

## ABSTRACT

**Key words:** *Pancasila, clarification, legal philosophy, cultural science, ideas of law, justice, Rechtsstaat, national systems, national legal system*

The research was conducted mainly for the very purpose of finding out the alternative clarification of the philosophy of Pancasila's fundamental norms in the *legal philosophy*, as the *geistlichen Hintergrund* and the *ideas of law*, which would serve as the *basic principles* in the *national legal system* development. This purpose is fundamentally strategic, and very urgent, considering to the position of Pancasila as a philosophy of life and a *state philosophy* in the Indonesian *Rechtsstaat*.

The state philosophy as written in the Constitution of 1945 mandates the national *unity republic, democratic* and *rechtsstaat system* which fundamentally, conveys the *ideas of law*: rule the supremacy of law essentially in practical and conceptual *national living*: social, political, economical and cultural.

This research used the *libraries methods* and documents information, by considering law and legal philosophy as *cultural science (Kulturwissenschaft)* which is intrinsically deductive, normative, and qualitative; which used the heuristic and hermeneutics technique. The data were complemented and backed up by special data which was collected from a number of specialized experienced experts through guided interview. Based on the *trans-empirical data*, which gave the direction to the alternatives and clarification conclusions, mainly: That the philosophy of Pancasila

as Indonesian socio-cultural heritage is *fundamentally theism religious* as its *identity, dignity and superiority* as well, and also as developmental potentiality. Pancasila's legal philosophy: *ontological, epistemological, and axiological* conveying the fundamental norms respectful to *dignity of man* as legal subject, cultural subject and moral subject as well. Legal philosophy of Pancasila as the *Grundnorm* and legal ideas become the *guiding principles* or *paradigm* of justice as *protective and social justice*.

The *basic principles* and *identity* of *national legal system* mainly: Pancasila, Constitution of 1945; socio cultural, wawasan nusantara, totality - integrity - identity of Indonesia: reality and idealism; and the dynamics and prospective oriented.

The clarification in this dissertation suggests and give consideration to the institution responsible for the national legal system development; might be needed for further research.