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LEGAL EFFECTIVENESS OF THE PANCASILA IDEOLOGY DEVELOPMENT AGENCY AGAINST REGULATIONS THAT ARE CONTRARY TO PANCASILA

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Abstract

Every regulation that applies in Indonesia should be elaborated in the form of norms that reflect the values and ideals of the nation's law, namely Pancasila, but today there are still regulations that conflict with the values of Pancasila found by the Pancasila Ideology Development Agency (BPIP) so that in its function BPIP can provide a recommendation. Therefore, it is important to analyze the legal effectiveness of BPIP in order to maintain Pancasila as the source of all sources of Indonesian state law. This research aims to analyze the legal effectiveness of BPIP in providing recommendations on legislative regulations that conflict with the values of Pancasila. This research uses Normative-Empirical research type, this type of research uses secondary data (from the library) and is supported by primary data based on field research, such as observations, interviews, and surveys. Using a normative approach, philosophical approach and conceptual approach. The entirety of the data is analyzed using a qualitative descriptive method, namely researchers explain, describe and describe more specifically, transparently and in depth in dealing with issues that are closely related to the research. The results of this study indicate that it is based on Soerjono Soekanto's theory of legal effectiveness which suggests the determinants of the operation of law that can affect the effectiveness of providing recommendations on regulations that are contrary to the values of Pancasila by BPIP, namely the legal factor itself, in the duties and functions of BPIP it is actually not effective and in its implementation it has not been fully implemented effectively.

Keywords: Legal Effectiveness; Recommendations; BPIP

INTRODUCTION

A state that is a unity of legal order, there is also a supreme rule whose position is higher than the basic law. Based on this higher rule, the basic law is formed. The highest rule referred to in the unity of the legal order in a country is called the staatfundamental norm. The nature of a staatfundamental norm is a requirement for the enactment of a basic law because it was born first and is a direct root in the historical will of a nation and is a collective decision taken by the nation itself. [1]It is like the fuel that drives the entire legal system which has a function as the basis for why the law is obeyed and accountable for the implementation of the law. [2]In the context of Indonesia today, this can be implemented by adjusting the values or principles contained in Pancasila and the emanation of the nation's soul which contains the core value of public morals must be seen as a meta-legal that forms the highest legal norm which Hans Kelsen calls Philosophische Grondslag/Grundnorm (basic norm) and Hans Nawiasky calls staatfundamental norm (state fundamental norm). Grundnorm (basic norm) is the highest rule, fundamental and becomes the core of every legal order and state, which is based on the volksgeist (soul of the nation). As an emanation of the soul of the nation, this basic norm is not formed by a higher norm, but is "presupposed" by the community in

[1]Indah Dewi Megasari, Implementation of the philosophical values of Pancasila in the Development of the National Legal System, Faculty of Law, Islamic University of Kalimantan MAAB, p. 30. 30.
[2]Achmad Ali, Unveiling the Veil of Law (A Philosophical and Sociological Study), PT Toko Gunung Agung Tbk, Jakarta, 2002, p. 273. 273.

a country and then becomes the place of dependence of legal norms below. [3]The validity of the basic norm is no longer based on, not sourced from, or not formed by a higher norm, but its validity is determined in advance by the community as a basic norm on which the norms below it depend, so that the basic norm is said to be presupposed. [4]So that everything that will be implemented in Indonesia must be adjusted to the values contained in Pancasila and the 1945 Constitution of the Republic of Indonesia because these two things are the basis for carrying out the life of society, nation and state. In addition, everything that is implemented in Indonesia must of course be based on law, given that Indonesia is a state of law.[5]

In an effort to ensure that regulations or laws made and enacted are in accordance with the ideals and values contained in Pancasila, an instrument or assessment indicator is needed. During this period, both in the formation and evaluation of laws and regulations against the values of Pancasila, only based on the subjective reasoning of the formers and guided by the legal principles of the formation of laws and regulations as stated in the provisions of Law Number 12 of 2011 concerning the Formation of Laws and Regulations. There is no standardized standard that becomes an objective reference to the values of Pancasila that can be used as an outline of guidance in compiling the material of a regulation or legislation. Pancasila as the basic norm of the state in the Indonesian positive legal framework is placed as the source of all sources of state law, this is confirmed in article 2 of Law Number 12 of 2011 as amended by Law Number 12 of 2019. the state. [6]Today's society, which continues to develop, requires the state to have an organizational structure that is more responsive to existing demands. The realization of effectiveness and efficiency both in the implementation of public services and in achieving the objectives of governance is also the expectation of the community that is placed on the state. As explained in previous studies, one of which is the implementation of Pancasila values as the basis of the state in the formation of laws and regulations prepared by Oksep Adhayanto, it is explained that the norms and values contained in Pancasila should be elaborated in the form of articles in each preparation of laws and regulations so that they can reflect the values that live in the community itself. In this context, especially in the process of forming laws and regulations, Pancasila should be placed in the area of material sources of law, this is reinforced by the mandate of article 2 of Law Number 12 of 2011 mandates that "Pancasila is the source of all sources of state law". The position of Pancasila is in accordance with the Preamble of the 1945 Constitution of the Republic of Indonesia, in which Pancasila is placed as the basis of the state as well as the philosophical basis of the nation and state so that any material content of legislative products must not conflict with the values contained in the precepts of Pancasila. Therefore, it is very necessary for a body or institution that can oversee every regulatory policy or law to be in accordance with the values adopted by the nation itself, but today it is also necessary to evaluate the legal effectiveness or sustainability of each body that carries out this function so that in the future it can optimize the implementation of institutionalization of values based on legal ideals and national values in a law so that it can be sustainable.

The establishment of the Pancasila Ideology Development Agency (BPIP) by the government in 2018 is a concrete effort by the government to carry out its function as a state organizer in responding to the situation developing in society. In the midst of a democratic system that raises pros and cons about the many views that have developed recently, and these developments tend to spark divisions among the community which are afraid to erode the understanding and experience of Pancasila as a state ideology, a way of life and a unifying tool for the nation. [7]Article 3 of Presidential Regulation Number 7 of 2018, namely, BPIP has the task of assisting the President in formulating policy directions for fostering the ideology of Pancasila, carrying out coordination, synchronization, and control of fostering the ideology of Pancasila in a comprehensive and sustainable manner, and carrying out the preparation of standardization of education and training, conducting education and training, and providing recommendations based on the results of studies on policies or regulations that conflict with Pancasila to state institutions, ministries / institutions, local governments, socio-political organizations, and other community components.

Speaking of the Pancasila ideology by BPIP, especially in providing recommendations for regulations that are contrary to the values of Pancasila, BPIP has compiled regulations including BPIP Regulation No. 5 of 2020 concerning

[3]Fendi Setyawan, "INSTITUTIONALIZATION OF PANCASILA VALUES IN THE FORMATION AND EVALUATION OF REGULATIONS" (2021) 18:2 j Indonesian legislation 249.
[4]Umar Said Sugiarto, Introduction to Indonesian Law, Sinar Grafika, Jakarta, 2017, pp. 48-52.
[5] Ulistyani Eka Lestari, "PANCASILA IN THE CONSTRUCTION OF THE NATIONAL LEGAL SYSTEM".
[6]Madaskolay Viktoris Dahoklory & Lita Tyesta Addy Listya Wardhani, "Reconstruction of Pancasila Values in Law" (2020) 26:3 SASI 297.
[7]Burhanuddin, "EXISTENCE OF PANCASILA IDEOLOGY DEVELOPMENT AGENCY (BPIP) IN THE REGIONAL SYSTEM OF THE REPUBLIC OF INDONESIA" (2020) 2:1 j 55-73.

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Guidelines for Providing Recommendations for Policies and Regulations Contrary to Pancasila. Regarding the performance achievements of the Pancasila ideology development agency in the implementation of policy study analysis Regulation by the Deputy for Advocacy and Regulatory Supervision of BPIP resulted in a number of recommendations for laws and regulations that conflict with the values of Pancasila. The problem of legislation today is that there are still many laws and regulations that overlap or contradict the laws and regulations above them [8]and in reality the law is not sterile from other societal subsystems. Politics often intervenes in the making and implementation of laws that often deviate from the values of Pancasila", so that laws and regulations are referred to as products of legal politics. [9]However, the history of the state shows that whatever political constellation is formed based on the existing formal structure, it does not succeed in excluding Pancasila as the unifier of the nation. [10]No less serious is one of the challenges of Pancasila at this time is a large-scale external challenge in the form of globalization based on the development of information technology which has been transcended. ethnic boundaries and even the values adopted by the nation.[11]

Then there are several important problems identified as problems in fostering the ideology of Pancasila, especially in a legal product so that BPIP can provide recommendations on regulations that are contrary to the values of Pancasila, namely the first problem identified is the absence of political direction to advance the ideology of Pancasila and the weakness of legal policies to advance the ideology of Pancasila at the national and regional levels. Second, the institutionalization of Pancasila ideology development in state administration in ministries/institutions/agencies at the central and regional levels is still not optimal. Third, the weak realization of Pancasila values in the life of society, nation and state. Fourth, the administration of the Pancasila Ideology Development Agency is still not optimal. Therefore, it is important to have more in-depth research related to the extent of the legal effectiveness of the Pancasila Ideology Development Agency in providing recommendations for statutory regulations that conflict with the values of Pancasila and continue to monitor the implementation of the mission and duties of the Pancasila Ideology Development Agency, as well as the effectiveness of the journey and achievements recorded in the life of society and the state, especially in the constitutional system of the Republic of Indonesia.

LITERATURE REVIEW

The literature review is a critical component of your research paper, providing a comprehensive overview of existing research and theoretical frameworks related to your topic. This section serves to establish the context of your study by summarizing and synthesizing relevant literature, highlighting key findings, methodologies, and gaps in current knowledge.

In this section, you should:

- Identify and critically evaluate previous studies relevant to your research question. This includes examining the strengths and weaknesses of earlier work, and how they inform your own research.
- Discuss the theoretical frameworks and concepts that underlie your study, providing insights into how they relate to your research objectives.
- Highlight any controversies, discrepancies, or debates within the existing literature, considering areas where your study contributes new knowledge or perspectives.
- Conclude with a clear statement regarding the gaps in the literature that your research aims to address, setting the stage for your study's significance and intended contributions.

Ensure that the literature review is well-organized, flows smoothly between topics, and logically leads to your research questions or hypotheses. Proper citations and references are essential to uphold academic integrity and provide credit to original authors.

METHOD

This research type uses Normative-Empirical research type, which is translated as legal research complemented by empirical data. This type of research uses secondary data (from the library) and is supported by

[8]Aminuddin Ilmar, Building the Indonesian Rule of Law, Phinatama Media, 2014.

[9]Kornelius Benuf, "Legal Politics of Legislators and Pancasila Ideology" (2018) 5:1 GK 85-92.

[10]Sholikul Hadi, "EXISTENCE OF PANCASILA AS THE SOURCE OF ALL SOURCES OF LAW IN THE INDONESIAN CONSTITUTION" (2021) 3:2 IJL 104-140.

[11]"PANCASILA AS A STATE IDEOLOGY AND HUMAN RIGHTS IN KEEPING THE UNITY OF THE REPUBLIC OF INDONESIA" (2014) 5:1 jihd, online: <https://journal.universitassuryadarma.ac.id/index.php/jihd/article/view/101>.

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primary data based on field research, such as observations, interviews, and surveys. [12]Using a statutory approach, philosophical approach/ideal values and conceptual approach. The whole of the data is then analyzed using a qualitative descriptive method, namely researchers explain, describe and describe more specifically, transparently and in depth in dealing with the problems that are closely related to this research, then draw a conclusion based on the analysis that has been done.[13]

III. INDICATORS OF BPIP'S PANCASILA VALUES IN THE REALIZATION AND ACTUALIZATION OF PANCASILA VALUES AS THE SOURCE OF ALL SOURCES OF STATE LAW

In all forms of legal reform, every nation must have a conception or ideals regarding the deepest essence of the process of formation to become a state, as a state ideal and conception of the state's legal order. The conception of statehood and legal ideals, each nation has its own special characteristics in accordance with the historical background, conditions of ethnic diversity, culture, and characteristics of the nation itself. Multicultural Indonesia requires conceptions or ideals that can embrace the diversity that stretches from Sabang to Marauke. We all know that the laws that apply in Indonesia include customary law, Islamic law, civil law and common law. With the enactment of more than one law in Indonesia (legal pluralism) does not rule out the possibility of overlap in its implementation. So that Pancasila is used as the basis of the state because Pancasila is considered to be in accordance with the soul of the Indonesian people themselves. [14]Pancasila as the ideals of the nation becomes the foundation as well as the guiding star towards the lofty ideals of Indonesian independence as stated in the preamble of the 1945 Constitution of the Republic of Indonesia. Since the country was founded in 1945, it has been determined that the basis and ideology of the Indonesian state is Pancasila. The background and consistency of the position of Pancasila as the basis and ideology of the state can be seen from three aspects, namely political, philosophical and juridical (laws and regulations). Pancasila can be seen as a modus vivendi or noble agreement that unites all primordial ties into one nation and the entire Indonesian blood spill which is very broad and pluralistic in the principle of unity. [15]There are at least three qualities of Pancasila material, namely: First, the content of Pancasila is the philosophical content of the Indonesian nation. Second, the content of Pancasila as a national legal identity. Third, Pancasila does not determine orders, prohibitions and sanctions but only determines the fundamental principles for the formation of law (meta-juris). one of which is oriented towards a transcendental metajuridical or metaphysical Grundnorm which means something that is in the atmosphere of the domain of thought, which a priori, is not determined by experience, but rather precedes and determines experience. [16]However, in its position Pancasila is a source of values, sources of norms in all aspects of state administration, including also as a source of state legal order. Therefore, the consequence is that all laws and regulations and their elaboration must always be based on the values contained in the precepts of Pancasila. [17]Because Pancasila as the ideology of the nation and state of Indonesia is not the result of individual thoughts that later became an ideology. Soekarno said that Pancasila was excavated from Indonesia's own homeland and earth, meaning that Pancasila contains the moral and cultural values of the Indonesian people who have been since the Indonesian nation existed and is not an ideology imposed from outside. [18]In other words, the elements that constitute the content of Pancasila are raised from the reality of the life of the Indonesian people themselves. Thus, the Indonesian nation in general is based on Pancasila. [19]As each country and society has a different philosophical basis, there are also differences in the substance of law from a philosophical aspect. Without this philosophical passing power, a law becomes just a fictitious wish. In the Indonesian context, the philosophical values of the state

[12]Irwansyah, Legal Research: Choice of Methods and Practice of Article Writing, Mirra Buana Media, Yogyakarta, 2020, pp. 42-43. 42-43.
[13]Deppa Ringgi, Legal Analysis of endangered species protection according to CITES (Convention on International Trade of Endangered Species), International Law Thesis, Hasanuddin University, 2017, p. 62. 62.

[14]Widiatama Widiatama, Hadi Mahmud & Suparwi Suparwi, "PANCASILA IDEOLOGY AS THE BASIS FOR BUILDING THE LEGAL STATE OF INDONESIA" (2020) 3:2 JULR 310.
[15]Moh. Mahfud MD, Constitution and Law in Controversial Issues, Jakarta: Rajawali Press, 2010. pp. 51-52.
[16]HR Otje Salman Soemadiningrat, Philosophy of Law (Development & Dynamics of Problems), PT Refika Aditama, Bandung, p. 57-58. 57-58.
[17]Maria Madalina et al, "REGULATORY REGULATION BASED ON PANCASILA AS THE SOURCE OF ALL SOURCES OF STATE LAW".
[18] Rahmat Salam, "Implementation of Pancasila Values in the New Order Era and Post-Reformation" (2021) 4:2 BIRCI 3177–3185.
[19]Juhaidy Rizaldy Roringkon, "Problems of Pancasila-laden Law Construction" (2022) TOUREV 116-127.

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are contained in Pancasila as the staatfundamental norm. [20]Therefore, Pancasila must be used as a vision or direction of the life of the nation and state in Indonesia[21]

As the basis and philosophy or outlook of life of the Indonesian state, Pancasila was explored and formulated by the founders of the nation and passed down to the successors of the nation to become a guide as well as a guide in the nation and state to form laws and regulations and especially in terms of implementing the evaluation of laws and regulations covering all types of laws and regulations at the central and regional levels. The Pancasila philosophy along with the objectives listed in the Preamble of the 1945 Constitution of the Republic of Indonesia can be a frame of reference for the development of a new legal system. [22]The government as an organization certainly has goals to be achieved, therefore of course the government should make these plans (het plan). With the goals to be achieved, the government will plan various programs in order to achieve the goals of the state.[23]

Speaking of institutions authorized to evaluate laws and regulations as institutions with the degree and level authorized to formulate laws and regulations, or institutions / agencies authorized for that. At the level of laws that have the authority to carry out evaluations are the Government, DPR and/or DPD through the legislative review mechanism. For executive legal products (PP, Presidential Decree, Ministerial Decree), the Government itself has the authority to evaluate through the executive review mechanism. Meanwhile for regional legal products can be implemented by the Regional Government, DPRD and/or the government structure above through the mechanism of legislative review or executive review. In addition to the Council mentioned above, there are other institutions that have the authority to harmonize, evaluate, analyze, and recommend the implementation of the Law on the Institutionalization of Pancasila values. The relevant agency is the Pancasila Ideology Development Agency or commonly abbreviated as BPIP. BPIP even has the authority to harmonize the core values of Pancasila in draft ministerial decrees, draft regulations of non-ministerial institutions, draft regulations of non-structural institutions and draft laws and regulations formed in the regions.

Efforts to ensure that the laws and regulations made and enforced are in line with the values of Pancasila require measuring instruments (parameters/indicators) to assess them. BPIP has compiled indicators of the value of Pancasila and is used as a basis for providing recommendations on regulations that are considered contrary to the values of Pancasila. Therefore, before further discussing the factors of legal effectiveness of BPIP recommendations on In the context of regulations that are contrary to the value of Pancasila, it is better to discuss the indicators of the value of Pancasila that have been compiled by BPIP as a measuring tool or instrument to assess whether a regulation of the laws and regulations under review is in line with the value of Pancasila or contrary to the value of Pancasila so that BPIP can provide or produce a recommendation which, according to the author, this instrument greatly affects the level of effectiveness of providing recommendations. Because every legal product that is born and applies must be based on legal ideals by containing consistency in content from the highest to the lowest hierarchy.[24]

No	Please	Description
1	Almighty Godhead	Policies and laws and regulations established to provide protection and respect for every person to believe and piety to God Almighty in accordance with their respective religions and beliefs in a civilized manner Indicators: 1. Policies and laws and regulations guarantee that Indonesia is a nation that recognizes the existence of God Almighty. 2. Policies and laws and regulations guarantee that every citizen can practice their religion and beliefs.

[20] Irwansyah, *Ibid,* p. 324.
[21]Christo Sumurung Tua Sagala & Mirza Nasution, "Implementation of Pancasila in the Political Year" (2022) 5:2 JAP, online: <http://journal.bawaslu.go.id/index.php/JAP/article/view/206>.
[22]Any Ismayawati, "Pancasila as the Basis for Legal Development in Indonesia" (2018) 8:1 JUDISIA 53.
[23]Aminuddin Ilmar, Textbook of Governance Law (Bestuursrecht, Government Law), Makassar: UPT Unhas Press, 2021, p. 86.

[24] Madalina et al, *supra* note 17.

		3. Policies and laws and regulations guarantee freedom and respect for every religion and belief adherent to worship to carry out their religious obligations and beliefs. 4. Policies and laws and regulations guarantee every person in carrying out religious orders and beliefs in harmony with the life of society, nation and state. 5. Policies and laws and regulations guarantee respect for everyone to embrace their religion and beliefs.
2	Just and civilized humanity	Policies and laws and regulations established to recognize equal status, equal rights, and equal obligations among human beings. Indicators: 1. Policies and laws and regulations guarantee the independence, sovereignty, unity, and integrity of the nation as well as equal relations between nations in the world. 2. Policies and laws and regulations guarantee relations between nations by prioritizing national interests. 3. Policies and laws and regulations uphold universal human rights while keeping in mind the wisdom of the nation and maintaining relations between nations that are equal, just and civilized. 4. Policies and laws and regulations reflect the recognition and equality of humans in accordance with their dignity as creatures of God Almighty. 5. Policies and laws and regulations function to develop mutual respect and respect for differences in ethnicity, religion, belief, race, and intergroup.
3	Indonesian Unity	Policies and laws and regulations that are formed are able to foster a sense for everyone to have and love the country and be willing to protect the entire nation and all Indonesian blood. Indicators: 1. Policies and laws and regulations guarantee the unity of the nation, the integrity and territorial integrity of the Unitary State of the Republic of Indonesia, and develop culture. 2. Policies and laws and regulations strengthen the spirit of nationalism that protects the entire nation and all Indonesian blood within the framework of the Unitary State of the Republic of Indonesia. 3. Policies and laws and regulations guarantee that every citizen prioritizes the interests of

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		the nation and state over personal or group interests. 4. Policies and laws and regulations serve to develop a sense of love for the country and willingness to sacrifice for the interests of the nation and state for every citizen. 5. Policies and laws and regulations are able to foster a spirit of mutual cooperation, a sense of pride in the Indonesian nation and homeland.
4	Democracy led by wisdom in deliberation / representation	Policies and laws established to encourage and respect the aspirations and interests of the people in politics and to continuously improve democratic systems and practices. Indicators: 1. Policies and laws and regulations always take into account that the Indonesian State is not a state established for one group but for all who have Indonesian homeland by basing state administration on representative deliberation. 2. Policies and laws and regulations pay attention to the wisdom of wisdom in representative deliberation based on the values of divinity, humanity, unity, and social justice for all Indonesian people. 3. Policies and laws and regulations guarantee democracy based on deliberation that is able to realize social welfare. 4. Policies and laws and regulations guarantee that every citizen respects and upholds every decision made based on deliberation / consensus and implements these decisions in good faith and with a sense of responsibility. 5. Policies and laws and regulations guarantee the implementation of political democracy with dignity and justice.
5	Social justice for all Indonesian people	Policies and laws and regulations that are established are able to encourage the development of joint businesses with a spirit of mutual assistance. Indicators: 1. Policies and laws and regulations function to realize justice and welfare for all Indonesians both physically and mentally. 2. Policies and laws and regulations guarantee protection to everyone to appreciate the process of copyright, work, and initiative responsibly for the realization of people's welfare. 3. Policies and laws and regulations guarantee the right of every citizen to obtain

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	education, health, employment, and business opportunities, as well as a decent livelihood. 4. Policies and laws and regulations that are formed foster community economic independence and equitable people's welfare. 5. Policies and laws and regulations guarantee economic activities that are equitable, sustainable, competitive, environmentally sound, and maintain a balance of progress and national economic unity.

Table 1. *BPIP Pancasila Value Indicators*

This Pancasila value indicator has a legal umbrella based on BPIP Regulation Number 4 of 2022 concerning Indicators of Pancasila Values which is the embodiment of the values and actualization of the values contained in Pancasila as the source of all sources of state law in the Republic of Indonesia. Indicators of Pancasila values are used as guidelines in the formation of policies and laws and regulations by ministries / institutions, local governments to village governments. The formation of policies and laws and regulations as intended includes monitoring and reviewing policies and laws and regulations that are harmonized with Pancasila value indicators by the Pancasila Ideology Development Agency.

It is necessary to know whether or not a rule of law is valid, so it requires a theory of legal validity first, to determine the existence of a rule of law, although the Pancasila value indicators have been regulated in BPIP regulations, but in practice it is not optimally applicable to all elements related to lawmakers or to all evaluators so that all existing regulations are in line with the Pancasila value indicators that have been compiled by BPIP because currently this Pancasila value indicator is a guide and applies only to the study of BPIP itself. Therefore, according to the author, it will be much more effective if the implementation of the socialization of Pancasila value indicators has been carried out as a whole and continuously by BPIP to all legislators from central to regional levels so that its implementation is optimal. Because the delivery of the intent and purpose of regulation or norm communication is sometimes not well conveyed, so legislators fail to realize that it causes no monitoring of its acceptance and application or even no feedback. We should also not believe that the legal fiction that determines that all residents in the territory of a country or legal targets are considered to know all the laws that apply in their country. It is impossible for all targets of the rule of law or citizens in general, to be able to know the existence of a rule of law and its substance, if the rule of law is not optimally socialized.

However, it is also not easy to incorporate the values of Pancasila into the body of a law. Because according to researchers to ground the abstract values of Pancasila into the concrete values of the articles of legislation will certainly encounter many challenges or difficulties, for example to incorporate the values of Pancasila into the norms of the articles on the provisions regarding special economic zones, the content of imported products and so on, of course, need an in-depth interpretation study of the elements of Pancasila to be included in the regulation. The efforts made so far are to try to detail each of the Pancasila precepts into concrete values that used to be called Pancasila grains. The results of these points still require more details, deepening, and continuous simulation so that practical guidance is obtained to then assess whether a policy and legislation is in accordance with or not with the values of Pancasila. Therefore, we must understand that the ideology of Pancasila has not described the existing reality. Pancasila ideology formulates an idea or ideal, which still has to be realized in the reality of the life of this nation and state. Pancasila is a mandate and task given by the founders of the nation. [25]Given the values of Pancasila not only as a source of derivation of legislation, but also a source of morality, especially in relation to the legitimacy of power, law and various policies in the implementation and administration of the state.[26]

Another difficulty is the limited forum for the internalization of Pancasila values into the formulation of laws and regulations. So far, what can also be implemented is a harmonization forum in the process of determining a draft law and the limited form of recommendations made by BPIP is only in the form of written input without having legal

[25]Ario Putra, "Interpretation of Human Rights in Pancasila Ideology and its Implications for Unity and Unity in Indonesia" (2022) 13:1 j ham 1.

[26]"Staatsfundamentalnorm (Pancasila) as Material for the Renewal of the Legal System in Indonesia" (2021) Iuris Studia, online: <http://jurnal.bundamediagrup.co.id/index.php/iuris/article/view/167>.

implications so that this still needs to be maximized in its effectiveness so that all laws and regulations are in accordance with and do not conflict with the values of Pancasila.

The essence of Pancasila as a state ideology is the nation's view of life and as the basis of the Indonesian state. The view of life in question is as a crystallization of values that are believed to be true, accurate and useful for the life of the nation and state. Pancasila is considered the best value of the results of thinking about the life of the Indonesian nation. The values of Pancasila are used as the basis and motivation in all attitudes, behaviors and actions in society, nation and state to achieve national goals. The five principles are a round and complete unity, Pancasila also has challenges in its role as an ideology.[27]

The discussion of the actualization of Pancasila into a law is important because it is related to the position of Pancasila itself. For the Indonesian people, Pancasila is the ideology and foundation of the state. Ideology is a framework of ideality that contains the vision and mission of the state, which provides orientation towards which the struggle and development should be directed. While the state foundation is a juridical framework for the implementation of the constitutional system for the continuity of the nation's life. Therefore, like two sides of a coin, both occupy their own position but are in unity of function in state administration practice. [28]In addition to the paradigm of state life, the founding fathers also placed Pancasila as the ideals of law in a broad sense, both the legal system formulated in the text of the 1945 Constitution of the Republic of Indonesia and outside of it, both written and unwritten. This implies that the ideology of Pancasila should be a morally binding force for all legal subjects in Indonesia. This means that each legal subject is obliged to practice Pancasila and carry out all its parts in realizing the nation's ideals, namely an independent, united, sovereign just and prosperous Indonesian state. [29]In fact, history has revealed that Pancasila is the soul of all Indonesian people who can provide strength to the Indonesian nation as well as a guiding star in pursuing the life of the state physically and mentally in realizing a just and prosperous Indonesia.[30]

IV. THE LEGAL EFFECTIVENESS OF BPIP IN PROVIDING RECOMMENDATIONS ON REGULATIONS THAT ARE CONTRARY TO THE VALUES OF PANCASILA

The Pancasila Ideology Development Agency (BPIP) was formed with tasks related to matters of Pancasila development. If you observe some of the BPIP tasks contained in Presidential Regulation Number 7 of 2018, BPIP actually has a very vital and significant role in a process of forming or evaluating regulations to be in line with the ideals and values of the Indonesian nation, namely Pancasila. In carrying out its duties and functions in fostering the ideology of Pancasila, BPIP certainly has its own agency / institution structure, which is referred to in the discussion of this research is a lot of discussion about the deputyship of law, advocacy and regulatory oversight which has duties and responsibilities, one of which is to carry out regulatory oversight by carrying out the internalization and institutionalization of Pancasila in the field of law and reviewing regulations ranging from laws to regional regulations to be tested for suitability using the Pancasila Value Indicator touchstone. So that BPIP can provide recommendations on regulations that are contrary to the values of Pancasila both to state institutions, ministries / institutions, local governments, socio-political organizations, and other community components. The recommendation issued by BPIP is the submission of written input from the results of the study of policies and regulations that are contrary to Pancasila.

Speaking of institutions, in this case BPIP is an independent institution formed based on a Presidential Regulation, therefore the position of BPIP is an official institution classified as a government agency to assist the President. In its duties and functions, BPIP, in this case the deputy for law, advocacy and regulatory oversight, can provide recommendations. based on the results of studies to state institutions, ministries or institutions and local governments regarding regulations that conflict with the values of Pancasila. It can be interpreted that the deputy can review national regulations or laws to local regulations to recommend these regulations that conflict with the values of Pancasila so that they can be revoked or revised.[31]

[27]Mugi Febriyanto, "The Role of Pancasila as an Open Ideology" (2018) 4:1 JSI 27-46.
[28]Arfa'i Arfa'i, Bahder Johan Nasution & Febrian Febrian, "Actualization of Pancasila as a Source of Law in Law Formation" (2020) 3:2 UJH 377-407.
[29]Agna Suaila & Johny Krisnan, "RECALLING THE ROLE OF PANCASILA AS THE IDEOLOGY OF THE NATION AND THE BASIS OF THE STATE IN THE BUILDING OF NATIONAL LAW IN THE GLOBAL ERA" (2019) 4:1 LAJ 46-55.
[30] Endra Wahanu Prabandani, "Discovering the Position of Pancasila as the Basic Norm in Indonesia" (2022) 2:1 ILR 158-180.
[31]Deny Noer Wahid, "Judicial Partner: Actualization of Pancasila Values towards the Establishment of the Pancasila Ideology Development Agency" (2023) 3:1 PJK 57-69.

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Type of Regulation	Year	
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Meanwhile, throughout 2022 BPIP has also conducted a study of laws to regional regulations which in total resulted in 10 recommendations, either recommended for revision, declared permanent or revoked. It can be seen in the table above and taking into account the current conditions there are still many legislative regulations that are considered contrary to the values of Pancasila on the studies that have been carried out by BPIP are very worrying. Regarding the philosophical basis for the formation of laws and regulations of the Republic of Indonesia is none other than Pancasila. In its position as the basic ideology of the Indonesian state, Pancasila must be used as a legal paradigm (framework, source and value orientation) in legal development including its reform. Therefore, responding to the need to create a paradigm of reform of the legal system or order, every legal product in Indonesia must be sourced from the core values contained in Pancasila and the entire Preamble of the 1945 Constitution of the Republic of Indonesia. [32]The data above shows that the actualization of Pancasila in law, especially in its formation, is still a big problem until now. While Pancasila serves as an ideology, the basis of the state and the ideals of national law, therefore the values of Pancasila should animate all laws and regulations that are formed. Given that the strategic position of Pancasila as the basis for unifying the Indonesian nation, therefore Pancasila must still be cared for, maintained and preserved and always actualized in the life of the nation and state.[33]

This is as seen by Mahfud MD that there are serious problems that plague legislation where the law is made and enforced as if it has lost its life, the law is easily possessed by momentary interests that are contrary to the ideals and objectives of the law, namely Pancasila. As a result, this law or legislative product has not fully become a normative force that nurtures and protects society and is far from the values of Pancasila. Because Pancasila guarantees the realization of a just and prosperous society in accordance with the precepts of justice for all people as a reference in achieving these goals. Pancasila as a fundamental state rule means that the written basic law (UUD), unwritten law (convention), and all laws or regulations that apply in the Republic of Indonesia must be sourced and are under the fundamental state rules.[34]

[32]Putera Astomo, Legislation Theory and Practice in Indonesia, Rajawali Pers: Depok, 2018, p. 74.
[33]Anggian Cassilas & Tundjung Herning Sitabuana, "THE STRENGTH OF THE VALUE OF 'PANCASILA' AS A STATE IDEOLOGY FOR THE SUSTAINABILITY OF THE NATION'S LIFE" (2021) 4.
[34]Lusy Liany, Actualization of Pancasila Values in National Legal Development (Case Study of Provincial, Regency / City Regulations in Indonesia, Fair Journal: Journal of Law, Vol. 11 Number 2, pp. 43-46.

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The following are some examples of regulatory recommendations based on studies conducted by BPIP in 2021 to 2022:

No	Legislation/Regulation	Recommendation
1	Law Number 41/2009 on the Protection of Agricultural Land for Sustainable Food Production	Revision: Has not accommodated the principles of the establishment of laws and regulations related to clarity of formulation, has not reflected the recognition and equality of just and civilized human beings. Not yet aligned with the precepts of Just and Civilized Humanity, the precepts of Democracy Led by Wisdom in Representative Consultation, and the precepts of Social Justice for All Indonesian People.
2	Law Number 29 of 2004 concerning Medical Practice	Revision: The public highlighted several articles in Law No. 29 of 2004, especially those related to the granting of authority to professional organizations in order to provide recommendations for the issuance of practice licenses, as well as in supervising and enforcing ethics for doctors. Another article that is allegedly problematic is the adaptation procedure for foreign-educated doctors, which takes additional time and money and is not in line with the values of Pancasila.
3	Law Number 33 of 2014 concerning Halal Product Guarantee as amended by Law Number 11 of 2020 concerning Job Creation	Revision: There are several provisions in the Halal Product Guarantee Law that have the potential to be inconsistent with the values of Pancasila, including: the phrase "goods used, used, or utilized by the public" which has multiple interpretations, the absence of a community role regarding the supervision of halal products, the obligation of halal certificates for products that enter, circulate, and are traded in the territory of Indonesia which can burden the community / business actors.
4	Government Regulation no. 59 of 2021 on the Implementation of the Protection of Indonesian Migrant Workers	Revision: There are several provisions in the PP on the Protection of PMI that are potentially not in line with the values of Pancasila, including: provisions on the requirements of PMI candidates that have gaps to be exploited by unscrupulous people, the inclusion of provisions on Pancasila ideology development for PMI candidates because they are vulnerable to foreign ideologies, the function of guidance, supervision, and law enforcement has not been optimized to minimize the gap of irregularities.

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5	Presidential Regulation no. 16/2017 on Indonesia's Ocean Policy	Stay tuned
6	Minister of Education and Culture Regulation Number 30 of 2021 concerning Prevention and Handling of Sexual Violence in Higher Education.	Revision: Several articles in the Regulation of the Ministry of Education, Culture, Research and Technology No. 30 of 2021 are alleged to have content that is contrary to the values of Pancasila and Indonesian culture, especially the phrase "without the consent of the victim" which results in the perception of legalizing free sex, while the regulation aims to support the process of respecting, protecting and fulfilling human rights, especially for victims of sexual violence in higher education.
7	Yogyakarta Special Region Regulation No. 2/2018 on the Implementation of Child Protection	Revision: The Implementation of Child Protection is a policy prepared by the Government in order to provide protection to children to be followed up by OPD in the City / Regency Government area. To follow up, implementing regulations or policies are needed so that their implementation can be effective. Article 14, There are no provisions that contain values that negate equality of status, rights and obligations that cause ambiguity/multi-interpretation among citizens. The use of language, terms, words creates ambiguity/multi-interpretation. The division of children's rights creates ambiguity as if children's rights for children in general, and children in emergencies are different. Whereas all children's rights are the same

Table 3. *BPIP Recommendation Table*

This recommendation aims for all regulations that have been analyzed for their suitability with Pancasila to revise or revoke if in the findings and assessment of BPIP it is found that regulations are contrary to the values of Pancasila, of course, so that all regulations are in harmony and have the spirit of Pancasila. The existence of Pancasila requires that all laws and regulations under it must be in line and must not conflict with the values of Pancasila. [35]Therefore, the formation of law, its application up to the implementation cannot be separated from the values of Pancasila. Even in TAP MPR Number XX/MPRS/1966, Pancasila is placed as the basic norm, the source of all sources of state law, then Law Number 12 of 2011 Jo Law 15 of 2019 the second amendment to the formation of laws and regulations which states the same thing. [36]Which means that the source of law is essentially where we can find and explore the law. [37]Moreover, Article 5 of the Law mandates that one of the principles of good legislation must fulfill the principle of conformity between types, hierarchy and material content.[38]

[35]Amalia Diamantina et al, "JURISDICTION OF THE MATTERS OF THE NUMBER 24 YEAR 2009 UNDERSTANDING THE VALUES OF PANCASILA" (2021) PJK 98-110.
[36] Mohamad Roky Huzaeni, "The Legal Position of Pancasila and the Constitution in the Indonesian State System" (2022) PJK 114–125.
[37]Sudikno Mertokusumo, Understanding Law, Revised Edition, Cahaya Atma Pustaka, Yogyakarta, 2010, p. 107. 107.
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Some legal products, especially legislation in Indonesia, seem to be getting away from the views and corridors of Pancasila as the ideology of the Indonesian nation. As described above, there are several laws that are not in harmony and contrary to the values of Pancasila, such a situation can be called an ideological defect. The ideological defect in question is as a legal product, both the law and its implementing regulations to regional regulations in the regions seem far from the fact of the diversity of local norms of the archipelago based on the philosophy of Pancasila. [39]The threat and strength of Pancasila is not from anywhere, but is from within the Indonesian nation itself. When the ideology and values of Pancasila are successfully installed and become wealth in the Indonesian nation, this country will be strong and free from ideological threats.[40]

However, according to Eska Pratiwi as the Analysis of Resocialization and Rehabilitation of BPIP stated that:

> *"BPIP only produces output in the sense that the studies that have been carried out are revised or fixed and or even revoked if the level of conflict is high with the value of Pancasila. For the outcome of BPIP's recommendations, there are no ministries / institutions or local governments in this case, no one has actually revised or revoked regulations that are considered otherwise to the value of Pancasila for the studies conducted by BPIP ".*[41]

Speaking of the usefulness and usefulness of providing recommendations on regulations that are contrary to the values of Pancasila based on the above statement, according to researchers, it is unfortunate that it has not shown significant results in the life of society, nation and state because the provisions of these recommendations are only limited to written input, not followed by clear follow-up and continuous evaluation by legislators to revise laws and regulations that are considered contrary to the values of Pancasila by BPIP, because the provisions of these recommendations do not have legal implications if they are not implemented so it tends not to be obeyed and not followed up. Meanwhile, every regulation made should really be needed and followed by the benefits in regulating the life of the state in this case eradicating regulations that are contrary to Pancasila.

According to R. Dian Muhammad Johan Johor Mulyadi, as the Director of Policy and Regulatory Recommendation Preparation of BPIP regarding the analysis of studies on regulations that resulted in a recommendation as described above, he stated that:

> *"Technically, after the provision of these recommendations, BPIP, in this case the Directorate of Policy and Regulatory Recommendations, will visit again to carry out monitoring and evaluation of the recommendations that have been followed up."*[42]

As has been stated above, technically BPIP can monitor and evaluate recommendations that are followed up by the relevant Ministries / Institutions through direct coordination with BPIP, but so far BPIP's recommendations have also not been followed up by the relevant ministries / institutions to revise laws and regulations that are considered contrary to the value of Pancasila. According to Soerjono Soekanto, effectiveness is the extent to which a group can achieve its actual goals. As has been stated above, technically BPIP can monitor and evaluate recommendations that are followed up by the relevant Ministries / Institutions through direct coordination with BPIP, but so far BPIP's recommendations have also not been followed up by the relevant ministries / institutions to revise laws and regulations that are considered contrary to the value of Pancasila. According to Soerjono Soekanto, effectiveness is the extent to which a group can achieve its actual goals. So that the law can be said to be effective if there are many legal impacts that lead to positive, then at that time the law reaches its target in guiding or changing the behavior of the target community so that it becomes law-abiding.

The researcher considers that the effect of the BPIP's decision (recommendation) does tend to be weak, by analyzing the data above, as far as this research is concerned, the preparation or provision of recommendations on regulations that are contrary to the value of Pancasila is still very likely not to be followed up by the regulators or by the relevant ministries or institutions. because the regulation is also through the Presidential Decree and the nature of the recommendation only provides input in writing. In fact, the duties and functions of BPIP have been running properly in fostering the ideology of Pancasila, especially in providing these recommendations.

Thus, the process of actualizing the values of Pancasila carried out by BPIP above applies to statutory regulations after promulgation or regulations that have been in effect. Legal factors in this study also found that

[39]National Law Development Agency, Final report of the working group on legal analysis and evaluation related to strengthening the ideology of Pancasila, Jakarta, November 2019, p. 2. 2.
[40]Zuhri Saifudin, "The Legal Norms of the HIP Bill as a Form of Dialectical Upheaval of State Ideology" (2019) 1:2 amnesty 1-13.
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[42]Interview with the Director of Policy and Regulatory Recommendations of BPIP, (R. Dian Muhammad Johan Johor Mulyadi), on August 12, 2023.

BPIP's recommendations on regulations that conflict with the values of Pancasila do not have legal implications if they are not fulfilled so that what happens is not effective because there is no clear follow-up to these recommendations and evaluation mechanisms like this will still find laws that are not in accordance with the values of Pancasila so that they are not effective and the duties and functions of BPIP seem futile.

So that there are differences between previous studies such as the Indonesian Legislation Journal, June 2021, written by Fendi Setyawan with the title "Institutionalization of Pancasila values in the Formation and evaluation of laws and regulations". The research aims to ensure that laws and regulations made and enforced do not conflict with the values of Pancasila. The results obtained are that BPIP and BPHN have compiled and used indicators of Pancasila values to evaluate, study and analyze and harmonize laws and regulations based on Pancasila values in their internal institutions. Meanwhile, the discussion of this research further discusses the legal effectiveness of one of the functions of the duties and authority of BPIP in providing recommendations on regulations that conflict with the values of Pancasila and re-examining the Pancasila value indicators compiled by BPIP to be used as a tool to measure whether a regulation is in harmony or contrary to Pancasila.

RESULTS AND DISCUSSION

The Pancasila Ideology Development Agency (BPIP) was formed with tasks related to matters of Pancasila development. If you observe some of the BPIP tasks contained in Presidential Regulation Number 7 of 2018, BPIP actually has a very vital and significant role in a process of forming or evaluating regulations to be in line with the ideals and values of the Indonesian nation, namely Pancasila. In carrying out its duties and functions in fostering the ideology of Pancasila, BPIP certainly has its own agency / institution structure, which is referred to in the discussion of this research is a lot of discussion about the deputyship of law, advocacy and regulatory oversight which has duties and responsibilities, one of which is to carry out regulatory oversight by carrying out the internalization and institutionalization of Pancasila in the field of law and reviewing regulations ranging from laws to regional regulations to be tested for suitability using the Pancasila Value Indicator touchstone. So that BPIP can provide recommendations on regulations that are contrary to the values of Pancasila both to state institutions, ministries / institutions, local governments, socio-political organizations, and other community components. The recommendation issued by BPIP is the submission of written input from the results of the study of policies and regulations that are contrary to Pancasila.

Speaking of institutions, in this case BPIP is an independent institution formed based on a Presidential Regulation, therefore the position of BPIP is an official institution classified as a government agency to assist the President. In its duties and functions, BPIP, in this case the deputy for law, advocacy and regulatory oversight, can provide recommendations. based on the results of studies to state institutions, ministries or institutions and local governments regarding regulations that conflict with the values of Pancasila. It can be interpreted that the deputy can review national regulations or laws to local regulations to recommend these regulations that conflict with the values of Pancasila so that they can be revoked or revised.[43]

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7	Yogyakarta Special Region Regulation No. 2/2018 on the Implementation of Child Protection	Revision: The Implementation of Child Protection is a policy prepared by the Government in order to provide protection to children to be followed up by OPD in the City / Regency Government area. To follow up, implementing regulations or policies are needed so that their implementation can be effective. Article 14, There are no provisions that contain values that negate equality of status, rights and obligations that cause ambiguity/multi-interpretation among citizens. The use of language, terms, words creates ambiguity/multi-interpretation. The division of children's rights creates ambiguity as if children's rights for children in general, and children in emergencies are different. Whereas all children's rights are the same

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Thus, the process of actualizing the values of Pancasila carried out by BPIP above applies to statutory regulations after promulgation or regulations that have been in effect. Legal factors in this study also found that BPIP's recommendations on regulations that conflict with the values of Pancasila do not have legal implications if they are not fulfilled so that what happens is not effective because there is no clear follow-up to these recommendations and evaluation mechanisms like this will still find laws that are not in accordance with the values of Pancasila so that they are not effective and the duties and functions of BPIP seem futile.

A. Research Findings on the Pattern of BPIP Regulatory Recommendations

The empirical findings show that BPIP had produced a concrete regulatory-review output during the period observed in this study. Table 2 records 29 recommendations in 2021 and 10 recommendations in 2022, or 39 recommendations in total. Descriptively, 2021 contributed 74.4 percent of the two-year recommendation output, while 2022 contributed 25.6 percent. The number of recommendations therefore decreased by approximately 65.5 percent from 2021 to 2022. This change should not automatically be interpreted as a decline in institutional performance because the available research data do not provide a denominator showing the total number of regulations reviewed, changes in annual work targets, or differences in the complexity of the regulations examined. The finding is more appropriately read as a change in the volume and composition of BPIP recommendation output during the two years observed.

[53]Interview with BPIP Resocialization and Rehabilitation Analyst (Eska Pratiwi), on 11 August 2023.
[54]Interview with the Director of Policy and Regulatory Recommendations of BPIP, (R. Dian Muhammad Johan Johor Mulyadi), on August 12, 2023.

The composition of the recommendations also changed. In 2021, local regulations dominated the recommendations, accounting for 19 of 29 recommendations, followed by nine laws and one other regulation. In 2022, the distribution becomes more balanced, consisting of four laws, three local regulations, and three other regulations. This shift is relevant because it demonstrates that BPIP's review function is not confined to one level of the regulatory hierarchy. The recommendations described in Table 3 cover, among others, sustainable agricultural land protection, medical practice, halal product guarantees, protection of Indonesian migrant workers, higher-education policies, and child protection. The diversity of these objects indicates that the Pancasila-value review is applied across different policy sectors and is directed not only at formal legality but also at the substantive compatibility of regulatory content with human dignity, equality, deliberative democracy, national interest, and social justice.

B. The Output-Outcome Gap in BPIP Recommendations

The most important empirical finding of this research is the distinction between institutional output and regulatory outcome. BPIP is able to conduct studies, identify provisions considered inconsistent with Pancasila values, and issue written recommendations. In this sense, the institutional process produces a measurable output. However, the interview evidence shows that the existence of a recommendation does not necessarily result in the revision or revocation of the regulation concerned. The statement of the BPIP Resocialization and Rehabilitation Analyst is particularly significant because it distinguishes the completion of a study from the actual response of the ministry, institution, or regional government receiving the recommendation. The effectiveness problem therefore appears after the recommendation has been issued, namely at the stage where the recipient is expected to translate the recommendation into a concrete regulatory action.

This finding was reinforced by the interview with the Director of Policy and Regulatory Recommendation Preparation, who explained that BPIP technically conducts monitoring and evaluation after a recommendation has been followed up. The mechanism reveals a conditional sequence: BPIP issues a recommendation, the recipient institution decides whether and how to respond, and BPIP subsequently monitors the response. Where the recipient does not initiate follow-up, the corrective chain can stop before monitoring and evaluation produces a substantive regulatory change. The evidence therefore suggests that the weakness is not necessarily located in BPIP's ability to identify problematic regulations, but in the absence of a sufficiently strong mechanism that connects the recommendation to an accountable response from the institution that has the authority to amend, revoke, or replace the relevant regulation.

C. Legal Effectiveness of a Non-Binding Recommendation

Viewed through the legal-effectiveness framework used in this study, the legal factor itself becomes central. Presidential Regulation Number 7 of 2018 provides BPIP with a mandate to formulate policy directions, coordinate Pancasila ideology development, and provide recommendations based on studies of policies or regulations that conflict with Pancasila. BPIP also possesses substantive assessment instruments through the Pancasila Value Indicators. Nevertheless, the recommendation remains a form of written input and, based on the findings of this study, does not create a direct legal consequence when it is not followed. This produces an institutional asymmetry between the importance of the task and the legal strength of the instrument used to carry it out. BPIP may identify a regulatory problem, but the formal competence to change the regulation remains with the institution that issued it or with the institution authorized under the applicable review mechanism.

For that reason, the effectiveness of BPIP should not be measured solely from the number of recommendations produced. A large number of studies and recommendations may indicate that the review function is operational, but it does not by itself demonstrate that the regulatory system has been corrected. A more complete effectiveness assessment requires attention to at least the response of the recipient institution, the status of revision or revocation, the period required for follow-up, and the reasons for acceptance, partial acceptance, or rejection of a recommendation. Based on the evidence available in this study, BPIP can be considered procedurally active in carrying out its review and advisory function, but its substantive effectiveness in producing regulatory change remains limited. This distinction explains why the institution can be functioning administratively while the legal effect of its recommendations remains weak.

D. Pancasila Value Indicators as an Instrument of Substantive Regulatory Control

The findings concerning BPIP Regulation Number 4 of 2022 are also important for assessing the quality of the review process. The Pancasila Value Indicators provide a structured basis for translating the five precepts of Pancasila into questions relevant to policy and regulatory content. The indicators cover recognition of religious freedom, equality and human dignity, national unity, deliberative democracy, and social justice. Their principal

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contribution is methodological: values that are philosophical and abstract are transformed into more operational parameters that can be used to examine the substance of a regulation. The examples in Table 3 demonstrate this function because the recommendations do not merely state that a regulation is 'contrary to Pancasila'; they identify aspects such as unclear formulation, unequal treatment, insufficient participation, potential burdens on society, or weaknesses in protection and supervision.

At the same time, the research findings indicate that the usefulness of the indicators depends on the extent to which they are internalized beyond BPIP itself. If the indicators function mainly as an internal review instrument after a regulation has been enacted, their role is predominantly corrective. This study suggests that their preventive value could be stronger if the principles represented by the indicators were used consistently during the drafting, harmonization, and evaluation stages of legislation. Such use would not eliminate differences of interpretation, but it could make the Pancasila-based reasoning behind a draft regulation more explicit before the regulation enters into force. In this sense, institutionalization of the indicators is not only a matter of socialization; it is also a matter of integrating a consistent evaluative logic into the regulatory process.

E. Institutional Follow-Up and Regulatory Governance

The evidence in this study supports the need for a clearer follow-up architecture. Strengthening follow-up does not necessarily require transforming BPIP into an institution that directly annuls laws or regulations. The existing constitutional and administrative mechanisms of legislative review, executive review, and judicial review have their own authorities and procedures. A more proportionate approach would be to strengthen the accountability surrounding BPIP recommendations. For example, each recipient institution could be required to provide a written institutional response explaining whether the recommendation is accepted, partially accepted, or not accepted, together with the legal and policy reasons for that position. The status of follow-up could then become an object of periodic monitoring and evaluation.

A traceable response mechanism would address the central weakness identified by this research: the gap between the production of a recommendation and the absence of a clear regulatory outcome. It would also improve the evidentiary basis for evaluating BPIP itself. Without systematic follow-up data, institutional effectiveness is difficult to measure because the number of recommendations describes only the first half of the process. By contrast, a documented chain from study, recommendation, institutional response, regulatory action, and final evaluation would allow the effectiveness of Pancasila-based regulatory supervision to be assessed more objectively. Such a mechanism would also preserve the distinction between BPIP's advisory and evaluative function and the formal authority of the legislature, executive, courts, or regulatory issuers to change a legal norm.

F. Synthesis of the Results and Discussion

Analytical Dimension	Main Evidence	Interpretation
Normative basis	Presidential Regulation no. 7 of 2018 and BPIP Regulations provide the mandate and Pancasila-value indicators.	The review function has a formal institutional and substantive basis.
Recommendation output	29 recommendations in 2021 and 10 recommendations in 2022.	BPIP performs a measurable study and recommendation function.
Regulatory coverage	Recommendations concern laws, local regulations, and other regulations across several policy sectors.	The assessment reaches multiple levels and types of regulation.
Follow-up outcome	The interview evidence did not identify actual revision or revocation by recipient institutions for the recommendations discussed.	There is an output-outcome gap after recommendations are issued.
Legal force	Recommendations are written input and do not create a direct legal consequence when not followed.	The incentives for compliance and corrective action are institutionally weak.

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Monitoring	Monitoring and evaluation are carried out in relation to recommendations that have been followed up.	The monitoring chain depends on an initial response from the recipient institution.
Overall effectiveness	The review and advisory process operates, but the identified recommendations have not produced a clearly demonstrated regulatory correction.	Effectiveness is stronger at the procedural-output level than at the substantive-outcome level.

Table 4. Synthesis of Research Findings and Legal Effectiveness Analysis

Taken together, the findings support a more differentiated conclusion than a simple statement that BPIP is either effective or ineffective. BPIP demonstrates institutional capacity to formulate Pancasila-value indicators, review various types of regulations, and issue recommendations. These activities show procedural effectiveness at the level of identification and advice. The main weakness arises in converting that advice into a regulatory outcome because the recommendation does not itself oblige the authorized institution to amend or revoke the regulation. According to it, the effectiveness problem identified by this research is primarily an implementation and follow-up problem: the diagnostic function operates, but the corrective effect depends on actors outside BPIP. This is the principal empirical and normative contribution of the study because it locates the weakness not in the absence of Pancasila-based assessment, but in the institutional pathway through which the assessment is expected to produce legal change.

So that there are differences between previous studies such as the Indonesian Legislation Journal, June 2021, written by Fendi Setyawan with the title "Institutionalization of Pancasila values in the Formation and evaluation of laws and regulations". The research aims to ensure that laws and regulations made and enforced do not conflict with the values of Pancasila. The results obtained are that BPIP and BPHN have compiled and used indicators of Pancasila values to evaluate, study and analyze and harmonize laws and regulations based on Pancasila values in their internal institutions. Meanwhile, the discussion of this research further discusses the legal effectiveness of one of the functions of the duties and authority of BPIP in providing recommendations on regulations that conflict with the values of Pancasila and re-examining the Pancasila value indicators compiled by BPIP to be used as a tool to measure whether a regulation is in harmony or contrary to Pancasila.

CONCLUSION

The effectiveness of the law is very close to its application, implementation and enforcement where the rules apply in order to achieve the goals to be achieved. The Pancasila Ideology Development Agency (BPIP) which is regulated in Presidential Regulation Number 7 of 2018, especially related to providing recommendations on regulations that conflict with the values of Pancasila, is actually ineffective. After analyzing the legal effectiveness factors that can affect the role of BPIP in providing recommendations on regulations that conflict with the values of Pancasila, the limited form of recommendations made by BPIP is only limited to providing written input without having legal implications so that this still needs to be maximized so that all laws and regulations are in accordance with and do not conflict with the values and philosophy of the Indonesian nation, namely Pancasila.

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