

National Long-Term Development Plans As A New Guideline of State Policies And Economic Development

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Abstract

This paper highlights changes in governance and management in the formation of state policies and national economic development in the contemporary Indonesian constitutional system. With the Amendment to the 1945 Constitution, the MPR has the first three authorities, namely to establish a Constitution, second, to appoint the President, second, to change the Constitution. The problem arose when there was an attempt to revive the country's large guideline which was the basic guideline of development in the New Order (1966-1998) which was reappeared by the MPR. Along with changes in the constitutional design of the country, this paper highlights the dimensions of medium and long-term development plans as an effort by the government, and the legislature to make basic national development policies, which are considered more in line with the balance of power between the executive and judiciary adopted by contemporary Indonesian government.

Keywords: development plan, authority, state policies, constitutional system.

1. Introduction

Law is basically an aspect of decision making which is governed by functions of state power that bind legal subjects with legal rights and obligations in the form of prohibition, or necessity (permatet) (Abbott et al., 2000). The authority to regulate or make regulations (regeling) which is basically by the legislative domain authority based on the principles of popular sovereignty (Widarto, 2016). This sovereignty is the exclusive authority of sovereignty representation by those who regulate people's authority which determines individual citizen authority, or alleged freedom of sovereign people. The legislature can set laws if they receive delegation of authority by other institutions (Diermeier & Myerson, 1999). Therefore, the authority to regulate must also be owned by the legislative branch, the executive branch and the judiciary (Fatwa, 2009). First Amendment, Second Amendment, Third Amendment and Amendment to the Fourth Constitution of the Republic of Indonesia in 1945 had an impact on changes in the prevailing state institutional structures (Lindsey, 2002). These changes included changes in sovereignty in the hands of the people and were fully implemented by the People's Consultative Assembly (MPR), which was governed by the 1945 Constitution before the amendment. Then replaced by sovereignty provisions in the hands of the people and carried out in accordance with the constitution of article 1 paragraph (2) of the 1945 Constitution and reducing the authority of the MPR based on the 1945 Constitution before the change was very dominant and tended to be absolute authority then changed so that it abandoned the authorities to change and stipulate The constitution of Article 3 paragraph (1) of the 1945 Constitution, inaugurating the President and or Vice President chapter 3 paragraph (2) of the 1945 Constitution, dismissing the President and/or Vice President in his term of office in accordance with the Constitution of Article 3 paragraph (3) of the 1945 Constitution, holds a hearing to elect The Vice-President of the two candidates proposed by the president if the vacancy occurs Deputy President of article 8 paragraph (2) of the 1945 Constitution and holds a session to elect the President and Vice-President if the President and Vice-President die, resign or cannot carry out their duties in the future concurrent position Article 8 paragraph (3) of the 1945 Constitution.

The fundamental changes related to the MPR no longer have the authority to regulate broad guidelines of state policy (GBHN) as in chapter 3 of the Constitution before the amendment. GBHN is

an outline of state policy guided by other high-state institutions in determining the direction of development at that time (Indrayana, 2008). But after the amendment to the GBHN it was no longer a normative development in the government of Indonesia. Changes in norms bring changes to the state institutional structure that results in changes in the status, functions, tasks and authorities of existing state institutions and government institutions. In addition, this change also affected the prevailing regulations according to the 1945 Constitution and resulted in the need for a review of the problems and legal status of the Provisional People's Consultative Assembly Decree (TAP MPR) and the Decree of the Indonesian People's Consultative Assembly. Therefore, there is an urge to revive the idea of GBHN to guide development so that policy makers can implement targeted, integrated and systematic development in accordance with the concept of development towards a prosperous society as mandated by the 1945 Constitution (Susanto, 2014). Theoretically the preparation and amendments to the Constitution are the authority of the People's Consultative Assembly in accordance with Article 37 of the 1945 Constitution and the MPR (including) has the obligation to review the problems and legal status of the Provisional Community Consultative Assembly (TAP MPRS) and Decree of the People's Consultative Assembly (TAP MPR) for decisions taken at the Assembly meeting in 2003 referring to the Additional Regulation of article 1 of the 1945 Constitution. In general, this study was conducted with normative typology or juridical legal research that uses secondary data using primary legal materials. Secondary legal materials are expert results and opinions and tertiary legal materials consisting of legal and internet journals.

2. Guidelines For Management Of National Development

The MPR is no longer the highest state institution because of the institutions of the President and the House of Representatives, and the DPD is elected through general elections, where the institution has the authority to determine state policies as guidelines for national development (Asshiddiqie, 2006). In 2007 the President stipulated Law No. 17 of 2007 as a long-term national development plan whose contents are not only national RPJP but also RPJP Medium-Term Development Plans and Government Work Annual Plans as guidelines for management of development (Ministry of National Development Planning/National Development Planning Agency, 2014). The problem is not in the GBHN as the authority of the MPR or the President but lies in the implementation of the elaboration of the development management guidelines because the RKP will be used as the main disposal of the APBN budget by the Government and or the Regional Government of the Regional Budget.

The results of the problem review and legal status of the Decree of the Provisional People's Consultative Assembly (TAP MPRS) and the Decree of the Indonesian People's Consultative Assembly (MPR) have taken a decision by the People's Consultative Assembly of the Republic of Indonesia in 2003 and subsequently established in Jakarta on the 7th August 2003 in the form of the Decree of the People's Consultative Assembly Number I/MPR/2003 concerning the Review of Material and Legal Status of the Consultative Provisional Society of the Assembly and the People's Consultative Assembly Decree of Indonesia from 1960 to 2002.

With the determination of the MPR Decree No. I/MPR/2003, then all 139 MPRS and MPRs are grouped into six chapters (categories) in accordance with the material and legal status. The MPR decree is under the Law but since the enactment of Law No. 10 of 2004 concerning Establishment of legislation on the grounds that the MPR tap is not a source of law and order. Interestingly in the 2011 Act No. 12 of 2011 has been issued concerning the formation of laws which re-stipulates the Decree of the People's Consultative Assembly as a source of law and order in Indonesia.

3. Authority Management On The Subject Of State Policies

Constitutional rules and democracy in Indonesia in terms of the State Government Management System and the democratic system adopted have exceeded several periods of development. In each period there is a characteristic in the system of government and the implementation of democratic countries, all of which affect the status, role and function of the Assembly (MPR). The legislature can set laws if they receive delegation of authority by other institutions. Therefore, the authority to regulate must also be owned by the legislative branch, the executive branch and the judiciary. With the enactment of Law No. 12 of 2011, the MPR has the authority to determine the MPR's decision to accommodate various matters relating to their own domestic affairs or by respecting the MPR's orders and binding as the appointment and dismissal of the President or Vice-President. Existing internal and external regulations can be distinguished in terms of decisions and laws that were practiced in the past, which means that the MPR has the authority to stipulate rules that amend the constitution.

The MPR membership consists of the DPR and DPD. In exercising its authority, the DPR has three functions, namely legislation, budget and supervision which are carried out as sparing partners of the Government. In fact, the DPR can carry out its tasks well because it is supported by tasks that are regulated in the Law and with sufficient funds regulated in a Law. While the authority of the DPD in the constitution as an institution supports the existence of the People's Consultative Assembly, the DPD has no authority like the DPR. The DPD only has the right to open the draft law relating to regional autonomy and regional finance. It is worthwhile to note the role of the DPD in Indonesia when compared to that adopted by the system in the United States. In the United States, participation-based budget approach is conducted using advanced technology followed by citizen summit. This means that all citizens, including foreigners, can provide input in the form of ideas, desires and even report various events related to the public interest. The equal position between the DPR and DPD is important to realize the sovereignty that exists in the hands of the people, because the manifestation of power in the hands of the people in a democratic state is realized through legislative and presidential elections directly by the people. The People's Consultative Assembly as a high institution has the authority to amend the Constitution as stated in Article 37 of the 1945 Constitution implemented in the filling of legislative institutions parliamentary and parliamentary which need to be in line with the provisions of the Indonesian constitution.

4. Conclusion

The MPR is no longer the highest state institution because the institutions of the President and the DPR, the DPD are elected through general elections, which institutions have the authority to determine state policies for national development guidelines. In 2007 the President commissioned Law No. 17 of 2007 as a National Long-Term Development Plan whose contents are not only national RPJP but also RPJP Medium-Term Development Plans and Government Work Plans as guidelines for management of development. The problem does not lie in whether the Guide is the authority of the Assembly or the President but lies in the elaboration of guidelines for the implementation of development management which causes the RKP to be used as the main reference source in the state budget by the Government or Regional Government of the Regional Budget.

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