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COMPARATIVE STUDY BETWEEN THE BROAD GUIDELINES OF STATE POLICY AND THE MEDIUM-TERM DEVELOPMENT PLAN

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Abstract

The Broad Guidelines of State Policy (BGSP) or *Garis-Garis Besar Haluan Negara* (GBHN) and the National Medium-Term Development Plan (NMDP) or *Rencana Pembangunan Jangka Menengah Nasional* (RPJMN) are important state policies in the execution of Indonesia's national development in various aspects of the life of the nation and state. The BGSP is no longer exists, and the MDP is still in effect today. The purpose of this study is to compare the two policies to obtain the superiorities and weaknesses of each when faced with several parameters obtained from various theories related to politics and law. This study is qualitative research using comparative studies in its analysis. From this study, it was found that in general, the BGSP made by the People's Consultative Assembly (PCA) or *Majelis Permusyawaratan Rakyat* (MPR) had a greater relative superiority when compared to the MDP made by the Government of the Republic of Indonesia.

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INTRODUCTION

Indonesia is a unitary state in the form of a republic, which became independent on August 17, 1945. Even though this country is still relatively young, the spirit of the people is so great to overcome its lagging behind other nations in the world due to the colonialism from the foreign nations which lasted a very long time. In terms of political structure, this country has tried various forms of government, but in the

end, this nation agreed to be consistent with the form of the republic that was designed by the founders of this nation.

The Indonesian people have agreed that the establishment of the Indonesian state was with such a noble purpose, which had been edited stipulated in the Preamble to the 1945 Constitution, namely: protecting the entire Indonesian nation and all Indonesian bloodshed and to promote public welfare, to educate the life of the

nation, and to participate in the effort in maintaining the world order based on the values of independence, eternal peace, and social justice. To achieve these very noble goals, the Indonesian nation has developed itself in all fields. The national development is based on the principles and values of the state ideology, Pancasila, which have been gathered from the substance of the 1945 Constitution.

Various efforts have been made to realize the national development plans, one of which is the efforts made by the People's Consultative Assembly (PCA) or *Majelis Permusyawaratan Rakyat* (MPR) in the previous periods by making the Broad Guidelines of State Policy (BGSP) or *Garis-Garis Besar Haluan Negara* (GBHN). The BGSP is the state's policy regarding state administration in broad outlines as a comprehensive and integrated statement of the will of the people established by the PCA for five years to realize a just people's welfare (People's Consultative Assembly of Republic of Indonesia Number 4, 1978). The President as the mandate holder of the PCA is obliged to implement the BGSP in the sense that it becomes the main guideline in carrying out the national development in all fields. The BGSP has been running for quite a long time during Soekarno's presidency and also during Suharto's presidency. The last BGSP is from 1999 to 2004. After that period there was no longer any BGSP made by the PCA, and it was replaced by a new political mechanism.

In the reform era, there have been major changes in various aspects of the life of the nation and state. One of the changes in the political mechanism in Indonesia is that the President of the Republic of Indonesia is directly elected by the people in a direct presidential election mechanism. This is a big change because, in the previous times, the Presidents were appointed by the PCA in an official hearing. With this change, a major change has also occurred, namely that the PCA no longer elects and appoints the President, is no longer the highest state

institution, and is no longer has authority to make the BGSP. This change amendment has been stipulated in the amended 1945 Constitution, particularly regarding articles relating to the PCA.

In the absence of the BGSP, then the national development mechanism is managed independently by the Government of the Republic of Indonesia (GRI) or *Pemerintah Republik Indonesia* (Pemerintah RI), but with reference to Law Number 17 of 2007 concerning the National Development Planning System (NDPS) or *Sistem Perencanaan Pembangunan Nasional* (*Siscanbangnas*). The National Development Planning (NDP) or *Rencana Pembangunan Nasional* (Renbangnas) then is followed by long-term development plans (LDP) or *Rencana Pembangunan Jangka Panjang* (RPJP), medium-term development plans (MDP) or *Rencana Pembangunan Jangka Menengah* (RPJM), and annual development plans (ADP) or *Rencana Pembangunan Tahunan*. The parties involved in the preparation of the plans are the ministers and higher officials of the GRI (Government Regulation of the Republic of Indonesia Number 17, 2007). To realize the new mechanism, the GRI in the era of President Susilo Bambang Yudhoyono's leadership produced the LDP for 2005-2025, and this was confirmed in Law no. 17 of 2007. The LDP also included the Regional LDP for 2005-2025, the First MDP for 2005-2009, the Second MDP for 2010-2014, the Third MDP for 2015-2019, and the Fourth MDP for 2020– 2024, and the Regional MDPs (Government Regulation of the Republic of Indonesia Number 17, 2007).

Therefore, for five years, at the national level, the current policy made by the GRI is the MDP. Although it can be said that the BGSP has been replaced by the MDP, which has the same period, various parties have given mixed opinions on this matter. Some support and some reject this analogy, saying that the two things are very different and that the BGSP cannot be

replaced by the MDP. Concerning these various views, the author is interested in raising the two policies, namely the BGSP and the MDP to be the objects of this study.

From the previous explanation, it can be said that the assumption in this study is that the BGSP was made by the PCA while the MDP was made by the RI's President. The two policies will be compared using a comparative study method. The purpose of this study is to find the superiorities and weaknesses of each of these policies. Furthermore, this superiority and weaknesses can be used in choosing whether to maintain the current mechanism or to return to the previous mechanism by re-establishing the BGSP as the main guide in carrying out the national development in all aspects of the life of the Indonesian nation.

METHODS

This study uses a qualitative methodology, which according to Bogdan and Taylor (1975) is a research procedure that produces descriptive data in the form of written or spoken words from people and observable behavior. This approach is directed at and the individual holistically. It is not permissible to isolate individuals or organizations into variables or hypotheses, but it is necessary to view them as part of a whole (Moleong, 1985).

This study uses a comparative study, where according to Aswani Sudjud this study is intended to find similarities and differences in objects, about people, about work procedures, about ideas, criticism of people, groups, and also to compare common views and changes in views of people, groups or countries, to cases, to people, to events or ideas (Arikunto, 2002).

Referring to this definition, this study is conducted by comparing the BGSP which was a policy in the past or the previous presidency periods with the MDP which is a policy in the present. Things that are compared are related to the substance of

each of these policies, the process or mechanism of their formulation, and the position of each of these policies in the political structure of the Indonesian state. The elements used to compare them are the five aspects of theories. By conducting an in-depth analysis, it is hoped that the relative strengths and weaknesses of the two policies will be found.

The data required in this study was collected by the researcher by conducting a literature study. The data and information needed in this study are those related to the BGSP that have been in effect in the previous presidency periods until the last BGSP, namely the 1999-2004 BGSP, the current MDP, which started in 2004 until now. The data and information that are also needed are several theories relevant to this study, as well as some views or opinions of several experts related to issues relevant to this study, which are obtained from books, scientific articles, magazines, and several other forms of writing.

The data obtained will be analyzed by using several perspectives from several philosophers. First is the view of Plato's 'king philosopher' (427-347 BC). He said that role of a leader is to keep the people following a good life. Understanding what is a good life requires intellectual abilities and knowledge of ethics and morals. According to Plato, only philosophers have this ability and knowledge. Thus political power can only be given to philosophers. Until philosophers are kings, countries will not be free from the dangers that threaten them (Kindersley, 2013). In the contemporary context, Plato's view can be interpreted that state leaders must have high-quality intellectual abilities and moral integrity. Plato's view or philosophy, if we conclude in the context of this study, then we will compare the intellectual quality and moral integrity of the PCA and the presidential institutions related to policymaking that will be used as the guidelines in the national development efforts.

The second is the political-

philosophical view of the philosopher Johannes Althusius (1557-1638), who said that humans form groups at different levels, families, trade unions, cities, provinces, and countries. The purpose of a state is to protect its citizens regarding associations and their communications. The elected representatives of the country must reflect the various views of these various associations. Furthermore, he concluded that politics is the art of connecting people (Kindersley, 2013). This viewpoint in this study will be used to measure the process of formulating the two policies from the point of view of how much effort is made to accommodate as many groups of people as possible who of course have different views.

The third is the political philosophy conveyed by Montesquieu (1689-1755) regarding the Separation of Power or *Trias Politica*, in which state administrative duties must be separated into three powers, namely the executive branch to enforce state law, the legislative branch which is responsible for passing and changing state law, and the judiciary branch responsible for interpreting state law. He further said that the three powers are separate but dependent on one another, but the influence of one power must not exceed the other two powers (Kindersley, 2013). The principle of separation of powers in this study will be used to see whether the degree of separation of powers is applied in the formulation and implementation of each of these policies.

The fourth is the tiered legal theory developed by Hans Nawiasky about the state. According to him, the legal norms of a country are tiered and graded, where the lower norms apply and are based on higher norms, and higher norms are based on the highest norms called basic norms. The laws of a country are stratified and at the same time can be grouped into four, namely a) group I which contains the basic norms/fundamentals of the state (*staats fundamental nor*), b) group II which contains the basic rules of the state

(*Staatsgrund Gesetz*), c) group III which contains formal laws (*Formell Gesetz*), and d) group IV which contains the implementing rules/autonomous rules (*Verordnung and Autonome Satzung*) (Utari, 2016). With these hierarchies and groupings, in this study, the two policies will be looked at which hierarchy and group belong to so that we can find out the strength of influence of each of these policies.

The fifth is the political philosophy conveyed by Mozi (470-391 BC), which states that authority should only be given to people who are wise and have the ability. Kindness and intelligence do not have to come from tradition or belong to a noble family, but they can be learned through education. Mozi finally concluded that planning for the state should be left only to those with higher education (Kindersley, 2013). From the viewpoint of this philosopher, then in the context of the two policies which are each made by a different institution, the benchmarks used are the level of goodness and ability of the two institutions in formulating the policies.

RESULT AND DISCUSSION

BGSP and MDP Comparison Based On the PCA and Government Agencies' Ability and Moral Integrity

In this section, it will be analyzed the research object with the first benchmarks derived from the viewpoint of the philosopher Plato, who states that the level of success of a country is largely determined by the intellectual quality and moral integrity of the ruler or the highest authority that determines the direction and goals of the country. In this case, because the BGSP and the MDP are the main guidelines in the efforts of the Indonesian government to organize an annual national development program, it will be analyzed to the quality of the institutions that make these policies, namely the PCA (which makes the BGSP) and Government agencies (which make the MDP). The two institutions will be compared based on the

criteria of their intellectual ability and moral integrity.

The House of Representatives of the Republic of Indonesia (HRI) or *Dewan Perwakilan Rakyat* (DPR) members are elected through a legislative election mechanism which is held every five years. The HRI consists of 560 members, drawn from 77 multiple constituencies using an open proportional system. Voters will choose their candidate by holding a picture of a candidate for the legislative member or a picture of their political party. Meanwhile, the Regional Representative Council (RRC) or *Dewan Perwakilan Daerah* (DPD) has 132 members, which are representatives of provinces in Indonesia, with each province represented by 4 representatives. The voting system is Single Non-Transferable Vote. When voting, voters elect their candidates by punching one hole in the name they choose. Later, the 4 names of the candidates who collect the most votes in each province will be automatically elected to the RRC. The election of the President of the Republic of Indonesia is carried out directly by voters against the presidential and vice-presidential candidates they choose. Candidate pair who get more than 50% of the votes with at least 20% of the votes in each province in more than half of the number of provinces in Indonesia is declared president and vice president.

From several surveys of voters, it was found that in general the main reason for voters to choose a presidential/vice presidential candidate and RRC members was because of the strengths or advantages concerned in terms of the vision, mission, and programs campaigned by each candidate. Whereas for the HRI candidates, the main factor that becomes the grip of voters was the quality of the figures and character of the candidates concerned (Chaniago, 2019). Meanwhile, in another survey, it was found that the important factors that became the grip of voters in choosing the president and vice president were real work and closeness to

the people, being assertive, good performance, and a high intellectual level (Gatra.com, 2020).

From the facts or information obtained above, it can be seen that individually, the intellectual quality and moral integrity of the HRI and the RRC members vary widely, ranging from middle to high levels. As for the intellectual quality and moral integrity of the elected president and vice president is relatively higher. Thus, at this stage, the president and vice president are in a relatively superior position when compared to individual members of the HRI and the RRC.

However, it is different when we look at the government agencies (consisting of the president, vice president, and assistants at the ministerial and institutional levels), when compared to the PCA as an institution, which has 560 members from the HRI and 132 people from the RRC, so that totaling 692 people. As a large group, the decision-making mechanism in the PCA is based on deliberation and consensus with each member having the same voting rights. Whereas in government institutions, it is not entirely said to be an equal group, because the position of the president and vice president is as a decision-maker, while members of the group are in the position of subordinates, whose role is only to provide suggestions and recommendations to their superiors, and in the end, the presidential decisions will apply.

The decision-making mechanism in the PCA is analogous to decision-making in a pure group, where members have an equal position. The advantages of decision making in the pure group are that the decisions issued will be of higher quality because the group can produce more complete information and knowledge, there is a high level of diversity of views, and a high level of acceptance of a solution (Robbins & Judge, 2009).

Thus, it can be seen that the decisions taken by the PCA will be of relatively high quality compared to the decisions taken by

the government agencies. Thus, based on the first benchmarks, it can be concluded that the PCA has a relative advantage when compared to government agencies in formulating policies that will be used as guidelines in Indonesia's five-year national development.

BGSP and MDP Benchmark in Applying the Principle and The Level of Community Participation in The Policy Formulation

The discussion in this section will be using predetermined benchmarks, which is about the efforts of related parties to accommodate as many groups of people as possible, of course, with different views. The two policies will be compared in terms of the benchmarks, in the sense between the BGSP and the MDP, which one is superior in applying the principle.

To find out the level of public participation or contribution in the formulation of the two policies, we will look at the process of preparing each of these policies. The BGSP was prepared with a long process, where at the beginning the President of the Republic of Indonesia formed the National Security and Defense Council (NSDC) or *Dewan Keamanan dan Pertahanan Nasional* (Wankamhannas), whose composition was: the President of the Republic of Indonesia as Chairman of the Council, with members of the Vice President of the Republic of Indonesia, the Minister of Economy, the Minister of People's Welfare, the Minister of Defence/Commander of the Armed Forces, the Minister of Foreign Affairs, the Minister of Home Affairs, the Head of Intelligence Agency, as well as several other officials as needed. This Council collected materials and compiled a draft of the BGSP, which was then further processed by the National Planning Agency (NPA) or *Badan Perencanaan Nasional* (Bappenas). Furthermore, the President officially submitted the BGSP draft to the PCA, which then discussed the draft through four levels, namely a) level I

conducted a BGSP discussion by the Working Body Ad hoc Committee, b) level II through general views of the factions during the plenary session, and c) level III through the commission sessions, and level IV decision making in the PCA plenary session (Mahdi, 2017).

Meanwhile, the National MDP is an elaboration of the president's vision, mission, and programs which are compiled based on the national NLDP or *Rencana Pembangunan Jangka Panjang Nasional* (RPJPN). The drafting stage begins with the preparation of the National MDP initial draft by the Minister of Planning and is implemented by the NPA. Preparation of the Ministerial/Agency Strategic Plan (MASP) draft, which is carried out by all ministries and agencies. Then the drafting of the National MDP design by the Ministry of Planning is an effort to integrate the initial design of the MDP with the MASP, the implementation of the national mid-term Development Planning Conference, and the preparation of the MDP Final Design.

From the explanation above, it can be seen that the MDP is also trying to absorb as much as possible the aspirations of the people at large, including by holding Development Planning Dialogues at the lowest level. Also, pay attention to as much input as possible from existing ministries and agencies in the government. But even so, it appears that at the regional level and the level of ministries and institutions, although given the freedom to initiate and be creative, it is still limited and must be in the corridor of the vision and mission set by the President, regardless of their views that are following or contrary to the vision and the mission. Input from subordinate elements of the central government is also limited to input and suggestions, which in the end the decisions are made by the President himself.

The formulation of the BGSP, although initially, this was a draft made by the government, in the final process of this

policy, the discussion was carried out at the PCA until it was finished. The discussion of this policy in the PCA is a reflection of the enormous participation of the people based on several reasons. The position of the PCA members individually and as an institution was an embodiment of the people who hold state sovereignty. In the explanation of the 1945 Constitution, there is a statement that the sovereignty of the people is held by a body, named the PCA, as the incarnation of all Indonesian people (*vertretungsorgan des Willens des staatsvolkes*). The BGSP is not only strong in terms of the substance but in terms of its forming institution, it can be said to be quite ideal because it involves 3 (three) important groups, namely political parties (representatives of votes from constituents), regional delegates (to listen to regional interests) and group delegates (consisting of experts and representatives of religious leaders). So that the mechanism for making the BGSP was very rich with the taste of Pancasila ideology, the values of Indonesian democracy as mentioned in the 4th precept, namely democracy led by the wisdom of deliberation and representative wisdom.

In discussions at the PCA, especially at the commission level, many community leaders, religious leaders, and intellectuals were officially invited to attend the meeting and simultaneously conveyed their aspirations and views, so that the coverage of this substance truly holistic, could cover the aspirations and interests of the people at large, and no aspirations from some groups of society however small were not accommodated. Third, all meetings at the PCA, whether at the ad hoc committee level, commission level, or at the plenary level, were all open to the public, so they were open to getting corrections and input from the wider community.

Regarding the existence of BGSP, there are several opinions from various parties. According to Jimly Asshiddiqie, the State Policy tradition known as the Directive Principles of State Policy (DPSP) or

Arahan Direktif Kebijakan Negara (ADKN) is commonly practiced in countries that do not adhere to socialist-communist ideology. The main objective is to provide guidance and direction so that operational policies in the fields of economic, social, and cultural development do not conflict with the ideas contained in the constitution as the highest law (Ansori, 2019). Affandy from the TNI/Police faction (during the New Order) had an opinion that the BGSP was formed in the framework of coherence, unity, integrity, and sustainability of national development. Furthermore, Indonesia as a developing country with diversity in all aspects had to depend more on these matters. With the BGSP, we could prevent abuse of authority and prevent governance based on the tastes and interests of the authorities (Subkhan, 2014).

Ahmad Zacky Siradj from the PCA Group of Representatives Faction stated that the BGSP contains, among other things, the vision and mission of political parties that have been widely conveyed to the people which can be used as a measure in evaluating the vision and mission of the elected president (Setya Nugraha, 2019). Meanwhile President B.J. Habibie in January 2014, in a meeting of Golkar Party cadres stated that the BGSP was very much needed so that development in Indonesia could run well and sustainably (Subkhan, 2014). The University Chancellors throughout Indonesia in their annual meeting in 2014 stated, among others, that the BGSP was very important because it contained the values of Pancasila and was needed to strengthen nationalism and encourage synchronization of roles between institutions, both elements of people's representative institutions, ministries, and other institutions so that it was built integration of national development planning and budgeting that was democratic and participatory (Subkhan, 2014).

Regarding the NLDP, various parties conveyed the weakness of this new policy.

Kaelan, for example, said that the NLDP period is 20 (twenty) years, while the presidency is only five years. Thus, there is no guarantee that the next elected President will follow what has been outlined in the NLDP, which *nota bene* was not made by him, but by his predecessor (Setya Nugraha, 2019). Various parties also conveyed about the control mechanism that can be exercised by the public towards the President in implementing the NLDP and/or MDP which almost does not exist except through general elections which are held every five years. Through the general election, the public is given the right to evaluate the effectiveness of the President's work performance in implementing the NLDP and/or MDP by re-electing the President concerned (even if he does run again) if it is felt that his work program was implemented effectively. On the other hand, the public may not re-elect the President concerned if it is felt that his performance in implementing the MDP has not been implemented effectively (Setya Nugraha, 2019).

Thus it can be concluded in terms of the second parameter or benchmark, namely how much the level of community participation in the formulation of each of these policies, the BGSP has advantages over the MDP, in the sense that the BGSP relatively accommodates the aspirations of the wider community in its formulation when compared to the formulation of the MDP.

BGSP and MDP Trias Politica Benchmark

In this section, the discussion will be using the *trias politica* benchmark or the separation of powers between the legislature and the executive branches. During the President Soekarno era, the emphasis of the State Policy at that time was on national development. The general guidance of which was in the BGSP, which was then elaborated in the Five Year Development Plan (FYDP) which had been running from 1969 (FYDP I) to 1998

(FYDP VI). During the New Order era, from 1969 to 1998, there were 6 PCA Decrees on the BGSP, namely: (i) PCA Decree No. IV/MPR/1973; (ii) PCA Decree No. IV/MPR/1978; (iii) PCA Decree No. II/MPR/1983; (iv) PCA Decree No. II/MPR/1988; (v) PCA Decree No. II/MPR/1993; and (vi) PCA Decree No. II/MPR/1998 (Ansori, 2019).

In the reform era, there was still the BGSP for the last time, namely for the 1999-2004 period. However, the role and function of this latest version of BGSP were very different from its predecessors. During the New Order era, the BGSPs were the state's direction for national development, while in the reform era the BGSP was the direction for state administration. The purposes and objectives of the BGSP during this reform period are to provide direction for state administration to realize a democratic, just life and be able to uphold human rights and uphold the rule of law that reflects the values of justice (Ansori, 2019).

Since the abolition of the BGSP, the government and the House of Representatives of the Republic of Indonesia (HRRI) have compiled a new mechanism called the National Development Planning System (NDPS), which is a unitary development planning procedure to produce long-term, medium-term and annual development plans implemented by the administering elements of state and society at the central and regional levels. The NDPS is regulated by a Law, namely Law Number 25 of 2004 concerning the National Development Planning System (Government Regulation of the Republic of Indonesia Number 25, 2004). One of the NDPS's follow-ups is the National Long-Term Development Plan (NLDP) which has been enacted by Law no. 17 of 2007 concerning NLDP 2005-2025. The main considerations for the existence of the NLDP are, among others, the absence of BGSP as a guideline for formulating national development plans and the strengthening of regional

autonomy and government decentralization within the Republic of Indonesia, so to maintain sustainable development, the formation of the NLDP is very much needed. Because the NLDP adheres to a visionary planning paradigm, the NLDP contains only broad directions (Setya Nugraha, 2019).

Then based on the NLDP, the government drafted a Medium-Term Development Plan (MDP), which covers the period of one presidency, which is five years. The MDP is prepared by the government because it is by one of the requirements of the Candidates for President and Vice President according to Article 15 letter e of Law Number 42 of 2008 concerning General Elections, the President and Vice President must have a vision, mission, and programs that will be implemented for the next 5 (five) years in implementing government (Marwijah & Nuswardani, 2014).

Since 2004, the MDP has been drafted several times, according to the periods, and the most recent MDP is for the 2020-2024 period. The content of this policy in outline contains the five main directives of the President of the Republic of Indonesia, namely a) infrastructure development, namely by connecting large infrastructures with people's production areas: small industrial areas, Special Economic Zones, tourism areas, rice fields, plantation areas, and fishery ponds; b) human resource development, by ensuring the health of pregnant women, health of infants, health of toddlers, health of school-age children, reducing stunting-maternal mortality and infant mortality, improving the quality of vocational education, building Indonesian talent management institutions, and supporting high-talent diaspora; c) encouraging investment, by inviting the widest possible investment to create jobs, cutting licensing, extortion and other investment barriers; d) bureaucratic reform, by carrying out structural reforms so that institutions are simpler, more agile, mindset changes, speed of service, speed in

granting permits, efficiency of institutions; and e) use of the State Budget, by ensuring the use of the State Budget that is focused and on target, ensuring every rupiah from the State Budget has economic benefits, provides benefits for the people, and improves the welfare of the community.

When the BGSP was abolished and at the same time the NDPS era began, several parties conveyed the rationale for the existence of this new mechanism. Hamdan Zoelva expressed his view that because the President was directly elected by the people, it was no longer appropriate for the President to obey the broad outlines of the state's direction set by the PCA. When he was elected by the people before and he campaigned himself, of course, he made his programs. Based on the program, the people chose him to become President (Subkhan, 2014). A similar view was conveyed by Theo L. Sambuaga from the Golkar Party Faction in the PCA session on July 5, 2001, who saw the need to abolish the BGSP because the President was directly elected by the people. The elected president in carrying out his duties refers to his thoughts, commitments and promises conveyed during the campaign, which is formulated in the program after becoming President. Therefore, the PCA does not need to make BGSP anymore (Subkhan, 2014).

As explained above, the BGSP was prepared by the legislative body and subsequently assigned duties and responsibilities to the government to implement it. As we know, the government has the duty and responsibility to carry out national development in all fields. Thus it is very natural for the government to make plans about what it will do in carrying out the development, and they do not need the interference of the legislature to provide guidance or direction to them. The direction and guidelines required by the government are the values contained in Pancasila and the 1945 Constitution. Thus it can be concluded that by formulating the BGSP, the legislature intervenes against

the executive so that the principle of separation of powers is not fundamentally and purely implemented. On the other hand, the MDP is prepared by the government, based on the NLDP which has been established by law. The government compiles the MDP itself without intervention from the legislature. Thus it can be concluded that the state applies the principle of pure separation of powers.

BGSP and The MDP in Hierarchy and Group of The Country's Legal System

The position of the BGSP and the MDP in which hierarchy and group of the country's legal system will be discussed in this section. As explained above, the BGSP was made and issued by the PCA, whose contents were basic rules that were fundamental and broad general rules, thus constituting a single norm (only regulating behavior), and not yet accompanied by secondary norms (sanctions). Since it was issued by the PCA, it should be stated in the PCA Decree. Thus, in the hierarchy of the Indonesian legal system, the BGSP should occupy the second hierarchy which is equivalent to the Body of the 1945 Constitution of the Republic of Indonesia.

On the other hand, the MDP is made by the government and strengthened by the Presidential Regulation (PR) of the Republic of Indonesia, which is in the fourth hierarchy of the Indonesian legal system. With a higher position, the BGSP can have wider scope in terms of the material contained in it and also state institutions that need to be regulated in realizing the state objectives regulated in the BGSP.

Thus, it can be concluded that in the hierarchy of the Indonesian legal system, the BGSP occupies a higher position than the MDP made by the Government of Indonesia. The consequence of this is that the BGSP is a basic rule that must be the reference or guideline of the MDP, and conversely what is planned in the MDP must not conflict with the BGSP.

BGSP and MDP Comparison Based On The Level of Goodness and Ability in Compiling Their Respective Policy

In this section, the discussion will confront the BGSP and the MDP using the benchmarks previously set, namely the level of goodness and ability of the two institutions in compiling their respective policies. The BGSP began in the era of President Soekarno's leadership. The BGSP was first established in 1960 through Presidential Decree Number 1 of 1960 concerning the BGSP. In Article 1 of the Presidential Decree, it was stated that before the People's Consultative Assembly was formed, the *Political Manifesto* of the Republic of Indonesia was pronounced on August 17, 1959, by the President/Supreme Commander of the Armed Forces was the BGSP. This Presidential Decree was later strengthened through the Temporary PCA Decree No. I/MPRS/1960 concerning the *Political Manifesto* of the Republic of Indonesia as BGSP (Ansori, 2019). The BGSP was stipulated with several considerations, one of which was the need for certain and clear goals and guidelines to carry out the continuation of the Indonesian revolution in the realization of guided democracy and guided economy (Subkhan, 2014).

In the 1961-1969 BGSP, which was referred to as the Outlines of the Planned Total National Development Pattern, the aspects of development that were regulated were matters relating to fundamental aspects. The scopes were: sectors of mental, religious, spirituality and research; welfare sector; government and defense-security sector; sectors of distribution and transportation; sectors of finance and costing as well as implementation provisions; and a mental revolution to build the whole national character of Indonesian people (Utari, 2016).

The tradition of making BGSP was then continued in the New Order era. From 1973 to 1998, President Soeharto placed BGSP as a legal basis in the development process in the country. This is inseparable

from the role and position of the PCA as the highest state institution so that the PCA Decree No.IV/MPR/1973 on BGSP practically became a legal product at the 1973 PCA general session. In the 1973 BGSP also contained the dictum of relations between the central government and the regions, which contained the revocation of regional autonomy which was previously regulated by PCA Decree No. XXI/MPR/1966. This was revoked because it was considered to contain liberalism, which could both cause and endanger the integrity of the nation.

During the New Order government, development planning was carried out in a systematic, directed, and neat manner. Each development program was carried out by the blueprint of political and legal policies stated in the BGSP. As a collective document containing the aspirations and goals of national development, the BGSP was prepared and formulated by the PCA. In formulating the BGSP, the PCA reviewed all the interests and needs of the community (Bahaudin, 2017).

As explained previously, the draft BGSP was prepared by the NSDC and then the initial design was refined by the NPA. Then the draft was submitted by the Government to the PCA. Furthermore, the President formally submitted the draft BGSP to the PCA. After being discussed in depth at the PCA, it was officially stipulated by the PCA to apply. Thus, it can be concluded that these two policies were formulated by institutions that have relatively the same level of goodness and ability, even involving the same institutions, namely the Ministry of National Development Planning and the NPA.

From the comparative analysis carried out on the BGSP and the MDP using the five predefined benchmarks, the following findings are obtained:

a. From the aspect of intellectual capacity and moral integrity between the two institutions in terms of formulating policies that will serve as guidelines for

Indonesia's five-year national development, it is found that the PCA institution is relatively superior when compared to the government agencies.

- b. From the aspect of efforts to accommodate the aspirations of the wider community in the formulation of the two policies, it is found that the PCA in formulating the BGSP relatively accommodates people's aspirations when compared to the Government of Indonesia in formulating the MDP.
- c. With the existence of the BGSP made by the PCA and subsequently the policy must be implemented by the Government of the Republic of Indonesia, it is found that this is an intervention from the legislature towards the executive, so it can be concluded that the principle of the trias politica or the fundamental separation of powers is not implemented purely.
- d. From the analysis of the position of the two policies in the hierarchy of the Indonesian legal order, it is found that the BGSP made by the PCA has a higher position when compared to the MDP made by the Government of the Republic of Indonesia. The consequence of this is that the BGSP is a basic rule that must be the reference or guideline of the MDP, and conversely what is planned in the MDP must not conflict with the BGSP.
- e. From the comparative analysis of the two policies from the aspects of goodness and capability of the institutions involved in their formulation, it is found that BGSP and the MDP are formulated by institutions that have relatively the same level of goodness and ability, even involving the same institutions, namely the Ministry of National Development Planning and the National Planning Agency.

CONCLUSIONS, RECOMMENDATION, AND LIMITATION

From the analysis that has been carried out,

it can be concluded that the BGSP has advantages compared to the MDP, where the advantage lies in the formulation mechanism that involves more parties so that it can accommodate the broader aspirations of the Indonesian people, and also the advantage of occupying a higher position in the hierarchy of the Indonesian legal system. Meanwhile, the weakness of the BGSP compared to the MDP is in the aspect of separation of powers between high-level state institutions, wherewith the BGSP there is intervention from the Legislative Institution against the power of the Executive Institution.

This study uses analysis with only a few parameters set by the Author. To obtain more comprehensive results, a study on the comparison between the BGSP and the MDP requires a study with various other parameters. For this reason, further studies are needed to complement the results of this study.

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