



Juridical Analysis Of Central And Regional Government Development Implementation Given Law Number 25 Of 2004 Concerning The National Development Planning System

Maria Yeti Andrias¹, Yulianus Payzon Aituru², Liani Sari^{3*}, Sardjana Orba Manullang⁴

^{1,2,3*}Fakultas Hukum, Universitas Yapis Papua, Papua Indonesia

⁴Fakultas Hukum Universitas, Krisnadwipayana, Kota Bks, Indonesia

ARTICLE INFO

Article history:

Received Nov 22, 2022

Revised Dec 10, 2022

Accepted Dec 25, 2022

Keywords:

Development;
Government;
National Development
Planning System;
Planning.

ABSTRACT

Many things happened after the collapse of the New Order government in Indonesia. Reform necessitated a change in the constitution so that, in the end, the direction of national development also changed. Where previously it was the Outlines of State Policy, now it is formulated in law through the National Development Planning System. This study aims to find out and analyze the implementation of development by the central and regional governments according to Law Number 25 of 2004 concerning the National Development Planning System. The normative research method analyzes law, legal principles, legal rules, legal systems, and various juridical concepts. The data needed in this writing is secondary data as the main data and primary data as supporting data—legal materials, namely data obtained from literature studies, archives, and library materials. The study results show that the SPPN Law is even more appropriate and follows the constitutional mandate. This law is consistent as a reference for planning. Then it accommodates guidelines for regularly planning, compiling, establishing and evaluating long and medium-term development policies. Furthermore, the basis for implementing development planning is determined by legal products that are formally regulated and stipulated by hierarchical laws and regulations.

ABSTRAK

Banyak kritik tajam perihal penegakan hukum oleh aparat penegak hukum dimana kasus-kasus kecil yang sebenarnya dapat diselesaikan dengan upaya perdamaian, namun berujung di meja hijau. Pada tahun 2020, Jaksa Agung menerbitkan Peraturan Jaksa Nomor 15 Tahun 2020 tentang penghentian penuntutan. Perlu menjadi perhatian, aspek kepastian hukum dari aturan tersebut saat diterapkan. Tujuan penelitian ini untuk menganalisis aspek kepastian hukum dalam Peraturan Jaksa Nomor 15 Tahun 2020 tentang penghentian penuntutan berdasarkan keadilan restoratif. Penelitian hukum ini menggunakan metode yuridis normatif. Pendekatan Perundang-Undangan "*statuta approach*" dan Pendekatan Konseptual "*conceptual approach*". Hasil penelitian menunjukkan bahwa aspek kepastian hukum terletak pada pedoman yang telah dibuat dengan menentukan dan membatasi perihal persyaratan maupun implementasi penghentian penuntutan berdasarkan keadilan restoratif. Peraturan kejaksaan Nomor 15 Tahun 2020 sejatinya dibuat untuk mendukung penegakkan hukum yang mempunyai kepastian hukum, dimana keadilan restoratif diberikan dasar hukum yang jelas dan tegas serta komprehensif.

This is an open access article under the [CC BY-NC license](#).



Corresponding Author:

Liani Sari,
Fakultas Hukum,
Universitas Yapis Papua,
Jl. Dr. Sam Ratulangi No.11, Trikora, Kec. Jayapura Utara, Kota Jayapura, Papua 99113, Indonesia
Email: lianisaruuniyap@gmail.com

I. INTRODUCTION

Indonesia's constitutional system as a nation-state underwent significant changes in various aspects and dimensions after the collapse of the New Order regime (Hartono et al., 2021). Changes in the structure and function of state institutions are one of them. Fundamental changes occurred in the process of implementing national development to achieve the State's goals as mandated in the 1945 Constitution.

Changes (amendments) to the Constitution in the history of the state and nation of Indonesia provide fundamental changes in drafting the direction of the development of national law. It was based on the political changes in Indonesian history between democratic and authoritarian political configurations. In line with these political configuration changes, legal products' character has also changed. The political changes that led to changes in the law did not only involve changes to laws but also touched on changes to higher laws and regulations, namely the Decree of the People's Consultative Assembly (Tap MPR) and the 1945 Constitution (UUD) (A, 2018). Changes to the 1945 Constitution are an agenda or a product of reform. At that time, there was a strong current of thought driven by various campuses and democracy activists that constitutional reform was a must if we were to carry out reforms (Octavia, 2022).

This amendment to the 1945 Constitution will change the state institutional system, including the position of the MPR, which will impact the loss of the MPR's authority to make the Outlines of State Policy (GBHN). Before changes (amendments) to the 1945 Constitution, the direction of national development stood determined through the Outlines of State Policy (GBHN).

The GBHN is the state's direction regarding national development in outline as a statement of the will of the people, which is determined by the People's Consultative Assembly (MPR) every five years after the amendment, planning to ensure the achievement of the state goals is regulated by a national development planning system through the issuance of Law no. 25 of 2004 concerning the National Development Planning System (UU SPPN) which regulates the National Long Term Development Plan (RPJPN). The GBHN and the RPJPN are essentially the same guidelines for the direction of Indonesia's development for the central and regional governments (Ratnaningsih, 2016).

Changes legal basis of national development planning as a replacement for the GBHN in the period after the amendment to the 1945 Constitution caused many pros and cons among the public. Abolition of the GBHN, some parties consider that consistency and continuity have failed because development planning is embodied in the law. The SPPN Law and its laws and regulations, which form the basis for development planning, are deemed unable to guarantee the continuity and harmony of development between the centre and the regions.

The GBHN is an ideological development strategy, while the RPJP is a technocratic development strategy. The difference between the state policy and the RPJP is fundamental if the state policy is ideological while the RPJP is technocratic (Arrsa, 2018). The urgency of the GBHN is a direction for national development. At the same time, the RPJP elaborates on the direction of national development, which contains development work priorities that are "technocratic and pragmatic" (Hamzani, 2022). State policy is dynamic and holistic because it is discussed every five years by all members of the MPR, who represent the entire Indonesian people. This is different from the RPJP, which tends to be static because it is in the form of a law, so it has the potential to shackle development planning in the next government period. If it is highlighted, some of the weaknesses of the development planning system that have taken place since the reform era where development plans are prepared based on the vision and mission of candidates during the Presidential election campaign so that they are more focused on medium-term development planning instead of long term. In addition, the campaign team's vision and mission are limited and do not focus on how the country was built in the long term. As a result, there is also an opinion that states that the GBHN is normative

and only prepared by politicians and is not detailed. The current National Long-Term Development Plan (RPJPN) is more detailed and professionally prepared. The most important thing is to create synergies between the centre and the regions, especially according to geographical characteristics. Society needs a leader who can build the country in sync.

The development of the national legal system was carried out by forming legal material that reflects social values and interests and the realization of a legal community reflected in the high level of adherence to the rule of law (Hutomo & Soge, 2021). Legal material must guarantee the implementation of legal certainty and order, as well as the protection of human rights, and be able to develop discipline and obedience as well as respect for the law, which in turn can encourage the creativity of the community's role in national development.

Legal material or substance is "The substance is composed of substantive rules and also about how institutions should behave" this means that the substance of law consists of substantive rules and how institutions should behave. The legal substance can be interpreted as the law itself, namely the rules, regulations, policies, or statutory regulations. Good legal substance, as conveyed by Gustav Radburch, of course, accommodates the three principles mentioned above, namely the principles of justice, benefit and legal certainty, so that a policy or legislation that is born should fulfil these three principles to be said to be an excellent legal substance (Rismana & Hariyanto, 2021).

Implementing a statutory regulation is an important matter to pay attention to in the development of a country, especially the statutory regulations whose discussion concerns development. As stated by Prof. Mochtar Kusumaatmadja, the law is an instrument of development (Aulia, 2018). Several studies regarding development have been carried out previously.

Research results by (Hasan et al., 2018) by showing that in carrying out development, each Regional Government requires accurate planning and is expected to be able to evaluate the development it is carrying out. Regional development planning, as mandated by Law Number 25 of 2004 concerning SPPN, requires regions to prepare a Long-Term Development Plan with a duration of 20 (twenty) years which contains the vision, mission and direction of regional development.

Research results by (Halim, 2014) show that the fundamental difference in making legal development policies before and after the birth of Law no. 25 of 2004 lies in the emphasis and placement. Before the issuance of Law No. 25 of 2004, the emphasis is more on the development of law at the normative and empirical levels and its placement in a sectoral manner within the GBHN. Meanwhile, after the issuance of Law no. 25 of 2004, the emphasis on legal development is more oriented to the regulatory (normative) framework, and the placement is not sectoral/sectoral. So it becomes essential to pay attention to the extent to which the SPPN Law's mandate is implemented in the implementation of national development, both central and regional. Therefore, this research will describe the implementation of development carried out by the central government and local governments using the lens of the SPPN Law.

II. RESEARCH METHODS

The research in this paper uses the method of a normative legal study. In this case, normative legal research analyzes law, legal principles, legal rules, legal systems, and various juridical concepts (Benuf & Azhar, 2020). The problem approach is (the case approach) which, in this case, studies the application of legal norms or rules. A case approach is normative legal research, where prospective researchers try to build legal arguments from the perspective of concrete cases in the field (Salehuddin, 2022). The data needed in this writing is secondary data as the main data and primary data as supporting data. Legal materials, namely data obtained from literature studies from archives, library materials consisting of legally binding materials, namely: the 1945 Constitution, TAP MPR Number II/MPR/1983 Concerning Outlines of State Policy, Law-law number 25 of 2004 concerning

the National Development Planning System Then in the form of empirical data, legal journals, scientific journals, newspapers, the internet.

III. RESULTS AND DISCUSSIONS

Development Paradigm According to SPPN

The basic paradigms of the ideal and constitutional basis for the national legal development strategy are Pancasila and the 1945 Constitution. It means that the fundamental values contained in Pancasila and the principles of national life in the body of the Constitution become strategic signs for the management of legal development. The focus of attention in arranging these philosophical signs is the history of which legal policy we have and the extent to which the national goals in the Preamble of the Constitution can be realized through the implementation of future laws. Meanwhile, the demands of the times and society are increasing on a national, regional and global scale (El-Muhtaj, 2017).

The new paradigm contained in the Explanation of Law Number 17 of 2007 concerning the 2005-2025 National Long-Term Development Plan (RPJPN) states that the RPJPN is a continuation of the previous development to achieve development goals as mandated in the Preamble of the 1945 Constitution. For this reason, in 20 In the coming year, it is essential and urgent for the Indonesian people to reorganize various measures, including the management of natural resources, human resources, environment and institutions, so that the Indonesian people can catch up and have an equal position and high competitiveness. Strong in the international community. With the elimination of the GBHN as a guideline for preparing national development plans and the strengthening of regional autonomy and decentralization of government within the Unitary State of the Republic of Indonesia, in order to maintain sustainable development, the RPJPN which adheres to a visionary planning paradigm, RPJPN only contains broad directions.

Furthermore, in elucidating this law, it is explained that the National RPJP is used as a guide in preparing the National RPJM. The phasing of the national development plan is prepared in each RPJPM period following the President's vision, mission and programs, whom the people directly elect. The RPJMN contains national development strategies, general policies, ministry/agency and cross-ministerial/agency, regional and cross-regional programs, as well as a macroeconomic framework that includes an overall picture of the economy, including the direction of fiscal policy in a work plan in the form of a regulatory framework and a funding framework that are indicative.

Amendments to the 1945 Constitution and changes to the legislation under it must also be followed by institutional changes following the new paradigm and provisions, as well as changes in the awareness and culture of implementing laws and regulations. It is essential because old legislation has formed a legal and bureaucratic institutional culture that cannot be easily removed and replaced. Therefore, it is necessary to refresh and re-grow awareness of the constitution and legal culture based on the results of the amendments to the 1945 Constitution. (Kasidin, 2020). Therefore, changes to the constitution that result in fundamental changes in the process of drafting the direction of national development from the GBHN set by the MPR to the SPPN set by law must be followed by changes in the awareness and legal culture of every element of the nation to jointly realize the goals of the state as stated in paragraph the fourth opening of the 1945 Constitution.

Lawrence M. Friedman presented a Theory of the Legal System in which there are three main legal system components: Structure, Substance, and Culture. According to him, the law is a system that can only work if its components synergize well (Kalo, Mulyadi, & Yunara, 2017). Lawrence M. Friedman's Legal System Theory was also used as an initial basis in the preparation of the Grand Design for the Development of National Law, in which legal development is directed towards the realization of a national legal system that is stable and capable of functioning both as a means of achieving order and prosperity, as well as a means of implementing development. . legal development

includes the arrangement of material (substance), institutions (structure), and culture (culture). These elements influence each other. Therefore the law must be developed in an integrated and sustainable manner with a global perspective (Hutomo & Marselinus Soge, 2021).

After Law no. 25 of 2004 was promulgated, the national development mechanism underwent a change, which was previously regulated and outlined in the GBHN to be not regulated and outlined in the GBHN again. In Law No. 25 of 2004, there are at least 5 (five) approaches within the framework of National Development Planning: 1. Politics; 2. Technocratic; 3. Participatory; 4. Top-Down; 5. Bottom-Up (Bottom-Up).

The political approach means that the election of the President/Regional Head is a planning process because the electorate determines their choices based on the development programs offered by the candidates for each Presidential Candidate/Regional Head. Furthermore, the development plan elaborates the development agendas offered by the President/Regional Head during the campaign into the Short Term Development Plan. The technocratic approach is intended to develop scientific methods and frameworks of thinking by the institution or work unit (SATKER) that is functionally assigned to it. A participatory approach is an approach that involves all interested parties (Stakeholders) in development. The involvement is to get aspirations and a sense of belonging (Mewengkang & Singkoh, 2021).

The top-down and bottom-up approaches in planning are carried out according to government levels. Plans resulting from the top-down and bottom-up processes are aligned through deliberations held at the National, Provincial, District/City, District, and Village levels. More concretely, the core of the National Development Planning System includes 1. Long-Term Development Plan (RPJP) with a timeframe of 20 years; 2. Medium Term Development Plan (RPJM) with a five-year timeframe/period; 3. Annual Development Plan with a period of 1 year.

The national development plan is prepared in a systematic, directed, integrated, comprehensive and responsive to changes. The development plan is based on the general principle of state administration, which stands seen in Article 2 Paragraph (3): "The principle of legal certainty, namely the principle of a rule of law that prioritizing the basis of laws and regulations, propriety and fairness in every policy on the administration of the State". Based on this explanation, The legal certainty of being realized is still at the normative level. In other words, legal certainty is still identified with legal certainty. If we look closely at the certainty of the law itself, it is not confident that it can create certainty in the eyes of the public. This, of course, depends on how much accommodative power the law can accommodate the aspirations that develop in society. Thus, the law is one of the fields of national development. In fact, after the issuance of Law no. 25 of 2004, the emphasis on development policies is still at the normative (regulative) level, and aspects of legal culture are not touched explicitly.

This regulatory policy framework can be determined and seen in Article 4, Paragraph (2) and (3) of Law no. 25 of 2004, which is stated in full as follows: a. The National RPJM is an elaboration of the President's vision, mission and programs whose formulation is guided by the National RPJP, which contains the National Development Strategy, general policies, Ministries/Agencies and cross Ministries/Institutions, regional and cross-regional programs, as well as a macroeconomic framework that includes an overview of the economy comprehensively including the direction of fiscal policy in the work plan in the form of an indicative regulatory framework and funding framework"; and b. The RKP is an overview of the National RPJM and contains development priorities. This draft macroeconomic framework includes an overall picture of the economy, including the direction of fiscal policy, as well as Ministries/Agencies, cross Ministries/Institutions, and regional programs in the form of regulatory frameworks and indicative funding frameworks.

Legal development, which emphasizes regulatory thinking patterns, needs to be supported by an appropriate legal development strategy so that the objectives of the national development planning

system can be achieved, as mandated in Article 2 paragraph (4): a. support coordination between development actors; b. Ensure integration, synchronization and synergy between regions, spaces, times, government functions, and the centre and regions; c. ensure linkages and consistency between planning, budgeting, implementation, and supervision; d. optimizing community participation, and e. ensure the achievement of efficient, effective, just, and sustainable use of resources.

Development Implementation According to SPPN

Facing the reality of life, which shows a welfare gap, results in hard work for development experts, including policymakers. It is intended to overcome various problems arising from welfare inequality. It is necessary to carry out planned development efforts. Planned development efforts can be carried out to achieve the development goals. Furthermore, proper planning following an area's conditions is an absolute requirement for development efforts (Hasan, 2018). Planning is an effort to anticipate imbalances that occur that are accumulative. It means that a change in an initial balance can result in a change in the social system, eventually bringing the existing system away from the initial balance. Planning is part of the management function, which, when placed in regional development, will act as a director for the development process to move towards its goals, besides being a benchmark for the success of the development process (Manullang, 2020).

Planning, in the broadest sense, is a process of systematically preparing activities to be carried out to achieve a specific goal. Planning is how to achieve goals as well as possible with existing resources so that they are more efficient and effective. "Looking ahead by taking various alternative choices of activities to achieve these future goals by continuing to follow them so that the implementation does not deviate from the goals".

Albert Waterston defines development planning like this. Various experts define planning. There are even those who provide a broader understanding. For example, Prof. Jan Tinbergen put more on development policy (development policy), not just on planning (plans). Planning can be done in various fields. However, not all plans are development plans. The government acts as a development driver (agent of development) related to development policies. It is based on the strengths and weaknesses of the region.

Development planning has unique characteristics that are efforts to achieve specific development goals. The characteristics referred to include: 1. Planning, which contains efforts to achieve strong economic development, can be reflected by positive economic growth; 2. There are efforts to increase the community's per capita income; 3. Contains efforts to structure the economy; 4. Has the goal of increasing employment opportunities. 5. There is equity in development.

In practice, the implementation of development will encounter obstacles both from the implementing side, the people who are the object of development and from the outside. In more detail, the reasons for the need for planning in the development process are as follows: 1. Developments in technology and science provide very rapid changes in society; 2. Planning is a critical stage from the development impact that will emerge after the construction process is completed; 3. Of course, the development process has limited implementation time, costs and scope; 4. Planning can also serve as a benchmark for the success of development implementation so that the development process carried out can be monitored by related parties, including the community

Good planning is like a journey halfway through because the rest is just executing and controlling. If the implementation is consistent, the control is effective, and the interfering factors do little or do not give a bias in the implementation of development. Development is only a matter of time before achieving its goals. Even large countries still face various development problems that must be resolved gradually. There are various reasons for planning, such as the prominence of poverty, differences in interests, limited resources, the market economy system and the existence of specific goals that have been set. So development planning is a top priority. in the development itself.

The formulation of the primary planning document as a substitute for the GBHN in the period after the amendment to the 1945 Constitution caused many pros and cons among the public. Several counterproductive reasons put forward by many community leaders in various public discussions included discussing the position of the foundation for post-amendment development planning, namely the SPPN Law, as well as the RPJP and RPJM which were considered not comparable to the GBHN as the basis for development planning during the New Order era. With the abolition of the GBHN, consistency and continuity seem not to be working because development planning is embodied in the law. The SPPN Law and its regulations, which form the basis for current development planning, are considered unable to guarantee the continuity and harmony of development between the centre and the regions (Anggraini & Yasir, 2015).

The phenomenon of synchronizing the implementation of development between the centre and the regions and between regions is considered not to exist because the implementation is running on its own. In this regard, the President Director of the Center for Election and Political Party (CEPP), Chusnul Mariyah, stated, "if according to him the direction of development is not sufficiently stated in the mission and vision of the presidential candidate which, if elected, is then outlined in the law. If there is no clear direction, the development program can be interpreted freely, and this has happened where regional heads interpret development in their area independently. With various reasons put forward, a paradigm emerged that political consensus is needed in making development directions higher than laws. The existence of GBHN, or using another name in determining the direction of development, is essential because the fate of this great nation is considered distorted if the vision and mission of the president, governors, mayors and regents determine it. In addition, several figures argue that the nation's Qibla must be addressed in the future.

The legal appeal for national development planning guidelines must be made higher to have legal, psychological and ideologically binding power. With high affinity, every component of the nation will have high commitment and a good sense of responsibility. In the context of elaborating the mandate of the 1945 Constitution to realize prosperity in order to achieve state goals, a directed development policy is needed. After the amendment, the GBHN was abolished, and the government felt the need to re-make guidelines for the design and implementation of national development. Because during the period after the amendment, the authority of all state institutions was Neben, the establishment of development direction policies as stipulated by national legal products in the form of statutory regulations that were binding, general, comprehensive, systematic,

The development direction policy in the reform era was stipulated through Law Number 25 of 2004 concerning the National Development Planning System (SPPN) as a legal instrument that regulates other matters concerning state administration, governance and development from the provisions of the 1945 Constitution, which are still very general. . The material regulated in this law is constitutional. In drafting this law, it is internally and externally consistent. This can be seen from the systematic relationship between the rules, standard structure and language. In addition, this law regulates the harmonization relationship between the delegation of authority from the law to the regulations below it.

In the SPPN Law, which was designed to replace the GBHN, the principle of hierarchy and the theory of delegation of statutory authority have been applied. The law only outlines broad, abstract principles regarding preparing national development plans for the long, medium and annual terms. Meanwhile, in its implementation, this law still requires more technical regulations as a form of the actual design of development planning.

This law is only meant to serve as a guideline in preparing plans whose validity is based on something other than a specific period. Many critics say that the current guidelines for implementing national development need to contain elements of continuity or consistency of implementation due to legal instruments in the form of laws. There is no synchronization in elaborating development plans in one

law with another. In essence, the position of the SPPN Law is as an implementing regulation that outlines the mandate of the 1945 Constitution so that this law becomes the highest regulation after the 1945 Constitution to serve as development guidelines.

The SPPN Law regulates development plans that will be prepared both in terms of the procedures for preparation, discussion and stipulation to become a national legislation policy program. The RPJP, as a long-term program design, must be stipulated by law/regional regulation. In contrast, the RPJM as a medium-term development program design must be stipulated by a presidential regulation/regional head regulation.

Even though it is regulated in a separate document, which is hierarchically parallel to the SPPN Law, the RPJP is a single unit prepared in full accordance with the SPPN Law; in nature, it is the executor of the provisions of the SPPN Law. The guidelines for its preparation have been regulated in detail in the provisions contained in the articles of the SPPN Law. Even if one looks at the material that is regulated substantially, it does not deviate or conflict with the SPPN Law.

The RPJP Law contains general conditions, directions, and stages to concrete priorities for the long term. The two laws do not create opportunities for horizontal inconsistency regarding the substance of the regulations. The scope of the regulated material is clear, so there is no repetition of the norms that have been regulated in the laws and regulations that delegate the implementing regulations. The RPJP Law contains general conditions, directives, and stages up to concrete priorities.

The policy towards long-term development in the area is called the Regional Long-Term Development Plan (Regional RPJP) stipulated by Regional Regulation. This policy is a form of effort to realize balanced development between the centre and the regions in the context of implementing regional autonomy based on assistance. The mechanism for drafting and establishing the Regional RPJP has also been regulated in the national development planning system so that it conforms to the direction of state policy. The draft substance is also required to refer to the directions from the National RPJP. The National RPJP will not be optimal to become the primary reference for national development planning. The National RPJM cannot guarantee that its preparation and substance follow the National RPJP.

Based on the formulation of objectives described in the SPPN Law, if all components of the nation's development actors consistently refer to this matter, there will be problems of inconsistency in development planning and implementation, whether long-term, medium-term, annual or even between central and regional as well as between regions, it should not happen because this law requires the opposite, namely efforts to coordinate between elements of development stakeholders, both at the central and regional levels. If the existence of the RPJM stipulated through a Presidential Regulation becomes a polemic in society, it can again be referred to as the SPPN Law.

Regarding the Regional RPJM, which is feared to be distorted by the elaboration of the vision and mission of the regional head, this has also been stipulated in the SPPN Law. The Regional RPJM elaborates the vision, mission and programs of the Regional Head, whose preparation is guided by the Regional RPJP and takes into account the National RPJM, contains the direction of regional financial policies, regional development strategies, et cetera. Meanwhile, compared to the New Order era, the most fundamental legal basis after the 1945 Constitution was the MPR decision. One MPR decision that became the essential basis for development was the GBHN.

It was bearing in mind the dynamics of society that once in 5 years, the Assembly pays attention to everything happening and all currents at that time and determines what directions should be used for the future. From this explanation, it can be understood that the GBHN is compiled every five years to accommodate the latest developments and dynamics that are developing in society. It is hoped that the GBHN will be responsive to community problems. In carrying out the GBHN, which is five years

in nature, the government is making a Repelita which contains a technical plan for implementing the GBHN.

During the period when the GBHN was in effect, the New Order regime was being implemented, which was marked by several distinctive features, namely, politically the government regime behaved in a very authoritarian manner, the government system was centralized, and there were no direct presidential and regional head elections. Currently, the situation and conditions have changed so much in the era of reform.

Patterns of democracy and openness of opinion marked the reform era. Like the government system that changed to be decentralized, the presidential and regional head elections took place through a direct election mechanism. Democratic life is so felt, and freedom of expression and opinion is open. So it is only natural that the basis for planning is changed in a different formulation to balance the Indonesian government system, which has also changed along with the amendments to the state basis.

Establishing a legal basis for national development planning through the SPPN Law is even more appropriate and follows the constitutional mandate. This law is consistent as a reference for planning and then accommodates guidelines for regularly planning, compiling, establishing and evaluating long and medium-term development policies. Furthermore, the basis for implementing development planning is determined by legal products that are formally regulated and stipulated by hierarchical laws and regulations so that the national development planning is arranged systematically and can be adapted to the dynamics that develop in society.

The SPPN law is permanent, while the GBHN is renewed periodically, which is every five years. The implementation of the SPPN Law was revealed in the form of an Act which contains the RPJP document with a period of twenty years and a Presidential Regulation for development for five years. The RPJM is also a development policy based on the president's vision and mission but still refers to and is directed by the priority scale in the RPJPN Law. At the same time, Repelita Presidential Decrees are prepared based on the GBHN designed by the MPR.

Strategically, the position of the GBHN before the amendment was higher than the SPPN, which had the status of a law. There are many suggestions and inputs so that the status of the RPJPN is lifted from law to become an MPR decision to make legal appeals equal. However, after the amendment to the 1945 Constitution, the 2004 General Election was held. The MPR no longer has the authority to establish GBHN and provisions that are regulatory (regeling) and binding for the public as before (Asnawi, 2021).

The only legal product made within the scope of the MPR's authority and is currently in a regulatory nature is the product of amendments to the fundamental law carried out according to the provisions of Article 37 Paragraph of the 1945 Constitution. The post-reform MPR no longer has the authority to enact regulations other than the constitution. Then there will be no more legal products containing the governing norms stipulated by the TAP MPR other than the amendments to the 1945 Constitution. Then regarding the response that by stipulating it through the law, in the event of deviations or non-compliance with the implementation of development with the stipulated provisions, there will be no explicit legal sanctions.

It should be noted that the SPPN document and its derivatives in the substance that is regulated are regulations that contain provisions of a directory nature. Suppose the law determines -a specific time for carrying out a specific task. In that case, the law is said to be a directory, the fulfilment of which does not need to be formal and absolute but sufficient to be substantive or material (Anggraini et al., 2014). In the case of statutory provisions relating to the implementation of a particular public official's duties, violations against them, as long as they do not result in real injustice, do not nullify the actions committed based on the relevant law. Therefore, such provisions are directory in nature.

Violation against it does not cause the effect of cancellation. Then the violation can be threatened with the punishment due to negligence

It is not much different from the material of the provisions stipulated in the GBHN through the TAP MPR because, in essence, the matters stipulated in the GBHN contain the same principles and principles of development direction as those of development in the current reform era. Thus, it can be concluded that juridical sanctions against guarantees for implementing national development before and after the amendments are equally unregulated.

Since 2000 the GBHN has been no longer used in running the wheels of government. This is also related to the amendments to the 1945 Constitution in 1999-2002, so there is no longer the highest state institution, and all are equal. So from that, following Permendagri, number 9 of 1982 concerning Guidelines for Regional Planning and Control, all of these things were born Law number 25 of 2004 concerning the National Development Planning System as this law covers national development, RPJMN, Ministry/Ministry Strategic Plans Institution Work plans at the ministry, and regional level, RPJMD, SKPD Strategic Planning, Work Plan SKPD that are following the RPJP, this law is a substitute for the GBHN (Ramadani, 2020). Of course, the law has positive and negative values , including:

Positive impact: The RPJPN is a five-year development reference called the National Medium Term Development Plan (RPJMN): RPJMN I for 2005-2009, RPJMN II for 2010-2014, RPJMN III for 2015-2019, and RPJMN IV for 2020-2024. This development planning document is no longer under the authority of the MPR, but a joint authority between the DPR RI and the President of the Republic of Indonesia. The positive impacts that can be analyzed are: a. In the form of regulations set by state institutions, namely the executive and legislature, the President are responsible to the people through the people's representative council; b. The President is responsible to the people through the People's Representative Council because the President is directly elected through democratic general elections and is no longer mandated by the People's Consultative Assembly; c. National Development Planning is carried out by the Ministry of National Development Planning/BAPPENAS and is responsible to the President; d. Realization of Equitable Development throughout Indonesia; and e. There is a Long Term Development Planning System for 20 years and a medium-term Development Planning system for five years National Development is organized based on democracy with its principles.

Negative impact: a. The National Development Planning System based on the SPPN model only relies on executive power; b. There is a contradiction between the RPJP and RPJM; c. There are only sanctions if the RPJP is fully implemented; d. Lack of oversight from the House of Representatives as Government Oversight; e. Some development projects need to be implemented effectively; and f. The Development Planning System is excellent, but the government's implementation needs to be improved.

IV. CONCLUSION

Establishing a legal basis for national development planning through the SPPN Law is even more appropriate and follows the constitutional mandate. This law is consistent as a reference for planning and then accommodates guidelines for regularly planning, compiling, establishing and evaluating long and medium-term development policies. Furthermore, the basis for implementing development planning is determined by legal products that are formally regulated and stipulated by hierarchical laws and regulations. The national development planning is arranged systematically and can be adapted to the dynamics that develop in society. SPPN model development planning rests in the hands of the executive (executive-centric). This development model eliminates the principle and spirit of cooperation and promotes individualism. The substance of the RPJM is different or reduced or may be more comprehensive than that specified in the RPJP. There is no single provision in the 1945

Constitution or other laws prohibiting this. Of course, the law that was born as a substitute for the GBHN has positive and negative impacts.

Reference

- A, S. (2018). Ketetapan Majelis Permusyawaratan Rakyat/majelis Permusyawaratan Rakyat Sementara dalam Tata Hukum Indonesia Pasca Amandemen Undang-undang Dasar *Jurnal.Iain-Bone.Ac.Id*, 3(2), 66–78. <http://jurnal.iain-bone.ac.id/index.php/aladalah/article/view/192>
- Angraini, Y., Ridlwan, Z., & Yasir, A. (2014). Perbandingan Perencanaan Pembangunan sebelum dan sesudah Amandemen UUD 1945. *Repository.Lppm.Unila.Ac.Id*, 9(1). <http://repository.lppm.unila.ac.id/13937/>
- Angraini, Y., & Yasir, A. (2015). Perbandingan Perencanaan Pembangunan Nasional Sebelum Dan Sesudah Amandemen Undang-Undang Dasar 1945. *Jurnal.Fh.Unila.Ac.Id*. <http://jurnal.fh.unila.ac.id/index.php/fiat/article/view/589>
- Arrsa, R. (2018). REFORMULASI HALUAN NEGARA MODEL GBHN DALAM PERSPEKTIF HARMONISASI, SINKRONISASI, DAN SINERGITAS PERENCANAAN. *Mpr.Go.Id*. https://www.mpr.go.id/pengkajian/JM_Edisi_12_Desember_2018.pdf#page=171
- Asnawi, E. (2021). Kedudukan Hukum Ketetapan MPRS/MPR Sebelum dan Sesudah Perubahan UUD 1945. *Jurnal.Ensiklopediaku.Org*, 3(2). <https://jurnal.ensiklopediaku.org/ojs-2.4.8-3/index.php/sosial/article/view/788>
- Aulia, M. (2018). Hukum Pembangunan dari Mochtar Kusuma-atmadja: Mengarahkan Pembangunan atau Mengabdikan pada Pembangunan? *Ujh.Unja.Ac.Id*. <https://ujh.unja.ac.id/index.php/home/article/view/53>
- Benuf, K., & Azhar, M. (2020). Metodologi penelitian hukum sebagai instrumen mengurai permasalahan hukum kontemporer. *Ejournal2.Undip.Ac.Id*. <https://ejournal2.undip.ac.id/index.php/gk/article/view/7504>
- El-Muhtaj, M. (2017). *Hak asasi manusia dalam konstitusi Indonesia*.
- Halim, A. (2014). Analisis Kebijakan Pembangunan Hukum Nasional Berdasarkan UU No. 25 Tahun 2004 Tentang Sistem Perencanaan Pembangunan Nasional. *Ejournal.Uin-Suka.Ac.Id*. <http://ejournal.uin-suka.ac.id/syariah/almazahib/article/view/1368>
- Hamzani, A. (2022). *Urgensi Percepatan Pembangunan Hukum Nasional*.
- Hasan, S., Al, S., & Barru, G. (2018). Sistem Perencanaan Pembangunan dalam Penataan Hukum Nasional. *Merajajournal.Com*, 1(3). <https://www.merajajournal.com/index.php/mrj/article/download/17/15>
- Hutomo, P., & Soge, M. (2021). Perspektif Teori Sistem Hukum Dalam Pembaharuan Pengaturan Sistem Pemasyarakatan Militer. *178.128.61.209*. <http://178.128.61.209/index.php/legacy/article/view/4087>
- Manullang, S. (2020). *Ciri-ciri Pelayanan Birokrasi yang Berkualitas*. Kita Menulis.
- Manullang, S. O. (2021). Understanding of identical politics in the Indonesia local election: critical analysis of political election context literature. *International Journal of Social Sciences*, 4(1), 131-140. <https://doi.org/10.31295/ijss.v4n1.1506>
- Mewengkang, A., & Singkoh, F. (2021). Efektivitas Pelaksanaan Musyawarah Perencanaan Pembangunan (Musrenbang) di Kecamatan Tompaso Kabupaten Minahasa Tahun 2016. *Ejournal.Unsrat.Ac.Id*. <https://ejournal.unsrat.ac.id/index.php/governance/article/view/35522>
- Octavia, N. (2022). *TERHADAP PERBANDINGAN SISTEM PERENCANAAN PEMBANGUNAN NASIONAL DI ERA ORDE BARU DAN REFORMASI (Studi Perencanaan Pembangunan* <http://repository.iainbengkulu.ac.id/id/eprint/9968>
- Ramadani, R. (2020). Analisis Garis-Garis Besar Haluan Negara (GBHN) dan Undang-Undang Nomor 25 Tahun 2004 Tentang Sistem Perencanaan Pembangunan Nasional. *Jurnal.Uinsu.Ac.Id*. <http://jurnal.uinsu.ac.id/index.php/alqanun/article/view/8419>
- Ratnaningsih, E. (2016). Perubahan Paradigma Pembangunan Hukum Nasional Pasca Amandemen Konstitusi. *Journal.Unpak.Ac.Id*. <http://journal.unpak.ac.id/index.php/palar/article/view/783>
- Salehuddin, A. (2022). *Tinjauan Yuridis Atas Tindak Pidana dengan Sengaja Memberikan Uang atau Materi Lainnya dalam Pemilihan Kepala Daerah.(Studi Putusan Nomor: 146/Pid.* http://repository.unhas.ac.id/id/eprint/23184/3/B11115536_skripsi_27-10-2022%20dp.pdf
- Wirawan, V., Manullang, S. O., & Sembiring, T. B. (2021). Law enforcement and democracy feeling among Indonesians during 2010 to 2020 (international publication analysis). *International Journal of Social Sciences*, 4(2), 303-310. <https://doi.org/10.31295/ijss.v4n2.1738>