

## **Pancasila as an Enforcer of Justice and Equality**

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### **Abstrak**

Pancasila is the spirit of the people (soul of the nation) which is the ideology of the nation and state. Indonesia needs police who have the soul of Pancasila to build their own integrity and justice in society. The purpose of writing this article is to explain to law enforcement agencies the nature of Pancasila in upholding its own integrity and justice. This writing method is normative writing through an analytical approach. The result of writing this article is that Pancasila has valuable elements that can be used to build integrity for Polri members and has positive energy to realize social justice. The role of Pancasila in enhancing the integrity of law enforcement is to encourage police officers to internalize, investigate, seek and find values in the soul of the community to realize justice which is not only legal, but also social justice. namely justice that respects equality between humans and other humans in society.

**Keywords:** Justice for the People, Pancasila



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### **INTRODUCTION**

In the constitution of the 1945 Constitution, Article 1 Paragraph 3 which reads "Indonesia is a country of law" as a state of law indonesia must be guided by pancasila as a system in the wheel of life of the nation and state. Pancasila as a bridge of life that is used as a guide in daily life and actions means that every action of government administration and law enforcement processes must be lived with all the precepts. The purpose of the principle of the Indonesian legal state guided by pancasila and the Constitution is how to make a major contribution to law enforcement based on justice and create legal certainty in order to achieve order. Justice is not far from equality where everyone is subject to the same judicial law for example everyone in the eyes of the same law regardless of background, race, and cultural ethnicity.

For some people, the principle of equality in the eyes of the law is only interpreted as a word even though equality in the law is very broad, Many other equalities that need to be treated equally juridically equal are determined but sociologically equivalent is biased more in the context of a society that still has a culture such as respect for the richer and other forms of respect. It is not uncommon for many injustices to arise because pioneers have difficulty understanding complicated legal terms and procedures. In addition, there are also, in archipelagic countries such as Indonesia, the problem of difficulty in reaching law enforcement agencies.

The occurrence of this is also of course backgrounded by several kinds of factors that exist and one of them is the economic factor of the Indonesian people themselves, it can be seen from several kinds of cases that occur where perpetrators are acted upon by minor crimes dominated by the poor, such as the case of grandma mina who was once excited on television media and threatened with article 362 of the criminal code which is hereinafter referred to as the Criminal Code with the threat of imprisonment for a maximum of 5 years besides that she has also been excited about the case of theft of flip-flops which may not cost

more than Rp. 10,000 but because the slippers belonged to a police member, finally the perpetrators of the theft committed by children were reported to the police on charges of theft and is also threatened with article 362 of the Criminal Code with a maximum penalty of imprisonment of 5 years.

One of the conceptions of justice produced by thinking and the social environment as described in the above situation does not necessarily correspond to what exists and what the Indonesian people themselves really want. Where Indonesian society itself consists of various tribes and cultures has various patterns of thinking about justice. It is also reinforced and determined by the environment and other social values. The conception of justice is essentially rooted in conditions that at a certain time are desired by the community concerned and usually the conception of justice only stands out or arises if there are citizens of the community who are faced with things that are felt to be unfair, in order to get a clear picture of the conception of justice that applies to Indonesian society it is necessary to review the resolution of crime cases that are resolved traditional or vigilante.

In addition, there is also gender equality, according to the Ministry of Gender Equality, refers to a state of equality between men and women in the fulfillment of rights and obligations. Not a few movements also demand equality for men and women, even in Indonesia, gender equality has been fought for since the time of R.A. Kartini where emancipation became a milestone in women's freedom to get the same independence as men. Although efforts for justice and equality continue to be carried out, there is still discrimination between gender and social status. This gives rise to a partiaki understanding that can be said that men are everything and women are weak creatures. The form of gender equality can be with the same position in society, get the highest formal education opportunities, not be treated harshly, there are no gaps in the world of work, get political space, and have the same ownership rights.

## **RESEARCH METHODS**

In this brief, The author tries to expose the implementation of legal justice within the framework of the social and educational order. The methods and approaches used are literary methods and sources are taken from literary sources that are relevant to existing arguments. In this brief presentation, the author seeks to explain the implementation of gender equality in the field of social order and education. The method and approach used by the author is the use of the literature approach method. The data sources listed are from literature studies obtained by the author from library sources that are relevant to the arguments put forward.

## **RESULTS OF RESEARCH AND DISCUSSION**

### **Research Results**

The constitutional right of every Indonesian citizen to protection and justice in all areas of life. Law is not just a form of regulation, but a legal system that includes the substance, structure, and culture of law. This is important given the increasing number and variety of cases of violence against women and children recently, both quantitatively and qualitatively. Some of the factors that cause the high rate of violence against women and children include: Social frustration and lack of community capital due to poverty and lack of access to information and resources. Inequality of power and gender relations between women and men, and the lack of a legal culture in a just society that pays attention to the rights of the child. Problems with the quality of human and moral resources also trigger violence against women and children.

Such concepts should remain of concern to all legislators/makers, without exception feels important and requires the substance of the law, including policymakers. The preparation of laws and regulations requires a process of analysis from a gender perspective and analysis from the perspective of the best interests of children to realize children's rights according to their needs. Those involved in the realization of fair law through the construction of gender equality laws, namely decision makers in the legislature (DPR-RI, DPD, DPRD) and leaders (all ministries and countries, regencies/cities) and judicial bodies (judges, advocates including the function of the National Police, the Prosecutor's Office as law enforcement), and the community itself.

May a participatory, ambitious, constructive and democratic path be led. Building a gender-responsive justice system in the best interests of children requires stronger roles and involvement from elements of Indonesian society, such as governments, law enforcement agencies, communities, and other relevant agencies. This is done essentially to further develop human rights perspectives, aspirations, experiences and needs of men and women, including boys and girls, depending on the situation and conditions.

Policies that prioritize affirmative action are expected to support the community in acting as watchdogs for law enforcement and the exercise of constitutional rights. Governments that play an important role in the implementation of policies feel obliged to pay attention to what is contained in the strategy to be launched. In the end, the content of the policy is the core of the strategy implemented in the community, so the capacity of legislators and drafters of laws and regulations needs to be improved. All of these pathways are expected to be able to produce equitable and inclusive policies not only at the center but also in the regions.

In addition to the government and law enforcement officials, the active role of society is also needed to enforce gender-sensitive laws and pay attention to the best interests of children. Increasing community understanding requires socialization and advocacy related to understanding the legal norms of gender-sensitive and child-friendly community groups. These legal publications and information will be more effective if enhanced by the involvement of community and religious leaders in clarifying and mediating women's and children's claims and rights.

The role of institutions responsible for the empowerment of women and children is also urgently needed to make equitable laws. We need to strengthen the existing system. In addition, socialization and socialization of the existence of related institutions is considered necessary so that the public can access the participation of these institutions. The presence of such agencies can greatly help the community, as well as governments and law enforcement agencies, to implement memorandums and agreements related to the application of gender equality laws and in the best interest of the child.

Sex and Gender HT Wilson understands gender as the basis for determining the impact of cultural factors The Indonesian equality movement is undeniable because many women are unequal The culmination was the ratification of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) or the Convention on the Elimination of All Forms of Discrimination against Women which became Law No.7 of 1984. The movement became known as the "liberation" movement. It is also used to fight for equality. At the time, Partyaki's ideology was still developing that women did not have access to things like education and employment.

Political rights are also part of the struggle of Indonesian women. Women's leadership in Indonesia deserves thumbs up. In accordance with the 5th precept of Pancasila, this is social justice for all Indonesians. that women's rights are practically equal to men's rights; But in

practice, in the political arena that men represent, it is imperative that gender equality is consistent with the application of the 5th Principle. According to The New Encyclopedia of Britanica it is mentioned that: "Feminism is the belief, largely originating in the West, in the social, economic and political equality of the sexes, represented worldwide by various institutions committed to activity on behalf of woman's rights and interest". MPR Decree No. 1V of 1999 supports the improvement of women's roles and status, formulates national policies to be implemented by institutions capable of achieving gender equality and justice, and regulates the quality of roles and independence of women's organizations needs to be improved.

## **Discussion**

Legal justice is theoretically about justice, and in its application there are several interpretations of John Rawls's conception of justice, who understood justice as fairness. According to (Julia et al., 2022) means a veil of originality and stupidity. With respect to these two aspects of justice, Rawls argues that, in a pure state, without knowledge, no one knows his place, position, social position in society, or his wealth, intelligence, or power. loss. One form of justice as impartiality is to regard the various parties in the initial situation as reasonable and neutral. Statement (Abdul et al., 2022) about justice is a more hypothetical condition, an ethical imperative that can be studied in relation to fair enforcement, but under the law it is assumed that all people are equal. Equality before the law must depart from those assumptions. That is, for the sake of justice, the determination of complementary factors such as economic, social, racial, ethnic, gender, and political must be rejected. When these determining factors are rejected, all human beings are equal, equal, and appear equal.

According to (Makarrim, 2022) The general principles of legal justice require that individuals are entitled to a degree of relative status over others in the form of degrees of equality or inequality. The main rule related to the above principle is to treat the same thing in the same way, even if you add something and treat different things differently. For the people, especially the poor in this country, legal justice is a very valuable commodity. Legal justice belongs only to those who have power, political and economic access. At the same time, access to justice is very difficult for the vulnerable and poor and they are often victims of unjust demands. This illegal phenomenon still occurs in the practice of law in this country. The wide range of protests against law enforcement officials in different regions shows that our legal system and practice are problematic. According to (Fortuna & Khadir, 2022) People's desire for the rule of law and justice has not been realized.

Legal injustice is a key word to explain the low public trust in Indonesian legal institutions Many things that happen in the legal world cannot be explained as a whole. This situation has not been realized in relation to legal life in Indonesia (Rachman et al., 2022). The ongoing practice of law enforcement has judicial formality, but its moral and social legitimacy is very weak. The legal justice of citizens must be guaranteed and protected by the state. The right to justice is on the same level as people's right to social, political, and economic justice. But in practice, access to justice remains difficult for ordinary citizens. This approach is the path society takes to get justice outside and in the courts.

Gender equality is a human perspective or perception of women or men that is not based on biological sex differences. Gender studies pay more attention to a person's masculine or feminine aspects. Gender roles do not stand alone, but are related to the identity and differences in traits that society adheres to in men and women. This is not just a physiological difference, but permeates all the sociocultural values that live in society. Gender differences create gender differences, and gender differences play different roles and

participate in development, politics, economy, society, culture, education, defense and security by enjoying the consequences of this development Gender equality, also known as gender equality, means that men and women should be treated equally, unless discriminatory treatment on biological grounds, refers to the view that there should be no discrimination by gender.

## **CONCLUSION**

To realize democratic ideals, a country must be able to maintain gender equality and legal justice. A country that lacks legal justice and gender equality cannot survive as a strong, safe and peaceful country, with many crimes due to the absence of laws.

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