

THE RELATION BETWEEN DIRECT PRESIDENTIAL ELECTION SYSTEM WITH THE NATIONAL DEVELOPMENT PLAN

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Abstract: *Many criticized RPJP-RPJMN as the national development plan for suffered a setback. From historical view a comparison to GBHN is inevitable as the main argument is through the GBHN, the direction and purpose of the government wheel journey will be easier to understand so that it is quite easy to correct the level of success and achievement that is inscribed by a government in power. The problem is whether the direct presidential election system is being implemented today is the reason why GBHN is removed as national development plan? The study is analyzed through pure legal research. The result is that the amendment to the 1945 Constitution in Article 6A determines that the Presidential election is directly elected by the people has implications for the abolition of GBHN in Article 3 of the 1945 Constitution.*

Keywords: *Election; National Development Plan; GBHN; RPJMP*

1. INTRODUCTION

MPR amended the 1945 Constitution. One of the third amendments in 2001, is Article 3 of the 1945 Constitution which stipulates that "the People's Consultative Assembly determines the Basic Law and Outlines of the State Policy" is changed to Article 3 Paragraph (1) which removes the MPR's authority to determine the GBHN, "The People's Consultative Assembly has the authority to amend and enact the Basic Law". Since then, the concept and term GBHN no longer exist in development planning in Indonesia. If we look at the debate in the session on amendments to the Constitution by the MPR Working Body for the abolition of the GBHN, this is related to changes in the model of presidential and vice presidential elections which were changed by the MPR through direct elections by the people.

By being directly elected by the people, it becomes the authority of the President who is directly elected by the people to determine the development plan. So there is no

need for guidance from the MPR RI, there is no need for benchmarks from the MPR, so that the President can no longer be overthrown because of differences in policies, differences of opinion in policies between the MPR and the President. So that the things that can overthrow the President later are matters relating to law violations, violations of the Constitution. It is no longer a violation of GBHN. With the direct election system, GBHN is the *platform for the party* that wins the election, which is determined by the *platform of the presidential candidate* who won the Presidency. As a result, the President is not accountable to the MPR, but directly to the voters. So that if a President does not fulfill the will of the people, he will not be re-elected, if he is to nominate for the next term of office.

However, lately many parties have questioned the absence of the GBHN on the grounds that the RPJP-RPJMN instead of the GBHN from a planning point of view suffered a setback. However, not all agree with this view because some parties also have their own arguments regarding the need for GBHN. Indeed, the loss of the GBHN has resulted in the loss of the guiding means for the implementation of national development which has proven capable of guiding the New Order government in carrying out development activities in succession since 1973-1998. (Mahmud, 2012)

The GBHN is a state policy regarding state administration in broad outlines as a statement of the will of the people as a whole and in an integrated manner. As the direction of the state, of course it can be understood that the existence of GBHN itself in implementing the wheels of government is very much needed. Through the GBHN, the direction and purpose of the government wheel journey will be easier to understand so that it is quite easy to correct the level of success and achievement that is inscribed by a government in power. According to M. Hadin Muhjad, the idea of reformulation of the GBHN no longer seeks answers to its urgency for Indonesia's development, but instead focuses on the form of law and substance and systematics associated with the president and his deputy as the direct choice of the people, what is the legal product and what are the legal consequences if it is implemented. What are the implications if the MPR is given the authority to implement this system, the GBHN must be decided by a MPR Decree, a systematics of governmental direction. The problem is, how to make it happen. Because the abolition of the current GBHN is due to amendments to the 1945 Constitution, logically, it will change the Constitution again or return to what it was before the amendment. (Muhjad, 2016: 1)

Although later found a number of other programs such as the National Long-Term Development Plan (RPJPN) which were formed and offered to replace the GBHN position, it must be admitted that this has not been able to be developed as a more operational conception so that development goals and processes are not swayed by tug of war. interests of various parties. This is where the existence of the RPJPN has not been able to keep up with or replace the existence of the GBHN as a direction or compass for the future journey of the Indonesian nation. In fact, one of the reasons for a number of parties who are pro towards efforts to revive the GBHN is based on facts obtained in the field which show that both the Medium Term Development Plan (RPJM)

and the RPJP are unable to provide solutions to unify the vision of development at all levels in order to create community welfare. (Sembiring, 2005)

When GBHN is removed from the state administration system of this nation, it will be very difficult to measure the level of success of a government being run. Because it is not found what measures or criteria for the success of a real government are found. Honestly, it must be admitted that the step to eliminate GBHN is not one of the goals of reform. The elimination of the GBHN from the current course of the Indonesian nation is only a consequence of efforts to reduce the authority of the MPR, which was previously placed as the highest state institution. This shows that the elimination of GBHN is not motivated by a problem that leads to the existence of the GBHN itself. Moreover, when it is related to the historical fact that since the GBHN was known in the country, there have not been found a number of problems which indicate that the existence of the GBHN itself has brought problems to the existence of the Indonesian nation.

For the first time, the Indonesian government stopped referring to the GBHN, which had been removed from the formulation of the national development plan since 2004. In that year, direct elections for the president and vice president were held. As a substitute for national development planning, it refers to Law Number 25 of 2004 concerning the National Development Planning System (SPPN). The SPPN document which was later promulgated in the Long Term Development Plan (RPJP) replaced the GBHN as a national development plan. This document was later derived into the national long-term development plan (RPJPN) 2005-2025 which was stipulated by Law No. 17 of 2007. Based on the above background, the problem is whether the direct presidential election system is being implemented now which is the reason why there is no need for the existence of GBHN?

2. METHODS

Legal research methods are needed to obtain a comprehensive research direction (Nurhayati, 2013: 15). Legal studies have characteristics as a prescriptive and applied science. In prescriptive, legal studies study the objectives of the law, the values of justice in law, the good and bad of a rule of law, concepts, and legal norms. Whereas in applied science, legal science establishes a procedure, provisions, and limitations in enforcing a legal rule (Nurhayati, 2020: 9). The dualism of legal research methods in doctrinal and non-doctrinal sense is influenced by the development of legal philosophers' schools of thought (Nurhayati, Ifrani, Said, 2021: 1-25). In this study we used doctrinal legal research focusing on sources of law. This particular method is known as pure legal research or normative legal research. The analysis is performed qualitatively without numbers, statistical formulas, and mathematics.

3. RESULTS AND DISCUSSION

The Indonesian nation does require long-term development planning as a comprehensive and gradual development direction and priority to create a just and

prosperous society as mandated by the 1945 Constitution of the State. This constitutional mandate has been outlined in Law Number 25 of 2004 concerning System National Development Planning, which in Article 13 paragraph (1) of Law no. 25 of 2004 affirms that the National Long-Term Development Plan is stipulated by law. On this basis, the 2005-2025 was born Law of the Republic of Indonesia Number 17 of 2007 concerning the National Long-Term Development Plan.

Thus for Indonesia the existence of this National RPJP, as a result of the amendment of the 1945 Constitution which led to changes in development planning, namely by no longer making the State Policy Guidelines (GBHN) as a guideline for the preparation of the national development plan. Demands for democratization in all fields as a mandate for reform have an impact on the broadening of the arena for public participation in determining public agendas, including in development planning. The idea of strengthening and expanding community participation has become an important issue in the development process in Indonesia. The National Development Planning System (SPPN) is one of the consequences of this expansion of community participation. Conceptually, SPPN which is regulated in Law No. 25 of 2004 is quite ideal. The planning system has adopted a political, technocratic, participatory approach, as well as a combination of approaches top down and bottom up, all of which seek to create an integrated development planning system, which seeks to realize an integrated national development process, regional development and inter-regional development, by involving multi-stakeholders. in the process.

Although conceptually it is relatively ideal, SPPN is not without problems. Focus of Law No. 25/2004 is more on the aspects of mechanisms and procedures, while the substance of what is realized and planned is not specifically regulated. Especially when aligned with Law No. 17 of 2003 concerning State finances, there are a number of problems, especially the lack of synergy of development planning due to the large role of the ministry of finance, especially in formulating fiscal policy and macroeconomic framework including the Draft State Budget and APBN Amendments including budgeting documents. As for Law No. 25 of 2004, Bappenas is dominated by Bappenas, especially in formulating government work plans on Development Priorities, especially the Macroeconomic framework and policy directions of ministries / agencies.

In addition, the classic problem faced is the lack of assurance that what has been constructed is ideal in statutory regulations. invitations related to SPPN and RPJPN are consistently implemented by the relevant stakeholders. To date, there is no clear enough mechanism to assess whether the planning documents made as a follow-up to the RPJPN, such as at the national level, RPJMN, Ministry / Institution Renstra, Government Work Plans, Ministry Work Plans, and at the regional level, The RPJMD, SKPD Renstra, RKPD, SKPD Renja have indeed referred to the RPJP (Rahmatunnisa, 2013). Especially when considering the involvement of mechanisms for elaborating the vision and mission of the elected President / Regional Head, the potential gap with the RPJP is even greater. In the end, many people think that the development process seems to have run independently and has become without a pattern. This condition can be said to have almost not occurred in the previous era, when the GBHN was the main

reference for the development planning process both at the national and regional levels. However, this does not mean that SPPN and RPJP are worse than the previous planning model. The fundamental issue is more about the consistency and synergy of various advanced planning documents as a derivative of the National RPJP as the "parent" in order to realize the development goals themselves in accordance with those mandated by the constitution. This condition in the future will get worse if there is no clear evaluation mechanism to assess the synergy of various development planning documents and their implementation, both at the national and regional levels.

The development process which is considered too emphasized on the limited perspective of the President or the elected Regional Head as stated in their vision and mission has implications for the emergence of development process gaps in various regions. This raises the disappointment of many parties because the outputs and outcomes of the development process so far are not in accordance with what is mandated by the constitution. The implication is that development results are still far from the expectations of society.

It is not surprising that in recent years there has been a discourse to restore the national development planning system through the GBHN. However, in my opinion there is an error in thinking that the GBHN is not removed on the basis of the amendment of the 1945 Constitution which cannot be avoided, so if the issue of the content of the GBHN is not reflected in the RPJP, this can still be discussed and a solution is found. So what is seen here is a matter of content. Whereas the disappearance of the GBHN and its replacement with the RPJP-RPJM is related to the constitutional system of the Republic of Indonesia as a result of the amendments to the 1945 Constitution.

In fact, the RPJP actually has a similar function to the GBHN during the New Order era. However, the added value that the system and development planning documents have in the reform era is the opportunity for regions to be able to explore the various potentials and advantages of their respective regions, to synergize with the "master plan" contained in the RPJP in order to achieve the goals mandated by the constitution. . Thus, the urgency to revive the GBHN is not justified, because its existence has been embodied in the RPJPN. Improvement should be prioritized on various development problems so far, one of the factors is more due to inconsistencies and lack of synergy between the RPJP and the "derivative" planning documents. This condition is an implication of the character of the development planning process which is not just a technical managerial problem, but is a very political issue. SPPN tries to accommodate these contexts.

It is not true to say that since the reformation of our country has been running without GBHN. Substantially, there is "GHBN" in another form, namely what is currently called the RPJP which is translated into the Medium Term Development Plan (RPJM). Although formally in our state nomenclature there is no GBHN word, substantially what was contained in the GBHN is already in the RPJM. The problem is, the RPJM is contained only in a presidential regulation (perpres). As for the RPJPN and SPPN, which

every president has used as a guideline in the preparation of the RPJM, it is also only in law. (Tohari

The GBHN used to be explicitly mandated in the 1945 Constitution (first order) and contained in a decree of the MPR (second order). In this context and perspective, thoughts and decisions to revive the GBHN find their path. There is a conclusion that this country needs a GBHN with a stronger consensus so that it guarantees more consistency and continuity in order to achieve national goals as stated in the Preamble to the 1945 Constitution. GBHN and RPJP and their derivative products have advantages and disadvantages. Positioning the RPJP or GBHN is thus not a problem as long as there are several prerequisites to accommodate the advantages of both: first, there is a guarantee that the development process will strengthen and expand community participation; second, the hierarchical position of the national development guidelines, whatever it is called, must have a binding position for whoever is the elected chief executive, whether elected; third, considerations of efficiency and effectiveness that are technocratic in nature still need to be a reference while leaving no problems in community participation.

If we observe Jimly Asshiddiqie's commentary, who stated that after the reform, the GBHN was abolished and replaced by the National RPJP which had been written in the form of a law. However, if the RPJP is evaluated, it turns out that it has many shortcomings. The existing RPJP has many shortcomings, very different from the GBHN in the New Order era which was more comprehensive and more integrated. Indeed, the parties involved in preparing the GBHN consist of various groups such as non-governmental organizations (NGOs), entrepreneurs and so on. Meanwhile, those involved in compiling the National RPJP are only planning officials. The planning officials in the National Development Planning Agency (Bappenas), provinces, districts and cities are generally dominated by economists. So if we look at the existing RPJP, it has many drawbacks, when compared to the GBHN.

Jimly explained that the RPJP is very biased in the general election (election). When the RPJP was written into the five-year development plan (Repelita) then it was translated into the APBN and APBD for the provinces and districts / cities, it was very biased for the presidential and regional election campaigns. So the president, governor, regent / mayor must state their campaign promises in Repelita. The RPJP also has a governmental or executive bias. This is because the RPJP is prepared by government officials in the planning sector. So that when it was drafted, the RPJP did not envision a dream about a court in Indonesia for the next five to 25 years. The dream about the MPR, DPR, DPRD and DPD is not reflected, the legislative body is less reflected in it, so it (RPJP) is very biased to the executive, other branches of power such as the legislative and judiciary are less reflected (in the RPJP).

In addition, Jimly also explained that the RPJP can be a state. For example, the state does not think too much about the future of civil society or NGOs, the future of the mass media and so on because not all of them are included in the RPJP. The RPJP is also economically biased because almost all of the RPJP is composed of economists,

so its preparation uses an economist's perspective. Because generally Bappenas and the Regional Development Planning Agency (Bappeda) are dominated by economists.

So that everything is devoted to obtaining the economy, while long-term culture is inconceivable (in the RPJP), why is this country like an economic country, law is devoted to economic interests, politics serves economic interests, as if the economy is the commander of the state, so the name is an economic country, not a law state. On the other hand, when compiling the GBHN, all parties are asked for input and their aspirations are heard because the GBHN must be comprehensive. So according to him it makes sense if there is an effort to revive the GBHN. So that national development is integrated. ICMI supports the GBHN. Jimly's opinion above sees only the matter of procedures that can be improved in the preparation of the RPJP, so it is not then that the GBHN is revived, because by turning on the GBHN it has broader implications regarding the amendment of the 1945 Constitution and the RI constitutional system.

4. CONCLUSIONS

As the conclusion of the above description is that the amendment to the 1945 Constitution in Article 6A which determines that the Presidential election is directly elected by the people has implications for the abolition of the provisions of the GBHN in Article 3 of the 1945 Constitution, so that the GBHN is replaced with RPJP-RPJM. However, of course, even though the RPJP-RPJM are the authority of the President to formulate development programs, the President should still pay attention to the voice of the people in compiling development programs in order to realize the national goal of creating a prosperous society.

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