

Journal of Political Science and Legal Studies

Original Article

Received: 28 February 2026

Revised: 1 April 2026

Accepted: 28 April 2026

Utilitarian Philosophical Discourse in Public Participation: Examining the Political, Legal, and Pancasila Justice Relations in Indonesia

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Abstract

This study seeks to analyze utilitarianism in Indonesian politics by identifying the principles of Pancasila legal justice and utilitarian justice. Using qualitative descriptions with this type of literature study. Primary data contains journals and books related to research topics, namely the philosophy of utilitarianism, legal politics, justice, and Pancasila law, while secondary data contains supporting literature. Data will be understood, recorded, and analyzed using the philosophy of utilitarianism. So that conclusions can be drawn. The results of the study stated that public participation in influencing public policies in 2022 decreased from 76.1% to 70.6%. This creates a problem where the aspirations of the community are not properly accommodated, so that the output of legal politics in the formation of laws or regional regulations does not contain the principle of justice for the wider community. This tends to be positivistic and contradicts the formulation of the Law, which must use academic texts that contain philosophical, sociological, and normative aspects. Thus, eliminating the principle of legal expediency by emphasizing the principle of legal certainty. In actualizing the principle of utilitarianism in the Pancasila legal state, which tends to use the doctrine of positivism, the collective participation of the government, law enforcement, and the community is carried out to form rules and implement these rules to create benefits for the wider community; it is a major form of the principle of justice. The principle of utilitarianism is *"The Greatest Happiness for the Greatest Number"*. Thus, the majority vote is a representation of the principle of justice. The author feels that this study is not completely perfect and needs refinement from other researchers. The recommendation suggested by the researcher is to be more specific in conducting research on related topics about laws that use purely utilitarian aspects.

Keywords : Utilitarianism, Politics, Law, Justice, Pancasila

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I.Introduction

The formulation and implementation of provisions related to universal political ethics in Indonesia are carried out through the philosophy of Pancasila, which applies as the basic principle of the state and the state ideology. This condition makes Pancasila the foundation of all legal doctrines and the procedures for the formation of laws or legal politics in Indonesia. In addition, democracy contributes by providing a mechanism for discourse through public space (Holqi, 2024). The vital role of public participation in the legal political mechanism in Indonesia is that public participation needs to be active through granting citizens absolute aspiration authority. This participation is a very important aspect in manifesting principles in the implementation of legal politics in the formation of legislation (Simanjuntak et al., 2022). The current situation has negative implications, where public participation is only symbolic and procedural (formality). It does not involve the aspirations of the wider community directly and substantively. The crisis in public participation has consequences for legal legitimacy, creating resistance, and degrading societal legitimacy (Damanik et al., 2025). Normatively, the provisions of positive Indonesian law have required proper procedures in supporting public participation, but have not yet reflected meaningful public participation (Hermanto, 2023). The complexity of participation as well as the dynamics of society in participating creates complicated problems (Nelly, 2024). In a formal setting, participation is carried out through representative democracy, whereas in an informal space, the intensity of public participation is determined by the community (Solihah, 2017).

In a state of law, there needs to be a goal to uphold a principle of justice. The power of a state, actualized by the government and law enforcement authorities, is intended to realize public welfare. Thus, all actions taken are required to be effective and fair. It is relevant to the wishes of society at large. If the rule of law can implement the rules properly, it will protect the community from potential problems of injustice that will occur. Thus, the purpose of the formation of the concept of the rule of law is to provide legal protection and the implementation of good and just laws for the community. This principle is a form of state protection of relations to citizens. Implementing the law effectively is a legal dynamic as an effort to bring about an organized system (Yanto, 2020). Law can create a system of people's lives; this happens to a country that upholds democratic principles as a form of embodiment of the modern state. Justice in this case is part of the legal orientation in a democratic state. Although basically, the law is a political product that is the background of government administration, the principle that applies to the law is universal so that the law can apply to anyone, including parties Law enforcement, and legislators (Hayat, 2015). In order to realize legal justice, there needs to be a formulation of regulations carried out through legal politics. By Soepomo, initially the definition of legal politics was initiated in 1947 in his article entitled (Hoekoem Political Questions in the Development of the Indonesian State) (Winardi dan Sirajuddin, 2019). For Padmo Wahjono, legal politics is defined as a fundamental public policy in order to ensure the purpose, form, and substance of the law that will be created to related aspects that are used as categories in punishing something (Imam Syaukani dan A. Ahsin Thohari, 2018). Meanwhile, according to Moh. Mahfud MD, legal politics is defined as formal

policies related to laws that will be formed and passed. This includes the process of making new laws and the transition of old laws to realize the direction of a country (Mahfud, 2009).

One aspect of the purpose of law is justice. The principle of justice in the Pancasila legal state needs to implement the philosophical school of utilitarianism. In this case, utilitarianism can be internalized in the concept of the Pancasila legal state in Indonesia. In general, Utilitarianism is a school created by Jeremy Bentham in the 18th century AD. Utilitarianism is one of the schools of legal philosophy. Utilitarianism has exerted its influence on several laws in the world. Utilitarianism always upholds aspects of individual happiness as objects of law (Septiansyah & Ghalib, 2019). The school of Utilitarianism states that the legal orientation of law is an act that benefits as many people as possible; expediency in this case, is a form of happiness. Justice of legal products can be identified as a form of good or bad rules, and fair implementation of law can be seen through legal implications for human happiness. Therefore, all activities carried out in forming laws or laws are required to review legal purposes.

The principle of utilitarianism is often known as "The Greatest Happiness for the Greatest Number." This principle is the basis for the formation and renewal of law. The law needs to have logical guidelines; the logical principle is utility. Thus, legal ideals are required to reflect the value of utility. In other words, the law must guarantee and provide happiness to In order to explain in detail about the legal concept, Bentham's explanation refers to both substance and legal form. The substance and form of law are two very central things in promoting the concept of law to legislators as well as the public. With the existence of verified legal institutions and legal codification, the function of legislators is expected to be able to create legal products that have an orientation to the welfare and happiness of the people. On the other hand, citizens need to understand the law and have an obligation to take care of it. In-depth, Bentham explained to legislators the importance of legal socialization. Law is not just enacted and carried out, but the law needs to be explained in detail until the public can understand the legal product so that the community is able to make the law as a guideline to realize public interest and public order (Songbes, 2023).

The *adagium* "The Greatest Happiness of the Greatest Number" has always used as a basis for justifying the usefulness of a form of legal orientation based on utilitarianism. Departing from Bentham's concept of utilitarianism, it will generally explain the purpose of law. In addition, Bentham also provides several postulates regarding the way that can be done in evaluating a law, used to guide sustainability on the principle of legal certainty. Bentham based his evaluation on two elements, namely pleasure, which contains about (expediency, pleasure, happiness), and pain (fear, discomfort, pain). Bentham's strategy is to add between the number of legal products that are pleasure and the number of laws that are pain. Thus, it can identify good legal products and bad legal products (Pratiwi et al., 2022). As the ideology of the Indonesian state, Pancasila has a role to make it a fundamental philosophy oriented in reference to the State of Indonesia as an effort to create welfare and justice for the community. In this case, Indonesian legal politics is actually a provision of the constitutional system that is fundamental and contains goals and mechanisms to be carried out in achieving social and legal orientation. The historical journey of Indonesian constitutional law has been implemented as an

alternative concept of legal politics that is relevant to the alignment of state administrators who are not entirely in accordance with Pancasila. Thus, all elements of the nation are required to provide criticism consistently so that they can make surplus contributions in the actualization of Indonesian legal politics positively and even reflect Pancasila (Pramono, 2018).

According to Padmo Wahiono, legal politics is defined as a fundamental public policy to ensure the purpose, form, and substance of the law that will be created to related aspects that are used as categories in punishing something (Imam Syaukani dan A. Ahsin Thohari, 2018). Legal politics is a state activity carried out to create a Constitution, while the product of the legislative mechanism is an implication of the political output of the law. In order to identify politics, law, and philosophy, as well as orientation to a country, it can be done by constructing the country's constitution. Legal politics can be interpreted as an element that is able to support all aspects of the national legal system, thus being able to play a relevant role in the ideals of the state, nation, law, and substance of the guidelines contained in the Preamble to the 1945 Constitution.

The principle of justice has always been based on philosophical schools that correlate with the situation and condition of human thought. Based on the concept of philosophical theory that contains the principle of justice, it consists of at least two universal perspectives. It includes the purpose and characteristics of the value of justice. In this context, goals can be interpreted as something that will be achieved in legal relations and society. While the characteristics of the principle of justice need to contain fair, legal, impartial, equal rights. Justice is a form of action that aims for goodness, virtue, and truth, and also demands moral equality of relations between citizens. Goals in justice can be created through mutual agreement between communities and strategies that will be carried out to achieve these goals of justice. In addition, justice is also identified as the output or policy resulting from the implementation of the law. Thus, justice is an ideal aspect that contains ideals or goals in the concept of the rule of law (Nasution, 2016).

As for previous research, the research conducted by Putri & Arifin (2018) The title *"Theoretical Review of Justice and Certainty in Law in Indonesia"* mentions that positive implications occur when the legal concept implemented in Indonesia contains aspects of justice and legal certainty, then the law will have legitimacy in society. In addition, it can also provide protection for elements of human rights, achieve a good legal system, and create public order and public welfare. Second, Research conducted by Hasaziduhu Moho, (2019) The title *"Law Enforcement in Indonesia According to Aspects of Legal Certainty, Justice, and Expediency"* mentions that, factually, law enforcement in Indonesia has several shortcomings; it is based on the application of law enforcement, which tends to uphold the principle of certainty and considers the law to be a law rather than the benefit and justice of the community.

Third, research conducted by Sarip (2018) the title *"The Plurality of State Vision of Pancasila Law in the Mission of Indonesian State Law"* mentions that the principle of justice is a form of Effort to create equivalence, equal rights, and wisdom in deciding violations that have been formulated in formal rules. It is a mechanism of justice based on procedural principles, with procedural principles of justice substantially expected to be achieved and able to touch the reality of society. Fourth, research conducted by Arliman (2017) with the title *"Public Participation in the Formation of Legislation to Realize*

a Prosperous Indonesia in the View of the Theory of the Welfare State." The teachings of the welfare state can actually be actualized in tandem with state rules. Welfare is the ideal of every country in the framework of governance, and the implementation of the role of regulations is a means of achieving prosperity. The balance between these two ideas can be achieved by establishing regulations that are responsive and uphold the interests of the people. With that, the concept of the Indonesian welfare state will be created. But at this time, the fundamental problem related to this goal is that people's participation and aspirations are always ignored, even just as form of formality.

II.Objective

This study seeks to analyze utilitarianism in Indonesian legal politics with the main aim of identifying the principle of justice of the Pancasila Law State and the principle of Betham Utilitarianism justice.

III.Research methods

This study uses a qualitative type of research with a library research approach. This approach was chosen for a deep analysis of the philosophical discourse of utilitarianism contained in Indonesian legal texts. The analysis is conducted from the perspective of legal philosophy, with an emphasis on a critical evaluation of the principle of utility in the legislative regulation process. To analyze utilitarianism in Indonesian legal politics by identifying the principles of Pancasila legal justice and utilitarian justice. Literature review is used as an effort to collect information and data based on relevant theoretical sources containing books and journals related to research topics, namely the philosophy of utilitarianism, legal politics, justice, and Pancasila law and laws. Thus, it can provide a description, summary, and critical evaluation of the topic being researched. The literature study used in the research discusses the principle of justice of the state of law Pancasila and the principle of total justice of Bentham's utilitarianism. The primary and secondary data obtained are then read, understood, recorded, phrased, and analyzed by implementing several principles in the philosophy of utilitarianism. The researcher uses concepts, doctrines, and Pancasila as an object for interpretation through the analysis of utilitarian theory. The researcher contrasts the values of 'Social Justice' and 'Common Good.' The researcher analyzes whether the Fifth Principle is interpreted as utility (pure collective secular happiness) or as justice (everyone receives their rights in proportion to human dignity). Data collection is carried out through the code 'Public Participation, Pancasila, and Legal Policy'.

In general, Utilitarianism is a school created by Jeremy Bentham in the 18th century AD. Utilitarianism is one of the schools of legal philosophy. Utilitarianism has exerted its influence on several laws in the world. Utilitarianism always upholds aspects of individual happiness as objects of law (Septiansyah & Ghalib, 2019). Which is done through Provide Subsistence, Provide Abundance, Attain Equality, and Security. Conclusions can be drawn using a deductive pattern, which infers data

coherently from the properties of general statements to particular. Thus, it is expected to be able to provide a comprehensive understanding in answering the formulation of the problem, namely related to the principle of state justice, Pancasila law, and the justice of Bentham utilitarianism. Thus, eliminating the principle of legal expediency by emphasizing the principle of legal certainty. In actualizing the principle of utilitarianism in the Pancasila legal state, which tends to use the doctrine of positivism, the collective participation of the government, law enforcement, and the community is carried out to form rules and implement these rules to create benefits for the wider community; it is a major form of the principle of justice.

IV. Research results

The position of Pancasila in UU-PPP is a representation of the principle of the *Staatsfundamentalnorm* of a country. *Staatsfundamentalnorm* is defined as a reference in a mechanism for the formation of laws. This indicates that the purpose of the establishment of the regulation is a reflection of the legal ideal of "*Rechtsidee*" and the ideal of the state "*Staatsidee*" as stated in the 1945 Constitution. Referring to the perspective of Philippe Nonet and Philip Selznick, although it was created in the post-reform, which contained a democratic system, factually, the output of the formation of the Law refers to autonomous law rather than responsive law (Tardjono, 2016)

Table 1. The Principle of Utilitarianism in Legal Politics through Community Participation

Indicator	2021	2022
Public Participation in Influencing Public Policy in Representative Institutions	76,1%	70,16%
Legislator Performance	33,33%	60%
Public access to public information	69,84%	75,35%

Table 1: Indonesian Democracy Index, Source: www.bps.go.id

Based on Table 1, public participation in the formation of laws or local regulations by the law is imperative. Thus, the establishment of laws or local regulations that contain community participation is not a form of obligation. In other words, community participation in the formation of laws or local regulations is not a provision of the law (Tuhumena et al., 2021). The establishment of laws and regulations or regional regulations, as stated in Article 43 paragraph (3) *juncto* Article 56 paragraph (2) of Law Number 12 of 2011 concerning the Establishment of Laws and Regulations, states that the formation of laws through the process of the Bill is formed by the DPR, the President, and the DPD. the formation of local regulations was initiated by the DPRD and the Governor (Explanation of article 43 paragraph 3 *juncto* article 56 paragraph 2 UU-P3). However, based on Table 1, public participation in influencing public policies in 2021 decreased from 76.1% to 70.6%. This creates a problem where the aspirations of the community are not properly accommodated, so that the output of legal politics in the formation of laws or regional regulations does not contain the principle of justice for the wider community. Thus, eliminating the principle of legal expediency by emphasizing the principle of legal certainty.

V. Discussion

Principles of State Justice Pancasila Law

Pancasila is the basis of the Indonesian state, the statement is contained in the Preamble of the 1945 Constitution fourth paragraph. Pancasila is a reference for the community in carrying out the life of the nation and state (Nurafifah, 2021). Pancasila is also used as an ideology that contains a very deep substance. Before the creation of Pancasila, the lives of Indonesian people had actually applied the values of Pancasila. Thus, Pancasila is relevant to the characteristics of the Indonesian nation. In this case, the government and society need to apply the values of Pancasila which consists of God, Humanity, Unity, Peoplehood, and Justice. It is solely as a representation of the community which is an element of the Unitary State of the Republic of Indonesia. When the government and society are able to implement Pancasila in the realm of social and state life, it allows the formation of high wisdom (Wandani & Dewi, 2021).

As a Grundnorm or basic norm of law in Indonesia, it has implications for the concept of the state of law Pancasila. The idea of the rule of law is motivated by the historical and cultural aspects of a country. Thus, the legal system cannot be triggered from one country to another. The terms *Rechstaat*, Rule of Law, Nomocracy, Islamic Society, and the state of law Pancasila are valid manifestations of the concept of the rule of law. Fundamentally, cultural elements are also capable of having implications for state administration. Indonesia uses the doctrine of Pancasila ideology which has a pragmatic nature so that it is able to correlate and acculturate between Civil Law and Common Law. When the principles of Pancasila are implemented constantly, it is able to make Indonesia a state of law that creates welfare for the people (Hamzani, 2014).

In this case, the law plays a role in protecting violations and providing a form of protection to society at large. Thus, the application of the law is required to be able to protect the interests of the

community properly. The implementation of the law can be carried out normally and damain. However, in the context of law enforcement in Indonesia, it is still categorized as weak. Law enforcement mechanisms are a reflection of a rule of law. Law enforcement becomes a legal parameter in a country. Thus, a rule of law that is able to create effective law enforcement is a representation of the success of the concept of the rule of law. Thus, the state is able to provide a form of order and justice to society (Arliman, 2017a). Basically, there is a difference between the definition of the state of law of Pancasila and the state of law in other countries (west). It is based on the ideology of each country. Of course, these elements give characteristics to the rule of law in Indonesia. The idea of the western legal state which includes the *Rechtstaat* or Rule of Law is caused by social dynamics aimed at giving opposition to the absolutism of the king, while the Indonesian State of Law is motivated by the spirit of the Indonesian people who fought for a form of independence from Dutch colonialism. Unlike the *Rechtstaat* or Rule of Law, the idea of the Pancasila rule of law is a form of the state of law guided by the values of Pancasila. So that is what makes Indonesia called the state of Pancasila law (Widiatama et al., 2020).

The explanation in the 1945 Constitution states that Pancasila is a legal ideal or *Rechtsidee*. This is what underlies Pancasila as a reference in legal regulations in Indonesia. In this case, Pancasila is used as the highest norm that functions in establishing the basis (legitimacy) of a legal norm in Indonesia (Muhlashin, 2021). In line with the term Pancasila legal state, Indonesia is able to have the nature of similarity, kinship, and religion. Thus, from this aspect Indonesia is referred to as a divine state as stated in the preamble of the 1945 Constitution. It also gives the character of the Indonesian state that Indonesia does not have the nature of secularism that separates state administration and religion (Erwinsyahbana & Syahbana, 2018). The special characteristics of the Pancasila law state are contained in the implementation of laws that need to be based on the Pancasila precepts, it contains God, Humanity, maintaining equality, dignity, liberty, human rights, family nature, unity in the context of forming rules and state administration (Made & Wijaya, 2015).

In general, Indonesia uses the term Pancasila State Law because Pancasila is considered the basic norm for legal rules. This is done by giving the status of Pancasila as the highest level in the hierarchy of laws and regulations so that Pancasila can be used as a reference in all forms of legislation. This causes Pancasila not only to be normatively identified in view as a legal basis, but the values embedded in Pancasila can also be actualized in national legal systems (Fais Yonas Bo'a, 2018). However, the implementation of Pancasila law in Indonesia is applied in line with the doctrine of legal positivism. The doctrine of the school of legal positivism has monistic characteristics, the validity of positive legal rules needs to be formed by humans "authorized institutions" (Kusumohamidjojo, 1999). The doctrine of legal positivism always focuses its object on the concrete conditions of "*Das Sein, Wirkelijkheid*". For the doctrine of legal positivism, the essence of law is the command of the lawgivers. One form of the school of legal positivism called legism emphasizes that the source of law is the Law, therefore, truth in the view of legal positivism is based on the principle of certainty aimed at achieving justice.

The definition of the principle of justice has a very past history of perspective in legal discourse. Basically, the principle of justice can be identified based on two interpretations. The first is justice based on formal or written laws that apply universally, the second is justice in the material sense, which requires the law to be relevant to the goal of achieving community justice (Suseno, 1991). Justice is one part of the legal ideal that is always discussed in the discourse of legal philosophy. This includes Aristotle's idea in his writing, namely "*Retorica*" which classifies the principle of justice consists of two types containing Distributive Justice "*Justitia distributive*" which is a form of justice orientation intended for people based on their merits and in accordance with their rights. And "*Justitia Cummulativa*" or cumulative justice, which is a form of justice that is internalized by a person without considering his merits (Hakim & Barkatullah, 2012). The interpretation of the principle of justice as equality for Aristotle, was carried out and developed by Cicero by rejecting legal positivism in society which was used as a parameter of absolute justice values. For Cicero, the principle of justice is based on a source of reason that can guide the whole society. To eliminate the value of justice under the principle of legal certainty is an irony. Thus, Cicero said "*Summum Ius Summa Iniuria*" or the supreme law is the highest injustice (Huijbers, 1999). However, implementing utilitarianism completely in the legal system would eliminate individual rights. The principle of utilitarianism is "*The Greatest Happiness for the Greatest Number*". Thus, the majority vote is a representation of the principle of justice.

Bentham's Justice Utilitarianism

The school of utilitarianism was coined by Jeremy Bentham, and later developed by Stuart Mills and Rudolf von Jhering. Utilitarianism was a response to natural law theory in the 18th and 19th centuries. Fundamentally, Utilitarianism provides a critique of natural law because it has abstract and non-static properties. Bentham said that the role of law is a concept that seeks to surplus the value of benefits and happiness to society. The concept of law according to Bentham is to put forward the entity of happiness, The parameter of law is the high intensity of happiness towards everyone. Thus, the categorization between good or bad a legal product rests on legal implications in providing benefits and happiness to society at large. Expediency is interpreted as happiness or happiness (Friedmann, 1990). The principle of happiness for Bentham should be felt by everyone. But if it is not achieved, then an effort is needed so that happiness can be realized. So came the term "*The Greatest Happiness for the Greatest Number*." Below is a chart of the theory of utilitarianism;

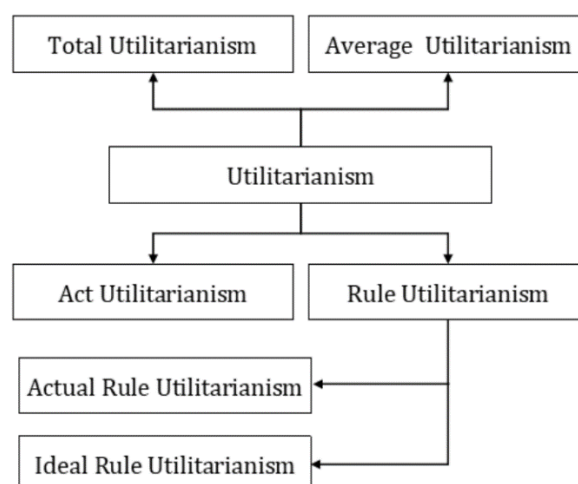


Figure 1. Bentham's Utilitarianism Theory Chart, Source: Ali, (2009)

Based on the Figure 1. Laws are required to surplus benefits to society, laws cannot be formed authoritarily. Utilitarianism puts forward the principle of expediency as a guide for an action that is able to escalate or decrease the intensity of happiness as a parameter of pleasure and pain. Bentham explained that the substance of the law is required to have the principle of justice as an impact of the element of happiness of individuals, legal certainty is measured based on indicators of the number of people who feel the benefits of the legal products made. Based on this view, Bentham bases his perspective on the psychological aspects of society on the norms imposed (Mochtar & Hiariej, 2021).

Rule Utilitarianism

The formulation of regulations fixed on legislators is a correct validity in knowing irregularities shaded by law by considering the meaning of utility (Schofield, 2009). Therefore, there is a need for transparency in the design and purpose of legal products to the public. Regarding this, Bentham wrote between "Rights and duties, although the nature of these two terms is different and contradictory, it cannot be dichotomous from one another. This does little to prove that the law is incapable of providing benefits to society without coercion, thus, being impossible when forming false rights, without forming obligations to the other (Bentham, 1914). In this case, the Law is not oriented as an effort to create rights against someone, but also by forming equal provisions for others. For Bentham, man is required to give up some of his freedom. The implications of restrictions on independence create pain. Thus, all forms of dependents bestowed on one person need to be identified as a service applied to others. Although required by providing services, services are not always analogous to obligations. Services can be provided freely (Halevy, 1934).

a. Provide Subsistence

In providing subsistence, the law is required to be able to provide guarantees in the context of protecting the community as an agenda to maintain life.

b. Provide Abundance

In providing abundance, the law is required to provide guarantees to the community in order to create welfare. This is based on the view that human policy is dynamic so that the needs of life

always arise. Welfare can be created by the efforts made in producing a source of income. Thus, legal products need to provide certainty so that people are able to earn a living and create welfare for themselves (Schofield, 2009).

c. Attain Equality

Attain Equality, the law needs to be social, cultural, and equality before the law "*Equality Before the Law*". The principle of equality is oriented towards equality of opportunity, not equality of conditions. The principle of equality can have implications for justice.

d. Security

In security, the law needs to provide guarantees in security and public order. These two aspects constitute the ideals of the law itself. Without law, security and public order cannot be created. Thus, it has the consequence of low wealth and no source of livelihood. Regarding this, several practices are carried out to improve security and public order and improving the quality of law enforcement in Indonesia, namely by socializing the law and law enforcement to the community, imposing fair and proportionate punishment on perpetrators of crimes, providing space for community contribution in law enforcement mechanisms and forming regulations or rules. Some of these principles are in line with the ideals of just law which is fundamentally required to protect all citizens. In addition, law enforcement mechanisms are also needed to collectivity between law enforcement authorities. Thus, law enforcement mechanisms can run effectively (Santoso et al., 2023).

Justice is a very vital principle in creating the equality of people's lives. Actualization of justice can guarantee welfare to the community and can create public order (Rangkuti, 2017). However, the implementation of the principle of justice in the rule of law always has a problem. The important role and basic principles of justice in a country can be identified in the perspective of John Rawls and Jürgen Habermas, who tend to consider society as a political unity in a country (Rawls, 1986). In the concept of the rule of law, the actualization of the principles of justice as well as social justice are very fundamental element. Justice is a form of community desire that is static and sustainable. Thus, every action by the government that is oriented towards public welfare can be interpreted as an act that is just. The principle of justice and social justice in the rule of law has a very close correlation; it is based on the principle of justice that underlies the creation of social justice. Thus, every citizen can have the potential to form a good life and general welfare (Purwanto, 2017).

The principle of justice based on Pancasila needs to contain several principles listed in Pancasila. It can include the value of Godhead by promoting the principle of justice based on Godhead. The second principle of justice in the substance of Pancasila is justice that is relevant to human rights as a form of representation of social beings. The third principle of justice that prioritizes unity and unity, it is oriented in efforts to establish public order. The fourth principle of justice implements the nature of consensus deliberation in stating its arguments. The fifth principle of justice is to guarantee the right to social justice to all Indonesian people (Febriansyah, 2017). Social justice and the principle of consensus deliberation on the concept of the rule of law are fundamental to the essence. The principle of social justice in the

concept of the Pancasila legal state, which contains public interests and social interests, can provide limits to the "*dignity of man*." (Hariyanto, 2015).

As a manifestation of the Pancasila legal state, Indonesia seeks to create a plurality of pyramid precepts in Pancasila. The characteristic of the concept of the Pancasila legal state is that it is found in the state legal system based on the precepts of Pancasila, which includes the Rule of Law based on the principles of God, Humanity, Unity, Peoplehood, and Justice. The state of law of Pancasila can be identified as the vision of the state. To achieve the vision, the pelru implements a mission called the law of the country (Sarip, 2018). To deal with the two sovereign forces of pleasure and pain, Indonesia has implemented the concept of the welfare state. The Indonesian constitution declares that the state is required to create social justice values and prioritize the value of general welfare. Considering this, Indonesia actually wants a "welfare state" and "social welfare" as conditions where material and non-material needs are realized. Prosperous conditions can be created when the primary needs of the community can be met. The principle of welfare can be realized by collective action from civil society, the market, and the state. In this case, the head of state, as a representative of the term "State," is required to contribute to maintaining his oath commitment in carrying out the 1945 Constitution properly and in accordance with an effort to create social welfare by sticking to Pancasila and the 1945 NRI Constitution (Putra, 2021).

The implementation of Pancasila as a legal basis for realizing social justice in Indonesia has challenges and opportunities that need to be considered. These challenges include different interpretations of Pancasila values, limited resources, accessibility of public services, and political interests and injustices in the legal system (Nugraha, Aulia, 2023). Justice is identified as one of the values underlying Pancasila. Thus, making it a very vital thing to be applied, considering that justice is the fifth precept of Pancasila, which is one of the ideals of the state. The problem of injustice will be overcome if all elements of society can apply the values of unity and justice in the life of the nation and state (Siregar, 2014). Fair action can be defined as referring to policies carried out by the government for the community regarding their rights. The social definition is defined as actions that do not prioritize personal interests above public interests. Creating a welfare state is carried out with a state administration system that contains equity and sustainable programs in order to actualize the principle of the five precepts of Pancasila (Sarifuddin & Joesoef, 2023).

VI. Conclusion and Suggestions

Based on the presentation of the results and discussion above, it can be concluded that justice in the state of law Pancasila needs to contain elements contained in Pancasila, namely the five precepts because Pancasila is considered as *Staatsfundamentalnorm*. This indicates that the purpose of the establishment of the regulation is a reflection of the legal ideal of "*Rechtside*" and the ideal of the state "*Staatside*" as stated in the 1945 Constitution. So that it is used as a reference in the formation of laws to create justice. However, the government is too normative to eliminate philosophical and sociological aspects in legal politics. While total justice, utilitarianism emphasizes that the formation of laws needs to contain (Provide Subsistence, Provide Abundance, Attain Equality, and Security) as an effort to

create justice. However, based on Table 1, public participation in influencing public policies in 2022 decreased from 76.1% to 70.6%. This creates a problem where the aspirations of the community are not properly accommodated, so that the output of legal politics in the formation of laws or regional regulations does not contain the principle of justice for the wider community. This tends to be positivistic and contradicts the formulation of the Law, which must use academic texts that contain philosophical, sociological, and normative aspects.

Eliminating the principle of legal expediency by emphasizing the principle of legal certainty. In actualizing the principle of total utilitarianism in the Pancasila legal state, which tends to use the doctrine of positivism, the collective participation of the government, law enforcement, and the community is carried out to form rules and implement these rules to create benefits for the wider community, it is a major form of the principle of justice. Implementing utilitarianism can create the principle of justice as a whole, because fundamentally, utilitarianism internalizes the usefulness of laws for society, implementing utilitarianism completely in the legal system would eliminate individual rights. The principle of utilitarianism is *"The Greatest Happiness for the Greatest Number"*. Thus, the majority vote is a representation of the principle of justice. The author feels that this study is not completely perfect and needs refinement from other researchers. The recommendation suggested by the researcher is to be more specific in conducting research on related topics about laws that use purely utilitarian aspects.

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