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INDONESIAN LEGISLATION: A POSITIVE LAW PERSPECTIVE  
AND THE CONSTITUTIONAL COURT'S DECISION**

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**ABSTRACT**

This article interrogates the dimensions of the fifth-generation national philosophy of Indonesia, the 'Pancasila', and its potential to serve as the cornerstone for enhancing the quality of legislation in Indonesia. The prevailing concern is that the quality of Indonesian legislation is frequently compromised in terms of material and formal aspects, irrespective of the multidimensional, multidisciplinary, and even cross-border challenges confronting various developing countries. In order to address these concerns, it is imperative to delve into the fundamental principles of the 'Pancasila', with a view to contributing to the development of a future legal framework characterised by enhanced quality. The present article is limited to two main issues, namely (1) the dynamics of the five principles of the Indonesian state ideology as a legal ideal, and (2) the futuristic dimension based on positive law and the Constitutional Court's decisions related to the aforementioned principles as a basis for improving the quality of future legislation. The results obtained demonstrate that the recognition of the inseparable nature of the five principles of the United Nations as a legal ideal and the primary source of national law is paramount. This underscores the necessity for future legislative formations to deliberate on the incorporation of the principles of the Pancasila as a consideration in enhancing the quality of future legislation.

**Keywords : Quality of Legislation; Pancasila; Lawmaking; Indonesia**

## **ABSTRAK**

*Artikel ini secara menyoal dimensi keterhubungan Pancasila untuk dijadikan pilar utama dalam mendorong peningkatan kualitas legislasi di Indonesia. Problematik yang tampak bahwa legislasi Indonesia acapkali diperhadapkan dengan persoalan kualitas dari segi materiil maupun formil, terlepas dari isu multidimensional, multidisipliner bahkan melintas batas sebagai persoalan yang dihadapi pelbagai negara berkembang, perlunya menelisik kedalam intisari Pancasila yang dapat dijadikan bagian dari pengembangan pembentukan hukum kedepan yang berkualitas. Artikel ini dibatasi dengan dua isu utama yakni (1) dinamika Pancasila sebagai cita hukum, dan (2) dimensi futuristik dengan berbasis hukum positif dan putusan MK terkait dengan Pancasila dijadikan landasan dalam peningkatan kualitas legislasi kedepan. Hasil yang didapat bahwa Pancasila sebagai bagian tidak terpisahkan diakui menjadi cita hukum dan sumber dari segala sumber hukum nasional, hal ini juga yang mendorong pentingnya setiap pembentukan perundang-undangan kedepan wajib mengelaborasi Pancasila sebagai pertimbangan dalam peningkatan kualitas legislasi kedepan.*

**Kata Kunci : Kualitas Legislasi; Pancasila; Pembentukan Hukum; Indonesia.**