

**REFORMULATION OF STATE PROPERTIES AS A GUIDELINE
FOR THE DIRECTION OF INDONESIA'S NATIONAL
DEVELOPMENT**

**REFORMULASI HALUAN NEGARA SEBAGAI PEDOMAN ARAH
PEMBANGUNAN NASIONAL INDONESIA**

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ABSTRACT

Discourse of reviving the direction of the country is still ongoing as an effort to correct the national development planning system that is currently used. The pros and cons of coloring efforts to revive the direction of the country. The revival of the direction of the state is considered a manifestation of the return of the authoritarian system of authoritarianism in the new order era. On the contrary, the positive response to reviving PPHN is able to ensure that national development is more thorough, directed, integrated, sustainable and accountable. The problem is how the urgency of forming PPHN as a guideline for the direction of national development in the future? This research is normative juridical research using a statutory approach (statute approach) and a conceptual approach (conceptual approach). The national development system based on the SPPN Law has various weaknesses. this system is still executive heavy and vulnerable to abuser practices has various weaknesses. this system is still executive heavy and vulnerable to abuse of power. In addition, the current national development system provides a gap between the pattern of government development at the central, provincial, district/city levels plus between the leadership before and after it so as to create development that is directed, sustainable and more accountable. It is necessary to reformulate the PPHN which is regulated in the 1945 Constitution of the Republic of Indonesia and subsequently implemented in the system of administering state government power in Indonesia. The granting of constitutional authority to the MPR in the formation and determination of the PPHN will provide a unified perception considering that all colors of political parties take a common consensus for the interests of the

nation and state. The implementation of development will be accountable to the MPR in the form of a performance report, even though the president is no longer the mandate of the MPR. This accountability is an effort to revive the principle of checks and balances on the implementation of national development.

Keywords: Reformulation, PPHN, National Development.

ABSTRAK

Wacana menghidupkan kembali haluan negara masih terus berjalan sebagai upaya koreksi atas sistem perencanaan pembangunan nasional yang saat ini digunakan. Pro dan kontra mewarnai upaya menghidupkan kembali haluan negara tersebut. Dihidupkannya kembali haluan negara dianggap sebagai manifestasi dikembalikannya sistem otoritarianisme pada era orde baru. Sebaliknya, respon positif menghidupkan kembali Pokok-Pokok Haluan Negara (PPHN) mampu menjamin pembangunan nasional lebih bersifat menyeluruh, terarah, terpadu, berkesinambungan dan dapat dipertanggungjawabkan. Permasalahannya adalah bagaimana urgensi pembentukan haluan negara sebagai pedoman arah pembangunan nasional di masa yang akan datang? Penelitian ini adalah penelitian yuridis normatif dengan menggunakan pendekatan peraturan perundang-undangan (statute approach) dan pendekatan konseptual (conceptual approach). Sistem pembangunan nasional berdasarkan UU SPPN memiliki berbagai kelemahan. Sistem ini masih bersifat executive heavy dan rentan terhadap praktik penyalahgunaan kekuasaan (abuse of power). Selain itu sistem pembangunan nasional saat ini memberikan gap antara pola pembangunan pemerintahan di tingkat pusat, provinsi, kabupaten/kota ditambah lagi antara kepemimpinan sebelum dan sesudahnya sehingga menciptakan pembangunan yang terarah, berkesinambungan dan lebih dapat dipertanggungjawabkan. Diperlukan reformulasi PPHN yang diatur dalam UUD NRI 1945 dan selanjutnya diterapkan dalam sistem penyelenggaraan kekuasaan pemerintahan negara di Indonesia. Pemberian kewenangan konstitusional kepada MPR dalam pembentukan dan penetapan PPHN akan memberikan penyatuan persepsi mengingat semua warna partai politik mengambil konsensus bersama untuk kepentingan bangsa dan negara. Pelaksanaan pembangunan akan dipertanggungjawabkan kepada MPR dalam bentuk laporan kinerja, meskipun presiden bukan lagi sebagai mandataris MPR. Pertanggungjawaban tersebut sebagai upaya menghidupkan prinsip check and balances atas pelaksanaan pembangunan nasional.

Keywords: Reformulasi, PPHN, Pembangunan Nasional.

I. INTRODUCTION

The discourse on reviving the nation's bow is still ongoing. Pros and cons from various parties colored the effort to revive the country's direction. This idea seemed frightening to those who rejected it because efforts to revive state policies such as the GBHN actually paved the way for weakening the presidential system that is being built by the Indonesian state. Apart from

that, efforts to revive the GBHN are considered as a political manifestation of past romanticism. The revival of the GBHN is seen as a manifestation of the return of the authoritarianism system to the New Order era.

Conversely, a positive response to reviving the Principles of State Policy (PPHN) is able to guarantee that national development is more comprehensive, directed, integrated, sustainable and accountable. The national development system in the reform era as contained in Law no. 25 of 2004 concerning the National Development Planning System (UU SPPN) gave rise to some disappointment because the system produces development results that are not in accordance with what has been mandated by the constitution. The SPPN design indirectly opened up space for the separation of development patterns at the central, provincial, district/city levels, plus between the previous and post-leaderships. So that it shows the absence of continuity and sustainability of the country's development planning in the future.¹

II. METHOD

This research was conducted through a normative juridical methodology with a statutory and conceptual approach. Through normative juridical research, it is hoped that it can understand the problems and needs of legal development related to the application of the e-voting system in the implementation of elections in Indonesia. With the approach of laws and regulations, it is hoped that laws and regulations can be found that are related to the validity of the implementation of e-voting in Indonesia, in addition to that through a conceptual approach, it is expected to gain an understanding of the effectiveness of the application of e-voting in the implementation of elections as part and effort to form the development of election law in Indonesia.

In 2014 the MPR issued Decree No. 4/MPR/2014 concerning MPR recommendations for the 2009-2014 term, where in one of the recommendations states that it is necessary to reformulate the national development planning system modeled on the GBHN model as the government's direction in carrying out the development of the Indonesian state. With this legal basis on various socialization opportunities for the four pillars of nation and state in several regions, the MPR has always expressed its desire to revive the GBHN as a guide for the development of the Indonesian nation. As a developing country, Indonesia needs a national development direction that is measurable, directed and sustainable. National development is carried out in an effort to realize the goals of the state as stated in the opening of the 1945 Constitution of the Republic of Indonesia.

Starting from the description of the background, the problem is what is the urgency of establishing a state policy as a guideline for the direction of national development in the future?

This research is a normative juridical research using statutory approach and conceptual approach.

III. ANALYSIS AND DISCUSSION

¹ Badan Pengkajian MPR RI, *Urgensi GBHN Dalam Penyelenggaraan Pembangunan Nasional*, (Jakarta: Badan Pengkajian MPR RI, 2017), h. 259.

The reform era in 1998 brought changes to the atmosphere of state life and created several demands for an overhaul of the constitutional system which was later embodied in the amendments to the 1945 Constitution of the Republic of Indonesia. One of the fundamental changes that occurred was a shift in the implementation of people's sovereignty which was previously fully implemented by the MPR as the highest state institution. . The Indonesian government system has changed towards strengthening the presidential system. The president is no longer elected by the MPR but is elected directly by the people through elections, so the president is no longer the MPR's mandate. The next consequence is that the GBHN as a form of accountability from the president to the MPR is no longer needed.

The abolition of the authority to form the GBHN created a legal vacuum regarding national development planning guidelines. To fill this void, Law no. 25 of 2004 concerning the National Development Planning System. The SPPN Law further mandates the formation of a National Long Term Development Plan (RPJPN) with a period of 20 years as an elaboration of the goals of the state in the form of a vision, mission and direction of national development. The RPJPN then becomes a guideline for preparing the vision, mission and programs for presidential and vice presidential candidates. The vision, mission and program are then poured into the National Medium Term Development Plan (RPJMN). The preparation of the RPJMN opens up space for gathering community participation through the development planning forum (Musrenbang). Thus, the RPJPN was initiated as a guide in preparing development planning after the removal of the GBHN.²

Substantially the National RPJPN is a long-term aspirational plan that is prepared through phases, while the state policy is the direction for the state that must be taken in order to achieve the state goal as mandated in the Preamble of the 1945 Constitution of the Republic of Indonesia. Thus, it can be said that the existence of the RPJP has not completely replaced the function of the policy country. Even if one looks closely, the framework for preparing the national development plan is different from the development plan before the amendment to the 1945 Constitution of the Republic of Indonesia. At that time, the development planning document which became the state guideline was placed by the MPR in the form of the GBHN. During the old order, for example, between 1959-1967 the Provisional MPR stipulated 3 (three) national planning decisions through MPRS Decree Number I/MPRS/1960 concerning the Political Manifesto of the Republic of Indonesia as Outlines of State Policy, MPRS Decree Number II/MPRS/1960 concerning the Outlines of the Planned Universal National Development Pattern 1961-1969, and MPRS Decree No. IV/MPRS/1963 concerning Guidelines for Implementing the Outlines of State and Development Directions.

During the New Order period, between 1968-1998, national development planning documents were successfully compiled systematically and formulated in the form of GBHN determined by the MPR. The Long Term Development Pattern is part of the GBHN. During the reign of President Soekarno, the state policy was separated from the RPJPN which at that time

² Prijambodo, Bambang Prijambodo dan Prahesti Pandanwangi, "Politik Hukum Menghidupkan Kembali Haluan negara", *Jurnal Majelis* 8, (Agustus 2018): h. 20.

was called the Outline of the Planned Universal National Development Pattern compiled by the National Design Council (Dapernas), while the state policy at that time was President Soekarno's Speech on August 17, 1959 which contains the Political Manifesto of the Republic of Indonesia.

The pattern of development planning through the SPPN Law has several weaknesses, namely:

- 1) SPPN is executive centric because the orientation of the administration of state administration is only carried out by the President. SPPN has not yet accommodated development planning provisions for other state institutions such as the legislature and judiciary. In addition, the RPJMN, which is the formation of the vision, mission and work program of the president and vice president, is contained in a legal product in the form of a Presidential Regulation, so that it has the opportunity to create high subjectivity and it is feared that it will prioritize the president's wishes over the general interest of national development planning. Apart from that, the consequences of establishing the RPJMN through a Presidential Regulation have resulted in the absence of the principle of checks and balances among state institutions holding other branches of power.
- 2) There are no prohibitions and sanctions if the substance of the RPJMN that has been determined by the president differs from the substance specified in the RPJPN. Until now there is no clear mechanism for assessing whether the planning documents that were made as a follow-up to the RPJPN, such as at the national level, RPJMN, Ministry/Agency Strategic Plans, Government Work Plans, Ministry Work Plans, and at the regional level, RPJMD, SKPD's Strategic Plan, RKPD, SKPD Renja, have indeed referred to the RPJP.³
- 3) It is possible that the vision, mission and work program of the elected president and vice president, which are then compiled as the RPJMN, may differ from the vision, mission and work program of the elected regional heads (governors, regents and mayors). This can happen considering the different political colors that are carried by the president and regional heads. This condition creates a gap (disconnectivity) in the implementation of the RPJMN and the Regional RPJM (RPJMD).
- 4) There is no accountability mechanism as well as sanctions if the RPJMN and RPJMD are not achieved. In addition, there is also no institution that constitutionally oversees the progress of achieving the National RPJM and Regional RPJM.

³ Mudiwati Rahmatunnisa, Sistem Perencanaan Pembangunan Nasional (SPPN), Garis-Garis Besar Haluan Negara (GBHN) dan Peran Majelis Permusyawaratan Rakyat (MPR), Disampaikan pada Seminar Nasional Sistem Ketatanegaraan Indonesia: Reformulasi Model GBHN: Tinjauan Terhadap Peran dan Fungsi MPR RI dalam Sistem Perencanaan Pembangunan Nasional, Kerjasama MPR dengan Universitas Padjadjaran, Kamis 25 April 2013, h. 3-4, https://www.academia.edu/25213742/Sistem_Perencanaan_Pembangunan_Nasional_SPPN_Garis_Garis_Besar_Haluan_Negara_GBHN_dan_Peran_Majelis_Permusyawaratan_Rakyat_MPR_1

The formation of the RPJMN and RPJMD based on the vision, mission and work program of the President and regional heads is also not appropriate, because it raises several fundamental problems, namely:⁴

- 1) The vision, mission and programs of presidential candidates and regional head candidates are basically political commodities aimed at getting votes. As a result, the programs offered will be more populist in nature, and may be less realistic, making it difficult to implement.
- 2) Populist development programs are indeed good enough to increase the number of votes. However, programs like this generally tend to focus on short-term interests and pay little attention to fundamental and long-term interests. As a result, you can get stuck in a problem that is actually just a symptom and not the root of the problem.
- 3) Most Indonesian people belong to the lower middle class who lack the ability to comprehensively review the programs offered. As a result, the choice will fall on the presidential and regional head candidates they know, even though the programs offered are not relevant. Under these conditions the chance of making the wrong choice will be high.
- 4) Every presidential candidate and regional head candidate has a political vehicle in the form of a political party. So that in fact the programs offered in elections and post-conflict local elections are basically the platform of the party concerned. The question is whether the platform of political parties is a form of political product that has carried out the mandate of the Indonesian people, bearing in mind that until now every political party is more busy fighting for its own interests.

Although the development planning prepared under the SPPN Law can be seen as participatory development planning, the reality shows that on the one hand the involvement of the community through musrenbang, especially in the regions, is still ceremonial and a mere formality. In fact, not many people's aspirations were accommodated in the improvement plan. On the other hand, the stakeholders involved, especially community leaders, have not seriously provided criticism and input to the government in the Musrenbang.⁵

The implementation of the Musrenbang, which starts at the lowest level of government, even though it is intended as a development planning forum that involves community participation, in reality the authority to determine the development program remains in the hands of the District/City Government. As a result, the Musrenbang actually hinders people's creativity because the community is directed at achieving a development program whose blueprint has been determined by the government in the Regional Annual Development Plan or Regional Government Work Plan (RKPD) or Regional Medium-Term Development Plan (RPJMD). Thus the RKPD and RPJMD have limited people's creativity. As a result, what the community needs cannot always be fulfilled by the Regency/City Government because it

⁴ Sofia L. Rohi, "Implikasi Amandemen Undang-Undang Dasar 1945 Terhadap Sistem Perencanaan Pembangunan Nasional", *Jurnal Politika* 4, no. 1 (April 2013), h. 88-89.

⁵ Sjafrizal, *Perencanaan Pembangunan Daerah Dalam Era Otonomi* (Jakarta: Rajawali Pers, 2014), h. 135.

is considered not in accordance with the development priority scale designed by the Regency/City Government.⁶

The various weaknesses and deficiencies in the pattern of development planning through the SPPN above require constructive solutions so that national and regional development continues to run synergistically and sustainably. PPHN is a system that is still relevant to date. If viewed from the historical aspect, the loss of the existence of the GBHN at the time of the amendment to the 1945 Constitution of the Republic of Indonesia was not due to the substance of the GBHN itself having problems. The loss of the existence of the GBHN was the result of efforts to reduce the authority of the MPR, which at that time was the highest state institution. The GBHN is also not a product of the New Order, where some are afraid that if the GBHN is revived it will bring up the practice of governance in the New Order era. The presence of the GBHN is actually a mandate from the 1945 Constitution which was originally designed by the nation's founding fathers as an instrument to realize state goals. This can be seen in Article 3 of the 1945 Constitution before the amendment which states that the MPR establishes the Constitution and GBHN.

The revival of the Principles of State Policy must be seen clearly as a form of accelerated efforts to achieve the welfare of all Indonesian people. GBHN actually has a strategic role as a signpost for national development because GBHN has a vision and mission for the country and not the vision and mission of individuals or groups. It is hoped that the GBHN are aspirations that are collected bottom-up through people's representatives so that they accommodate all the general needs of the community and provide alternative solutions to state problems.

There are 4 (four) important meanings of PPHN for the Indonesian state governance system which is based on the principle of people's sovereignty (volsouverenteit) and rule of law. First, the direction of the state is a direction which is a manifestation of the will of the people which in essence constitutes a general pattern of national development determined by the MPR. Second, the state direction is a statement of the people's will to realize a state goal and seeks to provide direction for the struggle and the people of Indonesia in realizing its goals. Third, to provide clarity of direction for the struggle and development of the nation and state, in order to create the desired conditions within a certain period of time to realize the ideals of the Indonesian nation. Fourth, the direction of the state does not merely serve as the direction of national development, but contains a control mechanism for the President to build according to what has been agreed upon by the people.⁷

The reason for weakening the presidential system if PPHN is revived is actually also baseless. The planning model with the direction of the state is actually compatible or in accordance with the entire government system. This is evidenced by several countries that come from government systems that

⁶ Laurensius Arliman S, "Wacana Program Pembangunan Nasional Semesta Berencana Atau GBHN sebagai Landasan Pembangunan Negara Berkelanjutan", *Jurnal Manajemen Pembangunan* 3 no. 1, (2016): h.22. <https://osf.io/3kfhf/>

⁷ Ma'ruf Cahyono, *Restorasi Haluan Negara Indonesia* (Jakarta: Kencana, 2019), h. 214.

have included the direction of the state in their constitutions.⁸ Jimly Asshiddiqie stated that it is a common phenomenon that several countries in the world include state policy in their constitutions. The Irish Constitution since 1937 has included the Directive Principles of State Policy (DPSP) which contain economic policy guidelines, free market mechanisms, state intervention and others. Since then many countries have followed the inclusion of the DPSP in their constitutions, such as Belgium, India, the Philippines, South Africa and others.⁹

The Philippines is an interesting example as a country that adheres to a presidential system, which means it can be an example for Indonesia, which also adheres to a presidential system. In the 1987 Philippine Constitution, the provisions of the DPSP are regulated in Article II under the title Declaration of Principles and State Policies, which include, among other things, the national economy and patrimony, the issue of agrarian reform and natural resource wealth, urban and housing land reform, labor, and others. The Philippine Constitution itself clearly distinguishes between principles (principles) and policies (policies). Principles are intended as binding rules that the government must comply with in carrying out various actions, including the formation of rules, while policies are guidelines for the orientation of the state.¹⁰

In the practice of various countries, there are two models related to developing country directions. First, the DPSP Model which generally operates in a democratic climate. Second, the super-parliamentary model that operates in a climate of authoritarianism. Basically, the two models follow a philosophy based on the same basic thinking, namely, that there is a need for collective efforts made by the state to promote general welfare, exercise the positive rights of citizens (economic, political, social and cultural rights), but differ in translate it into the constitution. In the DPSP model, the government is asked to be directly responsible to the people through elections related to the implementation of the DPSP mandate, while the super-parliamentary model of the government is asked to be responsible to the people through representative institutions which are the embodiment of people's sovereignty, thus becoming the highest state institution.¹¹

The revival of PPHN must be seen clearly as a form of accelerated efforts to achieve the welfare of all Indonesian people. PPHN has a strategic role as a signpost for national development because PPHN has a vision and mission for the country and not the vision and mission of individuals or groups. PPHN is expected to represent aspirations that are collected bottom-up through people's representatives so as to accommodate all the general needs of the community and provide alternative solutions to state problems.

⁸ Eka N.A.M. Sihombing, "Kompatibilitas Sistem Pemerintahan dengan Model Perencanaan Haluan Negara" dalam Fitriani dkk. (Ed.), *Reformulasi Kebijakan Haluan Negara, Antara Realita dan Cita-Cita*, (Medan: Enam Media, 2019), h. 72.

⁹ Jimly Asshiddiqie, *Konstitusi Ekonomi* (Jakarta: Kompas, 2010), h. 100-106.

¹⁰ Mei Susanto, "Wacana Menghidupkan Kembali GBHN Dalam Sistem Presidensial Indonesia", *Jurnal Penelitian Hukum DE JURE*, 17, no. 3 (September 2017): 435.

¹¹ Badan Pengkajian MPR RI, *Kajian Akademik: Konstitusionalisasi Haluan Negara Pada UUD NRI Tahun 1945 Pasca Amandemen* (Jakarta: Badan Pengkajian MPR RI, 2020). h. 151.

Given the importance of PPHN as a blueprint in the implementation of development and to avoid overlapping policies between state institutions and regional governments, the authority to determine PPHN, which is a statement of the will of the people as the main reference for state administrators in realizing the ideals of the nation, must be returned to the MPR. It should be noted that strengthening the MPR institution through granting authority to compile and determine the GBHN is not with the intention of returning the MPR as the highest state institution. The formation of PPHN by the MPR will provide a unified perception considering that all colors of political parties take a common consensus for the interests of the nation and state.

Furthermore, the PPHN formulation must contain the main points of national policy which are not only aimed at the president but all state institutions and even local governments so as to create harmonization and continuity between state institutions as well as between the central and regional governments. The PPHN implementation requires a performance report from the president and state institutions facilitated by the MPR in an MPR plenary session forum (annual). Although there are no legal consequences from the MPR, the performance report is a form of accountability for the performance of the president and state institutions in implementing PPHN. Through the democratic mechanism guaranteed by the 1945 Constitution of the Republic of Indonesia, such as elections, it is the people who will judge whether the leaders of these state institutions are still worthy of being re-elected or not when the leaders of state institutions violate what has been determined in the PPHN.

Setting the working relationship between the MPR and the President in implementing the principle of accountability which should be carried out so that the PPHN can be properly implemented in the system of administering a constitutional democratic country in Indonesia requires that the relationship between the MPR and the President must be reconstructed with the prerequisites or the method stipulated in the 1945 Constitution of the Republic of Indonesia as following:

- 1) There must be the same political will as the MPR regarding the need to include PPHN as a legal instrument for administering state government and national development in the amendments to the 1945 Constitution of the Republic of Indonesia.
- 2) The MPR must be given constitutional authority to formulate and stipulate PPHN as a national policy document for the administration of state governance and national development.
- 3) The MPR is given the authority to give a mandate and assign the President to carry out state policy, and can request an accountability report on the implementation of state policy at least once a year.
- 4) The president can be held accountable for violating state policy, as a form of deviation from state policy or violation of the constitution (violation of the constitution).
- 5) The DPR can supervise and at the same time become a party to nominate the President at the Constitutional Court trial if based on the opinion of the DPR, the President has not implemented or has violated state policy.

- 6) The MPR can dismiss the President if based on the Constitutional Court's decision, the President clearly does not implement or deviate from the state policy that has been placed by the MPR.
- 7) The constitutional powers and obligations of the MPR, DPR, President and MK as mentioned above must be regulated in the 1945 Constitution of the Republic of Indonesia so that they have the force of law as constitutional principles.

IV. CONCLUSION

The national development system based on the SPPN Law has various weaknesses. This system is still executive heavy and prone to abuse of power. In addition, the current national development system provides a gap between government development patterns at the central, provincial, district/city levels plus between previous and subsequent leadership so that it does not create directed, sustainable development. The effort to revive PPHN is the right step to ensure that national and regional development can be aligned, synergized, and sustainable. PPHN reformulation is needed which is regulated in the 1945 Constitution of the Republic of Indonesia and then applied in the system of administering state government power in Indonesia. Granting constitutional authority to the MPR in the formation and determination of PPHN will provide a unified perception considering that all colors of political parties take a common consensus for the interests of the nation and state. Development implementation will be accountable to the MPR in the form of a performance report, even though the president is no longer the MPR's mandate. This accountability is an effort to revive the principle of checks and balances over the implementation of national development.

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