

Constitutional Ethics Rooted in Customary Values: Comparative Analysis between Indonesia and Russia

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Abstract

Introduction: Constitutional ethics reflect the moral dimension that guides the administration of the state based on the cultural and historical values of the nation. Every country in the global context has a root value that shapes the character of its constitution. Indonesia and Russia are interesting examples because they both place local ethics, culture, and traditions as the basis for constitutional legitimacy.

Purposes of the Research: This research aims to analyze and compare how customary and cultural values affect the formation and implementation of constitutional ethics in Indonesia and Russia. Through this study, it is hoped that a deeper understanding of the relationship between culture, ethics, and the constitution as the main pillars of morality in modern governance can be found.

Methods of the Research: The research method used is qualitative and comparative with normative and socio-cultural approaches. Data was obtained through literature studies of constitutional documents, legal texts, and the results of previous research. The analysis was carried out in a descriptive-comparative manner to explore the similarities and differences between the two legal systems in internalizing customary-based ethical values into constitutional principles and state practices.

Results of the Research: The findings show that both Indonesia and Russia have strong constitutional ethics rooted in the traditions of their people. Indonesia emphasizes social harmony, mutual cooperation, and social justice based on Pancasila, while Russia emphasizes the values of loyalty, national solidarity, and spirituality. Although they differ in their source of value, they show that the constitution is not just a legal document, but a reflection of the nation's moral and cultural identity that strengthens the state's legitimacy and social integrity.

Keywords: Constitutional Ethics; Customary Values; Legal Comparison.

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INTRODUCTION

The constitution not only serves as a legal document that establishes the division of state power, but it also contains moral and ethical values that form the basis of national life. Each constitutional provision essentially reflects the moral views of society regarding justice, humanity, and social responsibility. Therefore, the constitution must be understood not merely as a legal text, but also as an ethical guideline for state administrators in exercising their authority. The moral values within it play a role in guiding political behavior to remain oriented towards the common good, not merely the interests of power¹. In this context, the constitution functions to maintain a balance between positive law and universal moral

¹ Jahan Shaik et al., "Law, Culture, And Social Norms: Understanding Customary Practices in Conflict with Constitutional Rights," *Journal of Information Systems Engineering and Management* 2025, no. 3 (2025): 2468–4376, <https://www.jisem-journal.com/>.

values. Constitutional ethics play an important role as a moral foundation that guides the behavior of state officials in carrying out their duties and authorities. This ensures that every action of state administrators is not only legally valid, but also dignified and in line with the values of justice and public interest. Therefore, constitutional ethics serves as a bridge between legal norms and the moral integrity of state officials. In practice, the application of this ethics strengthens public trust in state institutions and guarantees the establishment of a clean and just government.²

Customary values are a reflection of the moral identity that shapes the character and personality of a nation. Through customs, society instills basic principles of goodness, justice, togetherness, and social responsibility that are passed down through generations. These values serve as guidelines for behavior and interaction, both between individuals and between the people and their rulers. In the context of the state, customary values become the moral foundation that guides how laws and public policies are implemented in accordance with the nation's identity. When customary values are ignored, the nation's moral identity can weaken and be replaced by external values that are not in harmony with local culture. The integration of cultural values into the constitution has a strategic role in strengthening the social and moral legitimacy of a country³. A constitution that accommodates local cultural values will be more easily accepted by society because it reflects the identity and value system that has taken root. Cultural values give a human and ethical dimension to the law, making it more contextual and meaningful. Indonesia and Russia are two examples of countries that place cultural elements and traditions as the foundation of their constitutional ethics. In Indonesia, the values of Pancasila and the archipelago's customs inspire the legal and political system. Meanwhile, in Russia, Orthodox traditions and historical patriotism strengthen moral loyalty to the state⁴.

The Indonesian context applies Pancasila as the main source of moral and ethical values in national and state life. Each principle of Pancasila contains a worldview that reflects the noble values of Indonesian society, such as humanity, justice, and unity. Pancasila as the foundation of the state not only functions as a political ideology but also as an ethical guideline that regulates the relationship between the people, the government, and the state. These values guide state administrators to act based on public morality, not merely political interests. Values such as mutual cooperation (gotong royong), deliberation (musyawarah), and social justice are concrete manifestations of the archipelago's customary traditions that inspire Indonesia's constitutional ethics⁵. These principles emphasize the importance of balancing individual and collective interests in every aspect of social and political life. However, major challenges arise with the flow of globalization and democratization, which bring new values, often at odds with local wisdom. Modernization can give rise to tendencies toward individualism and pragmatism, weakening the spirit of mutual cooperation and social solidarity⁶.

² Pranoto Iskandar, "Is There An Indonesian Constitutional Democracy? Welcoming The War on The Tradition of Meaning," *The Indonesian Journal of International & Comparative Law*, 2024, <http://www.wijil.org>.

³ Larysa Sergiienko et al., "Constitutional and Municipal Law: Analysing Constitutions and Their Societal Implications," *Multidisciplinary Reviews* 7, no. 10 (2024), doi:10.31893/multirev.2024197.

⁴ Ilham Dwi Rafiqi, "Perbandingan Konstitusi Negara Indonesia dan Rusia," *Widya Yuridika* 5, no. 1 (2022): 1, doi:10.31328/wy.v5i1.3561.

⁵ Abdul Munif Ashri, "Divergence of Human Rights In-Terpretations: Between the In-Donesian Constitution and In-Ternational Regime Perspectives," *Journal of Interdisciplinary Law and Legal Issues* 2, no. 1 (2024): 1.

⁶ Muhammad Bahrul Ulum, "Indonesian Democracy And Political Parties After Twenty Years of Reformation: A Contextual Analysis," *Indonesia Law Review* 10, no. 1 (2020): 29-44, doi:10.15742/ilrev.v10n1.577.

Constitutional ethics in the Russian context is strongly influenced by the Orthodox religious tradition, which has long been the spiritual and moral foundation of the nation. The teachings of the Orthodox Church instill values of loyalty, sacrifice, and social responsibility, which are then internalized in the political and legal consciousness of Russian society. These values emphasize the importance of harmony between the individual and the state, where personal interests are often placed below collective interests. In state practice, this moral view fosters loyalty to the state and national leadership as symbols of unity⁷. Furthermore, Russia's political history fosters strong values of patriotism and national resilience, where law is seen as a tool for maintaining state integrity and national identity. Russian constitutional ethics is thus collectivist, placing solidarity and loyalty to the state above individual interests. This combination of Orthodox tradition and political experience is what makes Russian constitutional ethics unique and rich in historical moral values⁸.

Both Indonesia and Russia place morality and cultural values as the primary foundation in the formation of their legal systems. Both understand that effective law must not only be legally binding but also be rooted in the moral values inherent in society. In Indonesia, legal morality stems from Pancasila and traditional values that emphasize mutual cooperation and social justice⁹. Meanwhile, in Russia, moral values are built on Orthodox traditions, patriotism, and loyalty to the state. Both systems demonstrate that legal legitimacy derives not solely from state authority but also from societal moral acceptance¹⁰. Although Indonesia and Russia both place morality and cultural values as the basis of law, they differ in their sources, ways of interpreting, and applying them in the state system. In its application, the Russian state system emphasizes unity and stability, while Indonesia prioritizes participation and the balance of power. This difference shows that cultural roots and political history greatly influence how constitutional ethics are implemented in the governance practices of both countries.

This research does not only discuss legal recognition or political strategies, such as the research conducted by Henry E. Hale in *Perspectives on Politics*, which analyzes how traditional morality is used as a strategy to legitimize constitutional changes (term limit amendments) in Russia¹¹. Furthermore, research by Rudy et al., in the *Academic Journal of Interdisciplinary Studies* examines the recognition and position of customary law within the framework of the Indonesian constitution and the role of the Constitutional Court¹². And research by Khamar Jahan Shaik et al., in the *Journal of Information Systems Engineering and Management* analyzes the theoretical dilemma of customary norms and constitutional rights in pluralistic societies, which is crucial for building a comparative framework between Indonesia and Russia¹³. Based on the limitations of previous research, this study focuses on normative ethics and a specific bilateral comparative analysis between two countries with contrasting political-legal contexts. This research will analyze the moral and

⁷ T. Ya Khabrieva, "Constitutional Reform in Russia: Searching for National Identity," *Herald of the Russian Academy of Sciences* 90, no. 3 (2020): 273–82, doi:10.1134/S1019331620030028.

⁸ Ibid.

⁹ Ratna Artha Windari and Yetty Komalasari Dewi, "Evaluating Mandatory Corporate Social Responsibility Disclosure Policies and Sustainability Development Goals Achievement in Indonesia," *Yustisia Jurnal Hukum* 13, no. 1 (2024): 1–26, doi:10.20961/yustisia.

¹⁰ Khabrieva, "Constitutional Reform in Russia: Searching for National Identity."

¹¹ Henry E. Hale, "The Value of Values for Autocrats: Traditional Morality and Putin's 2020 Term-Limit Contravention," *Perspectives on Politics*, 2025, doi:10.1017/S1537592725102132.

¹² Rudy Rudy, Ryzal Perdana, and Rudi Wijaya, "The Recognition of Customary Rights by Indonesian Constitutional Court," *Academic Journal of Interdisciplinary Studies* 10, no. 3 (2021): 308–18, doi:10.36941/AJIS-2021-0086.

¹³ Shaik et al., "Law, Culture, And Social Norms: Understanding Customary Practices in Conflict with Constitutional Rights."

philosophical principles underlying the constitution and decision-making, which are sourced from customary values. Based on this, this paper is designed to answer several key questions that are the focus of the study: 1) How do customary values and local culture play a role in shaping constitutional ethics in Indonesia and Russia; 2) What are the differences in the sources, interpretations, and applications of moral and cultural values in the state systems of Indonesia and Russia.

This study aims to comparatively analyze how customary values and local culture shape and influence constitutional ethics in Indonesia and Russia. Through this study, it is hoped that similarities and differences in the sources of moral values, methods of interpretation, and application of ethics in the legal and governmental systems of the two countries can be revealed. This research also intends to demonstrate that the integration of cultural values into the constitution is an important factor in strengthening moral legitimacy, political stability, and the national identity of a nation.

METHODS OF THE RESEARCH

The research method used in this article is a qualitative approach with a comparative method. This approach was chosen because the research focus lies on an in-depth analysis of the cultural and moral values underlying constitutional ethics in Indonesia and Russia. Research data was obtained through literature study, which includes constitutional documents, laws and regulations, academic literature, and relevant previous research results. The analysis was carried out by examining the relationship between culture, morality, and law to find distinctive patterns of constitutional ethics in each country. The data analysis procedure was carried out through descriptive and interpretive approaches, namely by comparing the substance of customary values and moral principles internalized in the legal system and state practices of the two countries. The researcher identified similarities and differences in the sources of values, ethical orientations, and the application of constitutional morality in the field. The validity of the data was strengthened by triangulation of library sources and theoretical studies on the philosophy of law and constitutional politics. Through this method, the research is expected to produce a comprehensive understanding of the role of cultural values as the foundation of constitutional ethics in strengthening the legitimacy and morality of the state.

RESULTS AND DISCUSSION

A. Customary Values as the Foundation of Constitutional Ethics

Customary values have a profound meaning in the moral and social life of society because they reflect a system of norms and beliefs that are passed down through generations. Customary values serve as behavioral guidelines that determine the boundaries between what is considered right and wrong, as well as good and bad, in communal life. Values such as honesty, responsibility, and mutual cooperation grow from the collective experience of society in maintaining social harmony. Customs thus serve as a source of morality that binds citizens without the need for formal legal sanctions. Customary values foster a moral awareness that is internal and based on social consensus¹⁴. Therefore, customary values not only regulate individual behavior but also strengthen

¹⁴ Pipit Afrianti and Desie Andreastuti, "Integration of Religious Values in Public Ethics in a Multicultural Society," *Journal of Religion and Social Transformation* 2, no. 2 (2025), doi:10.24235/gmd8n231.

solidarity and social cohesion in community life. Customary values in a social context become a social control mechanism that ensures order and balance in relationships between members of society. Customs teach the importance of togetherness, respect for others, and conflict resolution through deliberation, not confrontation. In addition, customary values function to maintain the cultural identity of a community so that it is not eroded by the currents of modernization and globalization. Customary values become a symbol of identity that strengthens the sense of belonging to the community and homeland. Customary values play a dual role, namely as a source of morality that shapes individual character, as well as a social pillar that upholds order and unity in society¹⁵.

Customary values have an important role as a source of legitimacy for constitutional ethics because they provide a moral basis that connects written law and the cultural awareness of society. Constitutional ethics rooted in customary values foster a sense of justice that is more contextual and socially acceptable because it reflects the nation's worldview and collective experience. Legal legitimacy is not only obtained from formal juridical aspects but also from the moral acceptance of society towards constitutional norms that are in line with local values. When the constitution reflects customary values, people tend to obey the law not because of fear of sanctions but because of moral impulses and cultural beliefs. Customary values function to strengthen the validity of constitutional ethics through social acceptance that is born naturally. This makes law and the constitution not separate from social life but rather a part of the value system that lives and develops in society¹⁶. The role of customary values as a source of legitimacy for constitutional ethics is also evident in how it shapes the basic principles of moral state administration. Customary values guide state administrators to act based on local wisdom, a sense of justice, and the common good. Customs become a source of inspiration in formulating ethical principles such as honesty, responsibility, and respect for human rights and dignity. When customary values are integrated into the constitution, it not only enriches the legal foundation but also strengthens public trust in the legitimacy of the state. This reciprocal relationship creates harmony between law and morality, which strengthens social and political stability¹⁷.

Culture has a very fundamental role in shaping the morality of society, which in turn influences the birth of a country's basic law. Every legal system does not arise in a vacuum, but rather grows from the cultural values that live and are upheld by its society. Culture determines how a nation understands the concepts of justice, truth, and social responsibility. Morality is the result of the internalization of cultural values, which then becomes a guideline for collective behavior. When this morality is institutionalized into formal rules, the basic law is born, which not only regulates but also reflects the cultural identity of the nation¹⁸. Morality rooted in local culture gives spiritual and social meaning to the basic law, making it more than just a political product. A country that successfully instills culturally based moral values into its constitution will have a legal system that is not only normatively sound but also ethically sound. In this sense, the basic law serves a dual function: as a structural guideline for state administration and as a manifestation of the nation's noble

¹⁵ I. Ketut Ardhana and Ni Wayan Radita Novi Puspitasari, "Adat Law, Ethics, and Human Rights in Modern Indonesia," *Religions* 14, no. 4 (2023), doi:10.3390/rel14040443.

¹⁶ Sergiienko et al., "Constitutional and Municipal Law: Analysing Constitutions and Their Societal Implications."

¹⁷ Ashri, "Divergence of Human Rights In-Terpretations: Between the In-Donesian Constitution and In-Ternational Regime Perspectives."

¹⁸ Nurul Aisahrani et al., "The Constitutional Protection of Freedom of Artistic Expression: A Comparison between Indonesia, Iran and the United States," *Journal of Indonesian Constitutional Law* 2, no. 1 (2025).

values. Laws grounded in culture will be more responsive to social needs and more morally acceptable to its people¹⁹.

The relationship between culture, morality, and fundamental law reflects how the constitution serves as a reflection of the nation's spirit (*volksgeist*). Each nation has distinct historical experiences, social values, and belief systems, resulting in its fundamental law possessing a distinctive moral character. In Indonesia, values such as deliberation, mutual cooperation, and social justice serve as the moral foundation of the constitution²⁰. Meanwhile, in Russia, elements of spirituality and patriotism serve a similar function in guiding legal ethics. This connection demonstrates that without cultural and moral dimensions, fundamental law becomes merely a tool of power devoid of human significance²¹. Therefore, strengthening constitutional ethics must begin with the recognition of culture and morality as the core of forming just laws that are rooted in the nation's identity.

Preserving customary values has strategic significance in maintaining the integrity of the constitution because these values become the moral foundation that supports the legitimacy and sustainability of a country's basic law. A constitution that is connected to cultural roots and customs will have a stronger social binding power because people feel they own and understand the values contained within it. Customary values also serve as a moral reminder for state administrators so that the law does not lose its ethical spirit. Without the preservation of customary values, the constitution risks becoming a dry, formal document detached from the social reality of society. Maintaining the continuity of customary values is not just about cultural preservation but also a step to ensure that the basic law remains alive, relevant, and moral. These values make the constitution not just a text but a reflection of the personality and moral will of the nation²².

In addition to strengthening the moral aspects, the preservation of customary values also functions to maintain a balance between the dynamics of changing times and the basic principles of the state. In an era of globalization that brings new values and currents of modernization, customs act as a moral filter that protects the national legal identity from external influences that are not in line with the nation's identity. When customary values are ignored, the law has the potential to lose its social roots and become merely an instrument of power. Conversely, by maintaining traditional values, the constitution can adapt to change without losing its moral and ethical direction. This creates continuity between the past, present, and future of national law²³. Customary values that are continuously preserved also strengthen the sense of togetherness and collective responsibility in upholding the constitution. When society understands that the highest law of the country is rooted in the values they uphold, a moral awareness arises to protect and obey it. This condition encourages the active participation of citizens in ethical and just state practices. The integrity of the constitution does not only depend on formal institutions but also on the cultural awareness that grows from customary values internalized in social life. The preservation of customary values is not merely an effort to protect cultural heritage but

¹⁹ Shaik et al., "Law, Culture, And Social Norms: Understanding Customary Practices in Conflict with Constitutional Rights."

²⁰ Ardhana and Puspitasari, "Adat Law, Ethics, and Human Rights in Modern Indonesia."

²¹ Hale, "The Value of Values for Autocrats: Traditional Morality and Putin's 2020 Term-Limit Contravention."

²² Rudy, Perdana, and Wijaya, "The Recognition of Customary Rights by Indonesian Constitutional Court."

²³ Shaik et al., "Law, Culture, and Social Norms: Understanding Customary Practices in Conflict with Constitutional Rights."

also an ethical strategy to ensure that the constitution remains a guideline for national life rooted in the morality of the nation²⁴.

B. Constitutional Ethics in Indonesia: Integration of Pancasila and Local Values

Pancasila serves as the moral and ethical foundation of the state, guiding all aspects of national and state life in Indonesia. Each principle of Pancasila embodies universal values such as justice, humanity, unity, and divinity, which serve as moral guidelines for citizens and government officials. As an open ideology, Pancasila not only regulates the relationship between the state and its citizens but also provides ethical direction for all public policies, ensuring they align with the values of humanity and social justice²⁵. In a legal context, Pancasila functions as a source of values that gives moral meaning to every law and regulation. Pancasila is not only an ideological symbol but also an ethical benchmark in maintaining a balance between power, law, and the state's moral responsibility. The existence of Pancasila guarantees that the Indonesian state system remains rooted in the noble values of the nation, which are oriented towards the common good²⁶.

Pancasila has a strategic function as a moral fortress that maintains the direction of constitutional ethics amidst ever-changing political and social dynamics. Values in state practices such as deliberation, mutual cooperation, and social justice become concrete manifestations of the application of Pancasila ethics. These values guide state administrators to use power with responsibility and integrity²⁷. Furthermore, Pancasila serves as a unifying tool in facing the challenges of globalization and the influence of foreign ideologies that have the potential to erode national identity. When Pancasila serves as a moral guideline in every aspect of state administration, laws and public policies will have strong ethical legitimacy in the eyes of the people. Therefore, strengthening the values of Pancasila as the moral and ethical foundation of the state is key to maintaining the integrity, justice, and dignity of the Indonesian nation²⁸.

The values of mutual cooperation, deliberation, and social justice are the main pillars that animate Indonesian state practices and reflect constitutional ethics rooted in Nusantara culture. Gotong royong reflects the spirit of cooperation and solidarity in building an inclusive national life, where collective interests take precedence over individual ambitions. In the context of governance, these values guide state institutions to work synergistically to achieve the people's welfare²⁹. Meanwhile, the principle of deliberation emphasizes the importance of participation, dialogue, and consensus in political and legal decision-making. By implementing deliberation, the state demonstrates respect for diversity and upholds ethical democratic values. These three values collectively shape the character of a government that is humanistic, participatory, and oriented toward the common good³⁰. Social justice as a core value complements the previous two principles by emphasizing the

²⁴ Iskandar, "Is There an Indonesian Constitutional Democracy? Welcoming The War on The Tradition of Meaning."

²⁵ Ashri, "Divergence of Human Rights In-Terpretations: Between the In-Donesian Constitution and In-Ternational Regime Perspectives."

²⁶ Agus Suharsono, "Comparative Study of Human Rights Protection: An Analysis between Germany and Indonesia," *Indonesian Comparative Law Review* 7, no. 1 (2024): 26-45, doi:10.18196/iclr.v7i1.24224.

²⁷ Santy Santy, "Exploring the Intersection of Pancasila and Human Rights in Indonesian Law," *Sinergi International Journal of Education* 2 (2024).

²⁸ Ni Ketut Sari Adnyani et al., "The Constitutional Law in Contemporary Times: Comparison of India and Indonesia," *Jurnal Suara Hukum* 6 (2024).

²⁹ Yogi Prasetyo, "Indonesian Integral Law Based on Pancasila," *Pancasila and Law Review* 3, no. 1 (2022): 1-12, doi:10.25041/plr.v3i1.2443.

³⁰ Santy, "Exploring the Intersection of Pancasila and Human Rights in Indonesian Law."

equitable distribution of welfare and protection for vulnerable groups. Social justice in state practice demands that public policies and laws favor the balance and welfare of all citizens. This value ensures that national development is not only measured by economic growth but also by the extent to which justice can be felt by all levels of society. The integration of the values of mutual cooperation, deliberation, and social justice makes the Indonesian state system have a distinctive moral character and reject extreme individualism while upholding collective justice. The application of these three values not only strengthens the legitimacy of constitutional ethics but also maintains harmony between law, morality, and social welfare in national life.

The reflection of customary values in the modern legal and governmental system demonstrates an effort to maintain continuity between cultural heritage and contemporary state dynamics.³¹ Customary values such as honesty, balance, and social responsibility become the ethical foundation that strengthens the legitimacy of law amidst the development of an increasingly rational and bureaucratic positive legal system. Customary values are not understood as a form of traditionalism alone but as a source of local wisdom that can provide moral direction to the law-making process. The application of customary principles at the local level, such as customary law in dispute resolution, proves that traditional values are still relevant in the modern era. When modern law is able to accommodate customary values, harmony is created between formal norms and the social reality of society. Thus, the reflection of customary values plays an important role in maintaining the identity of national law so that it remains contextual and rooted in the nation's culture³².

Customary values in modern governance also serve as ethical guidelines for state administrators in exercising power with honesty, wisdom, and a sense of justice. The principles of collectivity and balance inherent in customary law can encourage transparent governance practices oriented toward the interests of the people. These values strengthen public ethics and limit the tendency for abuse of power, as state officials are required to emulate the moral values prevalent in society³³. Furthermore, the reflection of customs in modern governance also emphasizes the importance of public participation in political decision-making, as reflected in the tradition of deliberation that is a hallmark of Indonesian culture. The synergy between customs and modern governance creates a model of government that is not only administratively efficient but also morally civilized. In this way, customary values play a role in maintaining the ethical integrity of governance amidst the complexities of globalization and social change³⁴.

Maintaining the relevance of local values within the context of Indonesian constitutional ethics in the era of globalization is a major challenge directly related to the nation's moral identity. Globalization brings universal values such as liberalism, individualism, and secularism, which are often not fully aligned with the values of collectivity, spirituality, and togetherness that are deeply rooted in Indonesian culture³⁵. As a result, there is tension between global values that emphasize individual freedom and local values that uphold

³¹ Jawahir Thontowi et al., "Transformation of Pancasila and the Rule of Law: A Comparative Study and Analysis of National Development Before and After Government Reformation," *SHS Web of Conferences* 204 (2024): 07011, doi:10.1051/shsconf/202420407011.

³² Baiq Wardhani and Radityo Dharmaputra, "Indonesia's Ambivalence in the Russia-Ukraine War: Balancing Equal Sovereignty Norms with a Familial Approach," *Contemporary Security Policy* 45, no. 4 (2024): 627–42, doi:10.1080/13523260.2024.2397926.

³³ Santy, "Exploring the Intersection of Pancasila and Human Rights in Indonesian Law."

³⁴ Prasetyo, "Indonesian Integral Law Based on Pancasila."

³⁵ Ardhana and Puspitasari, "Adat Law, Ethics, and Human Rights in Modern Indonesia."

social harmony and shared responsibility. In practice, the Indonesian constitution, rooted in Pancasila, seeks to maintain a balance between openness to global developments and the preservation of the nation's original moral values. Constitutional ethics built on the basis of deliberation, social justice, and mutual cooperation function as a moral fortress against the penetration of foreign values that are not in accordance with the nation's identity. Therefore, maintaining the relevance of local values means preserving the moral foundation of the constitution so that it remains alive in the rapid and complex currents of global change³⁶.

Democratization in Indonesia also presents its own challenges to preserving local values in state life. Modern democratic systems emphasize equality, freedom of expression, and plurality, which in practice can create friction with customary principles such as adherence to social norms, respect for moral authority, and prioritizing collective interests³⁷. Indonesian constitutional ethics is required to integrate these democratic values without sacrificing the moral roots rooted in local traditions. This requires a reinterpretation of the values of Pancasila to ensure their relevance in the context of modern democracy, not merely as ideological symbols but as ethical guidelines for political and legal practice. With this approach, local values are not seen as contradictory to democracy but rather as a moral foundation that strengthens the uniquely Indonesian character of democracy. Based on this, ethical democratization is a democracy grounded in the nation's culture and morals, not simply a crude adoption of Western systems³⁸.

Maintaining the relevance of local values in constitutional ethics requires systematic efforts through education, public policy, and legal practices oriented towards the cultural values of the nation. For example, citizenship education must instill an understanding that constitutional ethics is not only a matter of formal law but also a reflection of the morality of society. The government and legal institutions need to ensure that every policy and regulation reflects the spirit of social justice and balance as mandated in Pancasila and the 1945 Constitution³⁹. The challenges of modernity must be met with cultural innovation, not by abandoning traditional values. In this way, Indonesian constitutional ethics will remain relevant not only as a legal system but also as a moral guide that maintains national integrity amidst the tides of globalization and democratization. Integrating local values with universal principles is key to ensuring the constitution remains alive, meaningful, and contextualized within the Indonesian nation.

C. Constitutional Ethics in Russia: Orthodox Tradition and National Patriotism

The Orthodox religion has a very strong influence on the formation of Russian state morality, especially in shaping the public's worldview and the country's political ethics orientation. Orthodox values from the time of the Russian Empire to the modern era, such as loyalty, devotion, and social solidarity, have become the moral foundation that shapes the relationship between the people, the state, and God. The Orthodox Church not only plays a role as a religious institution but also as a spiritual pillar that guides the moral direction of the government. Orthodox teachings emphasize the importance of unity between faith and power, so obedience to the state is often seen as a form of obedience to

³⁶ Vincentius Setyawan, "Pancasila Sebagai Sumber Hukum Dalam Sistem Hukum Nasional," *Nusantara: Journal of Law Studies* 1, no. 1 (2023): 21, <https://juna.nusantarajournal.com/index.php/juna>.

³⁷ Ni Putu Winanti and Ni Putu Widyastuti, "The Foundation of Ethical and Moral Dimensions for Indonesian Future," *Life and Death: Journal of Eschatology* 1, no. 2 (2024): 69-78, <https://journal-iaassf.com/index.php/LaD>.

³⁸ Ardhana and Puspitasari, "Adat Law, Ethics, and Human Rights in Modern Indonesia."

³⁹ Rafiqi, "Perbandingan Konstitusi Negara Indonesia Dan Rusia."

divine will. This principle creates a state tradition that places religious morality as the basis for the legitimacy of power. Orthodox values in the context of law and the constitution also influence views on justice, social responsibility, and national honor. Thus, the Orthodox religion becomes an integral element in shaping Russia's moral and political identity⁴⁰.

Orthodox influence is evident in the way the Russian state frames the concepts of patriotism and public ethics. Church teachings instill the spiritual value that love for one's homeland is part of devotion to God, thus making national morality synonymous with religious piety. This gives Russian state morality a conservative character that emphasizes stability, unity, and social harmony over individual interests. Orthodox values in government practice encourage a paternalistic leadership ethic oriented toward protecting the people⁴¹. However, on the other hand, this religious influence also poses challenges in balancing religious moral principles with the demands of modern democracy and human rights. Nevertheless, the Orthodox Church remains a powerful source of moral legitimacy for the Russian state, reinforcing the government's image as the guardian of the nation's traditions, faith, and public morality⁴².

Patriotism and collectivism are two main moral values that are at the core of Russia's state and constitutional ethics. Patriotism in Russia is not just love for the homeland but also a manifestation of the moral responsibility of citizens to maintain national honor, unity, and stability. This value has long been the foundation of politics and law, asserting that the interests of the state are above the interests of the individual. Patriotism in the constitutional context is seen as a principle that unites society in a spirit of devotion and national solidarity. It also functions as an ideological force that binds various elements of the nation in the face of internal and external challenges. Thus, the value of patriotism in the Russian state system is not only a symbol of national pride but also a moral instrument that strengthens people's loyalty to the state and the law⁴³.

Collectivism reflects a spirit of togetherness that places social harmony and common interests as top priorities in national life. This principle stems from the Russian cultural tradition that emphasizes the importance of community and social solidarity as the moral basis of public life. Collectivism in government practice is reflected in policies that emphasize social stability, common welfare, and collective responsibility towards the state. This value also influences the formation of laws that are oriented towards national order and unity, not just individual freedom⁴⁴. By placing collectivism as a primary moral value, the Russian constitution seeks to maintain a balance between state authority and the social consciousness of its citizens. This combination of patriotism and collectivism creates a strong moral character of the state, in which loyalty, solidarity, and devotion are key pillars in maintaining the integrity and legitimacy of the state⁴⁵.

The political history of a nation has a profound influence on the formation of its legal orientation, because past experiences become the foundation for determining the direction

⁴⁰ Wardhani and Dharmaputra, "Indonesia's Ambivalence in the Russia-Ukraine War: Balancing Equal Sovereignty Norms with a Familial Approach."

⁴¹ Khabrieva, "Constitutional Reform in Russia: Searching for National Identity."

⁴² Hendra Manurung and Arry Bainus, "Indonesia-Russia Strategic Partnership in Southeast Asia Region," *Jurnal Ilmiah Hubungan Internasional* 17, no. 1 (2021): 77-96, doi:10.26593/jihi.v17i1.3488.77-96.

⁴³ Wardhani and Dharmaputra, "Indonesia's Ambivalence in the Russia-Ukraine War: Balancing Equal Sovereignty Norms with a Familial Approach."

⁴⁴ Alexander Vasyaev, "Lawyers' Disciplinary, Corporate, and Professional Liability in the EU: Applicability to the Russian Legal System," *Public Organization Review* 22, no. 4 (2022): 1297-1311, doi:10.1007/s11115-021-00575-9.

⁴⁵ Hale, "The Value of Values for Autocrats: Traditional Morality and Putin's 2020 Term-Limit Contravention."

of development of the legal and constitutional system. In many countries, including Indonesia and Russia, political dynamics such as colonialism, revolution, and regime change have shaped public perceptions of law and power. Each phase of history brings values, principles, and power structures that are then institutionalized into the formal legal system. For example, past experiences of oppression and injustice have led to the emergence of legal systems that emphasize social justice and popular sovereignty. Law not only functions as a regulatory tool but also as a reflection of a political history full of struggles. This makes the orientation of law historical and moral, not just technocratic⁴⁶.

The long history of monarchical power in the context of Russia, the Bolshevik revolution, and the Soviet era have left a strong mark on the legal orientation that emphasizes state stability and control. The tradition of centralistic government has shaped a hierarchical legal culture oriented towards obedience to authority. Law is seen as an instrument to maintain social order and uphold national sovereignty. However, after the collapse of the Soviet Union, Russia began to adapt modern legal principles without fully abandoning its political heritage. The legal orientation that formed later was hybrid, combining elements of modernity with historical values such as patriotism and national solidarity. Thus, Russia's political history not only shaped the legal structure but also instilled a moral character in its application⁴⁷.

Meanwhile, in Indonesia, the political journey from the colonial era to the reformation has shaped a legal orientation that emphasizes the values of justice, deliberation, and popular sovereignty. The long experience of colonization fostered an awareness that law must be an instrument of liberation, not oppression. Therefore, the Indonesian legal system has developed with a democratic and humanist spirit, based on Pancasila as its moral and ideological foundation. A political history full of struggles against injustice has given rise to a legal orientation that favors social justice and humanity. In this context, law is not only seen as a product of legislation but also as an expression of moral values that grow from the collective experience of the nation. Thus, the relationship between political history and the formation of legal orientation is reciprocal: history shapes law, and law maintains the moral continuity of the nation's history⁴⁸.

Religious values have a major influence on the legitimacy of law because they provide a moral basis that strengthens public acceptance of applicable legal norms. In many countries, law is not only seen as a rational product of humans but also as a reflection of transcendental values that originate from religious teachings. The existence of religious values gives law a spiritual dimension that fosters a sense of moral responsibility in its implementation. Societies that see law as aligned with their religious teachings tend to be more obedient and respectful of the legal system. Thus, religion acts as a source of moral legitimacy that affirms the validity of law, not only from a legal-formal perspective but also from a social ethics perspective. The integration of religious values into the legal system strengthens the awareness that justice is not just an administrative matter but also part of a moral and spiritual calling⁴⁹.

⁴⁶ Rudy, Perdana, and Wijaya, "The Recognition of Customary Rights by Indonesian Constitutional Court."

⁴⁷ Rafiqi, "Perbandingan Konstitusi Negara Indonesia Dan Rusia."

⁴⁸ Shaptala Natalia et al., "Constitutionalism as A Philosophical and Legal Category and A Socio-Political Phenomenon," *Journal of Legal, Ethical and Regulatory Issues* 23 (2020).

⁴⁹ Khabrieva, "Constitutional Reform in Russia: Searching for National Identity."

The impact of religious values is also evident in the formation of public morality, which forms the basis of social behavior within society. Religious teachings, which emphasize honesty, justice, and responsibility, play a role in shaping the collective ethics that underpin national life. When public morality is rooted in religious values, society more easily internalizes legal principles and incorporates them into daily life. This creates a harmonious relationship between legal and social norms, where violations of the law are viewed not only as illegal acts but also as moral violations. Religious values serve to maintain a balance between positive law and the ethical consciousness of society. In other words, religion strengthens the binding force of law by instilling moral values rooted in spiritual beliefs⁵⁰.

Religious values also influence how a state builds moral legitimacy in the eyes of the people. A government that reflects religious values in public policy and law enforcement will be more trusted by the public, as it is perceived to operate on a noble moral foundation. However, challenges arise when religious values are interpreted narrowly or used for specific political interests, potentially eroding the principle of universal justice⁵¹. Therefore, it is crucial for the state to maintain a balance between respect for religious values and the inclusive and just application of laws for all citizens. Within this framework, religious values should ideally serve as moral inspiration, not a tool of ideological domination. Therefore, the impact of religious values on legal legitimacy and public morality can be positive if directed toward strengthening justice, humanity, and social integrity in national life⁵².

D. Comparison of Constitutional Ethics between Indonesia and Russia

Both Indonesia and Russia demonstrate fundamental similarities in placing cultural values as the foundation of constitutional ethics, where public morality and national identity are deeply rooted in the traditional heritage of each nation. In both countries, the constitution is not merely a formal legal instrument, but also a reflection of the cultural values lived and internalized by the people. Indonesia places Pancasila, which is rooted in local wisdom and traditional values of the archipelago, as the moral and ethical guideline for the state. Meanwhile, Russia utilizes Orthodox traditions and collectivist values as the basis for developing legal awareness and social responsibility. Both recognize that legal legitimacy must be rooted in moral awareness derived from national culture⁵³. Thus, cultural values serve as a bridge between law and public morality, ensuring that the constitution is not detached from the social and spiritual context of society.

Another similarity is seen in the way both countries interpret law as an expression of the soul of the nation (*volksgeist*), not just a technocratic rule. Both Indonesia and Russia strive to make culture a source of political ethics and a guide in state decision-making. In this case, values such as mutual cooperation, social justice, patriotism, and solidarity become a moral compass in maintaining a balance between state power and the interests of the people. This awareness shows that law cannot be separated from the cultural roots that nurture it. Both in Indonesia and in Russia, cultural values not only provide an ethical direction for legal and governmental practices but also strengthen social legitimacy towards the constitution. The similarity between the two lies in the view that culture is a source of morality that guarantees sustainability and justice in national life⁵⁴.

⁵⁰ *Ibid.*

⁵¹ Hale, "The Value of Values for Autocrats: Traditional Morality and Putin's 2020 Term-Limit Contravention."

⁵² Rudy, Perdana, and Wijaya, "The Recognition of Customary Rights by Indonesian Constitutional Court."

⁵³ Manurung and Bainus, "Indonesia-Russia Strategic Partnership in Southeast Asia Region."

⁵⁴ Rafiqi, "Perbandingan Konstitusi Negara Indonesia Dan Rusia."

The main difference between the sources of moral values in Indonesia and Russia lies in the philosophical and spiritual foundations that underlie them. Pancasila as a source of morality in Indonesia is rooted in the values of humanity, togetherness, and balance between the individual, society, and God. These values were born from local wisdom and the cultural diversity of the archipelago, making them inclusive and adaptive to the plurality of religions, ethnicities, and traditions. Pancasila places constitutional ethics on universal principles such as social justice, civilized humanity, and deliberation, which emphasize harmony and common welfare. In this case, Pancasila's morality is open and integrative, functioning as a national adhesive that transcends differences in ideology and belief. Therefore, the source of moral values in Indonesia is more pluralistic and oriented towards social humanism⁵⁵.

Conversely, the source of constitutional moral values in Russia is largely influenced by the traditions of the Orthodox Church and a strong spirit of national patriotism. Orthodox teachings instill the principle of loyalty to God and the state as a moral unity, so national life is often seen as a form of spiritual devotion. Values such as obedience, solidarity, and sacrifice for the collective good become the basis of Russian state ethics. On the other hand, patriotism affirms the importance of unity, stability, and the supremacy of national interests over the individual. As a result, public morality in Russia tends to be conservative and centered on the idea of national unity and state power. If Pancasila emphasizes harmony in diversity, then the Russian Orthodox-Patriotic values emphasize morality in loyalty and collective order. This difference shows two paths of constitutional ethics that are equally morally strong but rooted in different cultural and spiritual philosophies⁵⁶.

Variations in the interpretation and application of state ethics reflect how each nation adapts its moral values to different political, social, and cultural structures. In Indonesia, state ethics rooted in Pancasila are translated through the principles of Pancasila democracy, which emphasize deliberation, social justice, and a balance between the rights and obligations of citizens. Ethical values in state administration require public officials to uphold integrity, responsibility, and moral leadership oriented towards the interests of the people. In practice, the application of constitutional ethics is often faced with the challenges of political pragmatism and global economic interests, so a commitment is needed to continue to make Pancasila values the main moral guide. Nevertheless, flexibility in the interpretation of state ethics allows Indonesia to continue to adapt to modern dynamics without losing its cultural roots. This makes Indonesia's constitutional ethics dynamic and contextual to changing times⁵⁷.

Meanwhile, in Russia, the interpretation of state ethics is more hierarchical and centralized, influenced by a political tradition that emphasizes stability and national unity. State ethics there are largely interpreted through the lens of Orthodox morality and patriotism, so loyalty to the state is considered the highest form of moral responsibility. The government and state apparatus are expected to behave based on the values of discipline, loyalty, and devotion to the collective good. The application of this ethic is reflected in policies that place national interests above individual freedoms, with the aim of maintaining social order and state power. However, an overly conservative interpretation also raises

⁵⁵ Prasetyo, "Indonesian Integral Law Based on Pancasila."

⁵⁶ Khabrieva, "Constitutional Reform in Russia: Searching for National Identity."

⁵⁷ Ardhana and Puspitasari, "Adat Law, Ethics, and Human Rights in Modern Indonesia."

debates about the space for civil liberties and moral plurality⁵⁸. Therefore, the variation in state ethics between Indonesia and Russia shows two different approaches, namely Indonesia with a participatory and adaptive moral model, while Russia has a collective moral model that emphasizes national loyalty and stability⁵⁹.

The implications of moral and cultural values for political stability are very significant because they become the ethical foundation that guides the direction of state administration. When constitutional values are aligned with public morality, there arises trust and a sense of belonging from society towards the system of government. In the Indonesian practice, the alignment between Pancasila values and political practices is an important factor in maintaining social harmony and preventing ideological conflicts. Values such as deliberation and social justice play a role in stabilizing politics through peaceful and participatory conflict resolution. Conversely, if moral values are ignored, a crisis of confidence arises that can shake political legitimacy and weaken the democratic order. Therefore, cultural and moral values are not just symbols of ethics but also social mechanisms that maintain a balance between power and justice⁶⁰.

The moral values from the aspect of legal legitimacy and national identity embedded in the constitution serve to strengthen public acceptance of the law and reinforce the nation's character amidst the currents of globalization. In Indonesia, the values of Pancasila ensure that the law is not only repressive but also humanist and contextual to local culture. This creates moral legitimacy for every policy and legal decision taken by the state. In Russia, the influence of Orthodox and patriotic values affirms a strong national identity, making law a tool for uniting the nation amidst social and geopolitical complexities. Both countries show that law rooted in cultural and moral values has greater resilience to social changes and external pressures. Thus, moral values in the constitution not only shape a formally legitimate legal system but also create a moral foundation for the sustainability of national identity and stability⁶¹. An important lesson that can be learned to strengthen constitutional ethics in the global era is the need to reaffirm the fundamental values that are the spirit of a country's constitution. Globalization brings currents of ideology, economics, and technology that often blur the boundaries of local moral and cultural values. The state must be able to filter global influences while maintaining its ethical identity and the basic principles of its constitution. Pancasila in Indonesia and the Orthodox-Patriotic values in Russia both show that the moral strength of a nation lies in its ability to maintain a balance between tradition and modernity. Strong constitutional ethics will shape public officials with integrity, just laws, and a society with character. Thus, the main lesson is the importance of making cultural and moral values a filter in the process of adapting to global change⁶².

Strengthening constitutional ethics in the global era requires a renewal of perspectives on public and governmental morality. The state needs to develop civic education that instills constitutional ethical awareness from an early age so that citizens understand their rights and responsibilities morally. State practices must also be more transparent, accountable, and

⁵⁸ Khabrieva, "Constitutional Reform in Russia: Searching for National Identity."

⁵⁹ Manurung and Bainus, "Indonesia-Russia Strategic Partnership in Southeast Asia Region."

⁶⁰ Ardhana and Puspitasari, "Adat Law, Ethics, and Human Rights in Modern Indonesia."

⁶¹ Prasetyo, "Indonesian Integral Law Based on Pancasila."

⁶² Wardhani and Dharmaputra, "Indonesia's Ambivalence in the Russia-Ukraine War: Balancing Equal Sovereignty Norms with a Familial Approach."

based on the principles of social justice to avoid erosion of public trust.⁶³ At the international level, the integration of local ethical values in diplomacy and global cooperation can enrich dialogue between nations with moral and humanitarian dimensions. The experiences of Indonesia and Russia show that adapting to globalization does not have to mean losing identity, but rather strengthening moral integrity and legal legitimacy through constitutional values. Therefore, strengthening constitutional ethics in the global era is not just a matter of law, but a moral strategy to maintain the sovereignty of values in an increasingly connected world⁶⁴.

CONCLUSION

This research shows that cultural and moral values play an important role in shaping constitutional ethics, which forms the basis of state behavior and legal legitimacy. Both Indonesia and Russia place morality as the spirit of the constitution, although sourced from different foundations, namely Pancasila with the principles of humanism and togetherness, and Orthodox-Patriotism with the spirit of loyalty and collectivity. This comparison affirms that constitutional ethics is not just a normative tool, but a reflection of the moral identity of a nation that lives and develops with social dynamics. This ethic strengthens the integration between cultural values and the legal system, making the constitution not just a legal text, but a moral guide for state administrators and citizens. Thus, the relationship between morality and the constitution is mutually reinforcing in creating a just and dignified government. The findings of this research can be applied through strengthening constitutional education based on local cultural and moral values to foster ethical awareness in national life. The government also needs to integrate these values into public policy so that ethical principles are not just discourse, but also real practice in governance. Amid the challenges of globalization and social change, it is important for each country to maintain the roots of its moral values as a guide in facing the currents of modern ideology. Indonesia can strengthen the relevance of Pancasila in democratic and legal policies, while Russia can balance between patriotic values and social openness. Overall, the preservation of cultural values in constitutional ethics is a strategic step to maintain legal legitimacy, political stability, and national identity in an increasingly complex global era.

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⁶³ Shaik et al., "Law, Culture, And Social Norms: Understanding Customary Practices in Conflict with Constitutional Rights."

⁶⁴ Manurung and Bainus, "Indonesia-Russia Strategic Partnership in Southeast Asia Region."

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