



Implementation of Pancasila and Law Enforcement Compliance with the Professional Code of Ethics

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Abstract

This legal research seeks to answer three research problems, and by using a qualitative descriptive method. The following conclusions are obtained: First, the code of ethics of the legal profession in Indonesia contains the noble values of Pancasila. In every code of ethics of the legal profession in Indonesia, it always emphasizes that law enforcers must fear God Almighty and always uphold justice. Second, every law enforcer in Indonesia has been given education to live up to the noble values of Pancasila. Having good knowledge of Pancasila is very important because in accordance with their oaths and promises they must uphold the 1945 Constitution which contains the noble values of Pancasila. Third, every law enforcer who has practiced the noble values of Pancasila will become a person who fears God Almighty. Having high integrity, honesty, fairness, responsibility, discipline, and high professionalism, as well as a higher level of compliance with the code of ethics.

Keywords: Pancasila; Noble Values; Professional Ethics

A. Introduction

Lately, there are discussions about the abuse of the legal profession by law enforcement officers for personal gain. The abuse of the legal profession by law enforcement officers is a violation of the professional code of ethics. The law enforcement profession is often the center of attention because it has a written value system, namely a professional code of ethics. The public spotlight becomes sharper when the behavior of unscrupulous members of the profession is not based on mutually agreed social values as stated in the professional code of ethics. Violation of the code of ethics of the legal profession should be treated as something very serious, because the ethics of the legal profession is a code of conduct which is an integral part in regulating the behavior of law enforcement as a form of law enforcement that is good, useful and at the same time fair. Law enforcement requires an attitude of moral integrity, this

attitude becomes the capital for the organizers of the legal profession in carrying out their professional duties.

The main benchmark for being an organizer of the legal profession in enforcing the law lies in the independence of professional administrators and the strength of moral integrity when facing various problems for which they are responsible. To be a good, useful, and fair organizer of the legal profession, in carrying out their professional duties in enforcing the law, practitioners who have superior attitude qualifications are needed, they are human beings who believe in God, have a humanitarian attitude, have a high attitude of nationalism, uphold human dignity, upholding the values of justice, being objective, honest, as well as understanding legal science and having technical skills.

One aspect that is highlighted by ethics and morals regarding the behavior of a person's actions is in the field of expertise called profession. Due to the profession as a job about theoretical and technical expertise, which relies on an honesty, so that the dependence and expectations of people who need help are very large in order to implement a just system, therefore the bearers of a profession are required to have certain prerequisites in carrying out and carrying out their duties. and professional functions, so that they really work professionally in their fields.

There are several professions engaged in the legal field, including judges, prosecutors, police, advocates, notaries and various elements of institutions that are authorized by law. Legal professional workers are public officials in their respective fields. Therefore, the main task of his profession is to provide public services to the community without being discriminatory based on applicable legal provisions.

In addition, professional bearers are often faced with situations that cause complicated problems to determine what behavior meets the demands of professional ethics. Meanwhile, behavior in carrying out the profession can have far-reaching (negative) consequences for justice seekers. The facts stated above indicate that the profession itself requires a more concrete objective guideline for professional behavior. Therefore, from within the professions themselves, a set of behavioral rules emerges as guidelines that must be obeyed in carrying out the profession. This set of rules is called a professional code of ethics (code of ethics), which can be written or unwritten.

At present, the code of ethics is generally in written form which is formally determined by the professional organization concerned. Basically, the code of ethics aims to on the one hand maintain the dignity of the profession concerned, and on the other hand to protect justice seekers (society) from abuse of professional expertise and/or authority. Basically, the code of ethics includes a group of positive moral rules.

Abuse of the legal profession can also occur because of the pressure of the client who wants the case to be resolved quickly and of course wins. The client does not hesitate to offer a fairly tempting fee either to a legal advisor or to a judge who examines the case. In this case there is a fight, whoever pays the price will win. Law enforcement is used as a business arena for brutal legal harassment. On the one hand, law enforcers shift their direction from justice to income, and on the other hand, clients become a bully of the authority of the law and a mental destroyer of law enforcement. This kind of condition has created frustration for justice seekers, and a challenge for law enforcement institutions to immediately fix it. Various efforts to improve this legal atmosphere are through various efforts, either through education programs, training programs, reward and punishment systems, and others.

Various efforts have been made to increase the obedience of law enforcers to their professional ethics. These efforts include various research and development on the ethics of the legal profession, various training courses and religious activities are also continuously developed by each law enforcement institution, upgrading and appreciation of the noble values of Pancasila is also carried out in every law enforcement institution. In terms of upgrading the appreciation of Pancasila, it is very important because every law enforcer in Indonesia is obliged to maintain and preserve Pancasila. For the Indonesian people, Pancasila is an ethical system and also a way of life. Pancasila is a structure of thought that is structured to provide guidance to every Indonesian citizen in attitude and behavior. Therefore, Pancasila as an ethical system is intended to develop a dimension of morality in each individual law enforcement officer so that he has the ability to display an attitude of spirituality in his professional life. Pancasila as an ethical system is a moral guidance that can be actualized into concrete actions, which involve various aspects of law enforcement. Therefore, the precepts of Pancasila need to be further actualized into action decisions so that they are able to reflect a good, useful and just law enforcer based on the norms that live in society and the state's legislative system.

Every law enforcer in Indonesia before starting his career is always provided with knowledge about Pancasila as the source of all legal sources, Pancasila as the basis of the unitary State of the Republic of Indonesia, Pancasila as the way of life of the Indonesian nation, Pancasila as an ethical system that inspires the preparation of ethics for the legal profession in Indonesia. Things that are very important in developing Pancasila as an ethical system in the code of ethics of the legal profession include: First, placing the noble values of Pancasila as a source of morals and determining attitudes, actions and decisions that will be taken by every law enforcer in Indonesia. Second, the noble values of Pancasila provide guidelines for every law enforcer to have a clear orientation in good, useful and fair law enforcement. Third, Pancasila is the basis for policy analysis made by law enforcers so that it reflects the spirit of the state with the spirit of Pancasila. Fourth, the noble values of Pancasila become a filter for the plurality of values that develop in law enforcement in Indonesia.

Every law enforcer needs to be instilled with noble moral values. Pancasila as the philosophical basis is the nation's morals that have bound the state as well as it has become a source of state order, and it is a source of law and order and the soul of all activities in all aspects of state and community life. Then the law will be empowered in law enforcement and the legal system will be strong to protect every citizen and the entire territory of the Republic of Indonesia.

Based on the background described above, the main topics in this journal are: First, the code of ethics for the legal profession in Indonesia has contained the noble values of Pancasila. Second, every law enforcer in Indonesia has been given education to live up to the noble values of Pancasila. Third, the appreciation of Indonesian law enforcers for the noble values of Pancasila affects the level of compliance with the professional code of ethics.

This research is descriptive research with a qualitative approach. Quality refers to the what, how, when, where, and why of a thing—its essence and ambience. Qualitative research, thus, refers to the meanings, concepts, definitions, characteristics, metaphors, symbols, and descriptions of things.¹ Qualitative inquiry employs different philosophical assumptions; strategies of inquiry; and methods of data collection, analysis, and interpretation. Although the

¹ Bruce L. Berg and Howard Lune, *Qualitative Research Methods for the Social Sciences* (London: Pearson Education Limited, 2017), 12.

processes are similar, qualitative procedures rely on text and image data, have unique steps in data analysis, and draw on diverse strategies of inquiry.²

The results of the research emphasize meaning rather than generalization. This research is to describe, explain, and answer in more detail the problems that will be studied by studying as much as possible several law enforcers from elements of judges, prosecutors, state police, and advocates, who were chosen for the purposes of this research, and the results of the writing are in the form of words. or statements that match the actual situation. Activities in data analysis are: data reduction; display data; conclusion drawing/verification. Reducing data means summarizing, choosing the main things, focusing on the important things, then looking for themes and patterns. Thus, the data that has been reduced will provide a clearer picture, and make it easier for researchers to conduct further data collection, and search when needed. After the data is reduced, the next step is to display the data. The third step in qualitative data analysis is drawing conclusions or verification.

B. Discussion

B. 1. Law Enforcer

The 1945 Constitution of the Republic of Indonesia affirms that Indonesia is a state of law. The principle of the rule of law is the guarantee of certainty, order and legal protection for every citizen based on truth and justice.³ This obliges the state or government to provide recognition, guarantee, protection, and legal certainty to every citizen and treat equally before the law. There are three basic principles that must be applied by the rule of law, including 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). In an effort to realize the principles of the rule of law, the role and function of law enforcement as a free, independent and responsible profession is important, because through the legal services provided, the interests of the community seeking justice, including efforts to empower the community to realize their fundamental rights they before the law can be realized.

In a state of law, there are law enforcers, namely parties who are directly or indirectly involved in law enforcement, starting from the police, prosecutors, judges, legal advisors

² John W. Creswell, *Research Design: Qualitative, Quantitative, and Mixed Method Approaches* (California: SAGE Publication. Inc., 2014), 162.

³ Article 1 paragraph (3), *The 1945 Constitution of the Republic of Indonesia*.

(advocates) and up to wardens in prisons. These law enforcement agencies can be said to be law enforcers not only because they have authority related to the judicial process, but also because they have other authorities in accordance with the provisions of the law in their respective fields. In a broad sense, there are still several other institutions that have roles as legal institutions and have the authority to regulate, supervise and carry out regulatory orders, such as the Ministry of Finance through Customs and Excise Officials, and the Business Competition Supervisory Commission. Thus, although the laws and regulations in Indonesia do not mention the definition of law enforcement, in the previously mentioned laws and regulations, there are several officers and institutions that can be categorized as law enforcement agencies in Indonesia.

Police are all matters relating to the functions and institutions of the police in accordance with statutory regulations”.⁴ The function of the police is one of the functions of the state government in the field of maintaining security and public order, law enforcement, protection, shelter, and service to the community.⁵ The duties and authorities of the State Police are to 1) maintain public security and order; 2) enforce the law; and 3) provide protection, protection, and service to the community.⁶

The Prosecutor’s Office as one of the law enforcement agencies is required to play a greater role in upholding the rule of law, protecting the public interest, enforcing human rights, and eradicating corruption, collusion, and nepotism.

“Prosecutors are functional officials authorized by law to act as public prosecutors and executor of court decisions who have obtained permanent legal force and other powers based on the law”.⁷

In this new Prosecution Law, the Indonesian Attorney General’s Office as a state institution that exercises state power in the field of prosecution must carry out its functions, duties and authorities independently, regardless of the influence of government power and the influence of other powers.⁸ The Prosecutor’s Office is in the axis and becomes the filter between the investigation process and the examination process at trial as well as the executor of court decisions and decisions. Thus, the Prosecutor’s Office is the controller of the case process

⁴ Article 1 number 1 of *Law Number 2 of 2002 concerning the National Police of the Republic of Indonesia*.

⁵ *Ibid.*, Article 2.

⁶ *Ibid.*, Article 13.

⁷ Article 1 number 1 of *Law Number 16 of 2004 concerning the Prosecutor of the Republic of Indonesia*.

⁸ *Ibid.*, Article 2 paragraph (2).

(*dominus litis*), because only the Prosecutor's Office can determine whether a case can be submitted to the Court or not based on valid evidence according to the Criminal Procedure Code. In addition, the Prosecutor's Office is also the only agency implementing criminal decisions (executive ambtenaar). In addition to playing a role in criminal cases, the Prosecutor's Office also has another role in Civil Law and State Administration, namely being able to represent the Government in Civil and State Administrative Cases as State Attorney.

Judges are supreme judges and judges in judicial bodies in all judicial circles under the Supreme Court and judges of the Constitutional Court as referred to in the 1945 Constitution of the Republic of Indonesia.⁹ Judges are an integral part of a system of supremacy law. The role of the judge is to enforce the law and to lead the administration of justice independently and impartially. In addition, that the judge has in a case the authority to examine cases submitted by interested parties; The judge in a case has the authority to hear and decide on certain cases in one of the judicial bodies under the Supreme Court as regulated by law; The judge in a case must decide someone is guilty or not guilty by prioritizing justice and truth. The Constitutional Court is one of the state institutions exercising independent judicial power to administer justice to uphold law and justice.¹⁰

Advocates are professions that provide legal services, legal education to people who ask for help regarding the process of solving legal problems faced, including people who can't afford it.¹¹ Advocates have the status of law enforcers,¹² are free and independent which are guaranteed by law and statutory regulations. To clarify, what is meant by "advocates with the status of law enforcers" are advocates as one of the instruments in the judicial process that has an equal position with other law enforcers in upholding law and justice.

B. 2. Professional Code of Ethics

The code of ethics of the legal profession is the moral principles or overall principles and values relating to good and bad which are attached to a legal profession and are compiled in writing and systematically. The code of ethics of the legal profession is a binding rule in certain communities that is determined and accepted by the legal profession group, which

⁹ Article 1 number 5 of *Law Number 22 of 2004 concerning the Judicial Commission*.

¹⁰ Article 2 of *Law Number 24 of 2003 concerning the Constitutional Court*.

¹¹ Article 22 paragraph (1) of *Law Number 18 of 2003 concerning Advocates*.

¹² *Ibid.*, Article 5 paragraph (1).

directs or gives instructions to its members how to act and at the same time guarantees the moral quality of the legal profession in the eyes of the public. The general principles formulated in a legal profession will vary from one another. The code of ethics for the judge profession is certainly different from the code of ethics for the prosecutor's profession, because the duties and functions in the law enforcement process are also different. The code of ethics functions as a means of social control, preventing interference from other parties, preventing misunderstandings and conflicts, as a control whether members of professional groups have fulfilled their obligations. The objectives are to: 1) uphold the dignity of the legal profession as a noble profession; 2) maintain the dignity and welfare of members; 3) increase the dedication and loyalty of members to their respective professions; 4) improve the quality of the profession and organization; 5) improve services, strengthen their respective professional organizations; 6) avoid a conflict of unfair competition; 7) establish close relationships and mutual respect among members; and 8) determine service quality standards in their profession. Every law enforcer is obliged to obey the norms that are important in law enforcement, namely belief in God, humanity, values of unity, tolerance, justice, propriety, honesty and implementing the code of ethics as it should be.

The legal profession is not only related to individual interests (private trust) but also concerns the public interest (public trust). Therefore, the protection of personal interests and public interests, apart from being regulated by legal instruments, also rests on the unwritten rules of human life that emanate from their own conscience, namely religion, morals, and ethics.¹³ Ethics of the legal profession is an integral part of the legal system in regulating the behavior of law enforcement as a form of law enforcement that is both fair and dignified. Law enforcement requires an attitude of moral integrity, this attitude becomes the capital for the organizers of the legal profession in carrying out their professional duties with dignity. Every law enforcer is always supervised by a code of ethics supervisor, if a violation occurs, sanctions must be imposed. Because the code of ethics is part of positive law, the norms in the code of ethics for law enforcement are strict rules that apply to every law enforcer.

The main idea in the Ethics of Law Enforcement emphasizes that to raise awareness that social order, tranquility and order in living together can only be realized by obedience to the law and all regulations that favor justice, certainty and benefit. The code of ethics of the

¹³ Suhrawardi K. Lubis, *Etika Profesi Hukum* (Jakarta: Sinar Grafika, 2017), 1

legal profession is very necessary so that the name of the law is maintained and the public still believes in the enforcement of existing laws. If it is tarnished then the law in Indonesia will lose its power. Law enforcers have a responsibility. Law enforcers are called professionals because of the ability to think and act beyond written laws without injuring the value of justice. The main purpose of law enforcement is to create a sense of legal justice, legal certainty, and benefit in society. In the process, it must reflect aspects of justice, certainty and legal order.

The ethical norms of various professional groups are formulated in the form of a professional code of ethics. Codes of ethics are moral principles inherent in a profession and are compiled systematically. The professional code of ethics is a norm that is set and accepted by professional groups, which directs or gives instructions to its members how they should act and at the same time guarantees the moral quality of the profession in the eyes of the community. Law enforcers are obliged to obey the norms that are important in law enforcement, namely humanity, justice, propriety, honesty and implementing the code of ethics as appropriate.¹⁴

The Police's code of ethics is regulated in the Regulation of the Head of the National Police of the Republic of Indonesia NO. POL.: 7 of 2006. In the regulation of the National Police Chief that the Police Professional Code of Ethics are norms or rules which are a unified ethical or philosophical foundation with behavioral and verbal regulations regarding things that are required, prohibited, or inappropriate for members of the National Police to do. Police Professional Ethics is the crystallization of Tribrata values which are based on and inspired by Pancasila and reflect the identity of each member of the National Police in the form of moral commitment which includes ethics of personality, state, institutional, and relations with the community. The scope of setting the Police Professional Code of Ethics includes: 1) personal ethics; 2) state ethics; 3) institutional ethics; and 4) ethics in public relations. Personality Ethics is the moral attitude of Polri members towards their profession based on the call to worship as religious people. State Ethics is the moral attitude of Polri members who uphold the ideological and constitutional foundations of the Republic of Indonesia, namely Pancasila and the 1945 Constitution of the Republic of Indonesia. the mind of all Bhayangkara people with all their

¹⁴ Niru Anita Sinaga, "Kode Etik Sebagai Pedoman Pelaksanaan Profesi Hukum Yang Baik," *Jurnal Ilmiah Hukum Dirgantara* 10, no. 2 (2020): 1, <https://doi.org/10.35968/jh.v10i2.460>.

dignity and honor. Ethics in relations with the community is the moral attitude of members of the National Police who always provide the best service to the community.

The prosecutor's code of ethics is regulated by the Regulation of the Attorney General of the Republic of Indonesia Number: PER-014/A/JA/11/2012 concerning the Prosecutor's Code of Conduct. In the code of ethics, it is explained that the Prosecutor is a functional official who is authorized by law to act as a public prosecutor and executor of court decisions who have obtained permanent legal force and other powers based on the law.¹⁵ The Prosecutor's Code of Conduct is a set of norms elaborating from the Prosecutor's Code of Ethics, as a guideline of virtues in regulating the behavior of the Prosecutor, both in carrying out his professional duties, maintaining the honor and dignity of his profession, as well as in carrying out public relations outside of service.¹⁶

The Prosecutor's obligations to the state are:¹⁷ 1) loyal and obedient to Pancasila and the 1945 Constitution of the Republic of Indonesia; 2) act on the basis of the prevailing laws and regulations, heeding religious norms, decency, decency living in society and upholding human rights; and 3) report immediately to their leaders if they know things that can harm or cause state losses.

In Article 4, the Prosecutor's obligations to institutions are: 1) apply the Tri Krama Adhyaksa Doctrine in carrying out their duties and authorities; 2) uphold the oath and/or promise of the Prosecutor's office; 3) carry out their duties in accordance with the vision and mission of the Prosecutor's Office of the Republic of Indonesia; 4) carry out duties in accordance with official regulations and levels of authority; 5) displaying leadership attitudes through example, justice, sincerity and authority; and 6) develop a spirit of togetherness and solidarity as well as motivate each other to improve performance by respecting their rights and obligations.

The Prosecutor's Obligations to the Prosecutor's profession are:¹⁸ 1) uphold the honor and dignity of the profession in carrying out its duties and authorities with integrity, professionalism, independence, honesty and fairness; 2) resign from handling cases if they have

¹⁵ Article 1 number 1 of *Regulation of the Attorney General of Republic of Indonesia Number PER-014/A/JA/11/2012 concerning the Prosecutor's Code of Conduct.*

¹⁶ *Ibid.*, Article 1 number 3.

¹⁷ *Ibid.*, Article 3.

¹⁸ *Ibid.*, Article 5.

personal or family interests; 3) attend education and training in accordance with official regulations; 4) improve science, expertise, and technology, as well as keep abreast of relevant legal developments in the national and international scope; 5) maintain impartiality and objectivity when giving instructions to investigators; 6) keep and hold professional secrets, especially against suspects/defendants who are children and victims of criminal acts of decency except for the delivery of information to the media, suspects/families, victims/families, and legal advisers in accordance with statutory regulations; 7) ensure that defendants, witnesses and victims receive information and guarantees for their rights in accordance with laws and regulations and human rights; and 8) provide legal assistance, legal considerations, legal services, law enforcement or other legal actions in a professional, fair, effective, efficient, consistent, transparent manner and avoid conflicts of interest with other field duties.

Article 6 states that the Prosecutor's obligations to the public are: 1) provide excellent service by upholding the rule of law and human rights; and 2) apply a lifestyle in accordance with the values prevailing in society.

The code of ethics for judges is guided by the Joint Decree of the Chief Justice of the Supreme Court of the Republic of Indonesia and the Chairman of the Judicial Commission of the Republic of Indonesia 047/KMA/SKB/IV/2009 02/SKB/P.KY/IV/2009 concerning the Code of Ethics and Guidelines for the Conduct of Judges. Judges are required to always maintain and uphold the honor, nobility of dignity, as well as the ethics and behavior of judges. Therefore, the Code of Ethics and the Code of Conduct for Judges is a guide to moral virtue for judges, both in carrying out their professional duties and in social relations outside of service. Judges as human beings who have a moral obligation to interact with their social community, are also bound by ethical norms and adaptations of habits that apply in the social system of society.

The obligation of judges to maintain honor and dignity, as well as judge behavior as specified in the legislation must be implemented in a concrete and consistent manner both in carrying out their judicial duties and outside their judicial duties, because it is closely related to law enforcement and justice efforts. The basic principles of the Code of Ethics and the Code of Conduct for Judges are implemented in 10 rules of conduct as follows: 1) behave fairly; 2) behave honestly; 3) behave wisely; 4) be independent; 5) high integrity; 6) responsible; 7) upholding self-esteem; 8) high discipline; 9) behave humble; and 10) be professional.

The Indonesian Advocates' Code of Ethics compiled by the Indonesian Advocates Working Committee which was ratified on May 23, 2002, affirms that advocates as an honorable profession (*officium nobile*) who in carrying out their profession are under the protection of the law, the law and the Code of Ethics, have freedom based on honor and personality of Advocates who adhere to independence, honesty, confidentiality and openness. The Indonesian Advocate's Code of Ethics is the highest law in carrying out the profession, which guarantees and protects but imposes an obligation on every Advocate to be honest and responsible in carrying out his profession both to clients, courts, the state or society and especially to himself.

In Article 2 it is emphasized that Indonesian Advocates are Indonesian citizens who fear God Almighty, are valiant, honest in defending justice and truth based on high, noble and noble morals, and who in carrying out their duties uphold the law, the Constitution of the Republic of Indonesia, the Advocate's Code of Ethics and the oath of office. The code of ethics guidelines also states that every Advocate must maintain the image and dignity of the honor of the profession, as well as be loyal and uphold the Code of Ethics and Professional Oath, whose implementation is supervised by the Honorary Council as an institution whose existence has been and must be recognized by every Advocate regardless of the organization. The profession in which he belongs and is a member, which at the time of pronouncing his Professional Oath implied his acknowledgment and compliance with the applicable Advocate Code of Ethics.

B. 3. The Noble Values of Pancasila

Pancasila as the philosophy of the nation and state of the Republic of Indonesia implies that every aspect of national, state and social life must be based on the noble values contained in each of the Pancasila precepts. Pancasila as the way of life of the Indonesian nation needs to be implemented in everyday life, this has been exemplified by the founding fathers of the nation through the hard work and struggles that led to the independence of Indonesia.¹⁹ By adhering to this view, the Pancasila philosophy acts as an inspiration that is used as a guide for the ethics of the legal profession. With this, the Pancasila philosophy enhances best practices in the legal

¹⁹ Finda Hastin Nurkhasanah, "The Challenge of Pancasila in Fair Law Enforcement," *Indonesian Journal of Pancasila and Global Constitutionalism* 1, no. 2 (2022): 240, <https://doi.org/10.15294/ijpgc.v1i2.59812>.

profession for the development of a positive legal culture, this is one aspect of national development.

In the philosophy of Pancasila, there is a value system. A value system is an overall concept or idea about what lives in the mind of a person or member of society. About what is considered good, valuable, important in life, and serves as a guide that gives direction and orientation to people's lives. Pancasila as a value system contains a series of values, namely divinity, humanity, unity, democracy, and justice. This value is contained in the preamble of the 1945 Constitution, which can then be translated into instrumental values and practical values. The values in Pancasila, including ethical values or moral values, are basic values that underlie instrumental values and further underlie all activities of community, nation and state life.

There are three levels of values, namely basic values, instrumental values, and practical values. Basic values, are principles that we accept as absolute propositions, as something true or unquestionable. The basic values of Pancasila are divine values, human values, unity values, populist values, and justice values. Instrumental values are values in the form of social norms and legal norms which will then be crystallized in the regulations and mechanisms of state institutions. The value of praxis, is the value that we actually implement in reality. This value is a touchstone whether the basic values and instrumental values really live in society.

After the fall of the New Order by the 1998 reform movement, MPR Decree No. II/MPR/1978 was revoked by MPR Decree No. XVIII/MPR/1998 and is included in the MPR Decree group which is final or has been completed according to MPR Decree No. I/MPR/2003. Even so, the points contained in Pancasila which has the 5 Precepts are still maintained, even in the course of the number of items being added, from the original 36 points to 45 points.

Below are the 45 points of Guidelines for Understanding and Practicing Pancasila:

- “ 1) Belief in the one and only God
 - a. The Indonesian nation declares its belief and devotion to God Almighty;
 - b. Indonesian people believe and are devoted to God Almighty, according to their respective religions and beliefs according to the basis of just and civilized humanity;
 - c. Develop an attitude of respect and cooperation between adherents of religions and adherents of different beliefs towards God Almighty;
 - d. Fostering harmony in life among fellow religious people and belief in God Almighty;
 - e. Religion and belief in God Almighty;

- f. is a problem that concerns the personal relationship of humans with God Almighty;
 - g. Develop an attitude of mutual respect for freedom of worship in accordance with their respective religions and beliefs;
 - h. Do not impose a religion and belief in God Almighty on others.
- 2) Just and civilized humanity
- a. Recognizing and treating humans in accordance with dignity and worth as a creature of God Almighty;
 - b. Recognizing equality, equality of rights and human obligations of every human being, without discriminating against ethnicity, descent, religion, belief, gender, social position, skin color and so on;
 - c. Develop an attitude of mutual love fellow human beings;
 - d. Develop an attitude of mutual tolerance and tolerance;
 - e. Develop an attitude that is not arbitrary towards others;
 - f. Upholding human values;
 - g. Likes to carry out humanitarian activities;
 - h. Dare to defend truth and justice;
 - i. The Indonesian people feel themselves as part of all mankind;
 - j. Develop an attitude of respect and cooperation with other nations.
- 3) The unity of Indonesia
- a. Able to place unity, unity, and the interests and safety of the nation and state as a common interest above personal and group interests;
 - b. Able and willing to sacrifice for the interests of the state and nation if necessary;
 - c. Develop a sense of love for the homeland and nation;
 - d. Develop a sense of national pride and Indonesian homeland;
 - e. Maintaining world order based on freedom, lasting peace and social justice;
 - f. Developing Indonesian unity on the basis of *Bhinneka Tunggal Ika*;
 - g. Promote association for the sake of national unity and integrity.
- 4) Democracy, led by the wisdom of the representatives of the people
- a. As citizens and citizens of society, every Indonesian people have the same position, rights and obligations;
 - b. You may not impose your will on others;
 - c. Prioritizing deliberation in making decisions for the common interest;
 - d. Deliberations to reach consensus are filled with the spirit of kinship;
 - e. Respect and uphold every decision reached as a result of deliberation;
 - f. With good faith and a sense of responsibility to accept and implement the results of the deliberation;
 - g. In the deliberation, common interests are prioritized over personal and group interests;
 - h. Deliberations are carried out with common sense and in accordance with a noble conscience;
 - i. Decisions taken must be morally accountable to God Almighty, upholding human dignity values of truth and justice, prioritizing unity and integrity in the interests of together.

- j. Give trust to trusted representatives to carry out deliberation.
- 5) Social justice for all Indonesian people
 - a. To develop noble deeds, which reflects the attitude and atmosphere of kinship and mutual cooperation;
 - b. Develop a fair attitude towards others;
 - c. Maintaining a balance between rights and obligations;
 - d. Respect the rights of others;
 - e. Likes to help others to be able to stand alone;
 - f. Do not use property rights for businesses that are extortionate against other people;
 - g. Do not use property rights for things that are wasteful and luxurious lifestyles;
 - h. Do not use property rights to conflict with or harm the public interest;
 - i. Likes to work hard;
 - j. Likes to appreciate the work of others that are beneficial for the progress and prosperity of the community;
 - k. Likes to carry out activities in order to realize equitable progress and social justice.”

The appreciation of the noble values of Pancasila is very necessary because these noble values are the view of life and the basis of the Indonesian state. Therefore, Pancasila as the nation's view of life means that all community activities should be in accordance with the noble values of Pancasila. The appreciation of the noble values of Pancasila must be done through habituation which is connected with civilizing and accompanied by good examples by law enforcers.

It is better if the appreciation is focused on several aspects of character so that it becomes a daily habit. Habituation must be done consistently and long enough, so that it becomes a daily behavior for law enforcers. Thus, what is done is not only out of habit, but becomes a new legal culture.

B. 4. The Code of Ethics of the Legal Professions in Indonesia Contain the Noble Values of Pancasila

The code of ethics for the legal professions in Indonesia has contained the noble values of Pancasila. This is reflected in the code of ethics guidelines of each of these law enforcement professions. As a sample of the noble values of Pancasila which are implied in several codes of ethics of the legal professions, among others, are as follows.

In the police code of ethics of the Republic of Indonesia, there are guidelines for Personality Ethics which is the moral attitude of members of the National Police towards their profession based on the call to worship as religious people. In addition, there are also State Ethics, namely the moral attitude of members of the National Police who uphold the ideological and constitutional foundations of the Republic of Indonesia, namely Pancasila and the 1945 Constitution of the Republic of Indonesia.

In the prosecutor's code of ethics, it is clearly stated in Article 3 that the Prosecutor's Obligations to the state: a. loyal and obedient to Pancasila and the 1945 Constitution of the Republic of Indonesia; b. act on the basis of the prevailing laws and regulations, heeding religious norms, decency, decency living in society and upholding human rights; and c. report immediately to their leadership if they know of things that can harm or cause state losses.

In the code of ethics of the profession of judges, it is clear that the behavior of judges must be based on the principle of God Almighty, fair, wise and authoritative, virtuous, and honest. Piety to God Almighty, underlies the principles of the code of ethics and behavioral guidelines for judges. This means practicing behavior according to their respective religions and beliefs according to the basis of just and civilized humanity. The law must be fair which means putting something in its place and giving what is due to it, which is based on the principle that all people are equal before the law. Judges must behave wisely, encouraging the formation of individuals who are broad-minded, have high tolerance, be careful, patient and polite. Judges must behave honestly (fairly) and avoid actions that are disgraceful or that can create a disgraceful impression.

In the code of ethics for advocates, it is clear that the noble values of Pancasila are clearly implied that every advocate in Indonesia must be a person who is devoted to God Almighty. This is stated in Article 2 that Indonesian Advocates are Indonesian citizens who fear God Almighty, have a noble spirit, are honest in defending justice and truth based on high morals, are noble, and who in carrying out their duties uphold the law, the Constitution of the Republic of Indonesia, and Advocate Code of Ethics.

B. 5. Every Law Enforcer in Indonesia has been Provided with Education to Appreciate the Noble Values of Pancasila

Every police officer before carrying out his profession is obliged to take an oath as stated in Article 14 of the Regulation of the Indonesian National Police Chief Number 20 of 2011 which reads, among other things, to swear an oath as an Officer of the State Police of the Republic of Indonesia to be fully loyal and obedient to Pancasila, the 1945 Constitution of the Republic of Indonesia, and the State of the Republic of Indonesia. Unity of the Republic of Indonesia, that it will also comply with all laws and regulations and carry out the official duties entrusted to it with full dedication, awareness and responsibility.

From the part of the oath, it is clear that every member of the police must understand the noble values of Pancasila because these values must be adhered to. Therefore, it is certain that every member of the State Police has received a special education related to the noble values of Pancasila.

Before taking office, the prosecutor is obliged to take an oath or promise according to his religion before the Attorney General. The oath or promise reads as follows:

“I swear/promise: that I will be loyal to and defend the unitary state of the Republic of Indonesia, and practice Pancasila as the basis of the state, the 1945 Constitution of the Republic of Indonesia, and implement the laws and regulations that applies to the Republic of Indonesia.”

Of course, before running as a prosecutor’s profession, every prospective prosecutor must follow the Pancasila education and the 1945 Constitution. This is very important because based on this oath they must practice Pancasila as the state’s foundation, and uphold the 1945 Constitution which contains the noble values of Pancasila.

Every prospective judge before becoming a judge must take an oath, as follows:

“By Allah, I swear that I will fulfill the judge’s obligations as well as possible and fairly, uphold the 1945 Constitution of the Republic of Indonesia, and carry out all laws and regulations. straightly according to the 1945 Constitution of the Republic of Indonesia, and serve the homeland and nation.
I promise that I will earnestly fulfill the obligations of the judge in the best and fairest way possible, uphold the 1945 Constitution of the Republic of Indonesia, and carry out all laws and regulations in accordance with the laws and regulations. the 1945 Constitution of the Republic of Indonesia, and to serve the homeland and nation.”

Of course, before running as a judge profession, every prospective judge must follow the education of Pancasila and the 1945 Constitution. This is very important because based on their

oath and promise they must uphold the 1945 Constitution which contains the noble values of Pancasila.

In Article 4 of Law Number 18 of 2003 concerning Advocates, it is stated that Advocates before carrying out their profession, are obliged²⁰ to take an oath according to their religion or make a solemn promise in an open session of the High Court in the area of their legal domicile. Regarding the contents of the advocate's oath or promise, at least it consists of several elements including the statement of oath or promise to God Almighty; and upholding and practicing Pancasila as the basis of the state and the 1945 Constitution. As a noble profession, of course, advocates are bound by ethical values that become signs in the implementation of their duties and authorities, in which these values are positive and enshrined in the Professional Code of Ethics. Advocates as *officium nobile* are the embodiment of human values in the sense of respect for human dignity; the value of justice in the sense of encouragement to always give people what they are entitled to. These values are part of the noble values of Pancasila. It is certain that every advocate in Indonesia has received a good Pancasila education.

B. 6. Indonesian Law Enforcer's Appreciation for the Noble Values of Pancasila has an Influence on His Level of Compliance with the Professional Code of Ethics

Every law enforcer who has practiced the noble values of Pancasila will become a person who is devoted to God Almighty. These law enforcers will continue to forge and develop themselves into law enforcers who are confident, intellectual, creative and innovative, and have high fighting spirit and values as a form of serving the country.

By practicing just and civilized human values, they will become law enforcers who are not arbitrary towards others, uphold human values, dare to defend truth and justice, and increase the level of concern for others. By practicing the value of social justice for all Indonesian people, law enforcers will recognize that every human being has the right to justice, cannot be forced or forced the will of others, and foster a sense of kinship. and be fair in making decisions. By practicing the noble values of Pancasila as a guide for the life of the nation and state for law enforcers, of course they will become law enforcers who are devoted to God Almighty, have high integrity, are honest, fair, responsible, highly disciplined and professional.

²⁰ Article 4 of *Law Number 18 of 2003 concerning Advocates*.

All of these noble values have become the basis for drafting a code of ethics for the law enforcement profession. Therefore, it is certain that the more law enforcers appreciate the noble values of Pancasila, the more certain they will uphold their professional code of ethics.

C. Conclusion

To conclude, the code of ethics for the legal profession in Indonesia contains the noble values of Pancasila. The code of ethics for the legal profession in Indonesia contains moral principles or overall principles and values relating to good and bad that are inherent in a legal profession and are compiled in writing and systematically. The noble values of Pancasila have been contained in every code of ethics of the legal profession, which includes the importance of fearing God Almighty and always upholding justice. Every law enforcer in Indonesia has been given education to live up to the noble values of Pancasila. Having good knowledge of Pancasila is very important because in accordance with their oaths and promises they must uphold the 1945 Constitution which contains the noble values of Pancasila. Every law enforcer who has practiced the noble values of Pancasila will become a person who fears God Almighty. Have high integrity, honesty, fairness, responsibility, discipline and high professionalism, as well as a higher level of compliance with the code of ethics. The application of the main concept discussed in this article is the noble values of Pancasila which have been well lived and implemented by law enforcers, which greatly affects the obedience of law enforcers to their professional code of ethics. With the more obedient of law enforcers, it will realize legal values that will create justice, benefit, and legal certainty. It is suggested that, first, the noble values of Pancasila should always be the main content of the code of ethics for the legal profession in Indonesia. Second, every law enforcer in Indonesia should always be upgraded through various educations to be able to better appreciate the noble values of Pancasila. Third, every law enforcer should always practice the noble values of Pancasila and become a person who fears God Almighty. The fear of God is the beginning of wisdom.

REFERENCES

Laws and Regulations

The 1945 Constitution of the Republic of Indonesia.

Law Number 2 of 2002 concerning the National Police of the Republic of Indonesia.

Law Number 18 of 2003 concerning Advocates.

Law Number 24 of 2003 concerning the Constitutional Court.

Law Number 16 of 2004 concerning the Prosecutor of the Republic of Indonesia.

Law Number 22 of 2004 concerning the Judicial Commission.

Decree of the People's Consultative Assembly of the Republic of Indonesia Number XVIII/MPR/1998 concerning the Revocation of the Decree of the People's Consultative Assembly of the Republic of Indonesia Number II/MPR/1979 concerning Guidelines for the Appreciation and Practice of Pancasila (Ekaprasetya Pancakarsa) and the Stipulation of the State Foundation.

Joint Decree of the Chief Justice of the Supreme Court of the Republic of Indonesia and the Chariman of the Judicial Commission of the Republic of Indonesia Number 047/KMA/SKB/IV/2009 and 02/SKB/P.KY/IV/2009 concerning the Code of Ethics and Code of Conduct for Judges.

Regulation of the National Police Chief Number 20 of 2011 concerning Oaths or Promises of Officials within the Police.

Regulation of the Attorney General of Republic of Indonesia Number PER-014/A/JA/11/2012 concerning the Prosecutor's Code of Conduct.

Books

Berg, Bruce L., and Howard Lune. *Qualitative Research Methods for the Social Sciences*. London: Pearson Education Limited, 2017.

Creswell, John W. *Research Design: Qualitative, Quantitative, and Mixed Method Approaches*. California: SAGE Publication. Inc., 2014.

Lubis, Suhrawardi K. *Etika Profesi Hukum*. Jakarta: Sinar Grafika, 2017.

Journal Articles

Afdal, Hilde. "The Making of Professional Values in the Age of Accountability." *European Educational Research Journal* 18, no. 1 (2019): 105-24. <https://doi.org/10.1177/1474904118797733>.

Collste, Göran. "Applied and Professional Ethics." *KEMANUSIAAN The Asian Journal of Humanities* 19, no. 1 (2012): 17-33. http://web.usm.my/kajh/vol19_1_2012.html.

Fitri, Dini Amali. "Pancasila as a Legal Science Paradigm." *International Journal of Law Reconstruction* 3, no. 2 (2019): 123-33. <http://dx.doi.org/10.26532/ijlr.v3i2.8055>.

Kusdarini, Eny, Sunarso, and Iqbal Arpanudin. "The Implementation of Pancasila Education through Field Work Learning Model." *Jurnal Cakrawala Pendidikan* 39, no. 2 (2020): 359-69. <https://doi.org/10.21831/cp.v39i2.31412>.

Makayasa, M. Adhi, Tigor Sitorus, and Chairul Muriman Setyabudi. "The Effect of Ethical Leadership, Code of Ethics on Integrity Mediated by Job Satisfaction." *Widyakala Journal* 7, no. 2 (2020): 61-9. <https://doi.org/10.36262/widyakala.v7i2.339>.

Mangesti, Yovita Arie. "Konstruksi Kode Etik Profesi Dalam Bingkai Nilai Keindonesiaan." *VOCATIO: Jurnal Ilmiah Ilmu Administrasi dan Sekretari* 1, no. 1 (2017): 11-22. <http://journal.wima.ac.id/index.php/VOCATIO/article/view/1165>.

- Nurkhasanah, Finda Hastin. "The Challenge of Pancasila in Fair Law Enforcement." *Indonesian Journal of Pancasila and Global Constitutionalism* 1, no. 2 (2022): 239-64. <https://doi.org/10.15294/ijpgc.v1i2.59812>.
- Prasetyo, Yogi. "Indonesian Integral Law Based on Pancasila." *Pancasila & Law Review* 3, no. 1 (2022): 1-14. <https://doi.org/10.25041/plr.v3i1.2443>.
- Sinaga, Niru Anita. "Kode Etik Sebagai Pedoman Pelaksanaan Profesi Hukum Yang Baik." *Jurnal Ilmiah Hukum Dirgantara* 10, no. 2 (2020): 1-34. <https://doi.org/10.35968/jh.v10i2.460>.
- Sofjan, D. "Pancasila and the Dignity of Humankind." *International Journal of Interreligious and Intercultural Studies* 1, no. 1 (2018): 1-3. <https://doi.org/10.32795/ijjis.vol1.iss1.2018.82>.