

COMPARISON OF NATIONAL DEVELOPMENT IMPLEMENTATION WITH/WITHOUT THE OUTLINE OF THE COUNTRY

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Abstract

By returning the GBHN, government administration is more focused, there are checks and balances from other state institutions from the implementation of government and more democratic development because it involves the community through their representatives. This study aims to analyze the comparison of the implementation of national development with/without the Outlines of State Policy (Comparative Study of Government 1973-1999 and Government 1999–Present). the most important is the binding force and the value of the constitutionality of each policy. Then take the opportunity to revive the GBHN as the basis for National Development. This type of research is normative legal research because this research is intended to analyze secondary data related to the authority of the People's Consultative Assembly in determining the policies of the national development plan. In normative legal research, only library materials or secondary data include primary, secondary, and tertiary legal materials. Based on the type and nature of the research determined, the data analysis used was qualitative analysis. The results of this study conclude that reviving the GBHN in state administration is a national development solution in the form of a GBHN that does not conflict with the presidential system of government. By placing the GBHN as the Principal Directions of State Policy in the 1945 Constitution and not using it as a means of accountability for the President and Vice President.

Keywords: National Development, State Policy, GBHN

INTRODUCTION

In the 32 years of the New Order government under the same national leadership as President Soeharto, the MPR has succeeded in enacting 6 GBHNs (GBHN 1973, 1978, 1983, 1988, 1993 and 1998). This means that every 5-year session, the MPR carries out the routine task of determining the GBHN which will be mandated to the President. The routines carried out by the MPR do not seem to see the real factors of the legal needs and developments of the community.

To keep up with this paradigm shift in the administration of government, the jurists are looking for breakthrough schools/schools that can be in line with development goals. Starting from the social reality and cultural situation of Indonesia, Mochtar Kusumaatmadja in (Irwansyah, 2018) who was heavily involved in the New Order cabinet formulated the basis for legal development which he said was the flow of sociological jurisprudence. This school is a combination of Eugen Erhlich's legal views and Roscoe Pounds' pragmatic legal theory with Northrop's cultural philosophy and Laswell-Mc.Dougal's policy oriented approach (Farida & Nasichin, 2018).

This whole view is mixed into a legal conception that views law as the whole of the principles and rules that govern human life in society, including the institutions (institutions) and processes that embody the application of these rules in society. This understanding shows that the law is not just a norm. Therefore, according to Mochtar, the function of law is as a means of renewal, in addition to maintaining public security and order (Lathif, 2017). According to (Kusumaatmadja, 2002) the speed in making changes will create a repressive impression in the community so that it can negate the results of the change itself. Developing countries that are in autocratic regimes often do not pay attention to the law as a means of regulating society because they are always faced with the choice between maintaining the spirit of revolution without sacrificing the results of development that have been achieved or vice versa (Pananrangi & SH, 2017). Not to be in that choice, change and order are adopted as the twin goals of a developing society. This view has become the basis for the formulation of development in the legal sector since Repelita II.

Mochtar's conception as Minister of Justice (Minister of Justice) is very influential on the development of national law. Unlike before, legal experts often fail to be involved in the development process because most of them have received traditional legal education so they are not ready to face very complex situations in developing countries with pluralistic legal systems (Manan, 2014). On the basis of Mochtar's conception, the Indonesian nation laid the foundation of awareness for development through the school of development law. According to him, the codification and unification of national law must be carried out selectively on laws that do not regulate the cultural and spiritual life of the people (Purnawan D, 2016).

To realize this Second Long-Term Development, the MPR formulated the legal development target as establishing and functioning a stable national legal system by taking into account the plurality of the applicable legal system that is capable of ensuring certainty, order, law enforcement and protection as well as securing and supporting national development supported by the apparatus. law, facilities and infrastructure as well as an aware and law-abiding community. To be able to build the law properly in its position as part of the national development system, the law must be autonomous (Puri, 2017).

Even though the development of the legal field has its own place, in this era the law is only seen as a tool of repressive power from the bearers of the political power of the new order who have unlimited discretionary authority, as it is characterized by (Nonet & Selznick, 2017) "Political power has direct access to legal institutions so that the legal system is practically identical to the state and the law is subordinated to the "raison d'etat".

Therefore, the instrumental aspect of law is very dominant over its expressive aspect (Nugroho, 2015). The 1998 GBHN, as the last GBHN of the New Order authoritarian rule, was only 6 (six) months old. Tap MPR No. II/MPR/1998 concerning the GBHN is a product of the MPR which was first revoked by MPR Decree No. IX/MPR/1998, after the fall of Suharto's power. The 1998 GBHN formulates the same legal development goals as the 1993 GBHN. The difference lies in the details of the policies that include components of independent legal culture and respect for human rights (Tjandra, 2021).

The development program planning that has been determined by the MPR in the GBHN has in fact not been realized systemically (TAMPUBOLON, n.d.). The MPR evaluation before setting the last GBHN in the transition from the new order government to the reform era stated that development during the new order era was only focused on the economic sector and was not matched by progress in the economic sector other. Physically, progress is seen in the economic sector but fundamentally it is fragile because it does not have a clear legal basis, the law is far behind, het rech hinct achter de feiten aan (Sugiarto, 2021).

Entering the era of reform and the occurrence of changes (amendments) to the 1945 Constitution, there was a change in the line of legal politics in the concept of national development, with the issuance of Law no. 17 of 2007 concerning the RPJPN, the Outline of State Policy (GBHN) is no longer known as it has been practiced before (Lubis, Yamin, & Nasution, 2011). Thus, a guide is needed that becomes the driving force of various development agendas at every level in the context of being coordinated with each other. The RPJPN Law began when the government submitted a draft Bill on the 2005-2025 National Long-Term Development Plan (RPJPN) to the DPR for further discussion. This bill is a follow-up to Presidential Letter No. R-01/PU/III/2005 dated March 18, 2005 which has been submitted to the DPR. This effort is a consequence of the issuance of Law no. 25 of 2004 concerning the National Development planning system, in particular as stated in Article 13 paragraph (1), which mandates the existence of a State document regarding long-term planning.

The RPJPN can be a guide to determine the direction of development over a long period of time, namely for 20 years, although its ratification was on February 5, 2007, the nomenclature of the year since 2005, has been exceeded for 2 years. This guide also contains various visions and missions which will be further elaborated in various existing programs up to the work agenda level in the field. For the regions themselves, it is important to study the RPJPN Law, because the activities carried out by them are based on clear references, synergies occur, and are interrelated from each development plan. In fact, this will not be separated from the control and evaluation process carried out by each ministry/institution.

The State Minister for National Development Planning/Head of Bappenas seeks to compile and further analyze various results of monitoring the implementation of the RPJPN from the respective leaders, ministries or state institutions concerned (Subkhan, 2014). The linkages between these areas of duty and authority are very important, because regional autonomy that developed widely after 1998 really requires policy coordination between every level of government. The coordination that is built is very conducive to efforts to promote the welfare of the local community, and at the same time combating acts of corruption (fight against corruption) systematically or abuse of power by the apparatus, because it has harmed the state.

The RPJPN Law is not only a legislative order on planning, but also has its own historical dimensions and challenges in the midst of the socio-political changes that occurred in the reform era. In the context of political development, theoretically there is criticism that the size is considered less tangible and sophisticated. In this context, the political system becomes important to challenges and areas of a general nature. The first is controlling and regulating the population and state resources. Second, mobilize existing resources to support the goals of economic development and social modernization. Third, being able to assist and accommodate demands as a result of rapid social processes and economic mobilization, without losing control over the population. In the 2005-2025 RPJPN Law, each general condition and the challenges faced are formulated with the aim of realizing the best conditions to be achieved.

After a radical structural reshuffle of state and community institutions through amendments to the 1945 Constitution, general elections and regional head elections (*pilkada*) became an agenda at the center and regions that were very strong developing on the grounds of strengthening the principle of people's sovereignty. Since 2004, the two-stage election between the packages of President and Vice President and continued with direct local elections by the people, has made the development planning pattern a very crucial thing to think about in a more comprehensive context than before. Government programs can no longer be strictly pegged in the planning targets that were previously made, because they depend on the vision, mission, and at the same time the program plans of each candidate that are put forward during the campaign. The complexity of the relevance of development planning and the political platform of each pair of candidates is increasing strengthened, because the political map of the possibility of the emergence of an independent candidate, must also consider the political meaning presented by the coalition map between parties, or the appearance of a single party behind the candidate's package. On each the candidate who emerges as the winner will make campaign promises in the form of development planning for the period of his term of office, which is five years.

However, in practice, the implementation of the RPJPMN and RPJPN is not in accordance with what has been planned. RPJPMN and RPJPN are just a formality because they are the implementation of the vision and mission of the elected president, because the president decides for himself without having to get approval from the DPR, DPD, and even the MPR. In addition, the RPJPN and RPJPMN are also non-binding and do not regulate other state institutions except the president, such as the DPR, DPD, MA, MK, BPK, KY and others. A number of people consider that the RPJPMN is not able to answer the problems faced by the State, especially if it is related to the context of the continuity between the periods of the elected president's administration and its synergy

with development planning in the regions determined by the Regional Head. (Asshiddiqie, 2005) explained that the RPJPN does not depict what dreams of the MPR, DPR, DPRD, and DPD will look like, the legislative body is not reflected there, so he (RPJP) is very biased towards the executive, other branches of legislative and judicial power are not reflected in the RPJP.

By returning the GBHN, government administration is more focused, there are checks and balances from other state institutions from the implementation of government and more democratic development because it involves the community through their representatives. If by reviving the GBHN, it means that the MPR needs to make the fifth amendment to the 1945 Constitution of the Republic of Indonesia, which will also be related to revamping the authority of each state institution.

Therefore, the authors are very interested in discussing and conducting research with the aim of analyzing the comparison of the implementation of national development with/without the Outlines of State Policy (Comparative Study of Government 1973-1999 and Government 1999–Present). At least include the binding power and constitutionality of each policy. Then draw conclusions about the possibility of reviving the GBHN as the basis for National Development.

RESEARCH METHOD

This type of research is normative legal research because this research is intended to analyze secondary data related to the authority of the People's Consultative Assembly (MPR) in determining the policies of the national development plan. In normative legal research, only library materials or secondary data are examined, which includes primary, secondary and tertiary legal materials. Based on the type and nature of the research determined, the data analysis used was qualitative analysis.

RESULTS AND DISCUSSION

A. Comparison of National Development According to GBHN RI and RPJPN RI

Changes (amendments) to the Constitution in the history of the Indonesian nation's journey provide a fundamental change in the process of drafting the direction of national law development. This is based on political changes in Indonesia's history between a democratic political configuration and an authoritarian political configuration. In line with changes in political configuration, the character of legal products has also changed. Political changes that cause legal changes are not only related to changes in the law but also touch changes to higher legislation, namely the Decree of the People's Consultative Assembly (Tap MPR) and the 1945 Constitution (UUD 1945). Amendment to the 1945 Constitution is an agenda or product of reform. At that time there was a strong current of thought driven by various campuses and democracy activists that constitutional reform was a must if we wanted to reform. This amendment to the 1945 Constitution will change the institutional system including the position of the MPR which will have an impact on the loss of the MPR's authority to make the Outlines of State Policy (GBHN).

The legal basis that forms the basis of legal footing in Indonesia is Article 1 paragraph (3) of the 1945 Constitution of the Republic of Indonesia which states "The State of Indonesia is a state of law" which indicates that the 1945 Constitution is the basis for all implementing laws and regulations in Indonesia. As a state of law, Indonesia directs the development of its national law to protect the rights of citizens to achieve justice and guarantee the rule of law and equality before the law for every citizen.

To realize this goal, a gradual and sustainable national development is carried out. Prior to the amendment (amendment) of the 1945 Constitution, the direction of national development was determined through the Outlines of State Policy (GBHN). The GBHN is the state's direction on national development in outline as a statement of the people's will which is determined by the People's Consultative Assembly (MPR) every five years. After the amendment, planning to ensure the achievement of the State's objectives is regulated through the national development planning system through the issuance of Law no. 25 of 2004 concerning the National Development Planning System (UU-SPPN) which regulates the National Long-Term Development Plan (RPJPN). Both the GBHN and the RPJPN are essentially the same as guidelines for the direction of Indonesia's development, both for the central and local governments.

Changes in the legal basis in national development planning as a substitute for the GBHN in the period after the amendment to the 1945 Constitution caused many pros and cons among the public. With the abolition of the GBHN, some parties consider that consistency and continuity have not been implemented because development planning is embodied in the law. The SPPN Law and the laws and regulations under it which are the basis for development planning are considered unable to guarantee the continuity and harmony of development between the center and the regions. These

thoughts gave rise to a discourse on the revival of the GBHN which was easier to understand to run the wheels of national law development.

The objectives of the National Law Development based on the 1978 GBHN are: "National development aims to create a just and prosperous society that is materially and spiritually evenly distributed based on Pancasila within the framework of the Unitary State of the Republic of Indonesia which is independent, sovereign, united and has sovereignty of the people in an atmosphere of safe national life, peaceful, orderly and dynamic and in an independent, friendly, orderly and peaceful world social environment". Thus, the Indonesian people want to achieve a just and equitable society by following: "de gulden middenweg", by avoiding glaring differences and extreme ways such as understanding capitalism, communism or the ways that the state, the State other.

Based on the provisions contained in the 1945 Constitution, the desired state is a democratic welfare state. All state activities after the proclamation were directed to realize this conception. During the New Order (Orba) government, which was determined to run a strong, clean and authoritative government by implementing Pancasila and the 1945 Constitution in a pure and consistent manner. The New Order's determination is carried out with long-planned development (twenty five years) by prioritizing economic development supported by political development at the same level to build the power of state power that is able to produce and maintain stability which at the initial stage is absolutely necessary in the implementation of economic development. Legal development is seen as one of the countries in the development of the political field. This seems explicit in all GBHN up to 1988.

The opportunity and motivation to carry out legal development that is more significant to the development of the demands of the times has been created by the GBHN in 1993 which formally expresses the political will of the policy makers of state administration to view law as a national sub-system on a par with other national sub-systems. The carefully planned development of the law must be directed at building a modern national legal order by referring to the ideals of the Pancasila law which is able to provide an efficient and state legal framework and rules for the implementation of present and future life. The Indonesian National Legal Order must contain the following characteristics:

1. Having a national perspective and an archipelagic perspective;
2. Able to accommodate legal awareness of regional ethnic groups and religious beliefs;
3. As far as possible in written and unified form;
4. rational nature which includes rationality-efficiency, rationality-reasonableness (redelijkheid), rationality-rules and rationality-values;
5. Regulations that ensure transparency that allow rational review of the government's decision-making process;
6. Responsive to the development of community aspirations and expectations.

Meanwhile, in the National Development Planning System contained in Article 2 paragraph (4) of Law No: 25 of 2004 concerning the National Development Planning System, it aims to:

1. Support coordination among development actors;
2. Ensure the creation, synchronization and synergy between regions, between spaces, between government functions as well as between the Center and the Regions;
3. Ensure linkages and consistency between planning, budgeting, implementation and monitoring;
4. Optimizing community participation and
5. Ensure the achievement of efficient, effective, fair and sustainable use of resources.

The objectives of the planning for the development of the national law mentioned above have similarities and differences in perspectives. The equation is optimizing community participation. Meanwhile, the basic difference in the GBHN is that it is formal in nature with an emphasis on written, unified legal arrangements and mechanisms in the decision-making process. The SPPN focuses on coordination between development actors between the Center and the Regions as well as ensuring the achievement of efficient, effective, equitable and sustainable use of resources. In addition to the differences in the objectives of national legal development planning, the following is a good comparison according to the RI GBHN and the 2005-2025 RPJPN, so that they can be compared:

1. In terms of definition

Outlines of the State Policy (GBHN) are the state's policy on national development in outline as a statement of the people's will which is determined by the People's Consultative Assembly every five years. Meanwhile, the National Long-Term Development Plan (RPJP) is a national development planning document which outlines the objectives of the establishment of the Government of the Republic of Indonesia as stated in the Preamble to the 1945 Constitution of the Republic of Indonesia in the form of a vision, mission, and direction of national development for a period of 20 years. the future covering the period from 2005 to 2025.

2. In terms of intent and purpose

According to the Outlines of the State Policy, it was established with the intention of providing direction for the struggle of the Indonesian people in fulfilling their independence with the aim of realizing the desired conditions, both in the medium term of 5 years and in the long term of 25 years, so that gradually the ideals of the Indonesian nation as set out in contained in the 1945 Constitution can be achieved, namely the realization of a just and prosperous Indonesian society. Meanwhile, according to the National Long-Term Development Plan for 2005-2025, hereinafter referred to as the National RPJP, is a national development planning document for a period of 20 (twenty) years from 2005 to 2025, determined with the intention of providing direction as well as being a reference for all components of the nation. (government, society, and the business world) in realizing national goals and objectives in accordance with the mutually agreed vision, mission and direction of development so that all efforts made by development actors are synergistic, coordinating, and complementary to one another in in one pattern of attitude and pattern of action.

3. In terms of foundation

The outlines of the State Policy were drawn up with Pancasila as the ideal basis and the 1945 Constitution as the constitutional basis. Meanwhile, the RPJPN is taken from the Vision and Mission of the elected President on the basis of its operational basis covering all provisions of laws and regulations that are directly related to national development. In terms of scope

According to the Outlines of State Policy To provide an overview of the form of the future that is desired and fought for and how to achieve it, good in the long term and in the medium term, the Outlines of State Policy, the material of which includes National Development, Second Long-Term Development, and Seventh Five-Year Development, while according to the RPJPN as stated in the Appendix, it is an integral and inseparable part of this Law. . The National RPJP as this is the guideline in the preparation of the National RPJM which contains the President's Vision, Mission and Program.

4. In terms of national development goals

According to the Outlines of the State Policy, national development aims to create a just and prosperous society that is materially and spiritually evenly distributed based on Pancasila and the 1945 Constitution in the framework of the Unitary State of the Republic of Indonesia, which is independent, sovereign, united, and has sovereignty of the people in an atmosphere of national life. which is safe, peaceful, orderly, and dynamic in an independent, friendly, orderly and peaceful world social environment, while the National RPJP is an elaboration of the objectives of the establishment of the Indonesian State Government as stated in the Preamble to the 1945 Constitution of the Republic of Indonesia, namely to protect the entire nation and the entire homeland of Indonesia, promote public welfare, educate the nation's life, and participate in carrying out world order based on independence, eternal peace, and social justice in the form of the formulation of the vision, mission and direction of National Development.

5. From a basic point of view

According to the Outlines of State Policy, they are firm in planning and implementing national development. These principles are:

- a. The principle of Faith and Piety to God Almighty: that all national development efforts and activities are inspired, driven, and controlled by faith and piety to God Almighty as noble values that form the spiritual, moral, and ethical foundation in the framework of national development as a practice. Pancasila
- b. The principle of benefit: that all national development efforts and activities provide the greatest benefit to humanity, increase the welfare of the people, and personal development of citizens and prioritize the preservation of the noble values of the nation's culture and the preservation of environmental functions in the context of sustainable and sustainable development.
- c. The principle of Pancasila democracy: that efforts to achieve national development goals which include all life in society, nation and state, are carried out in a family spirit characterized by togetherness, mutual cooperation, unity and integrity through deliberation to reach consensus.
- d. Fair and Equitable Principle: that national development which is carried out as a joint effort must be evenly distributed in all levels of society and throughout the territory of the country where every citizen has the right to have the opportunity to play a role and enjoy the results fairly in accordance with human values and the services rendered. to the nation and state.
- e. Principle of Balance, Harmony and Harmony in Life: that in national development there must be a balance between various interests, namely balance, harmony, and harmony between the interests of the world and the hereafter, material and spiritual, soul and body, individual, community and state, center and regional as well as interregional, land, sea, air and aerospace life interests as well as national and international interests.

- f. The principle of law: that in the implementation of national development, every citizen and state administrator must obey the law which is based on justice and truth, and the state is obliged to uphold and guarantee legal certainty.
- g. The principle of independence: that national development is based on belief in one's own abilities and strengths, and is based on the nation's personality
- h. The principle of struggle: that in the implementation of national development, state administrators and the community must have a high mentality, determination, soul, and spirit of devotion as well as obedience and discipline by prioritizing the interests of the nation and state above personal and/or group interests.
- i. Principle of Science and Technology: that in order for national development to provide the highest level of welfare for the people physically and mentally, its implementation needs to apply the values of science and technology, as well as encourage the use, development, and mastery of science and technology in a careful and responsible manner. pay attention to religious values and the noble values of the nation's culture

6. In terms of the target/direction of legal development

According to the Outlines of State Policy, the establishment and functioning of a stable national legal system, based on Pancasila and the 1945 Constitution, taking into account the plurality of the prevailing legal order, which is able to guarantee certainty, order, enforcement and protection of laws with the core of justice and truth. , as well as being able to secure and maintain support national development, which is supported by legal apparatus, adequate facilities, and infrastructure as well as people who are aware and obey the law. In order to strengthen the national legal system based on Pancasila and the 1945 Constitution, legal development is directed to produce national legal products capable of regulating general government tasks and the implementation of national development, supported by clean, authoritative, dedicated, aware and honest legal apparatus obey the law, have a sense of justice in accordance with humanity, as well as being professional, efficient and effective, equipped with adequate legal facilities and infrastructure and developing a society that is aware and obeys the law. The formulation and planning of national laws must be carried out in an integrated manner within the national legal system. Meanwhile, according to the RPJPN:

- a) The creation of the rule of law and the enforcement of human rights based on Pancasila and the 1945 Constitution of the Republic of Indonesia and the establishment of a national legal system that reflects truth, justice, accommodative and aspirational. The creation of law enforcement regardless of one's position, rank and position for the sake of the rule of law and the creation of respect for human rights.
- b) Creating a constitutional foundation to strengthen democratic institutions.
- c) Strengthen the role of civil society and political parties in political life.
- d) Strengthening the institutionalization of democratic values that emphasize the principles of tolerance, non-discrimination, and partnership
- e) The realization of democratic consolidation in various aspects of political life that can be measured by the existence of a government based on law, a professional and neutral bureaucracy, civil society, an independent political and economic community, as well as the existence of national independence.

7. In terms of priority scale

According to the Outlines of State Policy, with the stipulation of the economic sector as the main focus which is the main driver of the Second Long-Term Development, along with the quality of human resources, the priority of the Seventh Five-Year Development remains on the development of the economic sector with equivalence and linkage between industry and agriculture. , as well as other sectors, along with the development of the quality of human resources, who have faith and fear of God Almighty.

Meanwhile, according to the RPJPN it is directed at legal development directed at supporting the realization of sustainable economic growth; regulate issues related to the economy, especially the business world and the world; and create investment certainty, especially law enforcement and protection. Legal development is also directed at eliminating the possibility of criminal acts of corruption and being able to handle and completely resolve problems related to collusion, corruption, and nepotism (KKN). Legal development is carried out through the renewal of legal materials while still paying attention to the plurality of the applicable legal order and the influence of globalization as an effort to increase legal certainty and protection, law enforcement and human rights (HAM), legal awareness, as well as legal services with the core of justice and truth, orderliness and welfare in the context of an increasingly orderly, orderly, and globally competitive implementation.

B. Legal Forms of the GBHN that are Not Contrary to the Presidential System

The state administration system is the same as the state government system, this is based on the fact that the state administration system talks about the government system in a broad sense. According to general state science (*algemeine staatslehre*) what is meant by the system of government is the state administration system, both in the form of a monarchy and a republic, namely regarding the relationship between the government and the bodies that represent the people. In this regard, Mahfud stated that the state government system is a system of working relations between state institutions or the three axes of power, namely the executive, legislative, and judicial. Not much different from Mahfud, Kusnardi and Harmaily Ibrahim said that the system of government is the division of power and the relationship between state institutions that exercise state power in order to carry out the interests of the people.

Broadly speaking, the state government system according to its nature is divided into three types, namely: (i) a parliamentary system of government; (ii) presidential system of government; and (iii); mixed or hybrid system of government (quasi parliamentary or quasi presidential). In this regard, according to the author's research, the focus of the discussion in this literature review is on the presidential system of government. The choice was made considering that one of the basic agreements of the BP-MPR in amending the 1945 Constitution (1999-2002) was to purify the presidential government system.

Looking at the character of the presidential government system, the 1945 Constitution after the amendment gave the character of purification of the presidential government system in the form of: (i) the process of electing the president and vice president was carried out directly by the people (previously conducted by the MPR); (ii) the president cannot freeze/dissolve the DPR; (iii) the term of office of the president and vice president is only two terms; (iv) the process of impeaching the president and/or vice president involves the legal role played by the Constitutional Court; (v) renew the position, composition and authority of the MPR; (vi) the return of the role of the DPR in the legislative function (but a mutual agreement between the DPR and the president is still required); (vii) there is a judicial review of the Constitution conducted by the Constitutional Court.

According to Aulia A. Rachman, there are at least five reasons for the MPR as a result of the 1999 general election to purify the presidential government system, namely: first, the choice of the form of the presidential government system is an agreement and is based on the beliefs and interests of the founding fathers of the state in 1945. , although the format is not as a system of government in general. Second, the Indonesian people had a traumatic experience when a parliamentary government system was implemented according to the 1950 Provisional Constitution. Third, the parliamentary system of government was considered a liberal democratic school of thought. Fourth, the presidential system of government creates government stability. Fifth, direct elections strengthen the legitimacy of the government because it gets a direct mandate from the people.

C. State Policy and Presidential Government System

The bow in the Big Indonesian Dictionary (KBBI) means the direction of the goal or guideline. For Jimly Asshiddiqie, the state's direction is the same as policy. The state policy is a guideline for the administration of the state. The direction of the state can be in the form of a political direction in the fields of economy, culture, or law. Thus, this term can be associated with political understanding in a broad sense, as reflected in the terms political economy, cultural politics, legal politics, energy politics, food politics, and so on.

The term state policy itself is used in the 1945 Constitution of the Republic of Indonesia (Before the Amendment) precisely Article 3 which states "The MPR establishes the Constitution and the outlines of the "state direction" and the explanation "... the DPR can always monitor the actions of the President and if The Council considers that the President has indeed violated the state's direction which has been determined by the constitution or the People's Consultative Assembly..."

From this quote, it can be seen that the direction of the Indonesian state can be sourced from the 1945 Constitution of the Republic of Indonesia and some are determined by the MPR.

The context of sovereignty shows that there is a link between Article 3 and Article 1 paragraph (2) of the 1945 Constitution before the Amendment. Meanwhile, based on the experience of the 1945 Constitution Before the Amendment, Jimly stated that the state's direction includes the following definitions:

1. The state policy as stated in the 1945 Constitution;
2. The state's direction as stated in the MPR/S decrees;
3. The state's direction in terms of the work program contained in the MPR Decree on GBHN; and
4. State policy as stated in the APBN Law.

From the concept of the state policy, it is learned that the Indonesian state policy can be contained in various kinds of laws and regulations. What is interesting is that the 1945 Constitution

Before the Amendment did require the existence of a state policy as a guideline for Indonesia which was developing. The form of state law as a form of development planning with the GBHN model which contains work program guidelines that are concrete and can be evaluated according to the needs of development development.

Meanwhile, when talking about the system of government, then in the basic concept, the system of government is distinguished between a parliamentary system of government and a presidential system of government.

The parliamentary system of government shows various main characteristics. First, there are two executive institutions, namely the executive who runs and is responsible for the administration of government and the executive who cannot be held accountable for the administration of government. The first executive is usually called the head of government and is in the hands of the cabinet or council of ministers. The second executive, is the head of state, namely the king for the kingdom and the president for the republic. The second executive's accountability is carried out by the first executive. C.F.Strong mentions real executive for executives who run and are responsible for running the government and nominal executive for executives who cannot be held accountable for running the government. Second, the cabinet or council of ministers is responsible to the people's representative body, while the head of state cannot be contested (can do no wrong). The purpose of executive responsibility is that the executive can be dropped by a vote of no confidence by a representative body. The country that is often used as a reference for a parliamentary system of government is England.

The presidential system of government only recognizes one executive. The functions of the head of government (chief executive) and head of state (head of state) are in one hand and single (single executive). The sole executive power holder in a presidential system is not accountable to the people's representative body, but directly to the electorate because they are directly elected or elected through the electoral college. Therefore, the term of office of the President is usually fixed, and can only be accounted for in office through an impeachment procedure for legal reasons. The country that is often used as a reference for the presidential system of government is the United States. In practice, there are many variants in the administration of the government system, both in parliamentary and presidential. There is even a mixed variant between parliamentary and presidential as in France.

From this description, the essence of the government system is related to the accountability procedures for the administration of executive government in a democratic state order. Based on empirical correspondence conducted by M. Adnan Yazar Zulfikar to 194 constitutions of countries in the world uploaded by the Comparative Constitutions Project from the University of Texas, it shows that every country that uses a parliamentary system of government regulates the accountability of the head of government to parliament, on the contrary the head of government in every country that uses a presidential system is not responsible to the legislature

If we look at the two models of the government system, then as has been discussed, the presidential government system does not require accountability in the middle of a term of office in policy matters. This is what makes the pattern of planning the development of the GBHN model based on the 1945 Constitution of the Republic of Indonesia before the amendments are abandoned. However, there are lessons that can be drawn from the description above, that for Indonesia which is developing (development countries), the planned development planning of the GBHN model deserves consideration.

Through Law no. 25 of 2004 concerning the National Development Planning System (SPPN) and Law no. 17 of 2007 concerning National Long-Term Development Planning (RPJPN), actually planned development has been accommodated in the legislation. However, its implementation is established through a Presidential Regulation on the National Medium-Term Development Plan (RPJMN). With the legal form of the Presidential Regulation, the position of the President is very full power in determining the 5 (five) year medium-term development planning (RPJMN). This was initially criticized, because the development plan to become President-centric or executive-minded was not in line with the social base of the Indonesian people, which was diverse, diverse and with a multi-party system. With the legal form of law for the SPPN and RPJPN and more specifically the presidential regulation (perpres) for the RPJMN, the form of regulation is more flexible, where the President can change it at any time according to his needs. The flexibility of these regulations makes the development planning system very easy to change according to the wishes of the elected and current leaders.

CONCLUSION

Based on the research and discussion, it can be concluded that reviving the GBHN in the state administration is a solution for national development in the form of a GBHN that does not conflict with the presidential system of government adopted. By placing the GBHN as the Directive Principles of States Policies in the 1945 Constitution and not making it a tool of accountability for the President and Vice President. The implications of violating the GBHN by the president can be in the form of social, political and legal sanctions. Social and political implications can be issued by the MPR, so that the President is considered incompetent and unfit to hold his position in the next election. The social and political implications are still of a moral nature and are just an appeal. Meanwhile, the legal implications that are binding cannot result in the overthrow of the President because it is not in line with the presidential system adopted. Therefore, the legal implications of violating the GBHN can be carried out in two forms, first, the MPR orders the DPR to use its budget rights to reject the RAPBN proposal. Thus the President and other State Institutions are forced to form program plans and budgets in accordance with the GBHN. Second, through the court mechanism. Through the Constitutional Court, it is very possible to receive a judicial review and constitutional complaint if there is a state policy that is not in accordance with the GBHN contained in the 1945 Constitution of the Republic of Indonesia.

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