



# THE RELEVANCE OF PANCASILA TO LAW ENFORCEMENT IN THE 2024 ELECTIONS: CHALLENGES AND OPPORTUNITIES IN THE ERA OF GLOBALIZATION

Tamri<sup>1</sup>

<sup>1</sup> Bawaslu Provinsi Lampung,  
e-mail: [tamrisuhaimi@gmail.com](mailto:tamrisuhaimi@gmail.com)

## Abstract

In the implementation of elections, democracy as a system that ensures the freedom for citizens to realize their aspirations through votes cast as a form of widespread voter participation. The use of legal principles in election matters can be seen as a way to ensure the rule of law is upheld during the conduct of elections by the parties entrusted with this responsibility. The influence of globalization also influences the variety of violations that occur and impacts the process of enforcing election law. The way of studying library materials or secondary data, which is also known as normative legal research or library legal research, involves gathering legal materials such as primary, secondary, and/or tertiary sources. In this process, the study and analysis are done using different methods like the statute approach, conceptual approach, analytical approach, and historical approach. After that, all the collected materials are organized and analyzed. The materials were studied in a qualitative way, which means starting with general information and then coming up with specific conclusions based on that. Meanwhile, an inductive approach is used with a thinking method that starts from specific facts, then generalized into the legal principles that have been collected. The results of this study are that Globalization has an impact on the implementation of Democracy in Indonesia, strengthening regulations and efforts to implement Pancasila values in consistent elections are urgently needed, especially in changing laws and regulations, to ensure that they can complement overlapping and weak regulations that allow for the emergence of election violations.

**Key Word:** *Pancasila, Democracy, Elections, Globalization*

## 1. Introduction

Pancasila, which serves as the foundation of the state and the guiding ideology for the Indonesian nation, is essential in creating a social order that follows laws and established social norms. Pancasila was founded on the idea of establishing a just and prosperous social order by comprehensively implementing the ideals and values embraced by the Indonesian nation (Asmaroini, 2017). The body of Pancasila is a guideline in achieving the nation's national goals as stated in the 1945 Constitution, where the fourth principle represents the implementation of Democracy. Democracy that applies in Indonesia is democracy based on Pancasila, which is a form of conclusion of ethical and moral values held by the Indonesian people. In the application of Pancasila Democracy, all decisions and policies are based on careful thought using reason and conscience. As for achieving this, it is done by uniting all differences, ideas and opinions to achieve common goals.

However, in facing political changes amidst the democratic system in Indonesia, the application of Pancasila and its relationship to the election conditions still raises many questions. Factors such as globalization, diverse ideologies, advances in information technology, as well as internal challenges such as money politics, negative campaigns, intolerance, issues of ethnicity, hate speech, fake news, and political polarization, all create obstacles in maintaining and implementing Pancasila values in democratic practices in Indonesian elections. Globalization has a complex and broad meaning and affects various aspects of life, such as economics, politics, social, and culture. A crucial component of the Indonesian legal system is the implementation of democracy through general elections. Pancasila comprises the fundamental values that serve as the foundation for the Indonesian state. Its five principles influence not only the nation's political ideology but also the legal system, both positive law and electoral law. Furthermore, Pancasila serves as the foundation for the legal and constitutional systems, as well as a guiding principle for Indonesian society in facing the changing times (Hisyam. M & Pamungkas. C, 2016).



Elections are basically aimed at electing state administrators as the makers of regulations at various levels of government, emphasizing the position of elections in implementing the principles of a state based on law (Asshiddiqie, J, 2006). In the process of conducting elections, democracy is a system that guarantees citizens the freedom to express their choices and achieve their goals through voting, which reflects broad participation by the electorate. In simpler terms, elections represent the principle of popular sovereignty. Popular sovereignty means that the people are the ultimate source of authority, they decide the structure and way of governing, and they set the objectives that the government must pursue. (Tutik, T.T, 2010).

In general, the application of law in elections can be interpreted as an effort to uphold the rule of law during the election process, carried out by the responsible parties. Furthermore, the purpose of law enforcement in elections is to ensure that voters and elected candidates receive all their rights. Problems with law enforcement in the context of democratic elections occur fluctuatingly and tend to increase during several election periods. The current Indonesian electoral landscape presents significant challenges. Election violations occur in almost every election.

In the explanation above, the purpose of this research is very important, where there are sections that can be studied more deeply, especially in identifying the actual challenges and opportunities faced by Pancasila in realizing the dynamics of election administration in the current era of globalization. This research aims to contribute significantly to enhancing the understanding and application of democracy in Indonesia by exploring how the principles of Pancasila can effectively address challenges in the enforcement of electoral laws. Furthermore, the research results are also expected to serve as a reference in formulating more effective policies and strengthening the role and implementation of law, increasing the role of society in democracy, and building sustainable social togetherness.

## **2. Literature Review and Hypothesis Development**

### **2.1. Literature Review**

#### *2.2.1. Pancasila and Democracy*

Pancasila is a philosophy and ideology that serves as the foundation for living together as a nation and state. This "Philosophische grondslag" is also defined as the state foundation, (Widuseno, I. (2014), which embodies the values and hopes of the Indonesian people, consisting of five principles. Philosophically, the 1945 Constitution of the Republic of Indonesia cannot be separated from Pancasila as the Staatsfundamentalnorm. If the 1945 Constitution is the basic rule of the state (taatsgrundgezet), then Pancasila is the primary principle and fundamental basis of the state.

Election organizers who adhere to Pancasila values, such as unity and social justice, strive to ensure that all participants and voters are treated equally and fairly. The democratic principles found in Pancasila and the preamble of the 1945 Constitution serve as the basic basis for conducting elections in Indonesia. Therefore, all laws, regulations, and implementing rules must not conflict with or go against the values outlined in Pancasila or the 1945 Constitution. Furthermore, Pancasila provides a solid foundation for electoral accountability.

Elections have been used for a long time as a way to practice democracy within political systems, and the idea of being governed by the people has been a key part of governance throughout different periods in history. (Suhelmi, A, 2007). Democracy refers to a system where power is entirely derived from the people, which sets it apart from other forms of government such as oligarchy, where political authority is controlled by a small group of elites, often identified by their wealth, family connections, or military influence, and monarchy, where power is concentrated in the hands of a few individuals. (Jenedjri, M. G, 2013). *Webster's New Collegiate Dictionary of Democracy* explains that democracy is a combination of two words: demos and cratein, meaning people/citizens and power. Democracy focuses on the power that comes from



the people, where this power is placed within individuals to regulate and defend themselves, thus ensuring a safe, just, independent, prosperous, and orderly life. (Sukarna, 1981)

Democracy provides opportunities for citizens to participate, either directly or through their representatives, in various forms, such as the drafting, formulation, development, and creation of legal regulations. A desirable democracy must be implemented based on law. If not implemented with legal provisions, democracy can develop in the wrong direction and result in regression. The main concept of a state based on law often gives rise to differences in understanding. This can be seen in various books, where some opinions on the rule of law differ from others. Indonesia is a state governed by law, as its fundamental philosophy reflects that the Indonesian state is not only based on the concept of a *rechtsstaat* but also operates under the principle of the rule of law. (Mahfud. MD, 2010). According to Philipus M. Hadjon, There are three distinct concepts of the rule of law, which are *rechtsstaat*, the rule of law, and the Pancasila rule of law. (Budiardjo. M, 2008).

One way to realize democracy is through general elections. In general, elections are a means and tool to realize the sovereignty of the people, both directly and indirectly, so that the people can participate in the administration of government. According to the Indonesian Constitution, specifically Article 1, Paragraph (3) of the 1945 Constitution, it is stated that Indonesia is a nation that is based on the rule of law. Indonesia adheres to the principle of "positivism," namely that law is the basis for all processes of state administration. Law must be considered the highest standard in every process of administration in the country (Asshiddiqie. J, 2010). Constitutional democracy has a distinctive characteristic, namely the idea that a democratic government is a government that has limits on its power and may not act arbitrarily towards its citizens (Budiardjo. M, 2013).

These limitations must be enshrined in a constitution. According to Friedrich Julius Stahl In the traditional understanding of law, or *rechtsstaat*, there are four key components. The first is the protection of Human Rights. The second involves the separation or distribution of powers to ensure these rights are upheld, known as the *Trias Politica*. The third element is the principle that government actions must be based on regulations, referred to as the *wetmatigheid van bestuur*. The fourth part is the provision of administrative justice to resolve disputes.

### 2.2.2. *Election*

The provisions on elections in the 1945 Constitution of the Republic of Indonesia guarantee that elections and the celebration of democracy in Indonesia are held every five years. These provisions also cover the method of holding elections, which must be direct, general, free, secret, honest, and fair (Mulyadi. D, 2013). Elections represent a tangible example of procedural democracy and serve as a vital part of a democratic system that must be carried out in a democratic manner. As a result, the conduct of elections and the principle of democracy are closely linked, meaning they depend on each other and cannot exist separately. Regular elections aim to ensure citizens remain free from unconstitutional leaders, allowing everyone to choose the leader of their choice (Faiz, P.M, 2017).

The idea of popular sovereignty, in which the people or citizens are the owners and supreme rulers of a country. Citizens have the right to determine the various forms, mechanisms, and procedures for running the government. (Kusnardi & Berahim, H, 1988). Indonesia is a country that officially ensures the principle of popular sovereignty as outlined in its constitution. This principle is clearly stated in Article 1, Paragraph (2) of the 1945 Constitution of the Republic of Indonesia, which says, "Sovereignty belongs to the people and is exercised in accordance with the Constitution." A specific example of this principle in action is the conduct of general elections.



Elections are a democratic process through which people select their representatives and leaders. They are also seen as a celebration of democracy, where different political parties take part in deciding the authority and control of the state (Rishanda, A. N, 2021). The implementation of democratic elections is carried out in a way that the community actively participates in the political process, thus reflecting the basic principles of democratic national life (Taib, D, 1999). Elections are an institution that realizes popular sovereignty and also a means of providing and strengthening legitimacy to leadership.

The following are the functions of elections: First, as a means of political legitimacy. Governments and political systems need elections to gain public trust in the ruling government, so that the resulting programs and policies can be implemented. Second, as a form of political representation. The people need elections to evaluate and oversee government actions and the policies and programs produced by elected representatives. Third, as a mechanism for the replacement or circulation of leaders. This reflects the changing desires of the people for leadership and the evaluation of government performance (Sutrisno, B. D, 2002).

In general, there are differences in election systems, which are divided into two types: mechanical systems and organic systems. The mechanical system views the people as individuals with equal status (Sukriono, D, 2009). According to Arend Lijphart (2000), electoral systems are divided into two types, namely organic electoral systems and mechanical electoral systems. In a mechanical electoral system, each person votes individually, while in an organic electoral system, people are divided into several different groups. Mechanical voting systems are used in three ways, namely semi-proportional, proportional representation, and majority (district) voting.

The amendments to Article 1, paragraph 2, of the 1945 Constitution show a significant change in how the public perceives the exercise of sovereignty as outlined in the constitution. This alteration suggests that the entity holding supreme authority in the concept of popular sovereignty is now different from what it was previously. According to Soewoto Mulyosudarmo (2004), The amendments to Article 1, paragraph 2 of the 1945 Constitution of the Republic of Indonesia state that the highest authority belongs to the people, who are the ultimate holders of power in the nation. The implementation of these changes is done in line with the 1945 Constitution of the Republic of Indonesia. According to Moh. Mahfud MD (1999), in a nation that follows a democratic system, authority is held by the people. Within this democratic framework, there are three key aspects: a government led by the people, a government that serves the people, and a government that is controlled by the people.

### *2.2.3. The Conception of Bawaslu's Authority as an Election Supervisory Institution in Indonesia*

For a democratic government to operate according to the rule of law, free elections are necessary. Elections are the primary means of forming and managing a government. Generally, there are two common approaches to achieving free and fair elections. First, establishing rules or a fair method for assigning the people's votes to representative institutions, often called an electoral system. Second, holding elections in accordance with democratic rules and principles, often called an electoral process (Supriyanto, D & Wulandari, L, 2013). The Indonesian General Election System continues to experience changes and regulatory changes.

Every time an election is held, regulatory changes are always influenced by political and legal dynamics, as well as existing political, economic, social, and cultural conditions. Law Number 7 of 2017 on General Elections outlines that the General Elections Supervisory Body (Bawaslu) is an institution responsible for monitoring the conduct of elections across the territory of the Unitary State of the Republic of Indonesia.



Under Article 93 of the law, Bawaslu is required to establish guidelines for election supervision processes at different levels, prevent and address violations during elections and any disputes related to the election process, and supervise the preparations for conducting elections. Furthermore, Bawaslu is also responsible for overseeing each stage of the election process, preventing the use of money in politics, and ensuring the neutrality of state civil servants, members of the Indonesian National Armed Forces, and members of the Indonesian National Police. Bawaslu is the institution tasked with overseeing and handling violations in elections. Bawaslu's authority and rights are explained in Article 1 number 17 of Law Number 7 of 2017, which states that Bawaslu has the authority to supervise and handle all forms of violations in elections which are divided into three types, namely criminal violations, administrative violations, and ethical violations.

## **2.2. Hypothesis Development**

In terms of ideas, democracy is a key factor in the presence and significance of pluralism within a society. (Asshiddiqie. J, 2005). The concept of democracy establishes the foundation and process for acquiring power through the principles of equality and human rights. In a democracy, the people are considered the true owners of state authority, which is known as the principle of popular sovereignty. Based on the social contract theory, individuals do not hold their rights independently but must work together with others to ensure their fulfillment. (Asshiddiqie. J, 2005). Democracy cannot be realized if there are attitudes that contain absolutism and excessive self-confidence. Basically, democracy requires trust and mutual respect among citizens to achieve greater goals (Madjid. N, 2003).

Pancasila plays a significant role in the implementation of elections in Indonesia. The Pancasila ideology serves as the moral and ethical foundation for elections, ensuring that the process adheres to the principles of fair and just democracy. Pancasila values are reflected in key aspects of elections, such as active public participation, transparency, integrity, and unity.

Elections represent a tangible expression of democracy that follows a structured process. General elections play a vital role in a democratic system and should be conducted in accordance with democratic principles. As a result, the practice of holding elections and the idea of democracy are closely linked; each depends on the other to function properly (Fadjar, A. M, 2003). Elections are considered the primary and primary sign and reference in measuring democracy. (Sodikin, 2014), When there are ways to put into practice the idea of popular sovereignty, which means giving citizens all their political rights and passing those rights on to representatives, as discussed earlier, so that those representatives can handle government responsibilities. The general election system is split into two main types: the proportional system and the district system. But in reality, some countries use a mix of both systems, leading to different ways of holding general elections (Pardede. M, 2014).

Understanding and applying Pancasila values in the context of elections not only creates a quality political process but also strengthens the foundation of Indonesian democracy in accordance with the identity and character of the people. The implementation of Pancasila democracy emphasizes that elections play a crucial role in realizing Pancasila democracy in Indonesia.

To enhance order and legal certainty in society, it is necessary to have proportional and impartial law enforcement. This can be achieved, among other ways, by setting clear rules for the roles, responsibilities, and powers of law enforcement institutions, ensuring they operate within their appropriate limits and areas of authority. It also relies on a well-structured system of collaboration that helps achieve the intended goals. Therefore, law enforcement in the implementation of legislation is the embodiment of a concept that has become a reality in society.

### 3. Methodology

Research is a scientific process that employs structured methods and specific ways of thinking to examine one or more particular legal situations by analyzing them (Soekanto S, 1986). The article titled "The Relevance of Pancasila in the Enforcement of Election Law in 2024: Challenges and Opportunities in the Era of Globalization" was conducted using the method of library research or secondary data collection, also known as normative legal research or library legal research. This approach involves gathering legal materials, including primary legal sources (Soekanto. S & Mamudji. S, 2013), secondary ones used to provide guidance on the steps needed in determining the direction of research preparation (Marzuki.PM, 2005) and/or tertiary.

Research is conducted to uncover legal ideas, facts, and systems that have existed, are being developed, or are being improved or altered in response to the demands of society (Muhammad. A, 2004). This research carried out a study and analysis through the use of the statute approach, conceptual approach, analytical approach, and historical approach. In addition, all the collected materials were processed and examined. The materials were analyzed qualitatively, which is a method of thinking that starts with the general material gathered and then leads to specific conclusions. Meanwhile, an inductive approach was used, a method of thinking that begins with specific facts and then generalizes them into the legal principles that have been collected.

### 4. Results and Discussion

#### 4.1. *The Threat of Violations as an Influence of Globalization on the 2024 Election and Its Impact on the Implementation of Democracy in Indonesia*

In Indonesia, democracy is still in its early stages. The beginning of democracy was symbolized by a significant movement for democracy and constitutionalism in the country. This wave of democratization has changed the structure of the Indonesian government. Throughout the development of democracy, elections and local elections play a crucial role in supporting the strengthening of democratic practices. (Rudy, 2015). Pancasila democracy is a system of government that follows the principles of Pancasila, which serve as the foundation of the Indonesian state and reflect the values of the nation's way of life.

In this democratic system, ultimate authority belongs to the people and is grounded in the values outlined in Pancasila. Furthermore, Pancasila democracy possesses the main principles and characteristics of democracy. The basic principles of democratic life in Indonesia are stated in Article 4 of Pancasila, which plays a crucial role in democratic life in Indonesia. Throughout its implementation, Pancasila democracy in Indonesia has experienced ups and downs. Democracy based on Pancasila is also very important because it brings a good life to the nation. Therefore, it is important to maintain and implement the presence of Pancasila as an effort to raise national awareness in the era of globalization.

Several evaluations of the stages and course of the direct election process indicate that direct elections are faced with numerous problems that are inconsistent with democratic principles. These problems include violations of vote-buying, hoax news, racial and inter-group issues, and the potential for political intimidation and violence. These violations can take the form of physical or verbal threats against candidates, supporters, or voters; destruction of property belonging to political opponents; and physical attacks against candidates, supporters, or voters of opposing political parties. In the 2019 simultaneous elections, numerous cases of such intimidation occurred. This was influenced not only by the widespread polarization on social media but also by the rise of religious issues. Traditional campaign methods are no longer effective, as society has changed the way it accesses information and manages communication, which is now conducted online.

In this regard, the problem of law enforcement in elections is evident in the frequent occurrence of smear campaigns conducted through social media. Campaigns that offend, satirize, and degrade the image of other election participants can cause unrest and ultimately trigger smear campaigns. The development of technology worldwide has made the campaign process easier, such as through TV, mobile phones, and social media. Although TV advertising remains a key component of communication strategies, the broadcast media oversight system in Indonesia still suffers from weaknesses in regulations and regulatory authority. This problem is based on the diversity of owners and content, which leads to a lack of diversity in broadcast media content in Indonesia (Mukharomah, A., et al.,

2014). The issue of regulation and regulators presents a unique challenge. The regulation and monitoring of social media remain unclear because there are not strong enough rules and systems in place to oversee this area. However, the General Elections Commission (KPU) and the Elections Supervisory Agency (Bawaslu) have tried to prepare for the technical aspects of reporting on how social media is used as a tool for campaigning during elections.

Campaigns can be divided into three types: positive campaigns, negative campaigns, and smear campaigns. The most dangerous campaign, and one that can cause problems before a general election, is a smear campaign. A positive campaign conveys positive information about the candidate being campaigned for. A negative campaign is usually carried out by opponents, and its content consists of explaining a person's negative qualities, but is based on pre-existing data and facts. A smear campaign aims to damage the opponent's image. All information provided in this campaign is usually false, hoax news, or baseless accusations.

This type of campaign can also cause conflict or even the breakdown of national unity. Smear campaigns have a negative impact on the public's political education. Smear campaigns are often used to embarrass and damage the reputation of other candidates. This can lead to conflict between candidates, their campaign teams, and supporters of each candidate pair. According to the Election Law, individuals involved in black campaigning may face penalties as outlined in Article 280 paragraph (1) letter c and Article 521. Specifically, Article 280 paragraph (1) letter c states that anyone who insults a person, religion, ethnicity, race, group, candidate, and/or election campaign team may be punished. This applies if the individual intentionally breaks the prohibitions listed in Article 280 paragraph (1) letters a, b, c, d, e, f, g, h, i, or j. The punishment can include imprisonment for up to two years or a fine of up to 24,000,000 rupiah.

In the implementation of the 2024 Election, there were 1,023 (one thousand twenty three) reports and findings received by the Bawaslu of the Republic of Indonesia (RI) regarding the entire process of handling violations that occurred throughout Indonesia, as related to this matter, they were divided into, Administrative Violations of 69 (sixty nine), Code of Ethics violations of 248 (two hundred and forty eight), Election Crimes of 39 (thirty nine) and other legal violations of 125 (one hundred and twenty five), which are described in the following table:

Table 1. Data on Handling 2024 Election Violations

Report	Findings	Total Reports and Findings	Types of Violations			
			Election Crimes	Administration	Code of Ethics	Other Laws
482	541	1.023	39	69	248	125

Source: Bawaslu RI, 2024, 2024 Election Supervision

In monitoring campaigns on social media or cyber media, of the 355 (three hundred and fifty-five) monitored content, the Facebook platform was the platform with the highest number of alleged content violations, namely content (33.2%). Meanwhile, the YouTube platform was the platform with the lowest number of alleged content violations, namely 2 (two) (0.6%). Violations against hate speech were identified as the most common type of alleged violation, namely 340 (three hundred and forty) or (96%), while the type of alleged violation of fake news had the least number, namely 5 (five) (1%). The variety of violations that occurred during the implementation of the Election indicates that there is a threat as a result of the Influence of Globalization that occurred in the 2024 Election and impacted the Implementation of Democracy in Indonesia.

#### 4.2. *Implementation of Pancasila Values as a Model for Law Enforcement and Resolution of Election Violations in Indonesia*

##### 4.2.1. *Pancasila as a Model for Enforcing Election Law*



Pancasila is considered a margin of appreciation, serving as a means to balance and harmonize, as well as justify the application of national values within a universal value framework. As a margin of appreciation, Pancasila does not require detailed explanation but is instead treated as an open ideology. Its role as a margin of appreciation is exercised through the interaction of all societal elements, both in the public and private sectors, based on real-life situations and specific cases. (Muladi, 2007). In the practice of the state, both within the legal system and the broader system of state life, it must be based on and reflect the values of Pancasila. Therefore, Pancasila represents the *volksgeist* or national spirit of the Indonesian people.

The Pancasila rule of law in Indonesia is based on the concept of the rule of law outlined in Article 1, paragraph (3) of the 1945 Constitution of the Republic of Indonesia. This concept is derived from the main ideas presented in the opening of the 1945 Constitution. Within the Indonesian legal system, Pancasila serves two roles: it acts as a legal ideal (*rechtsidee*) that has a constitutive function and also fulfills a regulatory function. In addition, Pancasila also has a position as a basic norm (*grundnorm*) in the national legal system (I Dewa Gede Atmadja et.al, 2013).

The election system, in this case the Election Law, is generally understood to be based on an understanding of a very important element, an essential element in democracy, a value in constitutional law, namely the principle of popular sovereignty. Popular sovereignty essentially refers to a holder of power, where the holder of the highest power under or according to law is the people themselves (Prasetyo, T, 2008).

Improving the electoral legal system is crucial for creating an independent, trustworthy, and integrity-based election management body. This is part of efforts to strengthen democratic institutions and build a sound legal system. The goal is to ensure the proper implementation of election principles and to ensure honesty and transparency in the electoral process. Addressing election issues, both in terms of regulations and their implementation, is crucial. Some frequently emerging issues include irregularities in candidacy requirements, invalid voter data, money politics in campaigns, inappropriate use of authority, intervention by those in power, and the inflation of election results, which frequently occurs in every election, involving multiple parties. Despite this, the Elections Supervisory Agency (Bawaslu) still faces various obstacles in addressing alleged election violations. Therefore, the existing institution needs to be strengthened in terms of its duties, functions, authority, and legal products.

The role of Pancasila in the implementation of general elections in Indonesia is crucial in regulating and overseeing the entire democratic process, including the enforcement of election law. Pancasila is not merely an official ideology, but also serves as the moral and ethical foundation underlying every aspect of the election. The principles of fair and just democracy are realized through Pancasila. The integrity and morality embodied in Pancasila are crucial in Indonesian politics, particularly in the election process. Transparency and accountability must be maintained to ensure that every stage of the election is conducted honestly, openly, and fairly. This ensures that the election not only reflects the will of the people but also upholds the moral values upheld by Pancasila.

The Fourth Principle is based on and promotes the values of Belief in One Almighty God, Just and Civilized Humanity, and the Unity of Indonesia. These values aim to support and achieve social justice for all people in Indonesia. It highlights the importance of the state and society's interests and encourages discussion to reach agreements through a spirit of family-like unity, honesty, and a sense of duty. The Fourth Principle also connects to the process of holding elections, as outlined in the 1945 Constitution, which calls for democratic elections. Pancasila serves as the foundation for the nation's character, ethics, identity, and security. Pancasila also has a strong ontological, epistemological, and axiological basis as the moral foundation and direction of a state or nation. Each principle has historical reasons, reasoning, and implementation that are understood, felt, believed, and applied in social and state life (Fernando, 2020).

Efforts to uphold Pancasila and realize democratic governance are inseparable from the function of law enforcement. Law enforcement is the process of harmonizing the relationships between values



embodied in various rules and perspectives that are clearly and clearly felt in human attitudes and actions, as part of the effort to create, maintain, and preserve order in society. This means that in implementing the law, harmony is required between the rules made and the realities that occur in society. Several factors influence how the law is implemented, namely: (Soekanto, S, 2011)

1. The legal aspect involves the regulations that are established.
2. The law enforcement aspect refers to the individuals responsible for creating and applying the law.
3. The factors related to resources or tools that assist in enforcing the law.
4. The social aspect pertains to the surroundings in which the law is carried out.
5. Cultural factors.

Apart from applying Pancasila values in the process of implementing the law during the election, it is necessary to pay attention to how high the legal awareness is of the community and law enforcement officers themselves, there are several factors, including (Ali, Z, 2006).

1. **Legal Knowledge**  
Raising awareness about the law depends on having enough legal knowledge, as it reflects how well the public and law enforcement understand the law. This is also closely connected to the proper and fair enforcement of the law.
2. **Legal Understanding**  
An understanding of applicable laws is needed so that the public can understand the purpose of statutory regulations and the benefits obtained by the parties in their daily lives.
3. **Legal Arrangement**  
The law shows that people obey the rules for several reasons, such as fear of being punished if they break them, wanting to maintain good relations with the authorities, maintaining relations with their friends, because the law is in accordance with the values they believe in, and their interests are protected.
4. **Increasing Legal Awareness**  
Raising legal awareness can be achieved by providing legal understanding and regular legal outreach. This is in line with the principle that providing legal understanding and outreach must be tailored to the legal issues occurring in society at a particular time, which are the focus of the legal outreach.

General elections fundamentally aim to assess the influence of leadership, from the central to the regional levels, on the well-being and interests of the people. However, it must be acknowledged that democracy is imperfect. Problems in the administration of elections still frequently occur. Fairness in elections must address at least three aspects: first, ensuring that all actions, procedures, and decisions related to the election are within the correct legal framework; second, protecting or restoring citizens' voting rights; and third, providing citizens who feel their voting rights have been violated with the opportunity to file complaints, participate in the trial process, and obtain a fair decision.

Justice must be realized in all aspects of life, especially in the form of rules or norms that will be used as a basis in various aspects of life, where these rules must include the values of justice. Law and justice are essentially two very important and interrelated things, where one is an absolute requirement for the other. When fair laws are applied, then justice will emerge naturally, conversely, when justice has been realized, then the law will be upheld automatically (Marilang, 2011). In the discussion regarding a clear and firm regulatory system automatically reduces the nature of individuals who tend to ignore professionalism in duties and responsibilities. As such, strengthening regulations and efforts to implement Pancasila values in consistent elections certainly require changes to legislation, to ensure they can complement the weak sides of the rules that allow violations to arise.

#### *4.2.2. Challenges and Opportunities of Pancasila in Resolving Election Violations and Indonesia*

Elections themselves are a crucial foundation for democracy, and as they develop, the election process is inextricably linked to various challenges that arise. For example, challenges arise in enforcing the law fairly and appropriately. Challenges that arise in the processes of enforcing election law can be seen in the handling of election crimes, where: First, material law is specifically regulated in the Election



Law. Second, in formal aspects, election criminal law is also subject to the Criminal Procedure Code (KUHAP). Third, there is limited time for handling, investigation, prosecution, and trial. Fourth, enforcement of election criminal law involves not only Bawaslu as the election organizer, but also law enforcement officials in the regular criminal justice system.

Whether the law is effectively enforced depends on three key elements of the legal system. The first element is the content of the law, which includes the rules, standards, and the actual conduct of people within the legal system. The second element is the legal structure, which refers to the organization or framework that supports the legal system and defines its limits and overall form. The third element is the legal culture, which involves the attitudes, beliefs, customary practices, ways of thinking, and behaviors of both law enforcers and citizens concerning the law and legal matters (Basuki, W, 2001).

The basic values of Pancasila were transformed into legal goals and principles, formulated to achieve justice, protect the Indonesian people, and safeguard the entire Indonesian homeland. The principles of Pancasila democracy are a form of democracy with unique Indonesian characteristics and encompass several key principles. The basic principles of Pancasila democracy are as follows:

- a. Protection of Human Rights (HAM);
- b. Decision-making based on deliberation and consensus;
- c. Free and independent judiciary;
- d. There are political parties and socio-political organizations that help convey the hopes of the people;
- e. Implementation of General Elections (PEMILU);
- f. Sovereignty belongs to the people and is carried out in accordance with the Constitution, as stated in Article 1, Paragraph 2 of the 1945 Constitution;
- g. Rights and obligations are balanced;
- h. Freedom is implemented with moral responsibility towards God Almighty, oneself, society, the state, and others;
- i. Upholding national goals and ideals;
- j. The government respects and obeys the law.

Globalization does not always have a positive impact; for the Indonesian people, this ideology is inconsistent with the Indonesian philosophy. Globalization can affect how laws are formed in accordance with Pancasila values in Indonesia. With globalization, the process of enforcing laws, particularly during elections, becomes more connected. For instance, during election campaigns, social media plays a major role, as many election-related offenses are exposed through these platforms. Hence, it is crucial to revive the values of Pancasila by putting them into practice and reinforcing the principles that make up Pancasila. These principles serve as the foundation of the state, the national ideology, the guiding philosophy, the national perspective, and the cultural roots of the nation, shaping life within the framework of the Unitary State of the Republic of Indonesia.

Therefore, the enforcement of election laws in Indonesia should be based on the Pancasila framework because it represents a unified set of principles that embody the core values essential for the practice of democracy. The application of this concept involves the following steps: First, the principle of belief in one and only God, which should guide the enforcement of laws by taking into account reason, emotion, and will, as well as the intentions and consequences that affect other human beings. Second, the principle of Just and Civilized Humanity, providing the moral foundations that humans in drafting laws and regulations must consider the concept of civilization and morality for the common welfare. Third, the principle of Indonesian Unity, raising awareness to all citizens that the sense of nationalism of the Indonesian nation can realize the unity and integrity of the nation, especially in the process of holding elections. Fourth, the principle of Democracy, based on the wisdom of deliberation and representation, forms the foundation for conducting elections in a democratic manner. Fifth, the principle of Social Justice for all Indonesian people requires that the implementation of democratic elections ensures a fair balance of justice among participants, organizers, supporters, and voters.

## 5. Conclusion



Pancasila acts as a mechanism for balance, promoting harmony and providing justification for the application of national values within a context of universal values. In the Indonesian legal system, Pancasila has two important roles: it functions both as a guiding principle and as a rule that regulates the legal framework. Additionally, Pancasila serves as the foundational norm within the country's legal system. Its role in the conduct of general elections in Indonesia is essential, as it helps regulate and supervise the entire democratic process, including the implementation of electoral laws. Pancasila is not merely an official ideology but also serves as the moral and ethical foundation underlying every aspect of the election. The principles of fair and just democracy are realized through Pancasila. The integrity and morality embodied in Pancasila are crucial in Indonesian politics, particularly in the electoral process. Transparency and accountability must be maintained to ensure that every stage of the election is conducted honestly, openly, and fairly.

Elections themselves are a crucial foundation for democracy, and as they develop, the election process is inextricably linked to various issues that arise during their implementation. Whether the law is effectively enforced depends on three key elements of the legal system. First, the content of the law, which includes the rules, standards, and actual actions of individuals within the legal system. Second, the legal framework, which refers to the structure and form that supports the legal system and defines its limits and overall shape. Third, the legal culture, which involves the attitudes, beliefs, habits, thought processes, and behaviors of both law enforcers and citizens concerning the law and related issues. Globalization has an impact on the implementation of democracy in Indonesia. Strengthening regulations and efforts to consistently implement Pancasila values in elections are urgently needed, especially in changing laws and regulations, to ensure that overlapping and weak regulations that could lead to election violations can be addressed. Election law enforcement in Indonesia must incorporate the Pancasila paradigm because it is a unity of all the principles that contain the source of values in the implementation of democracy.

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