



Research Paper

Consequences of Re-Enacting GBHN (Guideline for State Policy) in National Development Indonesia

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Abstract

The research titled "Consequences of Reimplementing the GBHN in National Development Indonesia" delves into the implications of reintroducing the GBHN (Guideline for State Policy) in the context of national development. The GBHN, a strategic policy framework about The 1945 Constitution, is the written Constitution of the Republic of Indonesia. It was previously utilized to guide Indonesia's development initiatives but was later abolished. This study aims to comprehend the potential outcomes of its reinstatement. Through a comprehensive legal analysis, the research explores the historical background, legal framework, and socio-economic impact of re-enacting the GBHN. By examining comparable case studies and conducting in-depth interviews, the study investigates the possible benefits, challenges, and transformative aspects of returning to the GBHN system. The research contributes valuable insights into the legal and developmental dimensions of policy-making, shedding light on the intricate interplay between policy formulation, governance, and national progress.

Keywords: *GBHN (Guideline for State Policy); National Development; Policy Implications; The 1945 Constitutions Indonesia*

INTRODUCTION

A constitution is a whole system of adherence to the state of a country compiled in the form of closely related documents, the contents of which include the organization of the state, human rights, the prohibition of changing things or how to change things as well as the ideals and ideology of the nation. The 1945 Constitution is the written Constitution of the Republic of Indonesia. As a written constitution, the 1945 Constitution *of the Republic of Indonesia* is a *legal document (legal document of opinion)* and basic law that must be used as a guideline for the principles of state administration. As a legal document, the 1945 Constitution is a declaration of a social contract between the people and the government. As well as being a basic law, the 1945 Constitution is the basic principle in the constitutional existence of every power institution that performs its functions based on the principle of decentralization. According to the legal order specified in Article 7, paragraph (1) of law No. dated 11 November 2012 on the formation of laws, the 1945 Constitution is said to rank highest or first. For this to have an effect, the laws, regulations, and provisions in the 1945 Constitution must be in line with those in and regulated by the 1945 Constitution.

Every five years, the Indonesian people will elect a new leader, namely the President, as the Holder of Government Power, as explained that the President of the Republic of Indonesia holds government power according to the Constitution. Presidential candidates who nominate themselves in the presidential election have a vision and mission as a description of what leadership will look like during their 5-year term of office when elected President. In this process, the people are faced with new choices, which presidential candidate will be the choice of the people who can change or create conditions in accordance with the people's expectations. Periodic and regular elections are a consequence of a democratic state, but these changes certainly lead to a dynamic change in presidential power. This rapid change of power has an impact on the

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sustainability of ongoing development.

Visionary leader behaviour, when accompanied by a socialised vision orientation, facilitates the performance of successful teams and supporting parties. Thus, we test the moderating role of a socialized orientation to serve the interests of multiple stakeholders in amplifying the positive effect of visionary leader behaviour on team members' collective role performance through visionary leader behaviour. When a new leader is elected, in this case, the President, there is also an automatic change of Ministers. Article 17, paragraph (1) of the 1945 Constitution states that the President is assisted by state ministers. The existence of ministers is a very important thing in the government because it is the ministers who run the daily operations of the government. It is also emphasised that ministers are the real leaders of the government in their respective fields. Since the office of the President and Vice President itself is partly symbolic, the leadership function in a technical sense should fall on the shoulders of the ministers.

Problems arise when changing presidents merge or add new ministries according to the priorities needed in implementing the new government. Problems arise both from the aspect of the state budget and other aspects. As stated by Alex SW Retraubun (Deputy Minister of Industry) regarding the discourse of merging the Ministry of Maritime Affairs and Fisheries with the Ministry of Agriculture, the impact of the merger, within 2.5 years, will be spent on administration, assets, and staffing, the ministry employees will also experience disorientation related to the main tasks and functions that cause a lot of work that is not completed and will be much more expensive. The change of power of the President also affects the continuity of development. The sustainability of development becomes uncertain because the priorities of each President may vary according to their promises to the people during the Presidential Election. As a result, some development programmes have to be delayed or even stopped for the re-evaluation process, which certainly creates uncertainty for the business world and society in general.

The problems that occur in the current government, especially regarding guarantees for the continuity of development, have led to a new discourse, namely re-enacting the GBHN as a guide for the President in organising government, especially in development, to achieve state goals. GBHN is a guideline for the implementation of long-term development so that development can be directed towards its sustainability, but GBHN is no longer relevant if, at this time, it will be re-enacted because the conditions then and now are certainly many different problems. The RPJPN, namely the National Long-Term Development Plan, which has now replaced the position of the GBHN, contains the President's vision and mission, which means that the substance of the RPJPN is a vision and mission that has been approved by the community itself, there is another problem, namely when there is an election every five years, it means that the President and the vision and mission he carries also change, which causes development priorities to change again so that development cannot run continuously. This paper seeks to examine the consequences of re-enacting the GBHN in the Unitary State of the Republic of Indonesia.

LITERATURE REVIEW

Theoretically, this research was expected to be helpful in adding knowledge of law philosophy about the Guideline for State Policy (GBHN), which has played a significant role in Indonesia's governance and development strategies. This literature review examines the legal implications of re-enacting GBHN in the context of national development, addressing the potential consequences and challenges inherent in its revival. The inception and historical evolution of the GBHN are crucial to understanding its legal implications. It emerged as a policy instrument during Indonesia's post-independence era and was used to guide national development strategies. Scholars have explored the legal foundation of the GBHN and its role in shaping public policy within the framework of the country's Constitution. The reintroduction of the GBHN prompts inquiries

into its compatibility with the Indonesian Constitution (UUD NRI 1945). Legal experts have debated whether reinstating the GBHN would align with the principles and provisions of the Constitution, especially in a context of evolving legal interpretations and changes to the country's governance structure. Drawing on international experiences, this section evaluates how other countries have utilised similar policy frameworks and their legal consequences. Comparative legal analysis offers insights into the potential benefits and pitfalls of reintroducing GBHN in Indonesia's legal landscape. Proponents of GBHN's revival argue it could provide a stable policy framework for long-term development planning, fostering legal certainty and reducing policy fluctuations. Legal scholars have explored how a comprehensive and clear GBHN could contribute to a harmonised legal environment.

The re-enactment of GBHN in Indonesia's national development raises intricate legal questions. This literature review has highlighted the significance of historical context, constitutional compatibility, and potential challenges. A nuanced understanding of these legal implications is crucial as Indonesia contemplates the possible consequences of reintroducing GBHN to guide its developmental trajectory. Further research is warranted to delve deeper into such a policy shift's legal intricacies and potential outcomes.

RESEARCH METHOD

This research is normative legal research. According to Professor Peter Mahmud Marzuki, legal research is a process for finding the rules of law, principles of law, and law doctrines to answer legal issues. This research is reform-oriented research as expressed by Terry Hutchinson Reform Oriented Research, which intensively evaluates the adequacy of existing rules and recommends changes to any rules found wanting."

FINDINGS AND DISCUSSION

The People's Consultative Assembly, hereinafter referred to as the MPR is the highest state institution. It is contained in Article 1, paragraph (2) of the 1945 Constitution, which states that Sovereignty is in the hands of the people and is exercised entirely by the People's Consultative Assembly, and MPR Decree No. III of 1998 Article 1 and Article 3 paragraph (1). The MPR, as the highest state institution, creates a stratification of state institutions that places the MPR higher than the President.

The President is the mandate of the MPR. The term "mandate" or "mandataris" is viewed in terms of administrative law, which is a form of dispersal of the exercise of state administrative authority to subordinates. Subordinates as executors act for and on behalf of superiors (mandate givers). The mandate giver retains all authority and responsibility for the exercise of that authority. In line with MPR RI Tap No. III of 1973 states that the main source of relations between the MPR and the President is parliamentary (not parallel). The President is responsible to the MPR for all policies that have been determined during his term of office.

The MPR's powers granted by the 1945 Constitution as the holder of supreme power include establishing the Constitution and the outlines of the state direction (Article 3 of the 1945 Constitution), electing the President and vice president by majority vote (Article 6 paragraph (2) of the 1945 Constitution), and amending the Constitution. In addition to exercising the authority of the 1945 Constitution as a mandate giver, the MPR can determine various powers of the President as a mandate outside the authority stipulated by the Constitution, such as special powers in the context of completing and securing national development.

The MPR is the mandate of the President, so it is the MPR that can revoke the power and dismiss the mandate from the term of office of the MPR itself. Revocation of power and dismissal of the President can occur because (1) at his own request, (2) permanent disability, and (3) seriously

violating the direction of the State (MPR Decree No. III/1973). It is also explained in the Explanation of the Indonesian Constitution that the President must carry out the direction of the state according to the outlines set by the Assembly. It can be concluded that the Outlines of State Policy are an important instrument of the MPR to assess the success or failure of the performance in the administration of the state by the President during his term of office.

Guidelines for the implementation of development in order to realise national goals, enacted during the New Order era, 21 April 1969 - 21 May 1998. There were 6 MPR Decrees regarding the GBHN, namely:

1. MPR Decree No. IV/MPR/1973
2. MPR Decree No. II/MPR/1978;
3. MPR Decree No. IV/MPR/1983
4. MPR Decree No. II/MPR/1988;
5. MPR Decree No. II/MPR/1993;
6. MPR Decree No. II/MPR/1998;

In this reform era, the GBHN has not been re-enacted, whereas the GBHN is consistent, sustainable, and covers all aspects of development, such as law, economy, politics, defence, and security. In the current era of development, the GBHN, in this case, the text and content material, is no longer in accordance with the situation and conditions of life in society, nation, and state. In addition, after the fourth amendment of the 1945 Constitution, the MPR no longer has the authority to determine the GBHN. If the GBHN is re-enacted as a form of MPR authority, it will require an amendment to the 1945 Constitution.

Political Platform or Vision and Mission of the President as the Holder of Governmental Power

According to Baltas, an effective leader is one who is honest, farsighted, inspiring, fair, expressive, supportive, reliable, respectful of other's opinions, a good listener, able to learn from his own mistakes, and who has strong communication and administrative skills. Furthermore, Middlebrooks and Haberkorn state that leadership requires a leader and involves individuals and what they know, believe, and do. Kouzes and Posner also state that personality traits influence the public's perception of individuals as leaders. Brown et al. categorised Canadians' opinions on leadership characteristics as competence, dynamism, integrity, empathy, responsibility, personal style, political skills, episodic judgement, social background, and political position. Gore, too, lists the characteristics of an ideal leader as positive behaviours, courage, assertiveness, dedication, trustworthiness, desire, ability to take the initiative, argumentative, having a sense of fairness, unselfish, knowledgeable, passionate, honest, able to move quickly, and the ability to make accurate decisions.

Based on the 1945 Constitution of the Republic of Indonesia, our country adopts a presidential system of government. A country is said to have a presidential system if (a) the position of the head of state is not separate from the head of government; (b) the head of state is not responsible to parliament but is directly responsible to the people who elected him; (c) the President is also otherwise not authorised to dissolve parliament; (d) the cabinet is fully responsible to the President as the holder of state government power or as the highest administrator.

The President has the right to propose draft laws to the House of Representatives (Article 5 paragraph (1) of the 1945 Constitution of the Republic of Indonesia), the President holds the highest authority over the Army, Navy and Air Force (Article 10 of the 1945 Constitution of the

Republic of Indonesia), the President with the approval of the House of Representatives declares war, makes peace and treaties with other countries (Article 11 paragraph (1) of the 1945 Constitution of the Republic of Indonesia), the President appoints ambassadors and consuls (Article 13 of the 1945 Constitution of the Republic of Indonesia), in addition to the authority granted by the 1945 Constitution of the Republic of Indonesia. The President has an obligation to carry out the mandate of the Constitution. If not, then *impeachment* can occur. As the holder of central power, the President also carries a vision and mission. The vision and mission were brought when he became a Presidential candidate during the general election, and through the vision and mission, the people know where the direction of national development will be implemented by the Presidential candidate of their choice, of course, the elected Presidential candidate is the one whose vision and mission is in accordance with the will of the people to achieve national goals. The consequence of such a situation is that the vision and mission are appropriately used as a guide to the development plan by the elected Presidential candidate.

The vision and mission as a guide to the implementation of a President's government is sustainable in development so that there is no overlap, so that the development process can continue properly.

The vision and mission of the 2014 presidential election candidates Prabowo and Jokowi in the economic field, Prabowo carries a People's Economy whose realisation is focused on three main things, namely economic democracy, business justice, and welfare for all people, while Jokowi with Berdikari Economy focuses on the productivity of the people whose realisation can be implemented through the Healthy Indonesia Card, Smart Indonesia Card, and welfare distribution through capital assistance for fishermen and farmers. The vision and mission of the elected President, the foreign policy chosen in Susilo Bambang Yudhoyono's (SBY) leadership is more *outward-looking*. SBY is very active on the global stage. In Jokowi's leadership, the foreign policy taken is not in line with the leadership of the last government. Jokowi is more *inward-looking* and tends to be *concerned with* domestic issues. It can be seen from both the vision and mission of the Presidential candidates and the President himself that there is overlap in the sense that the programmes implemented are not sustainable. Therefore, from this point of view, different visions and missions will also create problems, especially in sustainable development.

Sustainable development is one of the most important concepts underpinning development around the world as the needs of each generation become more complex. Taking the definition of sustainable development from the *World Commission on Environment and Development (The Brundtland Commission)* is development where the needs of the present can be met while compromising or reducing the ability of future generations to meet their needs.

The perspective of the National Long-Term Development Plan, according to Law Number 17 Year 2007

The National Long-Term Development Plan 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. Paskah Suzeta further said that the RPJPN is a development direction that does not conflict with the direction of reform and the Constitution. The RPJPN can actually be a reference for presidential candidates to formulate their vision, mission, and priority programmes. For this reason, in the next 20 years, the Presidential election process is expected to respect the development vision, mission and direction outlined in the RPJPN.

The problem is whether the substance of the RPJN contains the concept of the implementation of sustainable development, which in fact is needed by countries in general, including Indonesia. Three principles that must be considered in sustainable development:

1. The principle of democracy namely that development is the will of the people, not just the will of the government or a certain group of people.
2. The principle of justice, namely that in the development of society, it is guaranteed to obtain equal opportunities in the productive field, and to enjoy the results of development.
3. The principle of sustainability, which means that development should be designed around a long-term agenda.

Article 1 point 21 of Law No. 25/2004 on the National Development Planning System states that the Development Planning Deliberation, hereinafter abbreviated as Musrenbang, is a forum between actors to prepare national and regional development plans. Because the membership of the *musrenbang* includes all citizens without exception, the planning scheme derived from Law No. 25/2004 can be seen as a more democratic model of economic development (Widianto and Syafa'atun Kariadi, 2011: 116-146). Article 2, paragraph (1) of Law No. 25/2004 on the National Development Planning System states that National Development is organised based on democracy with the principles of togetherness, justice, sustainability, environmentally sound, and independence by maintaining a balance of progress and national unity.

Furthermore, it has been said earlier that the RPJPN is a development planning document for 20 years starting from 2005-2025, with stages of implementation according to a predetermined priority scale. From what has been described, the RPJPN is appropriate if it is applied as the basis for national development planning because it contains the principle of sustainable development, which is necessary for the achievement of state goals written in the preamble of the 1945 Constitution of the Republic of Indonesia.

CONCLUSIONS

After the reformation, there is no urgency for the implementation of GBHN; the substance of GBHN is no longer relevant to the conditions and situations of society, which are always changing in a more complex direction. By enacting GBHN, it means that there will be a 5th amendment to the 1945 Constitution, which will change the State Administration of the Unitary Republic of Indonesia. The RPJPN, which was prepared to replace the GBHN as a guideline for the implementation of development, contains the principles of sustain/able development, including three principles, namely the principle of democracy, the principle of justice, and the principle of sustainability, which is very important in its existence and is the implementation of the President's vision and mission as the elected President. But whether or not there is a GBHN or RPJPN is not a problem. The most important thing is that the measure of the President's success is when he can carry out the mandate of the Constitution properly and can achieve the developments that have been planned to achieve the goals of the state.

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