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THE INDONESIAN STATE POLICY: HISTORY AND THE FUTURE

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ABSTRACT: This study has the purpose to describe the challenges and developments of the Indonesian State Policy. It used the statute approach, historical approach, and conceptual approach. This article finds that there are two ways of thinking or views that have led to a tug of war regarding re-existence of the Indonesia State Policy Guidelines, which is the first view assessing that a state policy is required with the model of the State Policy Guidelines in the form of a Decree of the People's Consultative Assembly, which was once a constitutional tradition of Indonesia before there was a constitutional and state reform in 1999-2002, while the second view considered that there was no need for a state policy as a reference for national development due to the existence of national development planning system that the law had regulated. This study assesses the importance of the existence of state policy but rather in the form of People's Consultative Assembly Decree (TAP MPR) or National Development Planning System in the form of law, but the main points of state policy as an inseparable part of the Indonesian Constitution.

Keywords: State Policy; Constitution.

I. INTRODUCTION

The issue regarding the re-existence of the State Policy Guidelines is progressively getting stronger at this time, not only in terms of the momentum in which Law Number 25 of 2004 on the National Development Planning System will conclude, but also due to an assessment of the poor state development system, which is increasingly incoherent and tends to be short term, rooted in the reality of our state administration, while at the time there is a change in the presidential leadership regime, there is also a change in development vision, mission, and programs.

The discourse on the re-existence of the State Policy Guidelines (GBHN) has ignited various pro and contra reactions. Broadly speaking, the pros and cons are based on various considerations, the group against the GBHN actually destroys the Indonesia's presidential system and goes against the flow of history, [2] while the pro groups assess the current condition of Indonesia that indicates the direction of uncertain development and the absence of guidance that have very strong legal force makes the GBHN is reconsidered for enactment. [3]

Observing the dynamics of politics in the People's Consultative Assembly (MPR), efforts to bring back the state policy, whether in the GBHN or the Main Principles of State Policy, are increasingly being carried out. Various national seminars were held by the MPR in various campuses [4], as well as special meetings for the leadership of the MPR institution with the leaders of the ruling political parties to discuss state policies. [5]

This study aims to describe the historical aspects of the Indonesian state policy, describing two mutually attractive views, as well as the future of the state policy in a new form that has never been implemented by Indonesia.

II. PORTRAIT OF THE INDONESIA STATE POLICY FROM TIME TO TIME

Drawing a historical line on the state policy cannot be separated from the President's speech on August 17, 1959 on "Rediscovering Our Revolution" which was later reinforced by the issuance of Presidential Decree Number 1 of 1960 on the State Policy Guidelines. In addition that the Presidential Decree No. 1 of 1960 gave the legal form of the presidential speech and mandate on August 17 1959, at the same time it filled the legal void of the mandate of Article 3 of the 1945 constitution, which explicitly states that the authority to determine the outlines of the state policy rests with the the People's Consultative Assembly (MPR) institutionally. Once the Provisional People's Consultative Assembly (MPR) was formed, the Provisional People's Consultative Assembly Decree of the Republic of Indonesia Number I/MPRS/1960 was issued on Political Manifesto as the State Policy Guidelines. This Decree (MPRS TAP) actually strengthens the position of President Soekarno's Political Manifesto as outlined in such Presidential Decree No. 1 of 1960.

Not long after the stipulation of the Provisional People's Consultative Assembly Decree (TAP MPRS) No. I of 1960, the MPRS then issued TAP MPRS No. II of 1960 as a consequence of making the Political Manifesto as the State Policy Guidelines rather than being carried out in a planned and directed manner. This Decree (TAP MPRS) regulated important aspects to achieve the state goals, which include mental/religious/spiritual sector, welfare sector, government, and security/defense sector, production sector, distribution and transportation sector, as well as finance and financing sector. The essence of Political Manifesto is summarized in USDEK, which contains the 1945 Constitution, Indonesian Socialism, Guided Democracy, Guided Economy, and National Personality. [6]

Imam Subkhan considered the Political Manifesto as State Policy Guidelines (GBHN) as Soekarno's political view, which was strongly influenced by the spirit of the times, both national political conditions and developing world politics, this was reflected in the arrangement of welfare sector that emphasized developing special efforts to increase the living standard of the workers in general by eliminating the burdens left by colonial and feudal labor relations and eradicating unemployment. In the sector of government and security, it is also very firmly stated that land reform as an absolute part of the Indonesian revolution is the basis of universal development based on the principle that land as a means of production should not be used as a means of exploitation. While in the production sector, the orientation is to develop the productive capacity for the benefit of the community in the context of guided economy, it is necessary to involve the people in mobilizing all domestic capital and potential (funds and forces), in which the workers and peasants play an important role. The political orientation that was very dominant during the guided democracy era made several economic development plans that lead to prosperity and increased production did not run optimally until Soekarno's downfall. [27]

After the fall of the Soekarno regime, Suharto, who was president at that time, focused on carrying out economic recovery, one of which was by assigning appenas with the task of making an economic recovery plan, which eventually brought forth to a document of the Five-Year Development Plan (Repelita) I, to Repelita VI, which in principle this document refers to the State Policy Guidelines (GBHN) established by the MPR. In the span of the leaders of the new order regime, there were 6 (six) MPR Decrees on State Policy Guidelines (GBHN), which were (i) TAP MPR No. IV/MPR/1973; (ii) TAP MPR No. IV/MPR/1978; (iii) TAP MPR No. II/MPR/1983; (iv) TAP MPR No. II/MPR/1988; (v) TAP MPR No. II/MPR/1993; and (vi) TAP MPR No. II/MPR/1998, which is based on the view that the State Policy Guidelines (GBHN) must provide direction for the struggle of the state and the Indonesian people, which at that time was developing, so that the desired situation could be realized within the next five years in the context of its long-term prolongation, so that the ideals of Indonesian nation could gradually be embodied, in addition, the GBHN contained in the TAP MPR includes the basic pattern of national development, the general pattern of long-term development, the general pattern of five-year development.

The stages of development drawn up during that period laid the foundations for a sustainable development process and succeeded in improving the people's welfare, as reflected in various economic and social indicators. The New Order government consolidated the state through various development projects, such as irrigation reservoirs, road infrastructure construction, structuring social institutions, to media regulation. They are all done in order to create political stability as a prerequisite for economic development. [8]

The concept of trilogy consisting of healthy and dynamic national stability; fairly high economic growth; and equitable distribution of development and its results towards the creation of social justice for all the people as the basis for the ideology of new order development. In that context, Lutfil considered that the growth paradigm developed in such regime had the effect of weakening the national economic foundation, in which the success of development was reduced in the form of economic indicators such as economic growth, per capita income, unemployment rate, poverty rate, and so on. High economic growth and various awards from world development institutions for Indonesia's development achievements disregard the fact that there is an increasingly widening gap, friable economic foundations, blindly revocation of political rights in the name of development, which ultimately leads to the collapse of monetary crisis situation that befell Indonesia in 1998. [6]

Transition of the new order regime to the reform order also resulted in State Policy Guidelines (GBHN), which was stipulated through People's Consultative Assembly (MPR) Decree No. IV/MPR/1999 on the State Policy Guidelines in 1999-2004, the basic difference from the Reform Order's State Policy Guidelines (GBHN) is that the State Policy Guidelines (GBHN) is used as the guideline for implementation of state administration with the formulation of the goal in materializing a democratic society that did not exist before. The differentiation of the new order State Policy Guidelines (GBHN) and the reform order GBHN can be described in the table below: [7]

Table 1. Comparison of the New Order's State Policy Guidelines (GBHN) with the Reformation Order

Component	New Order of State Policy Guidelines (GBHN)	Reform Order of State Policy Guidelines (GBHN)
Legal basis	TAP MPR No. II/MPR/1998	TAP MPR No. IV/MPR/1999

Systematic	<ol style="list-style-type: none"> Chapter I Introduction Chapter II National Development Chapter III Second Long-Term Development Chapter IV Seventh Five-Year Development Chapter V Implementation Chapter VI Closing 	8	<ol style="list-style-type: none"> Chapter I Introduction Chapter II General Condition Chapter III Vision and Mission Chapter IV Policy Direction Chapter V Policy Rules Chapter VI Closing
Definition	<p>The State Policy Guidelines are the state policy on national development in the Broad Outlines as a statement of the people's will, which is determined by the People's Consultative Assembly every five years.</p>		<p>The State Policy Guidelines are the state policies regarding state administration in broad outlines as a comprehensive and integrated statement of the people's will determined by the People's Consultative Assembly for five years in order to materialize the Equitable people's welfare.</p>
Purpose	<p>National development aims to embody 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 over the people in a spirit of national life that is safe, peaceful, orderly, and dynamic in the social environment of an independent, friendly, orderly and peaceful world.</p>	5	<p>The embodiment of an Indonesian society that is peaceful, democratic, just, competitive, advanced and prosperous, within the framework of the Unitary State of the Republic of Indonesia supported by Indonesian people who are healthy, independent, faithful, pious, noble character, patriotism, awareness of the law and environment, mastering science and technology, have a high work ethic and discipline.</p>
Terms/rules of implementation	<p>The State Policy Guidelines (GBHN) is basically the state policy on national development, which is determined every five years based on development and level of progress of the life of the Indonesian people and nation, and its implementation is stated in the principles of national development implementation policies determined by the President.</p>		<p>The 1999-2002 State Policy Guidelines (GBHN), which was formulated by the Assembly (MPR) in the 1999 General Assembly of the People's Consultative Assembly, should become the direction of state administration for high state institutions for all Indonesian people.</p>

Comparatively based on the three regimes of the Old Order, New Order and Reformation eras, LutfilAnsori provides a portrait of the three regimes era of the state's guidelines follows:

Table 2. Comparison of the State Policy Guidelines (GBHN) of the Old Order, New Order, and Reform Order [9]

Description	Old Order	New Order	Reform Order
Content	Political Policy	National Development Policy	State Administration Policy
Purpose and objectives	Political Guidelines Orientation	National Development Orientation	State Administration Orientation

At the momentum of the constitutional amendments that lasted from 1999-2002, there was a fundamental change in the Indonesian constitution, the authority of the People's Consultative Assembly (MPR) to determine the State Policy Guidelines was abolished. The consideration of the abolition of the State Policy Guidelines (GBHN) is closely related to the choice of the presidential election model, which was previously chosen by the MPR to become a direct presidential election, the consequence of the choice of direct presidential election by the community is that the president is no longer responsible to the Assembly (MPR), but is directly responsible to the community.

III. TWO PERSPECTIVES ON THE STATE POLICY

The discourse on state policy forms a path of argument that can be described as follows:

- a. The group that considers that the state policy with the State Policy Guidelines (GBHN) model is required, as it became the tradition of the Indonesian state administration before constitutional reform or the model of the Principles of State Policy.
- b. The group that considers that there is unnecessary for the state policy in the form of the State Policy Guidelines (GBHN) or the Principles of State Policy, as the existence of the National Development Planning System as regulated in the Law has become a reference for national development.

[10] In the dialectical space regarding the state policy, the segregation of opinions is very visible in terms of the legal form of regulating the state policy. Prior to the reform, the legal form of regulating the State Policy Guidelines (GBHN) was set out in the Assembly (MPR) Decree, while after the constitutional reform of 1999-2002, the national development roadmap referred to the National Development Planning System, which was legally regulated by Law Number 25 of 2004. Dialectics regarding legal forms did not only covers the legal form whether through the Assembly Decree (TAP MPR) or even through the Law, but there is also a view that considers that the state policy should be stated directly in the Indonesian constitution, which is the 1945 Constitution of the Republic of Indonesia. It is based on the consideration that in the event of the regulation of state policies is regulated in the constitution, then the degree of regulation is definitely higher if the state policy is only regulated in the Assembly Decree (TAP MPR) or the Law, so it is expected that the degree of compliance of all elements of the nation, such as Executive, Legislative, and Judiciary, will be much higher. This view is even stronger when a comparison is made to several countries in which the state policy is formally regulated in a direct constitution, for example Ireland and India. [10]

IV. THE FUTURE OF THE STATE POLICY OF INDONESIA

Apart from these pros and cons, there are several notes that need to be considered regarding the urgency of the main points of state policy, including:

1. The state policy has a strategic and fundamental position.

The state policy essentially contains the main principles for the direction of development and administration of the Indonesian state. The state policy is to guide and guide and direct the functioning of the functions of state power and government to achieve the goals of the state. Therefore, the state's direction can be said to be a statement of the people's will which is stated in a certain form that is binding on the administration of the state and serves as a guideline for the administration of the state and government and development to achieve the goals of the nation and state. [11]

In the policy hierarchy, in general, three groups of policies can be classified, which is policies that are fundamental, instrumental and operational in nature. Fundamental policy is a policy that contains basic principles and serves as a reference for the policies below it, meaning that this fundamental policy is a guidance for the implementation of state activities and undertakings. In this first sense, the state policy is part of the fundamental policy, so that it has a strategic position, while the instrumental policy is a policy derived from the policy that is derived from the fundamental policy. In this context, the vision, mission, and work program of the president are one of this instrumental policy, while the operational policy is more technical, he interpreted the instrumental policy in the form of activities that are implementative in nature.

2. Regulation of the state policy in the form of law with a stronger degree and binding power.

As mentioned above, that the state policy is fundamental and strategic in nature, then its inclusion must be regulated in the form of the law with a higher degree and stronger binding power. Due to its strategic position, when compared with the legal politics of state policy regulation in other countries, the inclusion is in a legal form that culminates in the constitution, meaning that the inclusion in the legal form of the constitution is based on the consideration of the higher degree and also stronger binding power.

The view that considers that the state policy has essentially been reflected in the National Development Planning System (SPPN) and the National Long-Term Development Plan (RPJPN), which are stated at the level of legal products, is inappropriate, in addition to the level of legal products, legislation is certainly not a legal product that has the strongest degree and binding power, but also limits the essence of state policy, as it simplifies the essence of state policy as if it is executive-centric.

3. Paradigm of the executive-centric National Long-Term Development Plan (RPJPN)

The RPJPN, which is functionally often linked as a substitute for state policy, goes through a paradigm bias, as it is designed to be very executive centric. It is as if the only government responsible for the "world hereafter" or fully responsible, especially the president, even though the paradigm of a guideline, guidance, and orientation for the state administration *adressat* is all branches of power, rather than just the government, especially the president.

The future of the state policy must be regulated or stated in the Indonesian Constitution, because if it is only stated in the Assembly Decree (TAP MPR) and the Law, the degree of binding power is definitely not as strong as the Constitution or the 1945 Constitution. In that context, the option to make amendments is limited to the constitution becomes important, and it must be ensured and guaranteed that the constitutional amendment

process takes place in a participatory manner. This maximum public participation [12] is intended so that the state policy, which has been successfully enshrined gains strong legitimacy from all elements of the nation, and becomes a reflection on opening the way for citizens to be involved in influencing public policy, especially in fundamental policies, [13] and all parties will feel that they have the same responsibility to carry out and control the implementation of the state policies. The state policy that will be formed in the future is the single policy, which is not interpreted narrowly, which is the temporary state policy in five years as it was formed in the New Order era, but the state policy that is interpreted broadly, which is a state policy that provides development directions and guidelines, and long-term state planning for 20-25 years [14].

V. CONCLUSION

The current need for state policies in Indonesia must be reformulated not only in the form of laws or even the Assembly (MPR) decrees, but must be regulated in the constitution as is usually the case in Ireland and India, but it must be ensured that the process of formulating state policies must take place in a participatory manner. This participation manner allows all elements of the nation to provide input and criticism for the formation of the ideal state policy.

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