



Pancasila as *Grundnorm* and Islamic Religious Education as Ethical Foundation: Reconstructing National Economic Law through Islamic Sociological Jurisprudence Theory for Social Justice and Public Welfare

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Abstract. This research aims to analyze the urgency of reconstructing national economic law through the integration of Pancasila values as the *grundnorm* and the principles of Islamic law using the Islamic Sociological Jurisprudence Theory approach. This study is motivated by the tendency of Indonesia's economic law to emphasize materialistic and individualistic orientations, which have not fully reflected the substantive justice mandated by Pancasila. The research employs a normative legal method with conceptual, philosophical, and sociological approaches, supported by library research for collecting legal materials. The findings reveal that Pancasila occupies a fundamental position as the basic norm of the national legal system, while Islamic law functions as a source of moral values that strengthens the law's social legitimacy. The Islamic Sociological Jurisprudence Theory is considered relevant because it integrates normative, social, and spiritual dimensions in legal development. Empirical problems, including corruption, resource conflicts, and the growth of illegal online lending practices, indicate a gap between legal norms and social realities. Therefore, reconstructing national economic law is essential to establish a legal system that ensures legal certainty, promotes social justice, and advances public welfare (*maslahah*). The integration of Pancasila values and Islamic law is expected to create a more responsive, humane, and socially relevant legal framework.

Keywords: Islamic law; Islamic Sociological Jurisprudence; legal reconstruction; national economic law; Pancasila.

1. INTRODUCTION

Law is a normative instrument that plays a vital role in regulating social life and establishing order and justice. In the context of Indonesia, the national legal system cannot be separated from Pancasila as the philosophical foundation of the state, which occupies a fundamental position as the source of all sources of law (*grundnorm*). Therefore, the formulation and implementation of any legal norms must reflect the values of Pancasila such as justice, humanity, and social welfare in order to create a legal system that is equitable and oriented toward the public interest (Nasution, 2022).

However, the development of economic law in Indonesia demonstrates a tendency toward materialistic and individualistic orientations. This is evident in various contemporary issues, including the widespread practice of illegal online lending that harms the public, as well as the persistently high rate of corruption, which remains a serious challenge to the national legal system. According to the 2023 Annual Report of the Corruption Eradication

Commission (KPK), corruption remains at an alarming level and significantly contributes to injustice in the economic sector (KPK, 2023; Hidayat et al., 2025).

These phenomena indicate that national economic law has not yet fully succeeded in realizing substantive justice as mandated by Pancasila values. A gap persists between legal norms and social reality, particularly in terms of protecting vulnerable groups. This condition suggests that the existing legal system still requires substantial improvement in order to become more responsive to social dynamics and more capable of delivering equitable justice (Nasution, 2022).

On the other hand, Indonesia, as a nation with a deeply religious society, possesses significant potential to integrate the values of Islamic law into the national legal system. Principles such as justice (*al-‘adl*), public welfare (*maslahah*), honesty, and responsibility can serve as a moral foundation for constructing a legal system that is not only normative but also endowed with strong social legitimacy. Such integration is essential for strengthening the ethical and moral dimensions of national economic law.

To address these challenges, an approach that is capable of integrating the values of Pancasila, Islamic law, and social reality is required. One relevant framework is the Islamic Sociological Jurisprudence Theory, which views law not merely as a set of normative rules, but also as a social institution that must dynamically respond to societal needs and be oriented toward public welfare.

Based on the foregoing discussion, the reconstruction of national economic law constitutes an urgent necessity. This effort aims to realign the orientation of law with the values of Pancasila as the *grundnorm*, while integrating them with the principles of Islamic law within a sociological framework. Ultimately, it is expected that such reconstruction will result in a national economic legal system that not only ensures legal certainty but also promotes social justice and welfare for all Indonesian people (Hidayat et al., 2025).

2. RESEARCH METHOD

This study is normative legal research aimed at examining and analyzing the reconstruction of national economic law through the integration of Pancasila values as the *grundnorm* and Islamic legal principles using the Islamic Sociological Jurisprudence Theory. Normative legal research was selected because the focus of the study lies on norms, principles, and legal concepts within the national legal system.

The approaches used include the conceptual, philosophical, and sociological approaches. The conceptual approach is employed to examine the concept of *grundnorm*, the position of Pancasila, and the Islamic Sociological Jurisprudence theory. The philosophical approach is used to analyze the fundamental values underlying lawmaking, particularly the values of justice, humanity, and public welfare. Meanwhile, the sociological approach is utilized to understand the relationship between law and social reality, including the role of religious values in legal life in Indonesia (Wibowo & Akbar, 2025).

The legal materials used consist of primary, secondary, and tertiary legal materials. Primary legal materials include legislation, specifically the 1945 Constitution of the Republic of Indonesia. Secondary legal materials consist of scientific literature, journals, and research results relevant to the topic, including studies on the relationship between Islamic values and Pancasila (Nasoha, 2025). Tertiary legal materials include legal dictionaries and other sources supporting conceptual understanding. Data collection was conducted through library research, involving the systematic review of relevant written sources. Furthermore, the analysis of legal materials was carried out qualitatively using a descriptive-analytical method to describe and examine the concepts studied.

3. DISCUSSION Concept and Definition of *Grundnorm*

Etymologically, the term *Grundnorm* originates from German, consisting of the word Grund, meaning foundation or basis, and Norm, meaning rule or standard. Conceptually, *Grundnorm* can therefore be understood as a basic norm that serves as the foundation for the formation of an entire system of norms within a state.

According to Jazim Hamidi, there are at least nine characteristics inherent in the concept of *Grundnorm*. First, it is regarded as the highest and ultimate norm, whose existence is not established by any authority but is presupposed by human reason. Second, it constitutes a source external to positive law, or is meta-juristic in nature. Third, it represents a general norm that encompasses various types of norms, including religion, morality, ethics, etiquette, and law. Fourth, it is unwritten, as it exists only as an assumption. Fifth, it is accepted axiomatically by society as a truth that requires no further proof. Sixth, its validity is presumed; it is highly abstract, and individuals are expected to act in accordance with the constitution. Seventh, it serves as the highest foundation for the validity of a legal order. Eighth, non-compliance with it does not result in formal sanctions, as is the case with positive legal rules. Ninth, it determines the highest values of justice, although it cannot be fully rationalized.

From a theoretical perspective, this concept is developed within the framework of the Pure Theory of Law, which views law as a hierarchical normative system. Each norm derives its validity from a higher norm, culminating in the *Grundnorm* as the ultimate source. This basic norm is not derived from any other norm but is presupposed as a logical necessity for the legal system to function.

Furthermore, *Grundnorm* plays a fundamental role in providing legitimacy to the entire legal system. Without the existence of this basic norm, there would be no foundation to justify why legal norms should be obeyed. Therefore, *Grundnorm* also functions as a key parameter in assessing the validity of legislation.

The Position of Pancasila as *Grundnorm* in Indonesia's Constitutional System

In the context of Indonesian state administration, Pancasila occupies a fundamental position as the *Grundnorm*. It is understood not merely as the symbolic foundation of the state, but also as the supreme norm that serves as the source of all sources of law. In this capacity, Pancasila provides direction, purpose, and legitimacy to the entire national legal system (Wibowo & Santoso, 2025).

From a juridical perspective, this position is reflected in the Preamble to the 1945 Constitution, particularly in the fourth paragraph, which contains the formulation of Pancasila. The Preamble is permanent and unamendable, in contrast to the body of the Constitution, which may be subject to amendment. This indicates that Pancasila holds a final and foundational status within the constitutional structure.

Philosophically, the values embodied in Pancasila represent the legal ideals (*cita hukum*) of the Indonesian nation. The principle of Belief in One Supreme God implies that law must be grounded in moral values. The principle of Humanity emphasizes respect for human dignity, while the principle of Unity underscores the importance of national integration. Furthermore, the principle of Democracy highlights the centrality of popular sovereignty, and the principle of Social Justice serves as the ultimate objective of the legal system.

In the context of economic law, these principles imply that every policy and regulation should be oriented toward public welfare rather than merely pursuing material profit. This perspective aligns with the view that emphasizes the importance of harmonizing religious values with national principles in order to develop a legal system that is both just and humane (Nasoha, 2025).

The Existence and Position of Islamic Law in the National Legal System

Indonesia's legal system is characterized by legal pluralism, accommodating various sources of law, including Islamic law. Its existence is not separate from the national legal system; rather, it constitutes an integral component that continues to live and develop within society. Historically, sociologically, and juridically, Islamic law possesses strong roots in the Indonesian legal order.

The values embodied in Islamic law such as justice (*al-'adl*), public welfare (*maslahah*), honesty (*ṣidq*), and responsibility (*amānah*) are universal and applicable across diverse social contexts. Therefore, the integration of these values into national law not only enriches the substantive content of the legal system but also provides a moral foundation that enhances its social legitimacy (Santoso & Hakim, 2025).

Furthermore, as emphasized by Nasoha (2025), patriotism should not be understood merely as a slogan, but as a manifestation of faith and social responsibility. It requires active participation in maintaining national unity, upholding justice, and contributing to sustainable national development. In this regard, the incorporation of Islamic legal values into the national legal framework can also reinforce a sense of collective responsibility and ethical commitment within society.

Sociological Considerations and the Social Dimension of Law

Law cannot be separated from social life, as it essentially reflects the values and norms that exist within society. Legal norms formulated without due consideration of sociological aspects tend to be rejected by the community and are often difficult to implement, potentially resulting in what is referred to as "dead law" (Wibowo & Akbar, 2025). Conversely, laws that are aligned with living values within society tend to possess stronger legitimacy and effectiveness.

In the Indonesian context, where society is deeply influenced by religious values, moral and spiritual elements cannot be detached from legal formulation. These elements constitute an integral part of the nation's identity and collective consciousness (Santoso, 2025). This perspective is further reinforced by the view that the harmonization of Islamic values and Pancasila can function as a source of social cohesion and ethical guidance for citizens (Nasoha, 2025).

Accordingly, a comprehensive sociological approach in both law-making and law enforcement is essential. This includes active public participation in the legislative process, as well as the use of empirical research to better understand actual social conditions. Furthermore,

the integration of religious and moral values must be carried out in a proportional and inclusive manner to ensure broad acceptance across diverse segments of society.

In addition, continuous public legal education and socialization, along with fair and consistent law enforcement, are crucial to maintaining the effectiveness of legal norms. Regular evaluation is also necessary to ensure that the law remains responsive to social developments. Through these efforts, law can function not only as a normative system but also as an effective instrument for creating order, justice, and social welfare.

Concept and Characteristics of Islamic Sociological Jurisprudence Theory

Islamic Sociological Jurisprudence Theory is an approach that integrates the sociology of law with the principles of Islamic law. It conceptualizes law not only as a dynamic social phenomenon but also as a manifestation of normative values derived from divine revelation.

This theory possesses characteristics that are highly relevant to the Indonesian context, namely its integrative and holistic nature, its orientation toward public welfare (*maslahah*), and its flexibility and adaptability to social change (Sholeh & Mardani, 2025). As such, it functions as a bridge that connects the ideological foundation of Pancasila with the moral foundation of religion within a unified legal framework, in line with the principles of religious moderation and national tolerance (Nasoha, 2025).

Furthermore, this approach goes beyond mere conceptual integration between legal norms and social reality by emphasizing the role of law as an instrument of social engineering oriented toward transcendental values. In this perspective, law is not only a means of social control but also a medium for realizing comprehensive human welfare, encompassing both material and spiritual dimensions (Rahman, 2021).

Within Islamic legal thought, the concept of *maslahah* occupies a central position as the primary objective of legislation (*maqāṣid al-sharī'ah*). According to Abu Ishaq al-Shatibi, Islamic law aims to protect five essential aspects of human life: religion, life, intellect, progeny, and property. Therefore, the Islamic Sociological Jurisprudence approach expands the scope of legal analysis by considering not only normative validity but also its broader impact on societal welfare and protection (Kamali, 2008).

In addition, this approach shares common ground with the Sociological Jurisprudence perspective developed by Roscoe Pound, which emphasizes that law must respond to social needs. However, Islamic Sociological Jurisprudence Theory offers a distinctive advantage by incorporating revelation as a source of values, thereby grounding law in divine moral and ethical principles rather than purely secular considerations (Hallaq, 2009).

In the Indonesian context, this approach is particularly relevant as it bridges the plurality of legal systems, including state law, customary law, and Islamic law. Such integration enables the development of a legal system that is not only formally valid but also socially and culturally legitimate. As noted by Azra (2019), the success of legal development in Indonesia depends largely on its ability to accommodate local and religious values that live within society.

Moreover, the application of this theory in the field of economic law is reflected in the strengthening of distributive justice, the prohibition of exploitation, and the promotion of balance between individual and social interests. These principles are embodied in Islamic economic concepts such as the prohibition of usury (*riba*), fairness in transactions (*'adl*), and social responsibility in wealth distribution (Chapra, 2000). Consequently, economic law is directed not only toward efficiency and growth but also toward equity and social welfare.

Therefore, Islamic Sociological Jurisprudence Theory can be understood as an approach that is not only theoretically robust but also practically applicable in addressing contemporary legal challenges. It offers a comprehensive framework for reconstructing national economic law by integrating normative, social, and spiritual dimensions, thereby enabling the realization of a legal system that embodies substantive justice and promotes collective welfare.

Meaning and Urgency of Reconstructing National Economic Law

Legal reconstruction refers to a systematic effort to restructure the legal order in order to maintain its relevance to the evolving dynamics of society. This necessity arises when existing laws are no longer capable of adequately responding to contemporary challenges or fail to fully realize substantive justice (Wibowo & Kurnia, 2025). Therefore, legal reconstruction is not merely a technical or normative process, but also involves philosophical and sociological dimensions.

In the context of economic law, the urgency of reconstruction becomes increasingly evident alongside the growing dominance of materialistic and individualistic orientations in economic practices. Although materialism is not inherently negative since, within certain limits, it can stimulate productivity and economic growth its excessive dominance often leads to problematic social consequences (Shrum et al., 2014). On a global scale, such orientations may contribute to conflicts over natural resources, including the domination of powerful states in controlling strategic commodities such as oil in the Middle East (Hussein, 2013).

Similar tendencies can also be observed in the national context, where sociopolitical dynamics sometimes reflect pragmatic and material-driven considerations. Such conditions may lead to social instability and, ultimately, have broader implications for economic sustainability and public welfare (Putra, 2019).

Accordingly, the reconstruction of national economic law is essential as a corrective measure to address these challenges. This effort is directed toward aligning formal legal norms with ethical and moral values, ensuring that law not only provides legal certainty but also promotes substantive justice. Such an approach is consistent with the ideals of national economic development grounded in justice, as reflected in the values of Pancasila and the ethical principles of Islamic law (Nasoha et al., 2025).

Empirical Analysis of National Economic Law Issues

Empirically, the tendency toward a materialistic paradigm in national economic law is reflected in various policy practices and law enforcement mechanisms that prioritize economic growth over social justice. One prominent example can be observed in the management of natural resources, which frequently generates conflicts between investment interests and the rights of local communities. In several cases involving largescale mining and plantation activities, indigenous and local communities have experienced marginalization due to insufficient legal protection of their rights (Suharko, 2018). This condition indicates that economic law has not yet fully embodied the principles of substantive justice as mandated by Pancasila.

Furthermore, corruption in the economic sector serves as a significant indicator of the dominance of materialistic orientations within the legal system. Reports from the Corruption Eradication Commission (KPK) show that procurement processes and business licensing remain among the sectors most vulnerable to corruption. Such practices result in substantial state financial losses and hinder the realization of public welfare (KPK, 2023). This phenomenon demonstrates that the weak integration of moral and ethical values into the legal system directly affects the quality and effectiveness of law enforcement.

In addition, within the sphere of digital economic regulation, rapid technological advancements are often not accompanied by sufficiently adaptive legal frameworks. For instance, in cases involving illegal online lending (*pinjol*), many individuals suffer financial and psychological harm due to weak supervision and inadequate legal protection (Nasution, 2022). This situation reflects a widening gap between legal norms and evolving social realities, thereby reinforcing the need for a sociological approach in law-making.

Consequently, these empirical findings confirm that the reconstruction of national economic law cannot be limited to normative reform alone, but must also address concrete social realities. In this regard, Islamic Sociological Jurisprudence Theory offers a relevant framework, as it integrates normative, social, and moral-spiritual dimensions in a comprehensive manner (Sholeh & Mardani, 2025). Through this approach, law functions not only as a regulatory instrument but also as a means of social transformation oriented toward substantive justice and collective welfare (*maslahah*).

Harmonization of Law and Integration of National Values

Legal harmonization refers to efforts to align various legal norms in order to prevent inconsistencies and conflicts within the legal system. In a complex and pluralistic legal system such as Indonesia's, harmonization is essential for maintaining coherence, certainty, and effectiveness of the law.

This study demonstrates a significant convergence between the values of Pancasila and the principles of Islamic teachings. Both emphasize fundamental aspects such as divinity, humanity, and the pursuit of collective welfare (*maslahah*). This alignment indicates that the national economic legal system can be developed upon a coherent and harmonious normative foundation (Wibowo & Pratama, 2025).

As highlighted by Nasoha (2025), the integration of these values is crucial for fostering a form of nationalism that is both moderate and inclusive. In this context, legal harmonization not only ensures normative consistency but also strengthens social cohesion and reinforces the ethical foundation of the legal system.

Islamic Religious Education as the Foundation of Ethics and Character

The success of legal reconstruction depends not only on the substance of legal regulations but also on the moral quality of those who implement them. In this regard, Islamic Religious Education plays a strategic role as a foundation for ethical development. It functions as a process of character formation that instills core values such as honesty, trustworthiness (*amānah*), justice, and responsibility (Pujianti, 2022).

With strong moral character, compliance with the law is not merely driven by external enforcement but is rooted in internal moral and spiritual awareness. This perspective aligns with the concept that economic activities constitute an integral part of worship (*ibādah*) (Sari & Firmansyah, 2023).

Furthermore, education serves as a crucial medium for cultivating the values of Islamic nationalism and civic ethics. As noted by Nasoha (2025), this process plays an important role in shaping individuals who are not only legally compliant but also socially responsible and ethically grounded.

4. CONCLUSION

Based on the findings of this study, it can be concluded that national economic law in Indonesia continues to face significant challenges, particularly due to the dominance of materialistic and individualistic orientations. As a result, the legal system has not yet fully realized substantive justice in accordance with the values of Pancasila. Empirical issues such as corruption, natural resource conflicts, and the proliferation of illegal online lending reflect a persistent gap between legal norms and social realities.

Pancasila occupies a central position as the *grundnorm* and the ultimate source of all legal norms in Indonesia, and therefore must serve as the primary foundation in the formulation of law. At the same time, Islamic law provides a vital source of moral and ethical values such as justice, honesty, responsibility, and public welfare (*maslahah*) that can strengthen the legitimacy and effectiveness of the legal system. These two value systems are not contradictory; rather, they are complementary and capable of being harmoniously integrated.

Accordingly, the reconstruction of national economic law is both necessary and urgent. This reconstruction should be carried out through the integration of Pancasila values and Islamic legal principles within the framework of Islamic Sociological Jurisprudence Theory. Such an approach positions law not only as a system of norms but also as a socially embedded institution that must respond to the needs and realities of society.

Ultimately, this study affirms that a reconstructed economic legal system grounded in normative, social, and spiritual dimensions has the potential to create a more just, humane, and welfare-oriented legal order, thereby advancing the realization of substantive justice in Indonesian society.

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