

CHAPTER ONE

INTRODUCTION

A. Background

Indonesia has experienced three periods of government namely the old order, the new order, and reform. This country has undergone reforms with the changing state and constitutional system. Since the reformation in 1997 until now, Indonesia has experienced very significant changes such as the introduction of the Checks and Balances system, the establishment of a constitutional court, and the loss of representative democracy. This very significant change was made by amending the 1945 Constitution which became the basis or foundation of Indonesia and its constitutional system. This amendment has happened four times, namely in 1999, 2000, 2001, and 2002. Several changes have occurred fundamentally from the amendments to the 1945 Constitution that have been carried out, among others, the loss of the Supreme Advisory Council (DPA) as a core state institution, in the form of a Constitutional Court (MK) as part of a judicial institution, and the loss of the position of the People's Consultative Assembly as the highest state institution is the only state institutions.

In the reform era, the People's Consultative Assembly is one of the high state institutions that is part of the legislative body. This institution consists of the House of Representatives (DPR) and the Regional Representative Council (DPD). Members of the DPR and DPD are people elected by the people through a general election system which is held every five years. After being

elected by the general election, each person chosen will become a representative of the community in the central government. Because the MPR consists of members of the DPR and DPD, this institution can be called a representation of the people. In the pre-reform era, the MPR was the highest state institution under the Pancasila and above the 1945 Constitution. This affected the authority to amend the 1945 Constitution, making the MPR Decree (TAP-MPR) generally applicable (regeling) and appointing the president as a form of representative democracy.¹ Besides, the MPR can also form a long-term plan as outlined in the TAP-MPR legal product called the Directive Principle of State Policies (GBHN). During the reform period, the MPR had lost much of its authority, including in making the Directive Principle of State Policies (GBHN).

GBHN is a product that was formed in the pre-reform era, in the era before the reform GBHN was formed by the MPR as a guideline or a long-term plan for running the Indonesian government. The GBHN also regulates development in all aspects such as economy, law, welfare, and others. The Directive Principle of State Policy (GBHN) is state policy in broad outlines as a statement of the will of the people based on the Pancasila and the 1945 Constitution as a constitutional basis established through the MPR Decree (TAP-MPR). Besides, GBHN can also be seen in terms of formal and material.

¹ Mudiwati Rahmatunnisa, *Sistem Perencanaan Pembangunan Nasional (SPPN), Garis-Garis Besar Haluan Negara (GBHN) dan Peran Majelis Permusyawaratan Rakyat (MPR)*, accessed from https://www.academia.edu/25113004/Sistem_Perencanaan_Pembangunan_Nasional_SPPN_Garis-Garis_Besar_Haluan_Negara_GBHN_dan_Peran_Majelis_Permusyawaratan_Rakyat_MPR_1, date 10 November 2019 at 19:40 P.M.

In a formal sense, the GBHN was interpreted as one of the tasks of the MPR according to Article 3 of the 1945 Constitution before the amendment. Whereas the GBHN in the material sense is the authority of the MPR according to Article 1 paragraph (2) of the 1945 Constitution before the amendment.² As a mandate from the people through a representative democracy, the GBHN made by the MPR is a form of development desired by the community.

The GBHN is a guideline for running the Indonesian government created by the MPR with the Decree of the MPR (TAP-MPR) in the pre-reform era. After the third amendment of the 1945 Constitution, the implication of the amendment causing the loss of the MPR's position as the country's highest institution on the 1st article of 1945 Constitution. It also affected its authority in making the MPR Decree (TAP-MPR) and the loss of authority in determining and making GBHN on the 3rd article of 1945 Constitution. This causes Indonesia to need a guideline in running the government.

In the post-reform era, the government made a product that was projected to replace the GBHN, the National Long-Term Development Plan (RPJPN). The National Long-Term Development Plan is a national development planning document for 20 (twenty) years since 2005-2025.³ So the RPJPN is a development planning document that is legitimized by law. This RPJPN also consists of the National Medium-Term Development Plan (RPJMN) which has a term of 5 years. So, in achieving a goal that is in the

² Janpatar Simamora, Urgensi Garis Garis Besar Haluan Negara Dalam Sistem Ketatanegaraan Indonesia, *Litigasi*, Vol 17(2), 2016, Page 3442

³ Article 1 Sub-article (1) of Law No. 17 of 2007 concerning National Long-Term Development Plan 2005-2025.

national development system, the Indonesian government uses the RPJPN as a means of achieving national development.

However, in practice, it turns out that there is a mismatch between the development plans contained in the RPJPN and the government programs that are happening. One of them is in the case of natural resource development and the environment, which states that as the basis of national development, the utilization of renewable natural resources is one of which forests are carried out rationally, optimally, and efficiently, and must be maintained and improved in quality. However, in its application, the Law No.32 of 2009 concerning about the protection and management of the environment still give permits to burn forests. So that we can know that the use of RPJPN as a substitute for the Directive Principle of State Policy is not appropriate given that when the substance in law is different, reduced, or even broader than what is stipulated by the RPJPN, there is no single provision which prohibited it. In the form of RPJPN which is legitimized by the Law, the position and influence of the RPJPN are different from the GBHN. This is because the GBHN position at that time was formed by the MPR which has the status of the highest state institution and is above the president and the Law in the form of the TAP-MPR, while the RPJPN was formed by the Legislature and Executive in power at that time in the form of Law. The executive and legislative during the preparation of RPJPN will not be in office for the next 20 years. This gives an impact that the government in the next period will not necessarily use or implement the RPJPN that has been made.

This research has focused on the analysis of the urgency of giving the authorities in making Directive Principle of State Policies by People Consultative Assembly as a guideline to run the government in the reform era.

B. Statement of Problems

From the background explained above, there is a statement of problem in this research, namely:

What is the urgency of giving the authorities in making Directive Principle of State Policies by People Consultative Assembly?

C. Objective of Research

The objectives of this research are:

1. To understand the urgency of giving the authorities in making Directive Principle of State Policies by People Consultative Assembly in reformation era
2. To Understand the function of Directive Principle of State Policies
3. To propose suggestion and recommendation to the government through this undergraduate thesis in making Broad Outlines of State Policy (GBHN) by People Consultative Assembly (MPR) in reformation era.

D. Benefit of Research

- 1 Theory

This research gives benefits to the implementation Directive Principle of State Policies.

2 Practice

This research gives benefits to the government and related organizations for making Directive Principle of State Policy by People Consultative Assembly.