



## **UNDERSTANDING PANCASILA IN SOCIAL LIFE: STUDY OF THE BALAI KERAJAAN SAKSI – SAKSI YEHUWA AND THE FREE CATHOLIC CHURCH OF ST. BONIFACIUS SURABAYA**

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### **Abstract:**

*This research is an empirical juridical research, namely the method or procedure used to solve the problem in this research by collecting and processing primary data first and then analyzing it based on secondary data. The primary data analysis in question is an analysis of the data obtained directly by the researchers themselves in the field, namely Jehovah's Witness Surabaya and the Surabaya Free Catholic Church which were used as locations in this study. Meanwhile, secondary data analysis is an analysis of the legislation, literature and legal documentation relating to the formulation of the problem. Interviews were conducted by meeting directly with the informants and in the process of researching the quantity of informants and respondents. Pancasila must be interpreted in a broad scope. Pancasila as an ideology is the main thing in Indonesia along with the legality of the Balai Kerajaan Saksi Yehuwah and the Free Catholic Church. This must also have the support of Balai Kerajaan Saksi Yehuwah and the Free Catholic Church where information disclosure will be effective when there is resistance from the community.*

### **Keywords:**

Social Life; Pancasila; Law

### **1. Introduction**

In a state of law, law means as a regulator. This means that everything is based on the law but the question arises whether everything that is based on the law will fulfill the purpose of the law? As is known in the practice of legal life, people who do not carry out their obligations to maintain ontological rights, for example eliminating a person's life will be legally responsible, for example through criminal charges under Article 338 and Article 340 of the Criminal Code and other provisions. Rights are rational reasons for sustaining obligations. Obligations become the main gate to see the order of rights with various implications. In economic, social and cultural aspects. Theo Huijbers said that it is the obligation of each individual to build a life together, because if there is no such contribution, these rights cannot be realized. (Hakim & Kurniawan, 2022)

The researcher continued the legal issues to a more specific realm where a case study was conducted regarding the understanding of Pancasila in relation to the Kingdom Hall of Jehovah's Witnesses in Surabaya and the Free Catholic Church of St. Bonifacius Surabaya. Pancasila as the nation's ideology has many legal implications depending on how one understands it. Pancasila always arises because of different politics. In the philosophy of Pancasila, there are levels, namely basic values, instrumental values, and practical values. First, the basic values of Pancasila are divine values, human values, unity values, populist values, and justice values; Second, 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; and Third, practical value, is a value that is actually implemented in reality. This value is a touchstone whether the basic values and instrumental values really live in society. (Yusuf, 2020)

Pancasila, which is easy to interpret because it is truly an integral part of Indonesia, also has different legal implications. When someone makes Pancasila a part of his life, there are two possibilities, namely obedience to

Pancasila and obedience to Pancasila but eliminating those that contradict him. Pancasila is the basis of the Indonesian state which contains useful values for the life of the nation. Van Langenberg said that one of the values contained in Pancasila is moral values as the basis for every behavior. Meanwhile, according to Ki Hajar Dewantara (1962), that Pancasila contains cultural values which are the basis for a multicultural education process. Pancasila is the business output of the thoughts of Indonesian people so that they can seek the truth, so that it becomes an ability that they grasp in rhythm with the use of space. Ideology is knowledge or values, which are generically the basis for a person to know and choose the basic behavior of the understanding that is believed. (Aeni et al., 2021)

Balai Kerajaan Saksi Yehuwa Surabaya which has a legal basis through the Decree of the Attorney General of the Republic of Indonesia No. KEP-255/A/JA/06/2001 and the Decree of the Ministry of Religion's Christian Guidance Decree No. F/KEP/HK.005-/22/1103/2002 dated March 22, 2002, while the Free Catholic Church of St. Bonifacius Surabaya is part of the Directorate General of Guidance for the Protestant Christian Community, Ministry of Religion of the Republic of Indonesia. Especially the Free Catholic Church of St. Bonifacius Surabaya still uses the old nomenclature – not the Ministry of Religion. After having a legal basis, it still creates a different understanding of the Kingdom Hall of Jehovah's Witnesses in Surabaya and the Free Catholic Church of St. Bonifacius Surabaya from the public due to various reasons.

Based on the background, the research question arises, namely whether one's understanding of Pancasila will reduce the essence of Pancasila itself, thus leading to rejection or support for the Balai Kerajaan Saksi Yehuwa Surabaya and the Free Catholic Church of St. Bonifacius Surabaya?

## **2. Research Method**

This research is an empirical juridical research, namely the method or procedure used to solve the problem in this research by collecting and processing primary data first and then analyzing it based on secondary data. The primary data analysis in question is an analysis of the data obtained directly by the researchers themselves in the field, namely Jehovah's Witness Surabaya and the Surabaya Free Catholic Church which were used as locations in this study. Meanwhile, secondary data analysis is an analysis of the legislation, literature and legal documentation relating to the formulation of the problem. Interviews were conducted by meeting directly with the informants and in the process of researching the quantity of informants and respondents

The approach used is a statutory approach (written regulations formed by state institutions or authorized and binding officials in general), a conceptual approach (an approach to legal concepts originating from certain legal systems that are not universal), and a case approach (to be able to understand facts). Interviews are also a major part of this research because of the information from sources that support the provision of legal facts. Then the researchers visited the Kingdom Hall of Jehovah's Witnesses in Surabaya and the Free Catholic Church of St. Bonifacius Surabaya and were supported by journal literature and existing laws and regulations.

## **3. Research Result and Discussion**

### **3.1. Pancasila as a Reflection**

Pancasila as a legal reflection is a necessity that is the basis in the life of the nation and state. As a pluralistic nation, different understandings of Pancasila are unavoidable. The pluralism that occurs in Indonesia is concretized into a positive law. The facts show that the Indonesian people cannot fulfill their many and diverse wants and needs with their own abilities and skills. (Arip, 2018) Pancasila should be used as the basis for acting so that there are no unlawful acts and unlawful acts. When there is a rejection of Pancasila, it cannot be resolved with restorative justice but with the Criminal Code. When the settlement is only with restorative justice, it is contrary to the civil law system adopted in Indonesia.

In addition, the rejection of Pancasila means a conscious rejection of the state ideology. The provision of criminal sanctions by the court must be under the control of the Judicial Commission of the Republic of Indonesia, the independence of judges is the main thing.

### **3.2. Community Life in the Balai Kerajaan Saksi Yehuwa Surabaya and the Free Catholic Church of St. Bonifacius Surabaya**

An example of the rejection of Balai Kerajaan Saksi Yehuwa in North Kalimantan where there are students with the initials M (14) who is now in 5th grade, then Y (13) who is now in 4th grade, and YT (11) who is in the 2nd grade of

elementary school. Commissioner of the Indonesian Child Protection Commission (KPAI), Retno Listiarty said the beliefs held by the three children were the main reason they did not go to grade. This family of three children has adhered to the Jehovah's Witness belief since 2018, previously they were Christians. KPAI also suspects that there have been acts of intolerance and discrimination against the beliefs held by the three brothers, thus affecting their right to education. Meanwhile, the Principal of the Public Elementary School where the three children are educated, Hasto Budi Santoso, denied the allegation. He stated that what happened was "not intolerance", but "a learning problem". (Case of Three Students of Saksi Yehuwa in Tarakan, Form of 'Stuttering' Education System Accommodates Rights of All Believers - BBC News Indonesia, n.d.) From the news, it is known that there is a conflict between positive law in Indonesia and religious law.

Such meaning will make positive law not have coercive power so that how to resolve it becomes overlapping. Rejection must be an important part because there must be legal arguments. Such refusal based on interviews conducted by researchers to the Balai Kerajaan Saksi Yehuwa, it is known that accepting differences is a legal consequence and that makes living together within the framework of Pancasila a must. Obedience to the law is the obligation of every citizen of the Unitary State of the Republic of Indonesia.

Acceptance from the community has a difference between the closest and the uninitiated. Acceptance of the whole community is also the easiest thing to do. Humanistic introduction is the hallmark of introducing teachings. St. Boniface's Free Catholic Church, Surabaya, also did the same thing, where the church became the place for filming videos. This shows that their openness has a positive effect so that Pancasila can also be understood from their openness. With the making of the film, it will indirectly announce the existence of the Free Catholic Church of St. Bonifacius Surabaya for the wider community. There needs to be a balance of meaning between promoting teachings and letting people know with support. Promoting the teachings was not carried out by the Balai Kerajaan Saksi Yehuwa and the Free Catholic Church of St. Bonifacius Surabaya because it was not in accordance with the concept they believed that existence must embrace everyone.

#### 4. Conclusion

Pancasila must be interpreted in a broad scope. Pancasila as an ideology is the main thing in Indonesia along with the legality of the Balai Kerajaan Saksi Yehuwa and the Free Catholic Church. This must also have the support of Balai Kerajaan Saksi Yehuwa and the Free Catholic Church where information disclosure will be effective when there is resistance from the community.

#### References

- Aeni, Z. N., Nugraha, D. M., & . S. (2021). Pentingnya Ideologi Pancasila Dalam Menghadapi Berita Yang Tersebar Di Masa Pandemi Covid-19. *Harmony: Jurnal Pembelajaran IPS Dan PKN*, 6(2), 119–124. <https://doi.org/10.15294/harmony.v6i2.46433>
- Arip, S. A. (2018). Kemajemukan Visi Negara Hukum Pancasila Dalam Misi Hukum Negara Indonesia. *Refleksi Hukum: Jurnal Ilmu Hukum*, 2(2), 109–124. <https://doi.org/10.24246/jrh.2018.v2.i2.p109-124>
- Hakim, L., & Kurniawan, N. (2022). Membangun Paradigma Hukum HAM Indonesia Berbasis Kewajiban Asasi Manusia. *Jurnal Konstitusi*, 18(4), 869. <https://doi.org/10.31078/jk1847>
- Kasus tiga siswa penganut Saksi Yehuwa di Tarakan, bentuk 'kegagapan' sistem pendidikan mengakomodasi hak semua penganut aliran kepercayaan - BBC News Indonesia. (n.d.). Retrieved June 23, 2022, from <https://www.bbc.com/indonesia/indonesia-59394034>
- Yusuf, N. (2020). Restorasi Ideologi Pancasila Dalam Pemiki Ahmad Syafi'i Ma'arif. *Jurnal Civic Hukum*, 5(2), 220–229. <https://doi.org/10.22219/jch.v5i2.11776>
- Zeifert, M., & Tobor, Z. (2021). Legal Translation Versus Legal Interpretation. A Legal-Theoretical Perspective. *International Journal for the Semiotics of Law*. <https://doi.org/10.1007/s11196-021-09837-7>
- Mriya Afifah Furqania and Tomy Michael, 'Legal Construction And Implications Related To Protection Of Making Sex Tape With A Couple', 14.2 (2021) <https://doi.org/10.30996/MK.V14I2.4843>
- Shinichi Takeuchi and Jean Marara, 'Land Law Reform and Complex State-Building Process in Rwanda', in *African Land Reform Under Economic Liberalisation* (Springer Singapore, 2022), pp. 137–52 <[https://doi.org/10.1007/978-981-16-4725-3\\_7](https://doi.org/10.1007/978-981-16-4725-3_7)>.

Jelang Hardika, IGAA Noviekayati, and Sahat Saragih, 'Hubungan Self-Esteem Dan Kesepian Dengan Kecenderungan Gangguan Kepribadian Narsistik Pada Remaja Pengguna Sosial Media Instagram', *PSIKOSAINS (Jurnal Penelitian Dan Pemikiran Psikologi)*, 14.1 (2019) <<https://doi.org/10.30587/psikosains.v14i1.928>>.