

THE ESSENCE OF THE PHRASE “BY THE GRACE OF ALMIGHTY GOD” IN INDONESIAN LEGISLATION

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Abstract

This study aims to explore the essence of the phrase "By the Grace of Almighty God" in Indonesian legislation using philosophical, historical, and legal approaches. The findings of this study reveal that, from a legislative perspective, Pancasila functions as the grundnorm (fundamental norm) agreed upon by the nation, guiding the formulation of legal norms that reflect the noble values of the Indonesian people. The concept of divinity, explicitly articulated in various regulations, underscores the significance of spirituality within Indonesia's legal framework. The inclusion of the phrase "By the Grace of Almighty God" signifies that it is not merely an expression of religious belief but also a foundational principle that unifies and guides the legal order as well as the nation's social and political life.

Keywords: The Essence, The Phrase, Pancasila, Legislation.

INTRODUCTION

Essentially, protection for workers is intended to ensure that they have the opportunity Indonesia's emergence as a sovereign nation and government has been a long and unique journey. Unlike some nations formed based on shared language, ethnicity, or religion, Indonesia's identity evolved through collective experiences. Quoting Otto Bauer, Sukarno described a nation as "die aus einer Schicksalsgemeinschaft erwachsende Charaktergemeinschaft," meaning a "community of character shaped by shared experiences."¹ Indonesia is such a community, unified by its historical journey.²

The roots of Indonesia's values lie within the soul of its people, reflected in the thoughts, attitudes, and behaviors of its citizens throughout history. These fundamental values were distilled into Pancasila, a set of five principles representing the nation's philosophy and moral compass. Pancasila is envisioned as both the foundation and identity of the Indonesian people, guiding internal national relations and international dynamics in an increasingly globalized world.³

Historically, human experience shows that power tends to corrupt, and absolute power corrupts absolutely. Constitutions and laws serve as tools to control and limit such tendencies, preventing arbitrariness in governance. Constitutions can be documented either in a single written text, such as a constitution, or across various documents and practices, forming a cohesive legal framework regarded as the supreme norm, superseding all other legal regulations and actions.⁴

Indonesia's constitution, Pancasila, and the 1945 Constitution (UUD 1945), must be understood as tools for governance and enlightenment toward progress. The UUD 1945, ratified on August 18, 1945, serves as the legal framework for the independence declared a day earlier. This makes UUD 1945 a "liberating constitution," embodying freedom, eternal peace, and social justice for all Indonesians and humanity.

The proclamation and the constitution are the culmination of Indonesia's long struggle for independence, unity, and sovereignty, encapsulated in the Republic of Indonesia, founded on Pancasila. The preamble of the UUD 1945 emphasizes:⁵

"By the Grace of Almighty God, and moved by the noble desire to live a free national life, the people of Indonesia hereby declare their independence."

The UUD 1945 is not an ordinary law but a fundamental law, serving as the supreme legal source for all subsequent legal regulations and government policies. It mandates that all legislative products, including laws, government regulations, and presidential decrees, must align with higher norms, ultimately tracing back to Pancasila as the source of all legal norms.⁶

The legislative process in Indonesia reflects the nation's commitment to being a state of law, where governance and all aspects of societal life are based on law consistent with the national legal system. This system, rooted in Pancasila and the UUD 1945, aims to address the challenges of a diverse and dynamic society. Pancasila serves as the ultimate source of legal values, while the UUD 1945 functions as the foundational law.⁷

Since the Reform Era, many perceive that existing laws often diverge from Pancasila's values. Frequent challenges to laws in the Constitutional Court indicate public demands for legislation to adhere to Pancasila's juridical principles as the *grundnorm*, the supreme legal source. When the UUD 1945 was ratified, Pancasila's proclamation spirit was enshrined in its preamble, formalizing Pancasila as the state's philosophical foundation: Belief in One Supreme God, A just and civilized humanity, The unity of Indonesia, Democracy guided by the inner wisdom of deliberations among representatives, Social justice for all Indonesians.⁸

This is Pancasila in its formal sense, meaning Pancasila articulated in a specific, definitive formulation and established as the legal foundation of the state's philosophy. As stated by Notonagoro, from that point onward, the Indonesian nation has adhered to Pancasila in the *Tri Prakara* (three manifestations): embracing Pancasila in cultural traditions, religious practices, and state governance.⁹

In accordance with the meaning of Indonesia as a nation-state based on Pancasila, it embodies an integral unity in the life of the nation and the state, characterized by a spirit of togetherness, familial values, and religiosity. In this sense, the Pancasila state is fundamentally a nation-state rooted in *Ketuhanan Yang Maha Esa* (Belief in One Supreme God).

The formulation of Belief in One Supreme God, as enshrined in the Preamble of the 1945 Constitution, endows the Indonesian nation-state with a unique character. It is neither a secular state that separates religion from the state nor a theocratic state founded on a specific religion. As the first principle of Pancasila, Belief in One Supreme God serves as the philosophical

foundation of the state, acting as a source of values and norms in every aspect of governance, both material and spiritual. In other words, all aspects of state administration must align with the essence of divine values, encompassing both material and spiritual dimensions.¹⁰

In practice, however, some officials fail to embody the values of Pancasila in carrying out their duties. Additionally, there are issues in the legislative process, where the House of Representatives (DPR) as the legislative body does not adequately incorporate Pancasila's values in the formulation and implementation of laws. Specifically, the values of Pancasila reflected in just and civilized humanity and social justice for all Indonesians are not consistently used as indicators in the legislative process. This is fundamentally contrary to the proper application of Pancasila's values in law-making and governance.

Pancasila, which holds a formal position in the Preamble of the 1945 Constitution, exerts a significant influence from this placement. The 1945 Constitution comprises two parts: the Preamble and the Articles. The Preamble and the Articles are theoretically distinct in their essence. The Preamble of the 1945 Constitution contains four fundamental principles that are elaborated in the Articles of the Constitution. Thus, the Preamble serves as the source of these four principles, while the Articles translate them into specific provisions. Consequently, the Preamble of the 1945 Constitution holds a higher legal status than the Articles of the Constitution.¹¹

Today, Pancasila is often overlooked as the benchmark for legislative processes. The legal hierarchy does not consistently position Pancasila as the juridical and constitutional foundation, leading to norms that diverge from the nation's founding ideology. The phrase "Belief in the One and Only God," as embodied in the first principle of Pancasila and referenced in legislation, is frequently disregarded in legislative formulation, undermining the nation's ideological foundation.

METHOD

Based on the substance of the issues to be examined in this study, the type of research employed is normative legal research. This method primarily analyzes provisions of positive law by systematically explaining legal norms within a specific legal category, analyzing legal relationships, and explaining and predicting their future development.¹² The approaches used to address the research problems and objectives are philosophical, historical, and statutory approaches. The legal materials utilized in this research consist of primary, secondary, and tertiary legal materials.

RESULTS AND DISCUSSION

1. The terminology "Allah" in the phrase "Belief in the One and Only God"

The term "Allah" still carries its own ideological connotations that, over time, have sparked debates that need to be resolved. Consider how a Malaysian court ruled that the word "Allah" can only be used by Muslims. This view also exists and thrives within Indonesian society. As a result, some Christian scholars firmly believe that the word "Allah" is exclusively for

Muslims.¹³ However, Christians have long used the word "Allah" in their Bible, and pastors have also used it in sermons with a light and singular pronunciation of the letter 'I'. Unfortunately, many scholars still consider "Allah" to be a term that only applies to Muslims.

This issue is especially relevant to the wording of the presidential oath in Article 9 of the 1945 Constitution and, more specifically, to the phrase in the preamble of the 1945 Constitution, which states, "By the grace of God Almighty...". The use of the word "Allah" in the preamble has a unique history, as it was initially proposed and agreed to be replaced with "Tuhan Yang Maha Kuasa" ("God Almighty").

Historically, during the PPKI session on August 18, 1945, before the ratification of the 1945 Constitution, I Gusti Ketut Pudja, a Hindu from Bali, proposed that "Allah" be replaced with "Tuhan", thus changing the phrase to "By the grace of God Almighty...". However, when the 1945 Constitution was announced in the Republic of Indonesia Bulletin on February 15, 1946, the word "Allah" was still used, not "Tuhan". Similarly, the Presidential Decree of July 5, 1959, continued to use the word "Allah". Even after four amendments in 1999, 2000, 2001, and 2002, which made no changes to the preamble of the 1945 Constitution, the official phrase remains "By the grace of God Almighty..." to this day.

According to the author, we should accept the word "Allah" as it is in the preamble of the 1945 Constitution. However, its connotation should be understood to apply to all religions. The word "Allah" should be understood as a specific name for the Supreme God, in accordance with the philosophy of Pancasila and the 1945 Constitution. The word "Allah" should not be seen as a threat, especially for those who follow religions other than Islam, Christianity, and Catholicism, which have long been familiar with the term. "Allah" is not the exclusive property of Muslims, as evidenced by the Malaysian court ruling that only Muslims can use the term.¹⁴

Conversely, many Muslim intellectuals in Indonesia, such as Prof. Dr. Nurcholish Madjid, have identified the translation of "Allah" with the word "Tuhan" (God). However, when Nurcholish Madjid translated the phrase of monotheism "La ilaha illallah" as "There is no God but God," many Muslims protested and accused him of deviating from the traditional interpretation. Personally, I do not agree with this translation. "Tuhan" is a general term, whereas "Allah" is highly specific and used to refer to a particular name for the Divine. Therefore, the translation of "La ilaha illallah" should remain "There is no god but Allah." Nevertheless, the word "Allah" is not only used by and for Muslims. In the Book of Genesis in the Old Testament, the word "Allah" is even mentioned 17 times, long before the Quran was revealed to the Prophet Muhammad. It can be said that "Allah" is commonly used in Arabic to refer to God in all Abrahamic religions, including Judaism, Christianity, and Islam.¹⁵

Upon closer examination, the word "Allah" is indeed the most suitable word to describe the concept of the One God (Monotheism) in the teachings of Judaism, Christianity, and Islam. The word "Allah" is derived from the Arabic word "ilah", which means god or something to be worshipped. However, "ilah" in Arabic can be singular ("lah"), plural ("al-ilah"), and can refer to male or female deities, similar to the English terms "god" and "goddess". Therefore, "Allah" is distinct from the generic term "Tuhan". It is the most appropriate name to address the Divine

within the philosophical context of the Pancasila principle of Ketuhanan Yang Maha Esa (The Supreme God). It carries the meaning of a God who has no gender (neither male nor female), is neither singular nor plural, and is full of reverence and submission from us to Him. Allah also signifies the only One worthy of our worship (The Only One to be Worshipped).

Therefore, the use of the word "Allah" is indeed the most accurate term to refer to the Supreme God in the philosophy of Pancasila. While this term is historically familiar to Indonesian communities that follow Islam, Protestantism, and Catholicism, it must be acknowledged that it is less familiar to Buddhist, Hindu, Confucian, and other religious communities. However, as mentioned earlier, both the term "Tuhan" and "Allah" refer to the concept of a universal God, which belongs to all people, each calling God by different names according to their respective religious beliefs. Therefore, the principle of Ketuhanan Yang Maha Esa in the 1945 Constitution should be understood inclusively for all religions.

"Allah" as the name for the Supreme and Almighty God is the universal God for all of us, belonging to all religions, though each may use their own specific terms for the same understanding of God, such as "Allah Yang Maha Kuasa" (Allah, the Almighty) or "Tuhan Yang Maha Esa" (God, the Almighty). Consequently, no individual or group should claim that the word "Allah" is exclusive to Muslims, as the Malaysian court has done by ruling that "Allah" can only be used by Muslims. With an inclusive attitude and the principle of universal divinity, it is hoped that our national harmony can be maintained by first clearly defining (a) the relationship between God and Religion, and (b) the state's position in relation to God and Religion.

2. The Relationship Between God, Religion, and the State

In the relationship between God and Religion, there are four possible perspectives that exist in practice in the world and also in Indonesia. First, the concept of belief in God is seen as identical to being religious, or conversely, a religious person must also believe in God. Second, there are those who believe in God in the sense of believing in the existence of an Almighty God, but do not adhere to any religion. This belief is commonly referred to in philosophy as 'theism' or 'deism.' Third, there are those who believe in a specific religion but do not recognize the concept of God. In fact, they do not even care whether God exists or not; what matters is their belief in a certain religion that has grown historically. Fourth, there are those who do not believe in the existence of God, do not follow any religion, and even wish to free themselves from religion, a stance known as 'freedom from religions' or atheism.¹⁶

The question now is which of these perspectives is adopted by the 1945 Constitution (UUD 1945). With the quotations from the UUD 1945 as outlined above, it is clear that the UUD 1945 is very religious in nature and also theistic (Godly Constitution). However, before answering this question further, it is important to understand that, generally speaking, the UUD 1945, as the supreme legal agreement, is not only necessary as a guide for the organization of state power (political constitution), but also as a guide for the dynamics of social activities (social constitution) and even for activities in the business world (economic constitution). Therefore, the divine and religious nature in the constitution ideally should not only be reflected in the

governance of the state, but also in the activities of society and market dynamics. However, the constitution itself also limits the scope of the state's coercive power in the dynamics of social life and in the dynamics of the market economy. Therefore, although the UUD 1945 should be used as a guide in the realms of the state, society, and the market economy, the constitution has different functions and emphases in these three realms. In the state realm, the main function of the constitution as the highest law is to limit state power; in civil society, its main function is to liberate the people; and in the market economy, its main function is to empower the economy. Thus, there must be distinctions in the implementation of the concept and principle of divinity in the constitution in practice, particularly in relation to the state officials and the ordinary citizens who are the sovereign people who should enjoy their freedoms as a blessing of an independent Indonesia.

Therefore, anyone who is entrusted with a public or state office is required to take an oath or affirmation of office related to their moral commitment according to the belief in God and religion that they adhere to. Even the oath or affirmation of office for the President and Vice President, as stipulated in Article 9 of the 1945 Constitution, marks the beginning of the legal validity of the President and Vice President in assuming office and subsequently performing their constitutional duties as mandated by the 1945 Constitution. Until they take the oath or affirmation of office, they are not officially recognized and are not legally entitled to carry out their duties and authority as President or Vice President.¹⁷ Therefore, to become a public official, one must believe in the One and Only God.

3. The Concept of 'Allah' in the 1945 Constitution (UUD 1945)

The term 'Allah' remains a subject of ideological interpretation, which often invites debates requiring resolution. For instance, the courts in Malaysia have ruled that the term 'Allah' may only be used by Muslims. Similar views exist within Indonesian society, leading some Christian scholars to firmly believe that the term 'Allah' is exclusive to Islam. However, Christians have long used the term 'Allah' in their Bibles, and Christian clergy have traditionally employed it in church sermons, pronouncing the word distinctly with a soft and singular tone. Unfortunately, there are scholars who persist in associating the term 'Allah' exclusively with Islam.¹⁸

This issue is particularly relevant to the phrasing of the presidential and vice-presidential oath of office in Article 9 of the 1945 Constitution, as well as to the wording of the third paragraph of the Preamble to the 1945 Constitution, which states: "By the grace of Allah the Almighty..." The use of the term 'Allah' in this context has its own historical significance. During the Preparatory Committee for Indonesian Independence (PPKI) meeting on August 18, 1945, before the Constitution was ratified, I Gusti Ketut Pudja, a Hindu delegate from Bali, proposed replacing the term 'Allah' with 'Tuhan' (God), leading to the rephrasing of the third paragraph as "By the grace of God the Almighty..."

However, when the 1945 Constitution was published in the *Berita Repoeblik* (Republic Gazette) on February 15, 1946, the term 'Allah' was retained instead of 'Tuhan.' Similarly, during the issuance of the Presidential Decree on July 5, 1959, the term 'Allah' remained in

use. Despite the four amendments made to the Constitution in 1999, 2000, 2001, and 2002, the third paragraph of the Preamble remained unchanged, preserving the phrase “By the grace of Allah the Almighty...” to this day. A phrase is a group of two or more words that function non-predicatively within a sentence, often fulfilling a syntactic role.¹⁹ Consider the following examples:

- a. Healthy Baby
- b. Old Clothes
- c. Seat
- d. Fried Banana
- e. Recently Arrived
- f. Currently Reading

The linguistic units healthy baby, fried banana, recently arrived, and currently reading qualify as phrases because they do not form a subject-predicate relationship. Widjono categorizes phrases based on their grammatical class into nominal, verbal, adjectival, numeral, and prepositional phrases.²⁰ Nominal phrases refer to groups of nouns formed by expanding a single noun. An appositive nominal phrase, for instance, is illustrated as follows:

“Anton, the exemplary student, is now a lecturer at his university. The bird of paradise, the rare bird from Irian, is now nearly extinct.”

Verbal phrases are groups of words formed with verbs, as shown in the following examples:

“He works hard all day.
That person works quickly every day.
We will sing the national anthem.
They surely enjoy that food.”

Adjectival phrases are formed with adjectives or states as the core (being modified) by adding other words that function as modifiers, such as somewhat, can, must, less, more, most, and very. Examples are as follows:

“Your new lover is exceedingly handsome. His behavior is truly remarkable. After moving, he lives peacefully in his new house. She desires a sturdy and muscular man to be her husband.”

Numeral phrases consist of groups of words formed with numbers, as in the following examples:

“They slaughtered twenty sacrificial cows.
That individual contributed two million rupiahs for road construction.
Six bunches of rambutans have been sold.”

Prepositional phrases are initiated with a preposition as a marker, followed by words or phrases functioning as a complement (axis). Examples include:

“My friend just arrived from Surabaya.

That person is from Ciamis.”

From their semantic behavior, certain prepositions can denote association or manner, such as with, while, together with, and accompanied by.

From the above list, several words fall into both preposition categories (semantically) and conjunction categories (syntactically), as follows:

1. “Until and to” are prepositions marking spatial and temporal relationships and subordinating conjunctions indicating the duration of an event marked by another event.
2. “Because” functions as a preposition indicating causation and a subordinating conjunction for cause.
3. “With” serves as a preposition of association or manner and a subordinating conjunction of instrument and manner.

Distinguishing Prepositions and Conjunctions, According to Moeliono et al. (2017), when until, to, because, and with are followed by a word, they act as prepositions. Conversely, when followed by a clause, they function as conjunctions.

Meaning and Philosophical Interpretation of “By the Grace of God Almighty”. The phrase “By the Grace of God Almighty” carries significant semantic and philosophical meanings. Based on the Indonesian Dictionary, the word “rahmat” means compassion, mercy, blessing, generosity, kindness, forgiveness, gentleness, sympathy, and goodness, all of which are derived from God, who is singular and absolute.

This phrase, often found at the beginning of Indonesian legislative texts, signifies the divine values that should imbue the creation and substance of the laws. The insertion of this phrase underscores that divine principles are foundational to the development of laws. Furthermore, it philosophically conveys that legislators, by including “By the Grace of God Almighty,” affirm the intention that their enacted regulations will serve the broader public interest.

According to Sasangka, a construction is considered a sentence when the primary components of a sentence are fulfilled. These components include:²¹

1. By the Grace of God Almighty functioning as an adverbial modifier;
2. The President of the Republic of Indonesia serving as the subject;
3. Considers acting as the predicate;
4. The subordinate clause that health is a fundamental human right and an essential element of welfare that must be realized in accordance with the aspirations of the Indonesian nation as stated in Pancasila and the 1945 Constitution of the Republic of Indonesia serving as the object of the subordinate clause.

The explanation above emphasizes that the presence of a subject and predicate is mandatory in both main and subordinate clauses within any sentence. However, the presence of other sentence elements, such as objects, complements, and adverbials, depends on the predicate's function. If the predicate is a transitive verb, it must be followed by an object, which can take the form of a word, phrase, or clause. Conversely, if the predicate is not a transitive verb (e.g., an intransitive verb or a passive verb), it is typically followed by a complement or adverbial.

The issue in legal drafting lies in the fact that *menimbang* ("considering") is a transitive verb, thereby necessitating the presence of an object, which is usually expressed as a subordinate clause. Such subordinate clauses must include the essential components of a clause: a subject and a predicate. It can be understood that the phrase "By the Grace of God Almighty" carries an inherent or fundamental meaning rooted in *rahmat* (grace, mercy, blessing, benevolence, compassion, sympathy, forgiveness, kindness, and love) from God, which is something believed and revered by humans as singular or absolute in nature.

The phrase "By the Grace of God Almighty" is placed at the beginning of statutory laws not without reason or purpose. Its inclusion signifies that the divine values of faith should inspire both the legislative process and the substance of the law. In the drafting of statutes, divine values are consistently incorporated. This phrase also has a philosophical connotation, implying that lawmakers take an oath through the expression "Dengan Rahmat Tuhan Yang Maha Esa" to ensure that the legislation they enact serves the greater good of society. Similarly, the preamble "Demi Keadilan Berdasarkan Ketuhanan Yang Maha Esa" ("For Justice Based on the Belief in the Almighty God") in court rulings signifies that judges solemnly swear to deliver justice in their decisions.

However, in practice, the enforcement and application of laws often neglect these divine values. The most concerning scenario arises when these values are abandoned or forgotten by law enforcement officers.

Similarly, the judicial phrase "In the Name of Justice Based on the One Almighty God" in court rulings reflects the solemn oath of judges to administer justice in their decisions. However, in the implementation and enforcement of laws, these divine values are often disregarded.

In legislative processes, the legal ideals of Pancasila are encapsulated in the phrase "By the Grace of God Almighty." Although political, economic, and other interests influence the creation of laws, the divine values of Pancasila should remain integral to every legal product in Indonesia.

CONCLUSION

The essence of the phrase "By the Grace of God Almighty" lies in its embodiment of divine values, which serve as the foundation of the principles of Pancasila. Divinity represents the ultimate cause of all existence and aligns with the essence of God. The Indonesian tradition asserts that all things originate from an Absolute Being, leading to the harmonious integration of this belief as the basis for regulating communal life. The morality and ethics of Pancasila serve as guiding principles in state affairs because Pancasila represents a set of values mutually

agreed upon as the grundnorm (fundamental norm). The inclusion of this phrase in the preamble to legislative regulations signifies that the drafters (executive/legislative) of these laws affirm that the legislation they enact will bring blessings (benefits) to society and align with the nation's foundational values. Most importantly, it reflects the fundamental purpose of establishing the Unitary State of the Republic of Indonesia, as articulated in the Preamble of the 1945 Constitution of the Republic of Indonesia.

Footnote

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- 2) Franz Magnis-Suseno, *Prolog Tambang Emas yang Ingin Mengerti Indonesia, Negara paripurna, historisitas, rasionalitas, dan aktualitas Pancasila*, (Jakarta: Gramedia, 2011), hlm.XXI.
- 3) Jimly Asshiddiqie, *Pancasila Identitas Konstitusi Berbangsa dan Bernegara* (Depok: Raja Grafindo, 2020), hlm. 61.
- 4) *Ibid*, hlm. 81-82.
- 5) *Ibid*, hlm. 84.
- 6) Muhammad Ishom, *Lega/ Drafting* (Malang: Setara Press, 2017), hlm. 59.
- 7) *Ibid*, hlm. 51-52.
- 8) Sunarjo Wrekososuharjo, *Ilmu Pancasila Yuridis Kenegaraan dan Ilmu Filsafat Pancasila*, (Yogyakarta: Andi Offset, 2001), hlm. 5.
- 9) *Ibid*, hlm. 5-6.
- 10) Kaelan, *Pendidikan Pancasila* (Yogyakarta: Paradigma, 2004), hlm. 132-133
- 11) *Ibid*. hlm. 8
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- 13) *Ibid*, hlm.195.
- 14) *Ibid*, hlm. 196.
- 15) *Ibid*, hlm. 197
- 16) *Ibid*, hlm.198.
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