

POLICY IMPLICATIONS ON THE CHANGES ON THE PANCASILA ECONOMIC SYSTEM ACROSS THREE ADMINISTRATIVE PERIODS

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ABSTRACT

Indonesia has a unique political economy system, called the Pancasila democratic economic system. This system is clearly stated in the state constitution of the 1945 constitution, explaining how the state should regulate the state economy by dividing it into two systems: the top-up level and the bottom-up level. The top up-level is the control of strategic economic sectors by the state, but the management can be handed over to the private sector and hereinafter referred to as state-owned enterprises, this principle is intended to prevent the state of Indonesia from entering the free-market system because it is not in accordance with the principle of justice for the Indonesian nation. The bottom-up level is the management of the microeconomics sector by the community at the village level based on the characteristics of each village. However, in each regime, the economic system that is run is different from the principles of the Pancasila economic democracy system. The implementation of the principles of the economic system implemented in Indonesia is seen from the relevant laws and regulations and the implicit implications of the Indonesian state's political economy policies which form the basis of state economic management and legislators' understanding of the Pancasila democratic economic system are visible. This study uses content analysis and statistical analysis to measure legislators' understanding. The results of the study show that the laws produced by legislators do not support the implementation of the Pancasila democratic economic system and the legislator's understanding of the principles of the Pancasila democratic economic system is low.

Keywords: Pancasila democracy economic system

INTRODUCTION

Indonesia is a country that has a unique economic system that has been in state-wide recognition, which is called *Pancasila Democracy Economic System*. It is a system that is formulated and enshrined in Indonesia's Constitution (UUD 1945)¹, Paragraph 33, Articles (1), (2), and (3) as presented below:

- (1) The economy is built as a joint venture based on the principle of familial relationship;
- (2) The branches of production are essential to the state and dominate the life of people controlled by the state;
- (3) Land, water, and natural resources contained are controlled by the state and used for the welfare of the people.

The three articles above are the basis for formulating the Pancasila Democracy Economic System.

¹ UUD 1945,....

From the words of Moh. Hatta²: *“It is a system used to develop the economy through 2 levels. First: Bottom Level, using “cooperative,” to build up the economy through empowering community of villages. Moh. Hatta further says:*

“Indonesia is envisioned as a cooperative commonwealth; in cooperation with getting rid of any competition. Each community organization on a large and small scale can take the form of cooperatives, such as enterprises, agriculture villages, fishing villages, carpentry villages, citizen-consumers villages, and many others. If possible, Marx says that under socialism, the state would vanish as a ruler organization and be replaced by organizations of a community committee to distribute many goods produced jointly. Those ideas may implement at least at the bottom of the government. The village government coheres with village cooperatives. Hence, villages and cooperatives can be identical.

Moh Hatta’s idea of cooperative above was then used as the economic system of Indonesia, that is, to build the bottom level of the economy.

Second, Top Level, the State control of the essential branches of the economy within strategic sectors that are public or community needs a lot—energy, telecommunications, transportation, and mining. Like a command (or planned) economy, government ownership of important branches of economy, land, and resources in Indonesia and uses for the commonwealth of all Indonesian people. However, the management could be held by private called as State-Owned Enterprises (SOE)”. (1963: 28-48) for efficiency and effectiveness.

Therefore, Indonesia's Economic system has run and can be divided into two levels. *Top-level* is an economic condition controlled by the state. All inherent to the state, which includes the strategic economic sector, can be owned and controlled by the state for the welfare of citizens at large. Hence, the enterprise which manages the strategic economic sector is a state-owned enterprise (SOE). The management of SOE can be held by the private, but the state still owns the most capital. The *Bottom Level* is an economic condition in which a citizen’s economic empowerment could be done with the cooperative institution—this institution is owned by the community in the way of togetherness, especially the village community. Through the networking of cooperatives, villages' economy would be raised by the principles of togetherness and autonomy. The state is obliged to provide the support, e.g., technical, administrative, and financial assistance, to establish and increase cooperatives.

Moh. Hatta argues³ that the spirit of kinship and togetherness stipulated in UUD 1945 Article 33 Paragraphs 1,2 and 3 are similar to the spirit of collectivism that has a robust and distinct feature in the economic system of socialism. As it is, socialism is where the state owns and controls the nation's wealth for citizens' welfare. Be that as it may, the principles of effectiveness and efficiency on SOE are

² Sistem Sosialis Indonesia.....

³ Ibid....

a likelihood principle of the capitalist economic system. Therefore, the economic system that is used by the Indonesian state is the economic system that lies on one principle of socialism (the collectivism spirit) and some principles of capitalism (effectiveness and efficiency), which also recognizes as private property ownership, the spirit of kinship on cooperatives operationalization. These cross-cutting principles are the cornerstone of the Indonesian economic system known as the Pancasila Democracy Economic System. The first president of Indonesia, Ir. Soekarno, in his speech on General Assembly in 1960⁴, says:

“...from each document, we have taken some and removed some that have no use for us. We, who live within other continents, and for future generation; from both documents, we have synthesized what we need, and it is also observed from our experiences and knowledge that the synthesis is already sustained and adjusted ”

SIGNIFICANCE OF THE RESEARCH

This research may benefit the followings: **Bandar Lampung Governments**, the findings of this study become a consideration for the government as one of the stakeholders to make policies. This study comes up with several theoretical and empirical conclusions to decide the appropriate and harmonious Indonesian values and way of life. **The general public or society**, society needs to be educated about Indonesia's economic system. Since the economic system will be derived into economy, finance, banking-policy, and regulation, this will be felt and affect people's lives. It is a worthy thing for the people to know whether the economic system is suitable with the root values of Indonesia as mentioned by Indonesia's founding fathers. **Future researchers**, this research covers principles and changes on Pancasila Democracy Economic System to shift to Capitalism Economic Principles. This study can give a new paradigm to the economic system. The results of this study could be an essential starting point for better study in the future. They can stimulate and motivate more exploration research through other variables and points of view. Other researchers would be interested in exploring other untested grounds in studying the economic system. Researchers can use different variables and dimensions, which are not covered by this research, to enrich this field study.

RESEARCH PROBLEM

The study seeks the administration of Pancasila Democracy Economic System characterized during three administrative era: old era, new era, and reformation era. What changes contributed to shift from purist Pancasila Democracy to modern day Capitalism during the

⁴ Ir. Sukarno, *Build the New World*, Kreasi Wacana, 2013. p.57)

three eras. How the Pancasila Democracy Economic System implemented in Indonesia. how the Pancasila Democracy Economic System exists in the Province and City of Bandar Lampung, Indonesia. The study also aims to reveal the level of agreement (or disagreement) of the local government officials of Bandar Lampung on the state principles laid down by the national government of Indonesia based on their interpretation of its constitutional provisions. What may policy implication be proposed to strengthen Pancasila Democracy Economic System.

RESEARCH METHODOLOGY

This study used mixed research methodological designs where Content Analysis Methodology is the premium emphasis. The network of steps that a researcher takes to conduct a research project is called the research design, and what knits procedural steps into the fabric of a coherent research design is the design's logic. There are three entry points in the Content Analysis methodology to make research design: text-driven, problem-driven, and method-driven. The entry point to make the research design of this research is *problem-driven*. Statistical treatment used to measured Legislator perception, The researcher observed the following data gathering step-by-step procedure; Prepared a letter addressed to legislators to answer the survey attachment; Retrieved survey after a month; Tallied the result of the data; Ran the hypothesis testing.

POPULATION AND SAMPLES

There were 103 government officials in Bandar Lampung, Indonesia that had substantial knowledge of the Pancasila Democratic Economic System during the data collection years 2016-2017. The provincial government elected officers are the governor, vice governor, regional policymakers, city (Kota) and regency (Kabupaten) mayors, vice mayors, and district legislators.

Of these 141 total population, surveys were given to 105 respondents, but only 85 respondents returned the forms and served as respondents; this represents 80.95 percent of the target. The qualifications made for the present research are as follows:

1. They are the members of the legislative of Bandar Lampung provincial and city governments. Their selection was due to the constitutional statements that say the policymaking bodies are the ones to enact laws to realize the state's economic policies.
2. They have been in the position for at least a year before the research was conducted, believing that they had enough experience interpreting the

constitution and Pancasila Democracy principles.

3. They may have experienced or have been exposed to engagements with the public-private partnership, public bidding, or public consultation on lands, properties, and other eminent domains.

RESULT AND DISCUSSION

The Administration Of The Pancasila Democracy As An Economic System Characterized During The Three Eras

The characterized administrative of the economic system could be determined through three indicators⁵, which are: 1) the objectives of government policy in terms of legislation; 2) the underlying international agreement; 3) impact of policy. Regarding to Pancasila democracy economy system, the economy principle which is based on the underlying international agreement should be appropriate with some principles, i.e.:

1. Government reins the economy of the state, based on three aspects of economic system: ownership, wealth management, and wealth distribution. In terms of ownerships aspect, Pancasila democracy economy system regulates that there are 3 types of ownership: state ownership, private ownership, and community ownership. In terms of wealth management, economy is divided into 2 levels: bottom-up level and top-up level. The bottom-up level is the determination of micro-economy management that economy activity is operated by cooperatives, and the top-level is the determination of macro-economy management that economy activity is operated by SOE (State Owned Enterprise). Regarding with the wealth distribution, government reins the economy of the state if state regulates to protect national capital, state protects citizens' economy activity from foreigner, subsidy to the poor.
2. Government holds the role to manage the state economy activity; therefore, market freedom is not allowed in Pancasila democracy economic system.

1.1. Old Era;

a. The Characterized Administrative in Terms of Legislation

The legislation which had been produced in the Old Era was made from 1959 to 1966. The legislations used for this research are particularly related to the management of Indonesian economy as follows; Basic Agrarian Law No.5 of 1960; Law No.1 of 1967 concerning Foreign Investment; Law No.6 of 1968 concerning Domestic Investment; Law No.11 of 1970 concerning addition and changes of Law No.1 of 1967;

⁵ (Hand book of politic of China, David S.G. Goodman, 2015: 156)

Law No.12 of 1970 concerning addition and changes of Law No. 6of 1968; President Regulation No.10 of 1959

A. The Objectives of Government in terms of Legislation

Related to Land Reform; Indonesia would be developed as an agricultural country; Recognition of customary law; State has the right of reining the management of earth, water, and air ; State has the right to control earth, water, and air of Indonesia; Limitation of land by citizens; Direct relation to utilization of earth, water, and air is only allowedfor Indonesian citizens; Protection from foreigners and foreign legal entity toward Indonesian. citizens was encompassed as follows:

- a. Cultivation right title and building right on land owned by the state or personal are only for Indonesian citizens and Indonesian legal entities.
- b. Right to use title is the use of land yield and right to rent for lands to build building for both Indonesian citizens and foreign citizens who live in Indonesia, and for foreign legal entity which have a representative in Indonesia.
- c. Right to manage forest products is only for Indonesian citizens and Indonesian legal entities.

Related to Ownership

Page	Textual Data	Code	Author	Date
6	On the basis of the provisions contained in Article 33 paragraph3 of the Constitution and of the matters referred to in Article 1 of this Act, the earth, water, and airspace, including the natural resources contained therein, are at the highest hierarchical level controlled by the State in its capacity as the whole people’s organisation of powers.	Ownership: State Ownership	Tin Amalia	24-Okt-16

6	On the basis of the provisions contained in Article 33 paragraph 3 of the Constitution and of the matters referred to in Article 1 of this Act, the earth, water, and airspace, including the natural resources contained therein, are at the highest hierarchical level controlled by the State in its capacity as the whole people's organisation of powers.	Ownership: State Property	Tin Amalia	23-Jan-19
7	On the basis of the State's right of control referred to in Article 2, it is necessary to determine the types of rights to the surface of the earth, which is called <i>tanah</i> (land), that can be granted to, and held by, persons, either individually, jointly with others as well as bodies corporate.	Ownership: Private Property	Tin Amalia	23-Jan-19
7	In addition to the land rights as regulated in paragraph (1) of this article, there are to be determined water and airspace rights.	Ownership: State Property	Tin Amalia	23-Jan-19
7	The agrarian law applicable to the earth, water, and airspace is provided that it is not contrary to the national interest and the interest of the State, which are based on national unity, to Indonesian socialism, to the provisions stipulated in this Act, nor to other legislations, all with due regard to elements which are based on religious law.	Ownership: community property	Tin Amalia	24-Okt-16
8	Every Indonesian citizen, both men and women, has an equal opportunity to acquire a land right and to obtain the benefits and yields thereof for himself/herself or for his/her family.	Ownership: Private property	Tin Amalia	25-Okt-16

10	hak milik (ownership right)	Ownership: Private Property	Tin Amalia	25-Okt-16
10	hak guna-usaha (cultivation right), c. hak guna-bangunan (right of structure use), d. hak pakai (right of use), e. hak sewa (right of lease), f. hak membuka tanah (right to clear land), g. hak memungut-hasil-hutan (right to collect forest products),	Ownership: State Property	Tin Amalia	25-Okt-16
10	The rights to water and airspace	Ownership: State Property	Tin Amalia	25-Okt-16
12	An ownership right is the inheritable right, the strongest and fullest right on land which one can hold, subject to the provision contained in Article 6.A	Ownership: Private Property	Tin Amalia	25-Okt-16
14	cultivation right is a right to work on land directly controlled by the State	Ownership: State Property	Tin Amalia	24-Jan-19
17	A right of structure use comes into existence:	Ownership: State property	Tin Amalia	27-Okt-16
17	in the case of land having the status of a <i>hak milik</i> by an authentic agreement has been made by the relevant landowner with the party who will acquire the <i>hak guna-bangunan</i> with the purpose of giving rise to the intended right.	Ownership: Private property	Tin Amalia	27-Okt-16
18	A <i>hak pakai</i> is a right to use, and/or to collect products from land directly controlled by the State	Ownership: State property	Tin Amalia	27-Okt-16
18	A <i>hak pakai</i> is a right to use, and/or to collect products from land directly controlled by the State or land owned by another individual (<i>tanah milik</i>)	Ownership: Private Property	Tin Amalia	27-Okt-16

20	A <i>hak milik</i> (ownership right) to land held by religious and social bodies shall be recognized and protected for as long as such rights are used for purposes related to religious and social activities.	Ownership: Community Property	Tin Amalia	27-Okt-16
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The characterized administrative of economy system in terms of legislation based on government objectives to land reform and regulation of the ownership have not any changes in the New Era and Reformation Era.

B. Government Policy Based on the Underlying International Agreement
b.1. Related to Wealth Management

Wealth management in Pancasila democracy economic system is related to the government activity of managing economic sectors, that public good sector should be reined by the government through state-owned enterprise (SOE), equity of capital, protection of national companies. Determining the characteristic of wealth management of the three eras would be related to government policy concerning with foreign investment and trading regulation.

The legislations which have been made in the Old Era related to foreign investment and business sector are Law Number 1 of 1967 concerning Foreign Investment, Law Number 6 of 1968 concerning domestic investment, Government Regulation Number 10 of 1959 concerning Prohibition for foreign micro business and retailer. What are regulated in those regulations are the economic principles that are related to international economic activities; therefore, the economic principles that are regulated in those regulations become the characteristics of administrative based on the international agreement.

Below is the government policy, economic principles, international agreement, as the characterized administrative based on the underlying international agreement:

1. Government Policy: Law Number 1 of 1967 concerning Foreign Investment

Page	Textual Data	Code	Author	Date
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3	Bidang-bidang usaha yang tertutup untuk penanaman modal asing secara penguasaan penuh ialah bidang- bidang yang penting bagi negara dan menguasai hajat hidup rakyat banyak sebagai berikut: Business fields that are closed to fully-owned foreign investment are those that are important to the state and affect the livelihood of many people as follows:	Economic principle: State authorization within Public goods	Tin Amalia	07-Jan-17
3	a. harbors b. production, transmission and distribution of electric power to the public c. Telecommunication d. Shipping e. Aviation f. Drinking water g. Public trains h. Atomic power generation i. Mass media	Economic principle: State authorization within Public goods	Tin Amalia	07-Jan-17
3	Foreign investment in the mining sector is based on a cooperation with the Government on the basis of a contract of work or other forms in accordance with the applicable laws and regulations.	Economic principle: Capital equity	Tin Amalia	06-Feb-17
4	Foreign capital companies are obligated to organize and/or provide training and educational facilities at home and/or abroad on a regular and directed basis for Indonesian citizens with the aim that the foreign workers can gradually be replaced by Indonesian citizen workers.	Economic Principle: Protection of national companies	Tin Amalia	06-Feb-19
4	For the purposes of foreign capital companies, land may be granted with building rights, cultivation rights and usufructuary rights according to the applicable laws and regulations.	Economic Principle: Limitation on private ownership	Tin Amalia	07-Jan-17
5	In every foreign investment permit, the validity period is determined not to exceed 30 (thirty) years	Economic Principle: Time	Tin Amalia	07-Jan-17

8	Meanwhile, this law does not open all business fields for foreign capital. Foreign capital domination as it was known in the colonial era must naturally be prevented.	limitation on investment Economic Principle: Limitation on investment	Tin Amalia	12-Jan-17
8	Essential companies that control the livelihood of the masses remain closed to foreign capital (article 6)	Economic Principle: Public good companies closed for foreign Investment	Tin Amalia	12-Jan-17
8	In every foreign investment permit, the validity period is not more than 30 years.	Economic Principle: Time Limitation on Investment	Tin Amalia	12-Jan-17
8	Land, natural resources and the goodwill of the Indonesian state and nation can also be counted as valuable capital.	Economic Principle: State Property Ownership	Tin Amalia	12-Jan-17
8	Foreign investment according to this law can be carried out in the form of a 100% foreign owned company or in the form of cooperation between foreign capital and national capital.	Economic Principle: Capital equity on investment	Tin Amalia	12-Jan-17

Based on the legislation above, government policy of the Old Era led by Soekarno, still remains the economic principles of Pancasila Democracy Economy System regarding to wealth management. The policy encompasses the following aspects:

1. Strategic business sectors that affect the livelihood of many people are closed for foreign Investment.
2. Business fields which are related to weapons and war equipment are closed

to foreign investment.

3. Foreign investment is not allowed for individuals, except legal entity for ease of international legal status. And Investment is restricted to 30 years.
4. Government support toward development of national enterprises, i.e state-owned enterprises and national private enterprises.

However, even though the government policy is in line with Pancasila Democracy Economic system, we need to look at the underlying international agreement as shown below:

Page	Textual Data	Code	Author	Date
3	Foreign investment in the mining sector is based on a cooperation with the Government on the basis of a contract of work or other forms in accordance with the applicable laws and regulations.	International agreement: Location variable	Tin Amalia	07-Jan-17
3	Capital owners have full authority to determine the directors of the companies where their capital is invested.	International agreement of economy internalization	Tin Amalia	07-Jan-17
4	Foreign capital companies are permitted to bring in or use leadership staff and foreign national experts for positions that cannot be filled with Indonesian citizens.	International agreement of economy internalization	Tin Amalia	07-Jan-17
4	For the purposes of foreign capital companies, land may be granted with building rights, cultivation rights and usufructuary rights according to the applicable laws and regulations.	International agreement of Ownership	Tin Amalia	06-Feb-17
5	Foreign capital companies are given the right to transfer in the original currency of the capital on the basis of the prevailing exchange rate for: a. Capital gains after deducting taxes and other payment obligations in Indonesia b. costs associated with foreign workers employed in Indonesia c. other costs which will be determined further d. Depreciation Depreciation on	International agreement: Ownership variable	Tin Amalia	07-Jan-17

	fixedequipment e.Compensation in terms ofnationalization			
6	The profits obtained by foreign capital companies as a result of the cooperation between foreign capital and national capital referred to in article 23 after deducting taxes and other obligations that must be paid in Indonesia, are permitted to be transferred in the original currency of the foreign capital in the amount of theforeign capital invested.	Internationa l agreement: Internalizati onVariable	Tin Amalia	11-Jan- 17

Based on the table above, the policy of political economy of the old order government related to international economic activity was influenced by international agreement. However, in some ways Pancasila Democracy Economic System remains implemented through principles of economy As can be seen in the table below:

NO	International agreement	Economic Principles
1	Owners of foreign investment determine the enterprises directors by themselves.	It is mandatory that foreign companies employ Indonesian workers except experts.
2	Facilities are given to foreign investors, i.e.: tax liberation, concession and right to transfer in the original currency of the capital on the basis of the prevailing exchange rate.	Foreign investment must support technology transfer effort.
3	-	Companies that have foreigncapital for a temporary period must include domestic capital through the sale of shares.

4	-	The Indonesian government requires foreign investment to spur the growth of the Indonesian economy.
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- d. Right to use title is the use of land yield and right to rent for lands to build building for both Indonesian citizens and foreign citizens who live in Indonesia, and for foreign legal entity which have a representative in Indonesia.
- e. Right to manage forest products is only for Indonesian citizens and Indonesian legal entities.

Economy is divided into 2 levels: bottom-up level and top-up level. The bottom-up level is the determination of micro-economy management that economy activity is operated by cooperatives, and the top-level is the determination of macro-economy management that economy activity is operated by SOE (State Owned Enterprise). Regarding with the wealth distribution, government reins the economy of the state if state regulates to protect national capital, state protects citizens' economy activity from foreigner, subsidy to the poor. Government holds the role to manage the state economy activity; therefore, market freedom is not allowed in Pancasila democracy economic system.

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