

CHAPTER ONE

INTRODUCTION

A. Background of Research

The Guidelines of State Policy (GBHN) had been very important for the general development in Indonesia for several decades. From GBHN the state and all of its agencies derived the national development programs not only for central government but also small districts/villages. It prescribed the detail implementation plans for the whole government agencies. It also had clear guidelines and strategies how to achieve the goals written in the planning.

Historically during the new order¹, the president had implemented the national development programs by using the guidelines mentioned in the GBHN as it was regarded as the second highest guidance of the country after the 1945 Constitution. Nevertheless, since the 4th amendment of Indonesian constitution in 1998, the role of GBHN was halted. The state does not have guidelines in organizing, conducting, and controlling the national development programs like those of GBHN but it is directed merely by the vision and mission of the elected president.

Since the reform era in 1998, it must be admitted that there has been a radical change in the state system. The People's Representative Assembly (MPR), formerly was the highest state institution.² In the old

¹ New order mean Soeharto era

² Bahaudin, "Menghidupkan Kembali GBHN: Komparasi GBHN dan RPJPN sebagai Kebijakan Politik Hukum Nasional dalam Bidang Pembangunan", *Jurnal keamanan nasional*, Vol. III, No.1, (May, 2017), p. 95.

order and during new order era, the People's Representative Assembly has the authority to enact the Constitution and GBHN as it is mentioned clearly in the constitution of the state 1945 then it was highlighted in Article 3. In other words, it was obviously seen that the MPR has the authority to make GBHN.

The President made the Planning of National Development Programs based on GBHN made by MPR (MPR Decission).³ Moreover, GBHN was manifestation of the philosophies of Indonesia Founding Fathers. It consisted of goals to be achieved by the nation in various fields such as political, economic, social, cultural and military system. It had been treated as the main reference for the Indonesian development during the Old Order and the New Order. During the reform era, GBHN was then removed from the national agenda through the 1945 constitution amendment since the constitution was accused to be the source of power abuse given to the People's Representative Assembly (MPR) an absolute supreme power in the state. Since then, the Law No. 25 of 2004 on National Development Planning System⁴ has been enacted.

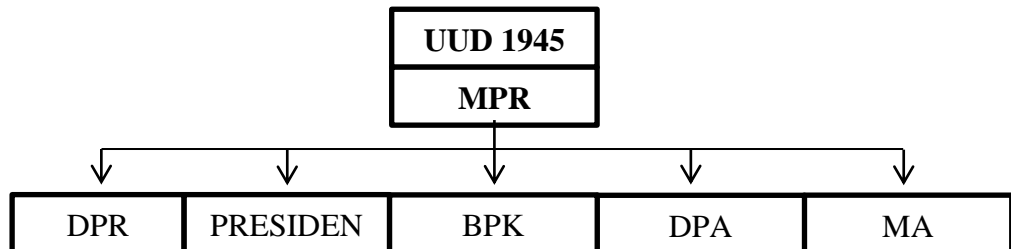
After the 4th amendment, there was a very significant change in the hierarchy of government institutions as seen below;

³ Yessi, "Perbandingan Perencanaan Pembangunan Nasional Sebelum Dan Sesudah Amandemen Undang-Undang Dasar 1945", *Fiat Justisia Jurnal Ilmu Hukum*, Vol. 9, No. 1, (March, 2015), ISSN: 1978-5186, p. 75.

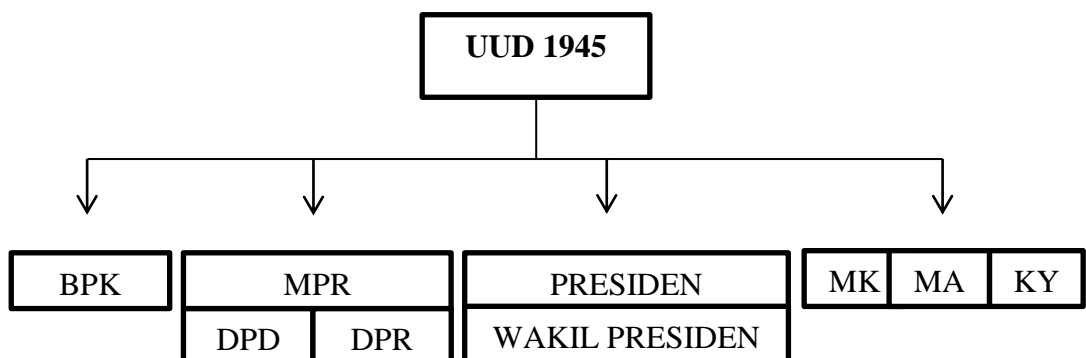
⁴ Law No. 25 of 2004 on National Development Planning System

Figure 1

The Indonesian constitutional hierarchy before the 4th amendment

**Figure 2**

The Indonesian constitutional hierarchy after the 4th amendment



During the Soeharto New Order Era, MPR had the authority to set national development planning system (GBHN) every five years. The MPR made comprehensively national development planning system and instructed the President to implement the planning. After the New Order period passed by, the formulation of the planning then is given to the President and Vice President. As stipulated in the Law No. 25 of 2004 on the National Development Planning System that the President and Vice President are

given the task to prepare national development planning and strategy for 5 years or the National Medium-Term Development Planning (RPJMN).⁵

RPJMN is also made by referring to the preamble of the 1945 Constitution, Law No. 17 of 2007 on RPJPN⁶, and Article 15 e of Law No. 42 of 2008 on General Election of President and Vice President.⁷ Those laws demanded the president to have visions, missions and programs for the next five years.

The absence of GBHN as a product of the MPR had created problems because MPR does not have any authority to produce legal products anymore. Furthermore, in the absence of GBHN, the plannings of national development are assumed be problematic because the state does not have guideline at the implementation phase on how to reach the national goals. Thus, it is important to consider the existence of GBHN for creating good government planning.

B. Research Problem

How is the importance of the existence of GBHN in creating a good government planning?

C. Objective of Research

1. To know the concept of GBHN in Indonesian constitutional system
2. To evaluate the importance of the existence GBHN in creating a good government planning

⁵ *Ibid*, p. 90.

⁶ Law No. 17 of 2017 on the National Long-term Development Plan (RPJPN).

⁷ Law No. 42 of 2008 on General Election of President and Vice President.

3. To suggest recommendation on the importance of GBHN in creating a better government planning

D. Benefit of Research

Based on the research problem and objective research, the benefit of research is expected as follows:

1. Theoretically

To result of research may enrich and develop the legal science, particularly on the constitutional law issues

2. Practically

The result research provides concept of the importance of GBHN that practically needed by the MPR

