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Legal Globalization and the Challenge to Preserve Pancasila's Legal Identity

Globalisasi Hukum dan Tantangan Menjaga Identitas Hukum Pancasila

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Abstract: *Legal globalization has increasingly transcended national boundaries through the circulation of foreign values, principles, doctrines, and legal norms, particularly through the development of the internet and social media. This phenomenon presents both opportunities and challenges for the existence and Pancasila's Legal Identity as Indonesia's distinctive legal foundation, as Pancasila is the Five Principles of Indonesian National Philosophical Ground. This article examines the influence of legal globalization on the existence and Pancasila's Legal Identity and analyzes strategies for preserving its identity amid global legal developments. The study finds that legal globalization may have positive effects, such as strengthening human rights protection, legal certainty, and justice, but may also introduce values inconsistent with Pancasila. Therefore, strengthening national legal policy through the National Long-Term Development Plan (RPJPN) and the General State Defense Policy, accompanied by Pancasila Screening by Badan Pembinaan Ideologi Pancasila (BPIP), is essential to ensure that Indonesia remains adaptive to global legal developments without losing its national legal identity.*

Keywords: *Legal Globalization; Pancasila's Legal Identity; Pancasila Screening.*

Abstrak: Globalisasi hukum telah melampaui batas-batas negara melalui peredaran dari nilai-nilai asing prinsip-prinsip, doktrin dan norma hukum terutama melalui perkembangan internet dan social media. Fenomena ini menunjukkan adanya peluang dan tantangan terhadap keberadaan dari identitas hukum Pancasila sebagai dasar atau sumber hukum utama di Indonesia yang mana Pancasila merupakan lima prinsip dasar dari dasar filsafat nasional Indonesia. Tulisan ini menguji pengaruh dari globalisasi hukum dalam konteks keberadaan identitas hukum Pancasila dan menganalisis strategi

apa saja yang dapat digunakan untuk menjaga identitas tersebut di tengah perkembangan hukum global. Hasil penelitian menunjukkan bahwa globalisasi hukum memiliki dampak positif misalnya menguatkan perlindungan hak asasi manusia, kepastian hukum dan keadilan. Namun di sisi lain hal ini juga menunjukkan adanya pengaruh yang tidak sejalan dengan Pancasila. Oleh karena itu penguatan kebijakan hukum nasional melalui rencana pembangunan jangka panjang nasional dan kebijakan umum pertahanan negara serta melalui Pancasila Screening oleh Badan Pembinaan Ideologi Pancasila (BPIP) menjadi penting untuk memastikan bahwa Indonesia tetap adaptif terhadap perkembangan hukum global tanpa kehilangan identitas hukum nasionalnya.

Kata Kunci: Globalisasi Hukum; Identitas Hukum Pancasila; Pancasila Screening.

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1. Introduction

Legal globalization has become an increasingly significant phenomenon in the development of contemporary national legal systems. The advancement of technology, particularly the internet and social media, has made the exchange of ideas, values, principles, doctrines, and legal norms across national borders increasingly rapid and difficult to contain. Globalization has consequently transformed the way legal systems interact with one another, enabling legal concepts originating from foreign jurisdictions to influence domestic law. Indonesia is not isolated from this development. Various foreign legal values may enter the national legal system through legislative reforms, legal transplantation, international interactions, and broader social developments. In certain circumstances, such influences may contribute positively to the development of Indonesian law. However, they may also introduce values or norms that are inconsistent with the philosophical foundations of the Indonesian state. The borderless character of globalization therefore creates an important challenge for maintaining the distinctive identity of Indonesia's national legal system.

The challenge becomes particularly significant because the Indonesian legal system is constitutionally and philosophically founded upon Pancasila (Ismayawati, 2018). Pancasila, meaning the Five Principles (Kurnisar, 2020), does not merely function as the national ideology (Sekretariat Jenderal MPR RI, 2012) but also occupies a fundamental position within the Indonesian legal order (Sekretariat Jenderal MPR RI, 2020). Article 2 of Law Number 12 of 2011 concerning the Formation of Laws and Regulations expressly provides that Pancasila constitutes the source of all sources of state law (Wijayanthi, 2021). Consequently, the

development and application of Indonesian law should reflect and remain consistent with the values embodied in the five principles of Pancasila (Bo'a, 2018). This position establishes Pancasila as an essential normative and philosophical parameter for determining the direction of national legal development (Permana & Prasetyo, 2025). Accordingly, the reception of foreign legal concepts cannot be understood merely as a technical process of legal adoption (Bimasakti *et.al.*, 2025). It must also be assessed according to whether such concepts are compatible with the values of Oneness of God, Just and civilized humanity, Indonesian unity, Democratic system based upon deliberative representatives, and Social justice for all Indonesian, as embodied in Pancasila (Prabandani, 2022).

Studies on the relationship between globalization and national law generally develop along three lines of inquiry that have rarely been brought into direct conversation with one another. One strand treats legal globalization in Indonesia largely as a technical or economic process of harmonization and legal transplantation, without asking whether the content of what is received is philosophically compatible with Indonesia's constitutional foundations (Bimasakti *et.al.*, 2025). A second strand confirms Pancasila's normative supremacy, as *grundnorm* and *staatsfundamentalnorn* (Asshiddiqie, 2016), and more recently as Indonesia's "constitutional identity" held specifically by its five principles (Asshiddiqie, 2020) but remains predominantly doctrinal and inward-looking, rarely engaging with how that status is being tested by external, transnational legal pressures. A third and more recent strand notes a gap between Pancasila's normative status and its actual implementation, finding that Pancasila is often treated as a declarative ideological symbol rather than a substantive filter actively applied to incoming legal norms (Dewi, 2025).

The resulting gap is threefold: a *mechanism gap*, in that no study systematically maps how foreign legal values concretely enter the Indonesian legal system or which channels pose the greatest risk to Pancasila's coherence; an *evaluative gap*, in that no operational method exists for testing the compatibility of an incoming legal concept against the five principles of Pancasila, discussions remaining largely at the level of normative assertion (Prabandani, 2022) and a *strategic gap*, in that literature rarely moves from diagnosis to prescription, offering few concrete strategies for preserving Pancasila's legal identity in a manner that is selective rather than isolationist. This study addresses these gaps by identifying the specific influences of legal globalization on Pancasila's legal identity and by formulating strategies for preserving that identity that

remain responsive to globalization rather than defensively closed against it.

This study draws on three complementary theories addressing, in turn, how norms travel, what standard they are tested against, and what is ultimately being protected. Alan Watson's Legal Transplant Theory holds that a society's law rarely develops purely as an organic outgrowth of its own social experience, but largely through the borrowing of rules from other systems, often irrespective of the borrowing society's underlying ideological conditions (Watson, 1974); this explains the *mechanism* of legal globalization, the legislative, judicial, academic, and increasingly digital channels through which foreign legal norms enter Indonesian law, and foregrounds the risk that a borrowed concept may carry assumptions incompatible with the receiving system's philosophical foundations. Kelsen's theory of the hierarchy of norms (*Stufenbau*), as applied by Indonesian constitutional scholarship, treats Pancasila as the nation's *grundnorm* and *staatsfundamentalnorn*, the basic norm from which the validity of all subordinate law is ultimately measured (Asshiddiqie, 2016), consistent with its status as the source of all sources of state law under Article 2 of Law No. 12 of 2011 (Wijayanthi, 2021); this supplies the *evaluative benchmark* against which the compatibility of incoming foreign concepts must be assessed.

The third theory, constitutional/legal identity theory, frames the object this study seeks to protect: Jimly Asshiddiqie's argument that Pancasila constitutes Indonesia's *constitutional identity* (Asshiddiqie, 2020) reframes the preservation of Pancasila's legal identity not as an act of insulating Indonesian law from globalization altogether, but as a matter of maintaining legal-philosophical coherence while remaining open to globalization's constructive contributions. Together, the three theories form a coherent analytical sequence mirroring the paper's two research questions, Legal Transplant Theory explaining the mechanism of influence, Grundnorm Theory supplying the normative benchmark, and Constitutional Identity Theory framing what is at stake and thereby informing the preservation strategies proposed in response.

Nevertheless, the relationship between legal globalization and Pancasila's Legal Identity should not be understood exclusively in terms of rejection. Globalization may provide opportunities for Indonesian law to develop by adopting legal norms or practices that strengthen the protection of human rights, legal certainty, and justice. At the same time, legal globalization may generate tensions when foreign values are incorporated without sufficient consideration of Indonesia's philosophical and constitutional foundations. Certain legal concepts may reflect ideological

assumptions that differ substantially from those underlying Pancasila. In this context, one may ask, what are the influences of Legal Globalization on the existence of Pancasila's Legal Identity? Secondly, what are the strategies to preserve Pancasila's Legal Identity in Legal Globalization era?

2. Method

This research employs a normative juridical method with a doctrinal research type, focusing on the examination of legal norms, legal principles, and concepts relevant to legal globalization and Pancasila's legal identity. The research adopts a statutory approach, conceptual approach, and philosophical approach, using doctrinal-philosophical analysis to assess the compatibility of the influence and transplantation of global law with Pancasila values. The legal materials consist of primary legal materials, in the form of relevant legislation, secondary legal materials, including books, journal articles, and scholarly works addressing legal globalization, legal transplantation, Pancasila, and legal identity, and tertiary legal materials as supporting materials. All legal materials were collected through library research and analyzed using a qualitative-prescriptive method, by identifying, interpreting, and comparing legal norms and concepts to formulate arguments concerning the influence of legal globalization on Pancasila's legal identity and the strategies that may be adopted to preserve it.

3. Analysis or Discussion

3.1. The Influence of Legal Globalization on the Existence and Pancasila's Legal Identity

Legal globalization constitutes an important phenomenon influencing the development of contemporary national legal systems. The advancement of information and communication technology, particularly the internet and social media, has accelerated the movement of ideas, values, principles, doctrines, and legal norms across national boundaries. As a result, national legal systems increasingly interact with legal developments originating from other jurisdictions (Bimasakti *et.al.*, 2022). Indonesia is also affected by this process because legal globalization creates opportunities for foreign legal concepts to enter the Indonesian legal system. Such influence may occur through legislative reforms, legal transplantation, comparative legal studies, international cooperation, and broader social developments.

Globalization, therefore, cannot be understood merely as an economic or technological phenomenon, but also as a process that

influences the development and transformation of national legal systems. The increasingly borderless character of contemporary society has accelerated the circulation of legal ideas, values, principles, and norms across jurisdictions, making their interaction with domestic legal development increasingly difficult to separate. This phenomenon is particularly relevant for Indonesia, where global legal influences may interact with a legal system grounded in Pancasila as the philosophical foundation of the state and the source of all sources of law. Surahno (2023) emphasizes the importance of institutionalizing Pancasila values in the formation of legislation to ensure that legal development remains consistent with the foundational principles of the Indonesian state. Similarly, Usfunan et al. (2024) demonstrate that transnational ideological influences arising from global developments require a strengthening of Pancasila as a normative foundation for responding to external influences. In this context, the increasing circulation of foreign legal values raises an important question: whether global legal developments can contribute to the advancement of Indonesian law while simultaneously challenging or reshaping the distinctive character of Pancasila's Legal Identity.

The influence of legal globalization must first be examined in relation to the fundamental position of Pancasila within the Indonesian legal system. Pancasila occupies a distinctive position because Article 2 of Law Number 12 of 2011 concerning the Formation of Laws and Regulations establishes Pancasila as the source of all sources of state law (Varelia *et.al.*, 2025). This provision demonstrates that Pancasila functions not merely as an ideological foundation but also as a fundamental normative reference in the development of Indonesian law. Consequently, every legal norm applicable within Indonesia should reflect and not contradict the values contained in the five principles of Pancasila (Suryatni, 2016). The position of Pancasila establishes an important boundary for the reception of foreign legal norms. Legal globalization may facilitate the adoption of foreign principles, doctrines, or regulations, but their incorporation cannot be based solely on their acceptance or popularity in other countries. Instead, their compatibility with the philosophical and normative foundations of the Indonesian legal system must first be considered.

The interaction between globalization and Pancasila's Legal Identity frequently occurs through the process of legal adoption or legal transplantation. Legal globalization enables policymakers, legislators, academics, and legal institutions to observe developments

in foreign jurisdictions and subsequently consider their application within Indonesia. Legal transplantation itself is not necessarily problematic because no national legal system develops entirely in isolation. Legal systems have historically learned from, adapted, and modified legal concepts developed elsewhere. The crucial issue is therefore the manner in which foreign legal concepts are received and adapted within the Indonesian legal order. A foreign legal norm may have originated from a different philosophical, cultural, social, political, or economic context. Consequently, direct transplantation without adequate adjustment may create tension with the foundational values of Pancasila. Hermanto et al. (2024) demonstrate that the adoption of regulatory approaches developed in other jurisdictions requires a process of balancing and harmonization with the Pancasila law-idea so that legal development remains consistent with Indonesia's foundational values. Conversely, selective and contextual adaptation may enrich Indonesian law while preserving its identity. Legal globalization should therefore be viewed as a process of interaction rather than automatic legal uniformity. The existence of Pancasila's Legal Identity depends upon Indonesia's capacity to distinguish between useful external influences and values that are incompatible with its constitutional foundations.

From this perspective, legal globalization may produce a positive influence on the development of Pancasila's Legal Identity. Foreign legal developments can provide comparative references for improving legal protection, strengthening legal certainty, and promoting justice. The process of globalization enables Indonesian lawmakers to identify weaknesses in existing regulations and consider solutions that have been developed in other legal systems. This may contribute to the modernization of Indonesian law without necessarily eliminating its national identity. The important condition is that the adopted legal concept must be compatible with the fundamental values of Pancasila and adapted to Indonesia's legal and social context. In other words, globalization can function as an external source of legal inspiration rather than as a substitute for the philosophical foundation of Indonesian law. This distinction is essential because legal development requires both responsiveness to changing circumstances and continuity with foundational values. Therefore, the existence of Pancasila's Legal Identity does not require Indonesia to isolate itself from international legal developments. Instead, Pancasila provides the normative framework through which global legal developments can be evaluated, selected, and adapted.

An example of a positive influence can be identified in the reformulation of the offense of rape under the 2023 Criminal Code. The expansion of the concept of rape is a perfect example of the adoption of legal developments found in other countries, including the Netherlands. Under Article 473 of the 2023 Criminal Code, the scope of rape is no longer restricted to the traditional conception involving a male perpetrator and female victim (Ikhsan dan Eza, 2025). The provision accommodates broader circumstances, including rape involving female perpetrators, same-sex circumstances, and marital rape. This development demonstrates how legal globalization may contribute positively to Indonesian criminal law. Such an adoption can strengthen the protection of human dignity and the protection of victims of sexual violence. It can therefore be understood as compatible with the second principle of Pancasila, namely Just and Civilized Humanity. This example demonstrates that the Pancasila's Legal Identity does not require rejection of every foreign legal influence. Rather, foreign legal developments may be accepted when they reinforce values that are already embedded within Pancasila.

Nevertheless, legal globalization may also exert a negative influence when foreign legal values conflict with the philosophical orientation of Pancasila. The principal concern is not the foreign origin of a particular legal concept but the underlying values that accompany it. Certain legal principles developed in other jurisdictions may be based upon individualism, liberalism, unrestricted market competition, or other philosophical assumptions that differ from the values underlying Pancasila. If such principles are incorporated without critical examination, they may gradually influence the orientation of Indonesian law. This process may occur incrementally through legislation, judicial interpretation (Susilo & Kamali, 2026), institutional reforms, or public policy. Over time, repeated adoption of foreign concepts may create a gradual transformation of the character of the national legal system. The danger therefore lies in uncritical legal transplantation, whereby foreign norms are regarded as inherently superior merely because they have been adopted internationally. For Pancasila's Legal Identity, this approach is problematic because the legitimacy of a legal norm cannot be determined exclusively by international acceptance. Its compatibility with the values and objectives of the Indonesian constitutional order must remain a decisive consideration.

One example concerns the constitutional regulation of the national economy. Article 33 paragraph (4) of the 1945 Constitution

provides that the national economy is organized on the basis of economic democracy and includes the principle of efficiency with justice (Anugroho *et.al.*, 2017). The introduction of the concept of efficiency has been criticized from the perspective that excessive emphasis on efficiency may create space for liberal-capitalist values within the Indonesian economic system. Such an orientation may potentially weaken the principles of togetherness and social justice associated with Pancasila, particularly the fifth principle concerning social justice for all Indonesian people. This example illustrates that globalization can influence the legal system not only through direct transplantation of foreign legislation but also through the incorporation of concepts and principles into constitutional and statutory policy. The issue is therefore not simply whether a particular term appears in legislation, but whether the broader legal orientation remains consistent with Pancasila. The experience demonstrates the importance of critically examining the philosophical consequences of legal concepts introduced through global legal developments.

The influence of legal globalization on the existence of Pancasila's Legal Identity can consequently be understood as a process of interaction between external legal developments and internal legal identity. On one hand, globalization creates pressure toward convergence among national legal systems because countries increasingly encounter similar legal problems and respond by examining solutions developed elsewhere. On the other hand, national legal systems retain their own historical, philosophical, cultural, and constitutional characteristics. Indonesia's legal identity is fundamentally connected with Pancasila, which provides a distinctive normative framework for understanding law and justice. Therefore, legal convergence should not automatically be equated with legal uniformity. Indonesia may adopt certain legal institutions, concepts, or regulatory techniques while maintaining its own philosophical foundation. The existence of Pancasila's Legal Identity is consequently not measured by the absence of foreign legal influences but by the capacity of the Indonesian legal system to maintain Pancasila as the ultimate normative reference in evaluating those influences. This approach allows Indonesian law to remain dynamic and responsive while simultaneously preventing globalization from transforming the national legal system into an uncritical replica of foreign legal systems.

3.2. Strategies to Preserve Pancasila's Legal Identity in Legal Globalization Era

The preservation of the Pancasila's Legal Identity consequently requires a process of normative selection in the formation and development of national law. Every foreign legal concept introduced into Indonesia should be examined not only in terms of its practical effectiveness but also according to its compatibility with the five principles of Pancasila. This approach can be described as a form of Pancasila Screening. Such screening is particularly important because legislation constitutes one of the principal mechanisms through which global legal developments become incorporated into the national legal order. The process should therefore assess whether an adopted norm strengthens human dignity, national unity, democratic participation, and social justice while remaining compatible with the principle of belief in One Supreme God. The formation, amendment, and evaluation of legislation should use Pancasila as the principal benchmark for filtering the influence of legal globalization. Harmonization with international legal standards should thus be balanced with the obligation to preserve the philosophical identity of Indonesian law.

Ultimately, legal globalization has a dual influence on the preservation of Pancasila's Legal Identity. On the one hand, it can contribute positively by providing legal innovations, comparative references, and norms capable of strengthening human rights protection, legal certainty, and justice. On the other hand, globalization may create challenges when foreign values that conflict with Pancasila are adopted without adequate assessment or contextual adaptation. The central challenge for Indonesia is therefore not to prevent interaction with global legal developments, but to ensure that such interaction remains governed by the foundational principles of the national legal system. As the source of all sources of state law, Pancasila provides the normative foundation for assessing the direction of national legal development and determining which global legal developments may be accepted, adapted, or rejected (Huzaeni, 2022). In this sense, Pancasila's Legal Identity is preserved through selective legal openness, whereby Indonesia remains receptive to beneficial global developments while maintaining its philosophical and constitutional foundations. The ultimate objective is to develop a national legal system capable of adapting to global changes without losing its distinctive identity, thereby ensuring that legal development remains consistent with the

constitutional objectives and foundational values of the Indonesian state.

The preservation of Pancasila's Legal Identity amid legal globalization requires a clear and consistent national legal policy. Globalization inevitably creates interaction between national and foreign legal systems, making the circulation of legal values, principles, doctrines, and norms increasingly difficult to prevent. Therefore, the objective should not be to isolate Indonesian law from external influences, but to establish an effective normative framework for determining which foreign legal developments may be accepted, adapted, or rejected. Such a framework is necessary because legal globalization can produce both constructive and disruptive consequences for the national legal order. Foreign legal concepts may contribute to legal reform when they strengthen justice, human rights protection, or legal certainty, but they may also introduce values that are incompatible with Pancasila. The preservation of Pancasila's Legal Identity consequently depends upon the ability of national legal policy to ensure that legal development remains responsive to global changes while simultaneously maintaining the philosophical and constitutional identity of Indonesia.

The first strategy is to strengthen national legal politics as the principal direction of Indonesian legal development. National legal politics should function as a policy framework that determines the objectives, priorities, and orientation of legislation and legal reform. In the context of globalization, this function becomes increasingly important (Yuwono, 2026) because the formation of law may be influenced by international standards, foreign legal models, comparative experiences, and transnational developments. Without a clear national orientation, the adoption of foreign legal norms may occur merely because such norms are considered modern, internationally accepted, or widely implemented in other jurisdictions. Such an approach risks transforming legal development into an uncritical process of legal transplantation. National legal politics must therefore establish Pancasila as the principal normative orientation for evaluating external legal influences. Every legislative policy should be directed toward strengthening the national legal system while ensuring that imported legal concepts are compatible with Indonesia's philosophical foundations, constitutional structure, and national interests.

The second strategy is to utilize the National Long-Term Development Plan as an instrument for maintaining the continuity of

Pancasila-based legal development. Law Number 59 of 2024 concerning the National Long-Term Development Plan for 2025–2045 places legal development within the broader framework of national development. This is important because the legal system cannot be developed independently from the political, economic, social, and cultural objectives of the state. The long-term development framework provides an opportunity to ensure that legal reform remains connected to the national vision of Indonesia toward 2045. In particular, legal development should be adaptive to global developments while remaining rooted in Pancasila, the 1945 Constitution, and the character of the Indonesian nation. Consequently, the National Long-Term Development Plan (RPJPN) can operate as a strategic policy instrument that prevents legal globalization from becoming a justification for indiscriminate adoption of foreign legal norms. Instead, global legal developments should be selectively incorporated within a nationally determined direction of legal development.

The National Long-Term Development Plan (RPJPN) should therefore be understood not merely as a development planning document but also as a strategic reference for the direction of national legal policy. The existence of a long-term framework enables the state to maintain consistency between legislative development and the fundamental objectives of national development. This is particularly relevant when Indonesia encounters foreign legal concepts that appear attractive because they are associated with modernization or international recognition. The decisive consideration should not simply be whether a particular legal model has been successfully implemented elsewhere, but whether its underlying values and consequences are compatible with the Indonesian legal system. Accordingly, legislative institutions should ensure that the development, amendment, and evaluation of legislation remain aligned with the objectives established within the national long-term development framework. This approach can prevent fragmented legal reforms and reduce the possibility that short-term responses to global trends will undermine the long-term Pancasila's Legal Identity. Legal globalization should thus be managed through deliberate national planning rather than through spontaneous legal adaptation.

The third strategy is strengthening the General State Defense Policy as an instrument for addressing non-military challenges to national identity and ideology. Presidential Regulation Number 111 of 2025 concerning the General State Defense Policy for 2025–2029

demonstrates that national defense is not limited to conventional military threats. Contemporary threats may also emerge through non-military channels, including ideological, social, cultural, technological, and informational developments. In this context, the resilience of Pancasila as the ideological and philosophical foundation of the Indonesian state becomes relevant to national defense policy. Legal globalization may contribute to such challenges when foreign values are introduced into society and subsequently influence demands for legal recognition or legislative reform. The General State Defense Policy can therefore complement national legal policy by strengthening the state's capacity to identify and respond to developments that may affect ideological resilience. Nevertheless, such an approach should remain grounded in constitutional principles and should distinguish legitimate social and legal development from influences that genuinely threaten the philosophical foundations of the state.

The fourth strategy is to establish a systematic Pancasila Screening mechanism in the formation and evaluation of legislation. Pancasila Screening should function as a normative assessment to determine whether legal norms (Arfa'i *et.al.*, 2020), particularly those adopted or influenced by foreign legal systems, are consistent with the values contained in Pancasila (Yasaroh *et.al.*, 2023). Such screening is important because legal globalization frequently operates through legal adoption, adaptation, or transplantation. A foreign legal provision may appear technically effective while nevertheless carrying philosophical assumptions that are inconsistent with the Indonesian legal order. Therefore, legislative harmonization should not be limited to assessing conformity between different legal instruments or compatibility with international standards. It should also examine the substantive values embodied in the proposed legal norms. Pancasila Screening can consequently serve as a filter between global legal developments and the national legal system. The purpose is not to prevent Indonesia from learning from foreign jurisdictions, but to ensure that external legal influences are critically examined before becoming part of binding national law.

Pancasila Screening should be applied throughout the legislative process rather than only after a regulation has been enacted. During the formulation of legislation, lawmakers should identify whether a proposed norm originates from or is influenced by a foreign legal concept. The next step should involve examining its underlying philosophical assumptions, objectives, and potential consequences for

Indonesian society. The norm should subsequently be evaluated against the five principles of Pancasila: belief in God, just and civilized humanity, Indonesian unity, democracy guided by wisdom in deliberation and representation, and social justice for all Indonesian people. This process would encourage lawmakers to distinguish between the technical substance of a foreign legal model and the values underlying that model. A foreign concept may therefore be accepted when its substance can be harmonized with Pancasila, while a concept containing incompatible fundamental values should be modified or rejected. Such an approach would transform Pancasila from a general ideological reference into an operational parameter of legislative policy.

The fifth strategy involves strengthening the role of legislative harmonization in protecting the coherence of the national legal system. Harmonization should not be understood solely as a technical effort to eliminate contradictions between statutes and regulations. In the era of globalization, harmonization must also operate at the level of legal values and principles. The adoption of international or foreign legal standards should therefore be accompanied by a substantive examination of their compatibility with Pancasila. This is particularly important because legal norms cannot always be separated from the philosophical, political, and social context in which they originate. A legal provision developed within a liberal, individualistic, or highly market-oriented system may produce different consequences when transplanted into Indonesia (Daullah *et.al.*, 2022). Consequently, legislative harmonization should assess both the normative content and the broader ideological implications of legal transplantation. By integrating Pancasila Screening into harmonization procedures, Indonesian lawmakers can create a more structured mechanism for filtering global legal influences and preserving the coherence, character, and distinctiveness of Pancasila's Legal Identity.

Another important strategy is to adopt a selective and adaptive approach toward legal globalization. The preservation of Pancasila's Legal Identity does not require Indonesia to reject all foreign legal influences. Such an approach would be unrealistic in an interconnected world and could prevent Indonesian law from benefiting from legitimate developments in other jurisdictions. Instead, Indonesia should distinguish between the universal or technically beneficial aspects of foreign legal developments and those aspects that reflect particular ideological or cultural values. The example of the expansion of the rape offense in the 2023 Criminal

Code demonstrates that foreign legal influences may be adapted to strengthen protection of human dignity and justice while remaining compatible with Pancasila. Therefore, legal transplanted should be accompanied by contextualization. Foreign norms should be reconstructed according to Indonesia's constitutional and philosophical circumstances rather than copied mechanically. Through selective adaptation, Indonesia can benefit from comparative legal experiences while ensuring that the resulting national law continues to express the values and aspirations of the Indonesian legal community.

Ultimately, preserving the Pancasila's Legal Identity requires integration between national legal politics, long-term development planning, defense policy, legislative harmonization, and Pancasila Screening. These instruments should not operate independently but should form a coherent strategy for managing the relationship between global legal developments and the national legal system. National legal politics provides the overall direction; the National Long-Term Development Plan (RPJPN) establishes a long-term framework for legal development; the General State Defense Policy contributes to ideological and non-military resilience; while Pancasila Screening and legislative harmonization provide mechanisms for evaluating concrete legal norms. Through this integrated approach, Indonesia can avoid two opposite extremes: complete rejection of global legal developments and uncritical acceptance of foreign legal values. The objective is instead to create a national legal system that is open, adaptive, and capable of learning from international developments while retaining its philosophical identity. Because, Pancasila must consequently remain the principal benchmark in determining the direction, reception, and adaptation of global legal influences within Indonesia's legal system.

A further strategy concerns strengthening the institutional authority of the Badan Pembinaan Ideologi Pancasila (BPIP) as the body responsible for operationalizing Pancasila Screening within the legislative process. BPIP was established through Presidential Regulation No. 7 of 2018 concerning the Badan Pembinaan Ideologi Pancasila, tasked with formulating policy direction, coordinating, synchronizing, and overseeing the implementation of Pancasila ideological guidance across state institutions (Peraturan Presiden Nomor 7 Tahun 2018). However, because its legal basis rests only at the level of a presidential regulation rather than a statute, BPIP's authority to intervene substantively in the formation of legislation

remains limited to a coordinative and advisory function, without a clear mandate to conduct binding ideological review of draft laws, a limitation that has also been identified in the academic draft for a proposed BPIP Law aimed at strengthening its institutional function. Going forward, BPIP should be given explicit statutory authority to conduct Pancasila Screening on every draft legislation prior to enactment, functioning analogously to a compatibility review mechanism that assesses whether a proposed norm particularly one adopted or influenced by foreign legal concepts, is consistent with the five principles of Pancasila. Such authority could be exercised through a mandatory consultation stage in the legislative process, in which BPIP issues a reasoned ideological opinion (*rekomendasi kesesuaian nilai Pancasila*) as a formal requirement before a bill proceeds to enactment, in coordination with the Ministry of Law and the House of Representatives. Granting BPIP this authority would transform Pancasila Screening from an abstract normative aspiration into an institutionally enforceable mechanism, ensuring that the filtering of legal globalization's influence is not left solely to the discretion of individual lawmakers but is anchored in a dedicated state institution with the specific mandate, expertise, and legitimacy to safeguard Pancasila's Legal Identity.

Pancasila Screening, harmonization, and judicial review are positioned as three distinct stages based on their respective objects, timing, and legal consequences. Pancasila Screening by BPIP constitutes an *ex ante* assessment of a philosophical-substantive nature, namely, assessing whether a proposed norm is consistent with the five principles of Pancasila before the draft is enacted. This is consistent with the idea in the manuscript that BPIP functions as a dedicated institutional guardian that provides a reasoned ideological opinion before the regulatory formation process proceeds. Meanwhile, harmonization by the Ministry of Law remains focused on the consistency of the draft with other laws and regulations, legislative drafting techniques, structure, the authority of the law-making institution, and juridical consistency within the national legal order. Pancasila Screening does not take over the function of harmonization, but rather provides philosophical input that serves as one of the considerations in the harmonization process. Judicial review by the Constitutional Court and the Supreme Court, on the other hand, constitutes *ex post* control over norms that are already in force, rather than administrative screening before the formation of a norm: the Constitutional Court reviews Laws against the 1945

Constitution, while the Supreme Court reviews laws and regulations below the level of Laws against Laws. Accordingly, BPIP does not annul norms, the Ministry of Law does not adjudicate constitutionality judicially, while the Constitutional Court and the Supreme Court do not perform guidance or administrative screening functions in the law-making process. The three therefore constitute a layered mechanism, namely, BPIP assesses philosophical conformity *ex ante*, while the Ministry of Law conducts juridical harmonization *ex ante*.

4. Conclusion

The influence of legal globalization on Indonesia's national legal system carries both positive and negative dimensions: it can strengthen human rights protection, legal certainty, and justice, as seen in the reform of the rape offense under the 2023 Criminal Code, yet it may also introduce values inconsistent with Pancasila as the source of all sources of law, including ideas contradicting divinity, humanity, and social justice, which is why every law-making and legal reform process must place Pancasila as the principal parameter for accepting or rejecting global legal influences. Preserving Pancasila's Legal Identity amid these currents therefore requires strengthening national legal politics in a planned, consistent, and sustainable manner through two strategic instruments: the National Long-Term Development Plan (RPJPN) Law as a guideline for national legal development, and the General State Defense Policy as an instrument for anticipating non-military threats to national ideology and identity. By making these instruments a policy direction for forming and evaluating legislation, Indonesia can adapt to global legal developments while ensuring national legal products remain rooted in Pancasila, thereby preserving the national legal system's identity in pursuit of the objectives mandated by the Preamble to the 1945 Constitution. For legislators, every process of drafting, amending, and evaluating legislation should place Pancasila as the principal benchmark, what may be termed Pancasila Screening, for filtering globalization's influences, so that legal harmonization is oriented not merely toward international standards or trends but toward consistency with Pancasila; to make this mechanism institutionally enforceable rather than merely aspirational, the Badan Pembinaan Ideologi Pancasila (BPIP) should be granted explicit statutory authority, beyond its current coordinative mandate under Presidential Regulation No. 7 of 2018, to conduct Pancasila Screening on every draft legislation and issue a binding ideological opinion prior to enactment. The Government and lawmakers must therefore consistently implement Pancasila's values in formulating the RPJPN Law and the General State

Defense Policy, while positioning BPIP as the dedicated institutional guardian of Pancasila Screening, thereby enabling Indonesia to adapt to global developments without losing its distinctive Pancasila's Legal Identity.

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