

CHAPTER FOUR

FINDING AND ANALYSIS

A. History the Guidelines of State Policy (GBHN)

The reformation period that started from the fall of President Soeharto in 1996 after leading the country for 32 years. The presidency then was continued by B.J. Habibie, Megawati, etc. Post-Soeharto era is better known as a period of democracy that does not have GBHN. During the leadership of Soeharto, the development of Indonesia used the guidelines of GBHN which was implemented with the MPR decree. From 1 April 1969 to 21 May 1998, there had been six MPR decrees on GBHN, namely:

1. MPR Decree No. IV/MPR/1973¹

The insight of archipelago is the Indonesian nation's perspective on their own self and surrounding environment based on its national idea based on Pancasila and the 1945 Constitution which is the aspiration of an independent, sovereign, dignified and self-fulfilling Indonesian nation in achieving the goals of the national struggle.

2. MPR Decree No. II/MPR/1978²

This is the guidance of the practice of Pancasila in the life of the state during the New Order period. The Pancasila Guidance is established by the MPR Decree. No. II/MPR/1978 on Ekaprasetia

¹ MPR Decree No. IV / MPR / 1973 on the Guidelines of State Policy

² MPR Decree No. II / MPR / 1978 on Guidelines of Practice and the Application of Pancasila

Pancakarsa³ which explains the five principles in Pancasila in 36 points of practice as a practical guide to the implementation of Pancasila.

3. MPR Decree No. IV/MPR/1983⁴

- a. The referendum is held by holding public opinion directly, publicly, freely and secretly.
- b. The voting of popular opinion is done by using the letter of the opinion of the people.

4. MPR Decree No. II/MPR/1988

The changing and addition of MPR decree No. I/MPR/1983

5. MPR Decree No. II/MPR/1993

The MPR decrees on GBHN.

6. MPR Decree No. II/MPR/1998⁵

Revocation of MPR Decree Number II/MPR/1978 on (*Ekaprasetia Pancakarsa*) and determination of Pancasila as the basis of state.

Then, with the rise of President B.J. Habibie who succeeded President Soeharto on May 22, 1998 and followed by the implementation of the Special Session of the MPR in November 1998, the MPR Decree No. II/MPR/1998 on GBHN was revoked and replaced by the MPR Decree No. X/MPR/1998 on the Principles of Development Reform in

³ Eka Prasetya Pancakarsa is a guide about the practice of Pancasila in the life of the state during the New Order

⁴ MPR Decree No. IV / MPR / 1983 on Referendum

⁵ MPR Decree No. II / MPR / 1998 on the Principles of Development Reform in the Framework of Rescue and Normalization of National Life as the State Policy.

the Framework of Rescue and Normalization of National Life as the State Policy.

This document is used as a guideline for the Indonesian state to quickly get out of the economic crisis that occurred since July 1997. The last document of GBHN valid in Indonesia was ratified by the MPR Decree No. IV/MPR/1999 on GBHN 1999-2004. The existence of Law No. 25 of 2004 on the National Development Planning System (SPPN), and simultaneously is a result of the 4th amendment of the 1945 Constitution. The document of GBHN is not used anymore. Currently, the document replacing GBHN is the National Long-Term Development Plan (RPJPN) stipulated based on Law No. 17 of 2007.

B. Development Planning in Indonesia

GBHN which established by the MPR is directive or guideline for the nation's struggle to fill its independence. Thus, the materials in GBHN cover all aspects of life of the nation and they refer to the goals of a country mentioned in the Preamble of the 1945 Constitution. Therefore, in the GBHN it was found the explanations of principles of national development that were not in conflict with Pancasila and the 1945 Constitution.⁶

In the period 1969-1998, Indonesia managed to make the national development plan systematically through the five-year stage. The development is an elaboration of the GBHN as mandated in the 1945

⁶ Denny Indrayana, 1997, *Tantangan Pembangunan di Indonesia*, Yogyakarta, UII press, p. 133.

Constitution.⁷ The development stage of the time has become the basis for a sustainable development process and succeeded in improving the people's welfare, as seen in various social and economic indicators. The famous development doctrine of the time was a development trilogy.⁸ At that time all the power of the state apparatus was mobilized to maintain political stability.

The enactment of Law No. 22 of 1999 regarding Regional Government had resulted in the implementation of regional autonomy implemented by providing broad, real and responsible authority to the regions. So that, the coordination and arrangements are required to unify and harmonize the development, both national development and inter-regional development. These matters were the consideration of the need to establish a national development planning system through Law No. 25 of 2004 on the National Development Planning System (*UU SPPN*) which became the legal basis in the field of development planning after the GBHN was removed.⁹

Law No. 25 of 2004 on the National Development Planning System (SPPN) was a unity of development planning procedure to produce long-term, medium-term and annual development plan

⁷ Imam Subkhan, "GBHN dan Perubahan Perencanaan Pembangunan di Indonesia", *Jurnal Aspirasi*, Vol. 5, No. 2, ISSN: 196-223, (December, 2014), p. 138-139.

⁸ Trilogi pembangunan: (1) stabilitas nasional yang sehat dan dinamis; (2) pertumbuhan ekonomi yang cukup tinggi; (3) pemerataan pembangunan dan hasil-hasilnya menuju kepada terciptanya keadilan sosial bagi seluruh rakyat.

⁹ Law No. 25 of 2004 on Planning System National development.

implemented by the state and community organizational elements at the Central and Regional levels.¹⁰

SPPN and GBHN had some fundamental differences. GBHN was drafted by the MPR and stipulated by MPR Decree because the MPR was considered as a representative of the Indonesian people in carrying out the sovereignty process of the people and the President ought to run the state guidance according to the GBHN determined by the MPR without being involved in the preparation. While in SPPN, the preparation of the planning document involves the state organizers which also consist of the President as the implementer of the planning and the community at the Central and Regional level.¹¹

1. New Order

The political policy of the law in the field of national development began to be neatly arranged, operated directionally and continuously as the New Order government was in the centre of power. Apart from the pros and cons on it, from 1969 to 1998, the New Order had made the GBHN as a foundation in the field of National Development plan. During 32 year in power, ideas and development goals formulated by the MPR and implemented by the President.

In Article 3 of the 1945 Constitution, the pre-amendment says "The People's Representative Assembly Establishes the Constitution the Guidelines of the State Policy." In the article it is clear that GBHN

¹⁰ Article 1 point 3 of Law No. 25 of 2004 on Planning System National development.

¹¹ Yessi Anggraini, *Op.Cit.*, p. 83.

is a mandate of the 1945 Constitution as an instrument to create prosperity, a just and welfare of society. The duties of formulating and making the GBHN were given to the MPR which was the highest state institution in the country of Indonesia.

The President as the mandate of MPR in running the government cannot run with its own vision and mission but must be subject to the great visions made by the MPR and outlined in the GBHN. After the fall of the Old Order government and changed into the New Order. The national development policy in the regions is also planned by the MPR regularly which is then set out in the form of GBHN.

Since 1973 to 1998 President Soeharto put the GBHN as the legal foundation in the development process in the country. It was not apart from the role and position of the MPR as the highest institution of the country, so that MPR Decree No. IV/MPR/1973 on GBHN became a legal product at the general assembly of MPR in 1973. The GBHN of 1973 also contained provisions of the relationship between the central government and the region, which contains the revocation of regional autonomy previously regulated by MPRS decree No. XXI of 1966. It was revoked because it was considered containing liberalism, which can cause and endanger the integrity and unity of the nation. During the New Order government, development projects were carried out systematically, run well, and neatly arranged. Each

development program was run in accordance with the policy contained in the GBHN.

In building the nation, the New Order government had its own strategy. The development program was divided into several stages. Short-term stages are called *Repelita* (Five-Year Development Plan) and even a twenty-five year development plan (1994-2019). Each *Repelita* had measurable targets and goals. The first 5 years of the 1969 to 1974 program focused on agriculture. In the mid-1980s Indonesia was able to achieve self-sufficiency in rice supplies. During such period, the Indonesian economy grew by more than 7 per cent.¹²

Soeharto was very successful in promoting rice self-sufficiency, creating political stability, reducing poverty and illiteracy. Many world leaders were interested in the figure, even learned from him to organize the country and nation they lead. At the international level Soeharto encouraged the development of cooperation among ASEAN countries in trade with the aim of strengthening and achieving national resilience. Soeharto also managed to restore relations with the People's Republic of China (PRC). At that time Suharto was a famous leader, perhaps even a world leader.¹³

The followings are explanation of Suharto's leadership strategy during the New Order period, which has national development planning such as generic strategy, specific strategy, development

¹² Anne Both, 2001, *Pembangunan: Keberhasilan dan Kekurangan*, Jakarta, Gramedia pustaka, p. 191.

¹³ R.E. Elson, 2001, *Suharto Sebuah Biografi Politik*, Jakarta: Pustaka Minda Utama, p. 487.

program, stages in development program, program monitoring and evaluation, and feedback.

1. General Strategy¹⁴

In the Soeharto era, development strategies were directed at increasing national income, cleaning and improving economic conditions, especially to suppress high inflation rates.

2. Specific strategy of development¹⁵

In implementing national development, the New Order government had various references in planning the development program and improving the Indonesian economy. One of the work programs of the New Order government is the Trilogy of development, namely:

- a. Equity of state development and its results.
- b. Plan, implement, and achieve high economic growth.
- c. Creating healthy and dynamic national stability

3. Development Program¹⁶

a. Law

It is developing legal culture in the life of society for the creation of legal awareness and compliance.

¹⁴ BAPPENAS, 2009, "tahapan penyusunan program", (Direktorat Alokasi Pendanaan Pembangunan), p. 5.

¹⁵ Student Journalism, Perkembangan Strategi dan Perencanaan Pembangunan Ekonomi Indonesia, december, 20, 2018, <http://wartawarga.gunadarma.ac.id/2010/03/perkembangan-strategi-dan-perencanaan-pembangunan-ekonomi-indonesia/>, at 2.16 p.m.

¹⁶ Bappenas, Prioritas Pembangunan Nasional, december, 12, 2018, <https://www.bappenas.go.id/files/7813/.../bab-ii-proiritas-pembangunan-nasional.pdf>, at 12.45 p.m.

b. Economic

Developing a populist economic system based on fair market mechanisms with the principle of fair competition.

c. Politic

Strengthening the existence and sustainability of the Unitary State of the Republic of Indonesia which is based on *bhineka tunggal ika*.

d. Education

Striving for expansion and equality of opportunity to obtain high quality education for all Indonesian people.

e. Social and Culture

Improving the quality of human and environmental resources that prioritize efforts to improve health, prevention, healing. Developing a national culture that comes from heritage of national cultural that contains universal values including belief in God Almighty in order to support the maintenance of social harmony and build civilization of the nation.

4. Stages in the Development Program

The strategy was then reinforced by setting goals and emphasis of each *Rencana Pembangunan Lima Tahun*, namely:¹⁷

¹⁷ Syahroni, "Pemikiran Tentang Pembangunan Nasional Jangka Panjang Tahap II", *Jurnal PWK*, (December, 2010), page 4-8.

1. RENCANA PEMBANGUNAN LIMA TAHUN I (Five-year Development Plan):

Putting emphasis on agricultural and industrial sectors that support the agricultural sector to create a strong foundation for the next stage.

2. RENCANA PEMBANGUNAN LIMA TAHUN II (Five-year Development Plan):

Putting the emphasis on the agricultural sector by increasing the industry that process raw materials into staple.

3. RENCANA PEMBANGUNAN LIMA TAHUN III (Five-year Development Plan):

Putting the emphasis on the agricultural sector towards food self-sufficiency and increasing the industry that process raw materials into goods.

4. RENCANA PEMBANGUNAN LIMA TAHUN IV (Five-year Development Plan):

Putting an emphasis on the agricultural sector to continue the efforts towards food self-sufficiency by increasing industries that can produce their own industrial machinery.

5. Monitoring and Evaluation of the Program, and Feedback¹⁸

In New Order period there were a lot of achievements in development planning, such as:

- a. Indonesia's GDP (gross domestic product) per capita growth in 1968 was only US \$ 70 and in 1996 it had reached over US \$ 1,000,
- b. Successfully fight illiteracy,
- b. Successful self-sufficiency in food,
- c. Minimum unemployment,
- d. Successful Compulsory Learning Movement,
- e. The success of domestic security so that the political situation is very safe, comfortable and conducive at the time,
- f. Success to foster a sense of nationalism,
- g. Succeed with its REPELITA program (Five Year Development Plan).
- h. Foreign investors want to invest in Indonesia.

2. Reform Era

After the fall of the New Order and born of the Reform Era in 1998, Indonesia entered a new phase. There have been significant changes in the political and administrative system. In the political field the President is elected directly by the people. The logical

¹⁸ AR, Strategi Optimalisasi Pelaksanaan Pengendalian Dan Evaluasi Perencanaan Pembangunan Daerah Dalam Mewujudkan Penyelenggaraan Pemerintahan Daerah Yang Baik, december, 15, 2018, http://www.bangda.kemendagri.go.id/opini/baca_opini/1023/strategi_optimalisasi_pelaksanaan_pengendalian_dan_evaluasi_perencanaan_pembangunan_daerah_dalam_mewujudkan_penyelenggaraan_pemerintahan_daerah_yang_baik#, 3.35 p.m.

consequence of this is that the President becomes determinant actor of the direction of national political policy in the field of development. The vision and mission of the President are applied in the RPJP as guide of the national development. The Reform Era was began when BJ Habibie replaced Soeharto as the President in 1998. As a new leader born in the transitional era, Habibie focuses on controlling the political stability of the turbulent one. In this period, the policy of national law in the field of development described in the GBHN was over. The MPR as the country's highest institution was rejected by President BJ Habibie's accountability.

After that the policy of national law in the field of development was no longer familiar with the term GBHN. One of the ideals of the Reformation of 1998 was to seek a decent life for the people in accordance with just and civilized humanitarian principles. Then he developed the people's economy that pays attention to economic growth with the values of justice, social interests and fair treatment for all Indonesian people.

Referring to the Central Bureau of Statistics (BPS) data released in March 2015 the number of poor people in the country continues to increase. In September of 2014, the numbers of poor people in the Indonesia were around 27.73 million people or 10.96 per cent of the total population in Indonesia. Then in March of 2015 the number of poor people increased to 28.59 million people or

11.22 per cent of the total population of Indonesia. In the span of 6 months the number of poor people in the homeland increased by 860,000 people. Even in 2016 the numbers of poor people were reduced. According to BPS, the number of poor (people with per capita expenditure per month below the Poverty Line) in Indonesia as of September 2016 reached 27.76 million people (10.70 per cent), or decreased by 0.25 million people compared to March 2016 of 28.01 million people (10.86 per cent).¹⁹

The percentage of poor people in urban areas in March 2016 was 7.79 per cent, reduced to 7.73 per cent in September 2016. The percentage of poor people in rural areas dropped from 14.11 per cent in March 2016 to 13.96 per cent in September 2016. Although during the period of March 2016-September 2016 the percentage of poverty declined, but according to BPS, the number of poor people in urban areas increased by 0.15 million people (from 10.34 million people in March 2016 to 10.49 million people in September 2016), while in rural areas fell by 0.39 million people (from 17.67 million people in March 2016 to 17.28 million people in September 2016). Such poverty figures, of course, should be used as a reflection to rearrange the course of the nation's journey. In such a position that is

¹⁹ Badan Pusat Statistik, Persentase Penduduk Miskin Maret 2015 Mencapai 11,22 Persen, December, 14, 2018, <https://www.bps.go.id/pressrelease/2015/09/15/1158/persentase-penduduk-miskin-maret-2015-mencapai-11-22-persen.html>, at 9.47 a.m.

the importance of rearranging the direction of the future of the Indonesian nation.²⁰

C. National Development Planning before and after the fourth amendment 1945 Constitution

The constitutional amendment in the history of the nation of Indonesia provided fundamental changes to the process of preparing the national development direction. It is based on political changes in the history of the Indonesian state between democratic politics and authoritarian politics. The political changes have caused legal aspect not only about changes in the law, but also changes in the higher laws and regulations of the MPR and the 1945 Constitution. The amendment of the 1945 Constitution would change the institutional system of the state including the status of the MPR which would have an impact on the loss of the MPR's authority to make the GBHN.²¹

The legal basis of the 1945 Constitution amendment is based on article 1 (3) of the 1945 Constitution of the Republic of Indonesia which states: "the Indonesian state is a state law" meaning that the 1945 Constitution becomes the basis of all the provisions of the legislation.²²

As a state of law, Indonesia directs its national development to protect

²⁰ Badan Pusat Statistik, Persentase Penduduk Miskin Maret 2016 Mencapai 10,86 Persen, December, 14, 2018, <https://www.bps.go.id/pressrelease/2016/07/18/1229/persentase-penduduk-miskin-maret-2016-mencapai-10-86-persen.html>, at 10.16 a.m

²¹ Moh. Mahfud MD, 2017, *Politik Hukum di Indonesia*, Jakarta, Rajawali Pers, p. 375-377.

²² Erna Ratnaningsih, Perbedaan Tujuan dan Arah Pembangunan Hukum Nasional Sesudah dan Sebelum Amandemen UUD 1945, accessed on March, 02, 2018, http://business-law.binus.ac.id/2017/08/27/perbedaan_tujuan-dan-arah-pembangunan-hukum-nasional-sebelum-dan-sesudah-amandemen-uud-1945/#_edn1, at 5.46 p.m.

the rights of citizens to achieve justice, prosperity and legal guarantees and legal equality for every citizen. The purpose of the establishment of the state of Indonesia is given in the preamble of the 1945 Constitution of the fourth paragraph as follows:

1. Protect the entire nation of Indonesia and the entire blood spill
Indonesia
2. Promote public welfare
3. Educate of the nation
4. Carry out a world order based on freedom, eternal peace and social
justice

To achieve these objectives, the national development should be carried out gradually and continuously. Prior to the fourth amendment of the 1945 Constitution, the direction of national development was established through the guidelines of state policy. After the amendment of the 1945 Constitution, development planning to ensure the achievement of state objectives were regulated through the national development planning system with the issuance of Law No. 25 of 2004 on National Development Planning System which regulates the National Long Term Development Plan. GBHN and RPJPN were essentially the same as guidelines for Indonesian development direction both central and local government.

Changes in the legal basis in national development planning as a substitute for the GBHN after the amendment of the 1945 Constitution

caused many pros and cons in the community. With the abolition of GBHN, some parties assess the consistency and continuity. They had not applied well because the development planning was only mentioned in the law. Laws on national development planning system and the underlying legislation, which development planning, were deemed incapable of ensuring the sustainability and harmony of development between central and regional governments. These ideas led to the discourse of the revitalization of the more easily understood GBHN to run the national law development for the present.

In the academic texts compiled by the Indonesian Rector Forum 2014, Niki Lukviarman, Professor and Head of Doctoral Program of Andalas University, stated that GBHN was different from Long Term Development Plan. GBHN was a development ideology strategy, while RPJP is a technocratic development strategy. The difference between the guidelines of state policy and the RPJP is very basic. The state's point is ideological while the RPJP point is technocratic. The urgency GBHN was a direction for national development while RPJP contains about the elaboration of national development direction which contains the priority of development work that is "technocratic and pragmatic".

Then Niki Lukviarman said the GBHN are dynamic and holistic because they were discussed every five years by all MPR members representing all Indonesian people. This is different from the RPJP that is more likely to be static because it is in the form of law so that it has the

potential to shackle the development planning in the next period of government.

Elfindri highlighted some weaknesses of the national development planning system that took place since the reform era where development plans were formulated based on the vision and mission of the presidential candidate during the presidential election campaign so as to focus more on medium-term development planning rather than long term. In addition, the vision and mission are limited to the campaign team and do not focus on how the country is built in the long term. As a result, development plans of reform-era have frequently unsustainable.²³

To carry out the national development, the GBHN was created in 1993. The carefully planned development of the law should be directed to establish a modern national legal order with reference to the ideals of Pancasila law which are capable of providing an efficient and responsive legal framework and rules for the implementation present and future life. The Indonesian National Law Order must contain features:²⁴

1. National and archipelagic insight,
2. Able to accommodate the legal awareness of regional ethnic groups and religious beliefs,

²³ Advertorial, Seharusnya MPR Kembali Berwenang Menetapkan GBHN, accessed on March, 03, 2018, taken from <http://www.tribunnews.com/mpr-ri/2016/06/21/seharusnya-mpr-kembali-berwenang-menetapkan-gbhn>, 1.30 p.m.

²⁴ Sunaryati Hartono, 1991, *Politik Hukum Menuju Satu Sistem Hukum Nasional*, Bandung, Citra Aditya Bakti, p. 3.

3. As far as possible is written and unified,
4. Be rational that includes rationality-efficiency, rationality-fairness (*redelijkheid*), rationality-principle and rationality-value,
5. Procedural rules that ensure transparency that enables rational review of government decision-making processes,
6. Responsive to the development of community aspirations and expectations.

While the National Development Planning System contained in Article 2 paragraph (4) of Law No: 25 of 2004 on National Development Planning System aims to:

1. Support coordination among development actors,
2. Ensure the creation of integration, synchronization and synergy both between regions, between spaces, between government functions and between the Central and Regional Governments,
3. Ensure linkages and consistency between planning, budgeting, implementation and oversight,
4. Optimize community participation and,
5. Ensure the achievement of the use of resources efficiently, effectively, equitably and sustainably.

There are similarities and differences of the purpose of national development planning before and after the political reform. The equation is responsive and optimizes community participation. While the fundamental differences in the GBHN is formal with a focus on the rule

of law in the form of written, unified and procedural mechanisms in the decision-making process. SPPN focuses on the coordination between development actors between the Central and Regional and ensures the achievement of efficient, effective, equitable and sustainable use of resources. In addition, the differences of national development planning are on the purposes. The following is the comparison of national development planning before and after the amendment of the 1945 Constitution:

Table 1

Differences GBHN and RPJPN.²⁵

No.	Differences of GBHN and RPJPN	
	GBHN	RPJPN
1.	Judging from Legal Basis	
	The ideological basis of Pancasila and the constitutional basis of the 1945 Constitution.	The ideological basis of Pancasila and the constitutional basis of the 1945 Constitution.
	Operational Platform: MPR Decree.	Operational platform: a. Decree of MPR RI Number VII/MPR/2001 on Future Vision of Indonesia; b. Law No: 25 of 2004 on National Development Planning System; c. Law No: 17 of 2007 on the National Long Term Development Plan 2005

²⁵ Law No. 17 of 2007 on National Long Term Development 2005 – 2025 & Law No. 25 of 2004 on National Development Planning System.

		2005-2025. d. Presidential Regulation No: 5 of 2010 on National Medium-Term Development Planning.
2.	Viewed from the Development Strategy	
	<p>The development strategy is directed to the clean-up and improvement of basic economic conditions. The strategy is set with the objectives and emphasis of development in each Repelita namely:</p> <ol style="list-style-type: none"> 1. Repelita I: Focusing on the agricultural sector by upgrading industries that process raw materials into raw materials to lay a solid foundation for the next stage; 2. Repelita II: Focuses on the agricultural sector by upgrading the industries that process raw materials into raw materials to lay the foundations for the next phase; 3. Repelita III: Focuses on the agricultural sector towards self-sufficiency of agriculture towards food self-sufficiency and improves industries that process new materials into finished goods to lay a solid foundation for the next stage: 	<p>The implementation of the RPJPN 2005-2025 is divided into the stages of development planning in the periodization of the 5 year national medium term development plan as follows:</p> <ol style="list-style-type: none"> 1. RPJM-1 (2005-2009): It is directed to reorganize and build Indonesia in all areas aimed at creating a peaceful and peaceful, just and democratic Indonesia and the welfare of its people increasing; 2. Second RPJPM (2010-2014): Aimed to further strengthen the restructuring of Indonesia in all fields by emphasizing efforts to improve the quality of human resources including the development of science and technology skills and strengthening economic competitiveness; 3. The third RPJPM (2015-2019): Aimed at further strengthening overall development in various fields by emphasizing the achievement of competitive competitiveness of the economy based on the advantages of natural resources and quality human resources and the increasing ability of

	<p>4. Repelita IV: focuses on the agricultural sector to continue efforts towards food self-sufficiency by upgrading industries that can produce their own industrial machinery both light industries that will continue to be developed in the next Repelita.</p>	<p>science and technology;</p> <p>4. The fourth RPJM (2020-2024): Aims to create an independent, advanced, just and prosperous Indonesian society through accelerated development in various fields by emphasizing the establishment of a robust economic structure based on competitive advantage in various areas supported by qualified and competitive human resources .</p>
3.	In terms of Development Material	
	<p>a. Law: develops legal culture in all walks of life;</p> <p>b. Economy: Developing a populist economic system.</p> <p>c. Politics:</p> <p>a. Domestic Politics: Strengthening NKRI in plurality;</p> <p>b. Foreign Policy: Affirming Indonesia's free and active foreign policy</p> <p>1). State Implementation: Cleans state administration from corrupt, collusion, nepotism;</p> <p>2). Communication, Information and mass media: Improving the utilization of the role of communication through modern mass media and traditional media;</p> <p>3). Religion: Establish the</p>	<p>d. The 1st RPJM (2005-2009) focuses on:</p> <p>1) Improved justice and law enforcement;</p> <p>2) Decrease in unemployment and poverty;</p> <p>3) Improve management of small islands;</p> <p>4) Improve human resources;</p> <p>5) Encouraging economic growth through the creation of a more conducive climate including improving infrastructure;</p> <p>6) Increasing the role of the private sector by laying the foundations of policy and regulation and institutional reform and restructuring, especially for the transportation, energy and electricity sectors as well as post and telematics;</p> <p>7) Implementation of institutional</p>

	<p>function, role and position of religion as the moral, spiritual and ethical foundation in the administration of the state;</p> <p>4). Education: To seek the expansion and inclusion of opportunities for high quality education for all Indonesians;</p> <p>6). Social And Culture: Health and Social Welfare; Improving the quality of human and environmental resources that support each other Culture, Arts and Tourism by developing and fostering the national culture of Indonesia that originated from the nation's cultural heritage.</p> <p>7). Status and Role of Women: Improving the position and role of women in the life of the nation and state;</p> <p>8). Youth and Sports: Growing a culture by the sport to improve the quality of Indonesian people;</p> <p>9). Regional development: a. General: Develop regional autonomy widely, tangibly and responsibly. b. Special: Aceh Special</p>	<p>revitalization of growth centers that have strategic location such as special economic area (KEK) and mainstay area;</p> <p>8) Improved mitigation plans: geology, forest destruction and environmental pollution.</p> <p>e. Second RPJM (2010 - 2014) with the program: Decrease in poverty and unemployment; 1) Improving health and nutritional status; 2) Preservation of environmental functions; 3) Increased economy through strengthening of manufacturing, agriculture and marine industries; 4) Increased energy.</p> <p>f. RPJM-3 (2015-2019) with the program: 1) Improvement of Science and Technology; 2) Competitive competitiveness; 3) Increasing the capacity of TNI and Polri as well as public participation in the field of law; 4) Equity.</p> <p>g. Human and Community Development Goals include: 1) Population 2) Education 3) Health</p> <p>h. Target Sector Development</p>
--	--	---

	<p>Region, Irian Jaya and Maluku.</p> <p>10). Natural Resources and the Environment: Managing natural resources and maintaining the carrying capacity to benefit the improvement of people's welfare from generation to generation.</p> <p>11). Defence and Security: Reorganizing the Indonesian Armed Forces in a consistent new paradigm through repositioning, redefining and re-actualizing the role of the TNI.</p>	<p>Targets include:</p> <ol style="list-style-type: none"> 1) Food Sovereignty; 2) Energy sovereignty and electrification; 3) maritime; 4) Tourism <p>i. Target Development of Equal Dimension includes:</p> <ol style="list-style-type: none"> 1) Between income groups; 2) Between Rural Development Areas; 3) Border Area Development; 4) Development of Disadvantaged Areas; 5) Development of an Economic Growth Center outside Java;
--	---	---

Sources: Law No. 17 of 2007 on National Long Term Development 2005 – 2025 & Law No. 25 of 2004 on National Development Planning System.

Based on the above table, there are some differences, first the formation of legal basis of GBHN and RPJPN, namely the formation of legal basis of national development planning is different as a logical consequence of amendment to the 1945 Constitution. According to Saldi Isra, changes to Article 1 paragraph (2) and Article 2 paragraph (1) Of the 1945 Constitution will have implications on the role of the MPR as the highest institution of the state to be a combination of DPR and DPD. Then, the MPR's authority is determining the GBHN and electing the president and vice-president, changing and enacting the Constitution, inaugurating the president and vice president in his term according to the Constitution. Before the amendment, the MPRS Decree was deemed to

be higher than the law as it was made by the highest state institution that established the law. In the following period of the amendment of the 1945 Constitution there was a change in the authority of the People's Consultative Assembly which had an impact on the change of status of the MPR Decree in the order of legislation.

Before amendment of the 1945 Constitution, Development planning was previously mentioned in the GBHN and issued in the form of the MPR Decree which is stipulated within a period of five years. The GBHN determines the direction of development policies that the President will implement. The position of the MPR Decree is a state decision which is a statutory regulation in the field of state administration and has the power to bind internally and externally and into the MPR. There was a difference between MPR Decree and decisions. All decisions that apply to the members of the assembly itself, set out in the form of Decision, while the decisions applied to external element of the assembly, set out in the form of Decree.²⁶

The position of the MPR under the new provisions of the 1945 Constitution after the amendment had undergone a fundamental change, so that the MPR has no longer issued legal products as it is known so far. Therefore, the MPR does not stipulate regulating legal products except in the form of Constitution and Amendment to the Constitution. However,

²⁶ Jimly Asshiddiqie, 2010, *Konstitusi dan Konstitusionalisme Indonesia*, Jakarta, Sinar Grafika, p. 265.

the authority of the MPR to issue non-regulatory legal products can be maintained. As the People's Consultative Assembly stipulates that the President and the Vice President have been officially appointed as President since their oath/pledge of office in the presence of MPR Session, in accordance with the provisions of Article 3 paragraph (2) of the 1945 Constitution.²⁷

In the amendment of the 1945 Constitution, the abolition of GBHN was related to changes in the way the President and the Vice President elections which had been changed by the MPR through direct elections by the people. The President had the authority to determine the development plan because he was elected directly by the people. The President could no longer be impeached due to policy differences or differences of opinion between the MPR and the President. So that who can drop it later is only the matter relating to violation of law, violation of the constitution. Instead, national development planning refers to Law No. 25 of 2004 on National Development Planning System (SPPN). Nowadays, a document replacing GBHN is a document of the National Long-Term Development Plan (RPJPN) 2005-2025 stipulated by Law No.17 of 2007.²⁸

Second, in terms of the national development strategy, the period of GBHN implementation during the New Order was divided into two

²⁷ *Ibid*, p. 211-212.

²⁸ Imam Subkhan, *Op. Cit.*, p. 141.

stages: set the direction of national development policy over the next 25 years, and the second stage set the direction of development policy for 5 years period continuously. This is not much different from the national development planning system that is divided into the 5 year development planning policy (RPJPM) and the long-term development planning policy in the 20 year period (RPJP). The strategy of emphasizing development sectors to be achieved cannot be assessed because economic situation, social and cultural conditions at the time of the establishment of the national development policy direction are different.

Third, in terms of development materials, RPJPN only contains the basic things and not much different from GBHN. More detailed provisions are given in the national medium-term development plan (RPJMN). RPJPM is a description of the vision, mission and program of the President whose constituents are guided by RPJPN. As the elaboration of the President's vision, mission and program during the presidential election, the RPJM as a national development plan for the 5 year period in practice and from various public opinion allows the discontinuity between one period with the previous President let alone the President's position is limited for 10 years.

D. Rethinking the Guidelines of State Policy (GBHN) to Create a Good Government Planning

It is common that every organization, whether on a small or large scale, always needs a government planning. The state is an organization too. When an organization (including a country) is not based on a mature, clear, measurable and planned planning pattern and concept, it is almost certain that the direction of the trip and its future is unclear. In the case of planning a country, especially Indonesia, the planning system that is built must be able to reach what the needs of the state and its citizens. Thus, the steps to reach the goal of the state are an on-going basis. Although the demands of the needs of a country are not the same from time to time, it should be understood as a form of the next step that is the main goal to be achieved by a country.²⁹

In order to realize what has been outlined in the opening of the 1945 Constitution of the Republic of Indonesia as the goal of the country, the Indonesian nation had done a mature planning concept through the formation of GBHN in the past. GBHN became the bow in order to lead the way of travel and state for the next five years. The concepts contained in the GBHN were always updated every five years. The concept contained in the GBHN is then used as the basis for thinking and acting for the government in power in order to realize the general goals of the

²⁹ Janpatar Simamora, "Urgensi Keberadaan Gbhn Dalam Sistem Ketatanegaraan Republik Indonesia", *Jurnal Litigasi*, Vol. 17, No. 2, ISSN: 0853-7100, (November, 2016), p. 20-21.

Indonesian nation as set out in the Preamble of the 1945 Constitution of Indonesia.

In the discourse on the necessity of the state delivered by Ravik Rasidi, it is emphasized that the need for the GBHN becomes important for several reasons, namely:³⁰

1. The historical reason that the effort of preparing GBHN has been basically done since the beginning of independence as part of the economic planning model mandated by Article 33 of the 1945 Constitution.
2. The legal reason, where the system is made to replace the state's role GBHN namely the national development planning system such as running ineffectively.
3. The political reason, where the solution to all problems experienced by Indonesia can't be searched from the outside. This nation can only move forward after this nation is able to recognize itself. With the direction of the state, the supervision of the road of development should also be stronger.
4. The social-economic reasons, where every development should be sustainable especially concerning infrastructure on a national scale. The absence of economic development purposes as

³⁰ Ravik Karsidi, *Inspirasi dan Gagasan Akademisi Peduli Bangsa Wacana Perlunya Haluan Negara*, accessed on Monday, 12 March 2018, taken from <https://uns.ac.id/id/uns-berkarya/wacana-perlunya-haluan-negara.html>, at 3.30 p.m.

mandated by the constitution is mainly due to the deviation of development from the spirit and soul of the constitution.

After the removal of GBHN which is a consequence of the removal of the MPR's authority in determining the GBHN, the concept of national development is legalized through the establishment of Law No. 25 of 2004 on National Development Planning System. It then mandates the existence of a state document on long-term planning for government journey in Indonesia.³¹

In order to fulfil the mandate of Law No. 25 of 2004, Law No. 17 of 2007 on the National Long Term Development Plan (RPJPN) was established. The RPJPN law itself was born on the steps taken by the government that submitted the draft of the Draft Law on RPJPN for the years 2005-2025 to the DPR to be discussed together. However, in practice, the existence of Law No. 17 of 2007, including Law No. 25 of 2004, was not able to replace the existence of GBHN as a direction as well as a pointer for governing the wheels of government. In fact, the abolition of GBHN was the foundation for the birth of Law No. 25 of 2004.³²

The weaknesses of Law No. 25 of 2004, especially in article 2, paragraph 4 which had a very broad goal, namely to optimize public

³¹ Prayudi, "RJPN Tahun 2005-2025 Sebagai Landasan Pembangunan Politik Memperkuat Demokrasi", *Jurnal Konstitusi*, Vol. 4, No. 3, ISSN: 2442-2274, (September, 2007), p. 24.

³² Sumardi, "Keterkaitan Kebijakan Perencanaan Pembangunan dan Penganggaran Daerah", *Jurnal of Rural and Development*, Vol. 1, No. 1, ISSN: 1978-9734, (February, 2010), p. 24.

participation. In development practice, society is sometimes still regarded as object not subject. The thinking of the government still considers the community should only be guided, not given instructions and do not need to be involved in the planning, although it concerns the interests of the community itself. Development should place the community as subjects given the space to be involved in the planning, formulation and implementation of the program or development planning.

Furthermore, the main weaknesses that have been found in the national and regional development planning system are the lack of integration both of cross-sectorial, inter-provincial and national, as well as between districts and cities. As a result, each development program is defined to be less mutually supportive of each other so that the expected synergies are less able to drive the national development process. It is evident that the development in Indonesia is not evenly distributed and also the number of some areas that still have low wages, lack of education, and the poverty rate is still high. it is because regional and national integration is not good.

This is the reason why the existence of GBHN as the direction of the organization of the country in the future is still needed. GBHN at the time of its enactment came from the MPR and then mandated to the president to be a reference and guidelines to running the national development. The advantages of GBHN was to have a clear pattern of development planning in determining the goals in development theory as

a foundation, as well as stages to achieve development goals.³³ Also, if the GBHN was reinstated, the MPR had the authority to control whether GBHN had been properly implemented by state institutions, especially the president. Although the president is no longer responsible for the MPR, at least within the framework of GBHN, the president gives progress reports to the MPR.³⁴

The importance of the existence of GBHN in the constitutional system of the Republic of Indonesia has made the Indonesian nation re-conduct in-depth assessment of the effort to restore the authority of the MPR in determining the GBHN. The facts have shown that since the abolition of the GBHN, the direction of government has become less focused. In practice, since the abolition of the GBHN, the government from time to time only able to offer programs that is difficult to measure the success rate and seem to rely solely on the elected president's political program. As a consequence, the programs are subject to change as the new president has his own new programs such as the change of president from SBY to Jokowi. In building infrastructure Susilo Bambang Yudhoyono (SBY) made Master plan of Acceleration and Expansion of

³³ Prabowo, Formula Baru, GBHN dan SPPN Perlu Sinergi, accessed on April, 27, 2018, taken from <https://news.okezone.com/read/2016/04/18/512/1365813/formula-baru-gbhn-dan-sppn-perlu-sinergi>, at 4.20 p.m.

³⁴ Suryanto, Kata pakar hukum jika MPR kembali tetapkan GBHN, accessed on April, 27, 2018, taken from <https://www.antaraneews.com/berita/568838/kata-pakar-hukum-jika-mpr-kembali-tetapkan-gbhn>, at 5.15 p.m.

Indonesia Economic Development (MP3EI) program but when Jokowi come to the power this master plan is left behind.³⁵

In the period of the New Order government, a series of priority programs set forth in the GBHN had been manifested in the life of the nation and state, for example the concept of the development Trilogy. It was started from dynamic national stability, high economic growth, and equity of development. Indonesian people had also experienced food self-sufficiency. In such situation, the presence of GBHN became one of the important steps as guidelines the national development towards the ideals of reform, especially the ideals of the Indonesian nation as stated in the Preamble of the 1945 Constitution of Indonesia.

³⁵ Septian Deni, Program Infrastruktur Jokowi dan SBY, accessed on May, 13, 2018, taken from <https://www.liputan6.com/bisnis/read/2851372/program-infrastruktur-jokowi-vs-sby-mana-yang-lebih-realistis>, at 7.45 p.m.