prosecutor's office can emerge that is reflected in attitudes, thoughts and feelings, so that the prosecutor still knows his identity in fulfilling his call to duty as a state representative as well as a guardian of the community in the field of law enforcement. In order to realize a prosecutor who has personal integrity and high discipline in order to carry out legal enforcement duties in order to realize justice and truth, a code of prosecutorial behavior was issued as stated in the regulation of the Attorney General of the Republic of Indonesia (PERJA) No: Per-067 / A / JA / 07/2007 dated July 12, 2007.

In the prosecutor's code of conduct, among others, it is called: The obligations of article (3) are to comply with legal rules, applicable laws and regulations and official regulations, Respect the principle of fast, simple, low costs in accordance with the principles of justice regulated in the Criminal Procedure Code, Based on beliefs and valid evidence to achieve truth justice, Be independent, free from influence, pressure/ threats, direct or indirect public opinion, Act objectively and impartially, Notifying and or providing rights owned by the suspect/ defendant or victim, Build and maintain relationships between law enforcement officials and create an integrated criminal justice system.

Prohibitions (article 4): In carrying out the duties of the prosecutor's profession it is prohibited: Using his office and or power for the benefit of himself or others, Engineering the facts of law in the handling of cases, Using his capacity and authority to exercise physical or and psychic suppression, Soliciting and or receiving gifts and or benefits and or prohibiting his family from asking for and or receiving gifts and or benefits in connection with his office, Handling cases that have personal or family interests, or have employment, party, or financial relationships or have economic value directly or indirectly, Act discriminatoryly in any form, Form public opinion that may harm the interests of law enforcement, and Provide information to the public unless limited to technical matters of the case handled by sanctions.

The violating prosecutor will be given sanctions in accordance with article 5, namely;

1. Violations committed by the Prosecutor against the Prosecutor's Code of Conduct may be in the form of not carrying out obligations and/or committing prohibited acts. Prosecutors who do not perform obligations and/or perform prohibited acts may be sentenced to administrative action.
2. The imposition of administrative actions on the Prosecutor under the Prosecutor's Code of Conduct does not abolish the provision of criminal sanctions, including under the Criminal Code, the Corruption Law, etc.; the provision of sanctions under the Prosecutor's Law and its derivatives as well as the provision of disciplinary penalties for civil servants based on PP 30 of 1980.
3. Administrative action in the form of exemption from the duties of the Prosecutor means the revocation of all authority attached to the functions of the Prosecutor. Administrative action in the form of assignment to other work units means the transfer of tasks to work units whose class is lower for at least 1 (one) year, and a maximum of 2 (two) years. After the period of undergoing administrative action is over, the Prosecutor concerned can be transferred again to a place at the same level as the time before undergoing administrative action.

Advocate's Code of Ethics, adokat is free in carrying out his professional duties to defend cases that are his responsibility by adhering to the code of professional ethics and laws and regulations. The Right of Immunity of Advocates is the right of an advocate who cannot be prosecuted either civilly or criminally in carrying out his professional duties in good faith for the benefit of the client's defense in a court hearing. The right to information in carrying out their profession advocates have the right to obtain information, data, and other documents, both from government agencies and other related parties for the defense of other interests.

Advocates in carrying out their duties are prohibited from discriminating because of gender, religion, politics, ancestry, race, or social and cultural background. The advocate cannot be identified with his client in defending his client's case. The advocate is obliged to keep everything known from his client confidential, unless otherwise provided by law. The advocate reserves the right to the confidentiality of his relationship with the client, including the protection of his documents against confiscation or examination and the protection against wiretapping of electronic communications. The advocate is also obliged to hold the confidentiality of the post on matters notified by the client, and keep that secret after the expiration of the relationship between the advocate and his client.

Advocates are prohibited holds other posts that are contrary to the interests of his duties and the dignity of his profession. Advocates are prohibited from holding other positions that ask for such devotion as to harm the profession of advocate or reduce freedom and independence in carrying out the duties of their profession. Advocates who become state officials do not carry out the duties of the advocate profession during their tenure.

Notary Code of Ethics, the legal basis for the existence of Notaries/notarial institutions is contained in the Fourth Book of the Civil Code on Proof and Expiration. Known as written evidence, the most powerful written evidence is in the form of an authentic deed. What is meant by an authentic deed (Article 1868 of the Civil Code) is a deed that in the form prescribed by law, is made by or before the employees / general officers in power for it at the place where the deed is made. The authorized official making this authentic deed is prescribed, by statute. Notaries are regulated in NOTARY REGLEMENT S. 1860 No. 3 which replaces Instructie voor Notarissen in Indonesia S. 1822 No. 11. The so-called NOTARY is a general officer who is the sole authority to make authentic deeds concerning all deeds, agreements, and determinations required by a general rule or by the interested, is desired to be stated in an authentic deed,

guarantees the certainty of its date, keeps its deeds and proceedings, copies and quotations, all so long as the making of the deed by a general rule is not also assigned or excluded to other officials or persons.

CONCLUSION

From the results of writing and compiling this paper, The author or compiler draws the following conclusions: Pancasila as an ethical system plays an important role in the realization of an ethical system in law enforcement and good customs in the Indonesian state. At all times and anywhere we are obliged to be ethical in every deed and behavior of ours. As found in Pancasila, the 2nd precept which reads "Just and civilized humanity" so that the presence of Pancasila in building the ethics of this nation has a great impact. By animating the points of Pancasila, people can behave according to good ethics that apply in society, nation and state.

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