



The Staples of the State Policy as the Legal Basis for Sustainable Development to Face the Industrial Revolution 5.0 and Golden Indonesia 2045

Bambang Soesatyo

Universitas Borobudur, Indonesia

Email: bambangsoesatyo@borobudur.ac.id

Keywords

Staples of the State Policy, Legal Basis, Sustainable Development

Abstract

The National Long-Term Development Plan (RPJPN) and the National Medium-Term Development Plan (RPJMN) are national development planning systems developed after the abolition of the State Policy Guidelines (GBHN) in the Indonesian constitutional system. The RPJMN has been deemed inadequate because the actors that form and implement it are deemed unrepresentative and irrelevant to the essence of popular sovereignty, as well as ineffective public control mechanisms for the implementation. Therefore, a legal instrument is needed in the form of Staples of State Policy (PPHN) as a legal basis or legislative umbrella for the development and the re-establishment of the GBHN (or by other names) as well as the direction in planning and monitoring the government's commitment as an executive institution. This research aims to find out and provide recommendations for PPHN legal basis as a legislative umbrella for implementing sustainable development in the face of the industrial revolution 5.0 and Golden Indonesia 2045. The research was conducted using normative juridical research methods with descriptive-analytical research specifications with qualitative analysis. PPHN arrangement as Directive Principles of Indonesian Government Policies can be conducted through: (a) Limited amendments to the 1945 Constitution, especially Article 2 and Article 3 paragraph (1) of the 1945 Constitution by including the substance of the People's Consultative Assembly (MPR) authority to formulate PPHN; (b) Amendment of Law No. 12 of 2011 by Law No. 13 of 2022 on the Second Amendment to Law No. 12 of 2011, specifically revising the explanation of Article 7 paragraph (1) letter b, hence, the MPR can formulate Decree as part of statutory regulations, including PPHN; (c) Amendment of Law No. 17 of 2014 on the MPR, DPR, DPD, and DPRD as amended several times, most recently by Law No. 13 of 2019 on the Third Amendment to Law No. 17 of 2014 by including the MPR's authority to formulate PPHN through MPR Decree; (d) Stipulation of PPHN in a law that revokes Law No. 25 of 2004 on the National Development Planning System (SPPN); or (e.) The MPR stipulates PPHN as a constitutional convention without going through changes in legal products.



© 2023 by the authors. Submitted for possible open access publication under the terms and conditions of the Creative Commons Attribution (CC BY SA) license (<https://creativecommons.org/licenses/by-sa/4.0/>).

1. Introduction

The Unitary State of the Republic of Indonesia was established as stated in the preamble of the 1945 Constitution of the Republic of Indonesia: "... to form a government of the state of Indonesia which shall protect all the people of Indonesia and all the independence and the land that has been struggled for, and to improve public welfare, to educate the life of the people and to participate toward the establishment of a world order based on freedom, perpetual peace, and social justice... in an effort to realize an independent, united, sovereign, just and prosperous country."

It is critical to continuously struggle for the national goals for the welfare and prosperity of the people at every period of government with the integration of all stakeholders (Wulansari, 2023). Efforts to achieve the nation's goals must be based on Pancasila as the State's foundation and philosophy, the 1945 Constitution as the basic norm, and the State Policy as the policy direction. Pancasila contains abstract values, as also the articles of the constitution have not provided direction on how to institutionalize it (Aldi Putra, 2022). Therefore, a state policy is needed to contain guiding principles that provide guidelines for achieving the nation's goals by integrating the noble values of the Pancasila philosophy as a fundamental rule formulated in the 1945 Constitution (Desa, 2016).

In realizing the goals, Indonesia implements a dynamic set of policies specifically related to the State's direction and contain political principles (guidelines) during different periods of the State Policy Guidelines (GBHN), the National Development Planning System/the National Long-Term Development Plan (SPPN/RPJPN), and the Staples of State Policy (RPPHN) associated with each period of government which can be compared as follows:

Table 1 Comparison of GBHN, SPPN/RPJPN and (draft of) PPHN

GBHN:	SPPN/RPJPN:	PPHN
<ul style="list-style-type: none"> ● Guidelines for State Policy (GBHN) is a state policy on the State organization in outlines as a comprehensive and integrated statement of the will of the people. ● GBHN is determined by the People's Consultative Assembly (MPR) for a period of 5 years. ● In the 1945 Constitution Amendment, there was a change in the role of the MPR and the president, GBHN no longer applies. 	<ul style="list-style-type: none"> ● Law No. 25 of 2004 on the National Development Planning System states that the elaboration of the goals of the Republic of Indonesia's establishment as contained in the 1945 Constitution Preamble are outlined in the form of the Long-Term Development Plan (RPJP). The RPJP has a 20 year scope elaborated in the RPJM (Medium-Term Development Plan), i.e., a plan with a time scale of 5 years containing the vision, mission, and development program of the elected president, guided by the RPJP. ● At the regional level, regional governments must prepare their own RPJP and RPJM, with reference to the National RPJP. 	<ul style="list-style-type: none"> ● PPHN is a Staples of the State Policy utilized, among others, to harmonize national and regional development. ● PPHN is a legal document as guidelines to organizational development based on popular sovereignty. This means that the people, through their representatives in the MPR, consisting of the House of Representatives (DPR) and the Regional Representative Council (DPD) members, have the right to draft and stipulate the PPHN. ● The document then becomes a reference for the president and State institutions in preparing various development programs according to their respective authorities, duties, and responsibilities. ● In the application of democratic state conceptions, the constitutional conventions are common as a legal reference that grows in the state administration practice, to complement, perfect, revive the rules of statutory law, or constitutional customary law, and fill the void of standard formal law.

Two policies have been implemented in Indonesia in different periods and timeframes, meanwhile, one is still planned or conceptualized (PPHN). These differences are also adjusted to the context of the constitutional system prevailing in Indonesia at the time. GBHN was initiated and practiced during the old order and was valid until the end of the new order towards the reform era as the implementation of Article 3 of the 1945 Constitution (Hakim, IP, & Qurbani, 2021). Subsequent to the 1945 Constitution amendment in the reform era, GBHN was no longer valid and

was replaced by SPPN until now through Law No. 25 of 2004 (Law on SPPN). The basis of the argument for the SPPN is that the MPR no longer issues Decrees and the president has been elected by the people, hence, the president is no longer elected by the MPR as the embodiment of popular sovereignty (Ma'ruf, 2017).

The presidential system provides space for presidential/vice-presidential candidates to compete with a vision and strategic development agenda (Gai & Tokan, 2020). National development should be carried out based on the people's mandate. Now that the President/Vice President is directly elected by the people, the elected President/Vice President should be able to realize the vision into real development programs. The President/Vice President is the only one who can direct national development. It is the people who judge the president's capability to implement his/her programs. The difference between GBHN and the current President/Vice President's national strategic development plan is that the latter has been tested during the campaign or electorally, namely getting a universal electoral mandate through democratic means (Solihah, 2018).

The PPHN is considered critical to prepare Indonesia towards the Industrial Revolution 5.0 and the Golden Indonesia 2045. Technological innovation can narrow the gap in various development issues. Interested in analyzing this phenomenon, this paper will discuss three main issues, namely (a) how the national development legal basis can be sustainable based on the existing laws and regulations; (b) how the legal concept and scope of PPHN are most appropriately applied in Indonesia; (c) how the PPHN is implemented in ensuring the sustainable development towards the Industrial Revolution 5.0 and Golden Indonesia 2045.

2. Materials and Methods

This research applies a juridical-normative research method with the specificity of descriptive-analytic and qualitative analysis, namely legal research that positions the law as a series of norms. This approach is carried out by studying or examining legal literature as well as analyzing the legal basis, legal standards and legal experts' opinions. This research uses secondary document sources, books, scientific articles, essays, and journals. Subsequent to secondary data collection, the data is qualitatively analyzed to answer the problems mentioned in this research.

3. Results and Discussions

PPHN is urgent and fundamental for the people and Indonesia as a nation. PPHN is important because it will serve as a legal basis and guide to provide direction for the future of Indonesia in the next 25 or 50 years (Purnamasari, 2023). Without PPHN, there will be inconsistencies of vision and mission at every level of government to the ones of the president. In accordance with findings in the MPR study, there are several issues that need to be formulated in the state policy, namely: (a) how to strengthen Pancasila ideology; (b) efforts to build a civilized democracy; (c) realizing a just state of law; (d) realizing a welfare state; and (e.) structuring state institutions. Further, the State Policy is essential to solidify the basic rules of the State. In addition, PPHN is a fair legal basis for realizing prosperity and structuring state institutions.

PPHN is a legal basis that must be implemented for the future of the nation, which will enter the leadership transition period in just over a year through the legislative/presidential/regional leader elections. The following are reasons to support the PPHN formulation acceleration:

- a. PPHN can be a road map for all instruments of state administration institutions, hence, there will be no doubt in assessing the vision of each democratic contestant because PPHN has become a shared vision in organizing the Government;
- b. PPHN is proof that the State has established an instrument of governance that is dynamic, adaptive, participatory, and responsive to the dynamics of state development;
- c. PPHN is considered a big umbrella to strengthen Pancasila Ideology to be the heart of the Nation's development; and
- d. Other reasons that are considered constructive for nation building.

One of the State Policies set by the People's Consultative Assembly (MPR) is the direction and strategy of national development called the State Policy Guidelines (GBHN). It is evident that the GBHN is indispensable after formulated by the Temporary People's Consultative Assembly (MPRS) which was formed as a follow-up to the re-enactment of the 1945 Constitution, namely through the Presidential Decree of 5 July 1959, there were three decrees of the MPRS, namely:

- a. MPRS Decree No. I/MPRS/1960 on the Political Manifesto of the Republic of Indonesia as the Guidelines of the State Policy;
- b. MPRS Decree No. II/MPRS/1960 on the Guidelines of the First Phase of National Development Plan 1961-1969;

c. MPRS Decree No. IV/MPRS/1963 on Standards for the State Policy Guidelines (GBHN) and Development Policy Implementation.

Other MPR decrees in the form of national strategic policies can be seen during the President Soeharto era. MPR also set the outlines of GBHN. The MPR Decree on GBHN consisted of national development patterns including the Basic Pattern of National Development, the General Pattern of Long-Term Development, and the Five-Year Development Pattern known as the Five-Year Development Plan or Repelita. Meanwhile, at the beginning of the reformation era, the MPR stipulated Decree Number X/MPR/1998 on the Principles of Development Reform in the Framework of Rescue and Normalization of National Life as the State Policy; and MPR Decree Number IV/MPR/1999 on GBHN for 1999-2004 (Amedi, 2018).

The strengths of the GBHN development planning system are first, as a way of realizing continuity in the state or government administration, especially those related to national development; second, as a way to ensure that the state or government administration, especially national development, is carried out in accordance with the Pancasila ideology and the 1945 Constitution; and third, as a way to maintain efficiency, effectiveness, and synergy in the state and government administration. The constitutional reform carried out by the MPR from 1999 to 2002 has fundamentally changed the Indonesian constitutional system, especially the amendment of Article 1 paragraph (2) of the 1945 Constitution which originally read "Sovereignty is in the hands of the people, and is exercised entirely by the People's Consultative Assembly (MPR)" changed to "Sovereignty is in the hands of the people and is exercised according to the 1945 Constitution." The new formulation changed the Indonesian constitutional system from the MPR supremacy to a system of popular sovereignty regulated through the 1945 Constitution or what is called the supremacy of the Constitution (Setiawan, 2021).

The Constitution is the basis and reference for realizing, organizing, and implementing popular sovereignty to the people themselves, and/or to various State powers. The 1945 Constitution Amendment has changed and emphasized that: Indonesia is confirmed and re-strengthened as a State of law that embraces democracy based on the Constitution by placing and positioning sovereignty in the hands of the people and implemented according to the 1945 Constitution, the appointment of the President/Vice President and representatives of the people conducted based on general elections, limiting the term of office of the President/Vice President, a statement as a state of law and democracy, and the existence of an independent judiciary. Amendments to the 1945 Constitution strengthen the separation of branches of power between State institutions to realize checks and balances by strengthening the presidential system of government (Ratnaningsih, 2016). After the amendment, the MPR no longer has the power to elect the President/Vice President, because the people are given the right to elect both directly through general elections. The President/Vice President is no longer a mandate from the MPR but from the people. Direct presidential/vice-presidential elections and the strengthening of the presidential system are strong reasons for eliminating the MPR's power to set the GBHN. The argument is that, based on direct elections, presidential/vice-presidential candidates have conveyed their vision, mission, and program to the people during the campaign. If the candidate pair wins the election, then their vision, mission, and program will become the benchmark for the government program in their five-year term (Maulidyna, 2022).

Consequently, after the amendment of the 1945 Constitution, national development planning became pragmatic. For this reason, the presidential/vice-presidential candidates' vision, mission, and programs are fundamental to gaining votes in elections. Normatively, there is no limit to the vision and mission promised to the people, it all depends on the voters. There is no measure as a parameter that guides and limits the vision and mission of a presidential/vice presidential candidate, not even the Constitution or State philosophy, let alone the continuity of the vision, mission, and program of the previous president. The spontaneous needs of voters make the country's development undirected and unsustainable. There are no top default priorities. In fact, sustainable development planning is closely related to the principles and practices of implementing popular sovereignty. Therefore, the development planning system established on the basis of a presidential promise and ratified by a presidential decree is biased towards the State, which should have covered all interests, hence, losing both the dimension of development and the leaders (Nazaruddin & Manfariyah, 2018).

Opinions that make direct elections a reason to abolish GBHN are opinions and thoughts that have no correlation and can even be considered inaccurate. Direct elections are merely a form of President/Vice President election system that is actually a logical consequence of the manifestation of popular sovereignty and democracy. The people who delegate the sovereignty should be the priority. They should have the right to formulate the direction of national development, namely through their representative institutions (Nazaruddin & Manfariyah, 2018). This is where MPR

plays an important role as a forum for representation as well as the most complete people's deliberation, whose membership is a combination of members of the people's representatives as well as from political parties and regional representatives. Therefore, the amendment to Article 3 of the 1945 Constitution that eliminated the MPR's authority to establish the GBHN needs to be restored to its existence, one of which is to determine the direction of national development. Amendment to the 1945 Constitution at that time only emphasized the filling positions system and did not consider the national development direction system. Whereas all of them is the unity of the state government system that is interrelated or intertwined. The founding fathers of the nation have actually structured the Indonesian government with a consultative democracy that emphasizes the power of consensus (Tobu, Lay, & Seran, 2023).

Philosophically, the existence and role of PPHN is considered fundamental and urgent because the national development process requires guidance on direction and strategy in the short, medium and long term. The more fundamental aspect is to ensure that the national development process is a manifestation and implementation of Pancasila and the 1945 Constitution.

The PPHN will rekindle the spirit of national development and identity as referred to in the Preamble of the 1945 Constitution. The MPR has conducted a study, the results show that there are five functions of PPHN, i.e., to ensure:

- a. There is a guideline/direction for all elements of the nation to affirm the main ideas of the 1945 Constitution as envisioned by the founding fathers as outlined in the original text of the Explanation of the 1945 Constitution;
- b. There is a guideline/direction that ensures the continuity of the vision and mission of the Unitary State of the Republic of Indonesia as stated in the Preamble of the 1945 Constitution amidst the globalization era as well as the rapid development of science and technology, for the Central and Regional Governments;
- c. There is a clear guideline/direction in the planning, preparation, decision, implementation, and evaluation of national development in all fields of life, which ensures the integration and sustainability of central and regional development that does not merely depend on campaign/electoral moments;
- d. Strengthening the presidential system in the decentralization era, and ensuring the continuity of constitutional, strong, and stable national leadership; and
- e. Strengthening national integration in the spirit of unity and integrity, based on Pancasila and the 1945 Constitution in the Unitary State of the Republic of Indonesia.

With regard to the aforementioned functions, it is necessary to formulate the state administration direction in the form of PPHN, which contains the conception of state administration as a whole, in order to build order in the societal and national lives as well as to realize progress in all fields and equalize development in Indonesia with the developed countries.

The PPHN formulation in Indonesian legislation as a legal basis is a necessity for society. This is because the law is a critical element for development in political, economic, social, and cultural policies that underlie and define the actions of the law. In terms of political science, John Locke (2003) asserts that the people are the holders of supreme power (sovereignty is in the hands of the people), then to exercise this power, the people appoint a ruler or known as the government. The appointed ruler is obliged to protect the natural rights of the people, which include the right to life, the right to liberty, and the right to property (Jazuli, 2015).

Therefore, PPHN is compiled and formed based on the principle of popular sovereignty as stated in Article 1 paragraph (2) of the 1945 Constitution and to carry out the popular sovereignty principle as well as efforts to realize State's goals as stipulated in the 1945 Constitution. In addition to the President as the administrator of the state government who earns the sovereignty from the people, there are other high state institutions that have an equal position as the President who runs the principle of popular sovereignty, namely the MPR (Article 2 and Article 3 of the 1945 Constitution), DPR (Article 19 to Article 22B of the 1945 Constitution), and DPD (Articles 22C and 22D of the 1945 Constitution).

Besides political constituents, there are other forces that contribute to and influence legal products. These forces are influenced by various interest groups whose existence is guaranteed, recognized, and stipulated by the law. This is because Indonesia is a State that adheres to a democratic system. The said forces stem from entrepreneurs, scientific leaders, community organization groups, professional organizations, religious leaders, non-governmental organizations, etc. This shows that the community's voice is highly appreciated and has a strong position in law formation.

Furthermore, with regard to legal development and national legislation politics, the Government/President and the DPR have set two strategic steps, namely establishing the National Legislation Program and establishing the

National Medium-Term Development Plan (RPJMN). This is to improve the national legal system and politics. Satya Arinanto, in his inaugural speech as a Permanent Professor at the Faculty of Law of Universitas Indonesia, stated that the Presidential Regulation on the RPJMN can be said to be the GBHN that existed in the Old Order and New Order eras". Then, in 2014-2015 the MPR recommended to prefer PPHN instead of GBHN.

In relation to Kusumaatmadja's theory of development law, the politics of legislation contained in the preparation and formation of PPHN is intended to create a common perception of all development actors, especially in the field of law in the face of various strategic and global issues that require immediate anticipation to ensure sustainable implementation of law enforcement and legal certainty. This is expected to produce legal policies/materials as a legal basis that is in accordance with the people's aspirations and can be a means of realizing changes in the community. Therefore, the current target of national legislation politics must refer to the preparation and formation of PPHN as the direction and priority of overall development to be implemented in stages. The reference is critical since the politics of legislation is one of the most important elements in the framework of overall national legal development, which is a dynamic process.

The preparation and formation of PPHN also direct the formation of laws and regulations that must be carried out through the right process by paying attention to well-ordered legislation and general principles of good legislation. The preparation and formation of PPHN in laws and regulations should be formulated in such a way that optimally accommodates various thoughts and participation of various community groups so that PPHN legal products as a legal basis can be accepted by the people. The preparation and formation of PPHN as a legal product must be responsive and avoid a legal product of strongmen-who-control-the-weak with the assumption that the people are always victims. Therefore, the presence of PPHN shows that it has gone through a process of various approaches and the formulation of its content material has accommodated various aspirations of the community. Basically, the acceptance and appreciation of PPHN are also determined by the values, beliefs, or socio-political systems that live in the community itself.

From the author's research, there are three operational frameworks as alternatives to formulate the PPHN constitutionalizing, namely: (a) MPR Decree with limited amendments to the 1945 Constitution; (b) Constitutional Convention; and (c) Law as Umbrella Legislation. PPHN existence and role is an integrated package of the state conception based on Pancasila and the 1945 Constitution. Therefore, PPHN as a legal basis and a forum for people's aspirations is important in the context of national development management. Indonesia needs to immediately establish PPHN in the Pancasila paradigm, covering various functions such as (a) a democratic mechanism and a communication tool with the people; (b) connecting all people's aspirations and becoming a communication tool between communities from all levels, ethnicities, regions, and groups; and (c) becoming an aspirations channel for minority groups or marginalized groups. PPHN becomes an instrument that connects and unites all elements of the nation and all regions.

In this context, PPHN preparation and stipulation must be inclusive, hence reflecting the representation of all Indonesian people. Political decisions on PPHN must be for the benefit of all the people, a long-term scope, and impartial. PPHN preparation and decision-making must be inclusive even if the MPR cannot yet reflect inclusive representation. The formulation of the PPHN legal-substantive position needs to be carried out through an exchange of thoughts and ideas so as to enrich perspectives and alternative choices in an effort to revive GBHN as a legal basis as well as fundamental guidance for national development. The restoration and repositioning of the state direction in the form of PPHN— which used to be called GBHN—is positioned as Directive Principles of State Policy.

For comparison, it is worth paying attention to the Constitution of Ireland (1937), PPHN is explicitly contained in the constitution in a separate chapter under the term of "Directive Principle of State Policy". In Indonesia, the state direction is contained in various MPR decrees, it can be seen in the legal documents of 1960-2002. Meanwhile, the state policy in GBHN was the basis for medium and long-term planning, which guides short-term and annual development planning reflected in the State Budget.

Placing PPHN in the legislation as a legal basis or umbrella legislation is sufficient by regulating it through law. The State direction is contained in the Preamble and articles of the 1945 Constitution as well as various MPRS and MPR Decrees declared still valid as stipulated in MPR Decree Number: I/MPR/2003 on Review of the Material and Legal Status of MPRS Decrees and MPR Decrees from 1960 to 2002.

Subsequent to the 1945 Constitution amendment that eliminated GBHN, there has been no comprehensive direction to realize the goals of the State as referred to in the Preamble of the 1945 Constitution. The legal basis is Law No. 25 of 2004 or the National Development Planning System (SPPN) Law or the general guidelines for the Vision and Mission of the President/Vice President Candidates. The law is the embodiment of the guidelines of the state policy

(GBHN) after the amendment of the 1945 Constitution. The GBHN model is in line with the political agreement to emphasize the system of presidential government and direct election of the President and Vice President by the people. In particular, Law No. 17 of 2007 has actually provided a shared vision to achieve national goals as stated in the Preamble of the 1945 Constitution. Determination of state direction by law involves the DPR and DPD, as well as the President as the organizer of the state government or executive.

The democratization process that occurred in the reform era brought fundamental changes to the Indonesian constitutional system, namely with the enactment of the presidential system. A system where the President is responsible to the people and no longer a mandate of the MPR. These changes have an impact on the SPPN that no longer refers to GBHN.

The SPPN regulations can be strengthened by applying the GBHN or PPHN model. In the Indonesian legal system, it can be conducted through the revision of Law No. 25 of 2004 or the SPPN Law by adding "state policy/direction" as the highest hierarchy in development planning. Up to recently, PPHN has not been a legal basis or legislative umbrella that has permanent and binding legal force either through MPR Decree or Law. PPHN, however, must be able to answer the challenges of the next generation's progress in Long-Term and Medium-Term Development Planning.

PPHN/SPPN/GBHN as a substitute for RPJPN/RPJMN can be a reference if the formulation and stipulation involve the approval of the executive, legislative, and judiciary institutions as well as the public participation. It should regulate principles matters by prioritizing national interests and separately still provides opportunities for the elected President/Vice President to implement their vision and mission in sustainable long-term development. Currently, the legal basis of the existing hierarchy of laws and regulations is Law No. 12 of 2011 in conjunction with Law No. 15 of 2019 on the Amendments to Law No. 12 of 2011 or Formulation of Laws and Regulations (PPP) Law.

If PPHN is the legal basis or umbrella legislation in the form of a law, it is certainly simpler as it is only approved by the DPR and the President. However, it requires harmonization of laws and regulations carried out both vertically and horizontally. The harmonization is carried out so that PPHN as a legal basis or umbrella legislation can be synchronized and does not conflict with other laws and regulations. The synchronization can be conducted with related laws, namely the Law on MPR, DPR, DPRD and DPD and the Law on Formulation of Laws and Regulations (PPP), hence, this does not amend the 1945 Constitution. PPHN as a legal basis or umbrella legislation in the form of law is in accordance with popular democracy. It is open for judicial review and checks and balances, namely counterbalancing, and maintaining a balance between state institutions which is one of the concepts of democracy. PPHN is dynamic and can be revised or amended in accordance with the era and the needs of the people in line with the concept of Development Law Theory and its elaboration adapted from Roscoe Pound's theory "Law as a tool of social engineering".

The updated GBHN/PPHN in the form of laws serves as a guide to national policy direction in various sectors and is intended to overcome the challenges of national interests including the interests of all political parties in Indonesia. Therefore, the return of GBHN/PPHN in the Indonesian constitutional system is critical. GBHN/PPHN is a guiding principle that contains directive principles.

As mentioned before, this research proposes three alternative forms of PPHN. The PPHN formulation into the Indonesian constitutional system can be applied simultaneously. If to be included in the 1945 Constitution, of course, it requires an amendment; if by a means of MPR Decree, the hierarchy of the decree stipulating the GBHN or PPHN should be above the law and under the Constitution; or if is formed by law, it must be a special law. In the Indonesian system of norm, it can be said that a law is under regulatory legal norms or "regelingen" (regulations), and it is not included in administrative decisions/products (beschikking) or adjudication products in the form of court decisions (vonnis). If the MPR Decree in question belongs to the laws or regulations category, of course, it must be in a vertical hierarchical system of norms. However, if it is not a regulation, there is no question about its status in the hierarchical system of legal norms. Therefore, it is sufficient that the GBHN, which will be revived later, is determined by an instrument of state administrative decision/product (beschikking), not as a regulatory product. Its status is as a policy rule or "beleidsregel" that is regulating, but not in the form of legislation or regulatory products

Therefore, the status of the MPR Decree on PPHN in the future no longer needs to be understood as a decree that must be in the form of a regulatory product but is sufficiently understood as an administrative product, so as not to cause misunderstanding in the future. Even though the content of the PPHN is also regulated as a policy rule (beleidsregel), it is not set out in the form of regulations. Hence, it does not need to be hierarchical in relation to other

regulatory products. With regards to its flexibility, the MPR Decree on GBHN/PPHN can also be amended based on the decision-making mechanism in the MPR forum as the institution authorized to determine the GBHN/PPHN.

PPHN is definitely unrelated to and will not change the model of direct election of the President and Vice President by the people as stipulated in Article 6A paragraph (1) of the 1945 Constitution of the Republic of Indonesia. The direct election of the President and Vice President is in line with the political agreement to emphasize the presidential system of government. The President will remain receiving mandate from the people, however, the national development direction prepared by the President needs to be adjusted to the policy directions contained in the PPHN. The presidential system of government is chosen by the Indonesian nation in order to determine its governance system. In the presidential system, the chief executive and the legislature are in an equal position, hence, they cannot overthrow each other. The president can only be dismissed during his/her term of office for legal reasons in the impeachment process as stipulated in the 1945 Constitution.

Accordingly, the violation of PPHN by the President cannot be used as a reason for dismissal because it will damage the presidential system itself. The reason for not having legal sanctions in the PPHN implementation is essentially an effort to uphold the consistency of the presidential system implementation, because if there are legal consequences, there are logical consequences: First, from the aspect of the executive institution, the President's position seems to be the mandate of the MPR again as in the period before the 1945 Constitution amendment, especially if the sanction is the dismissal of the President from office. Second, PPHN is implemented not only by the President, but also by all state institutions whose authority comes from the 1945 Constitution, so it is inappropriate to place responsibility only on the President. In addition, it is important to underline that the contents/materials need to be regulated in relation to the transformation of national development towards Golden Indonesia 2045.

Three main pillars in Industry 5.0 are centered on people, resilience, and sustainability. Poverty is a multidimensional problem that is one of the main challenges in development. Although in the current RPJPN period there has been a decline in the poverty rate even touching a single-digit figure for the first time in March 2018 at 9.82% and continued to decline to 9.41% in March 2019. Although the poverty rate in this period has consistently declined, the reduction rate has tended to slow down. This was exacerbated by the COVID-19 pandemic that began in early 2020 causing an increase in the poverty rate to 9.78% in March 2020 and 10.14% in March 2021. The COVID-19 pandemic has also worsened extreme poverty.

Extreme poverty has become the government's focus to achieve the Sustainable Development Goals, namely to eliminate extreme poverty by 2030. However, at a Limited Meeting on 4 March 2020, the President instructed a faster reduction of extreme poverty to 0% by 2024. Overcoming the problems that arise in accelerating extreme poverty reduction requires multidimensional efforts and cross-sector collaboration at the central and regional levels. The government's three main strategies include: (a) reducing expenditure burden, including by improving the accuracy of social assistance distribution for all extremely poor people; (b) increasing revenues through the improvement of skills, expertise, and social entrepreneurship, as well as improving the connectivity of market and access to capital through market linkages and partnerships strengthening; and (3) minimizing poverty enclaves, through accelerating the fulfilment of basic services, as well as the convergence of budgets and activities in priority locations.

The impact of the industrial revolution 4.0 towards Industry 5.0 is both an opportunity and a challenge for Indonesia towards Golden Indonesia 2045. It opens up opportunities for Indonesia to innovate. A revolution that focuses on the development of the digital economy is considered highly favorable for Indonesia. Digital economic development is a market and talent, and Indonesia has both. Many assume that the Industrial Revolution 4.0 will use technologically advanced machines that will reduce the amount of work conducted by human labor. The next stage of Industry 5.0 is expected to create new value through advanced technology development that can reduce the economic gap and problems in the future. In the industrial era 5.0, humans are required to have more ability to solve complex problems, think critically, and be creative.

The Golden Indonesia 2045 is the government's step to make Indonesia a "World Megatrend" characterized by resilience to fierce competition. The government will build the pillars of Indonesia's Vision 2045 as reference material to realize the nation's ideals of realizing a sovereign, independent, and friendly Indonesia which will become a reference for every step of the State. Every step the government takes in running the wheels of government is based on Pancasila and the 1945 Constitution as the foundation of Indonesia's national development towards 2045 and as the basis of society and the State.

4. Conclusion

National development based on law and regulation after the reformation era until now is not sustainable. This can be seen in the disharmony and even the negation of national development programs between one regime and the next. In fact, sustainable development is ideally a state policy that aims to provide consistent direction for Indonesia's development despite the transfer of power of the executive branch, namely the President, including the legislative branch, namely the MPR, DPR and DPD, even at the smallest level of government, namely the regional and village heads. Sustainable development becomes a tool and legal basis for state administrators to run the wheels of long-term development consistently and consequently.

PPHN arrangements as Directive Principles of Government Policies of Indonesia can be carried out through (a) limited amendments to the 1945 Constitution of the Republic of Indonesia, especially Article 2 and Article 3 paragraph (1) of the 1945 Constitution of the Republic of Indonesia, which include the substance of the MPR's authority to formulate PPHN and oversee the implementation of PPHN by the government; (b) amendment of Law Number 12 of 2011 as amended by Law Number 13 of 2022 on the Second Amendment to Law Number 12 of 2011 on the Formulation of Laws and Regulations, which includes substance on the position of MPR Decree as a governing legislation that can be formed by the MPR in the context of regulating PPHN; (c) amendment of Law No. 17 of 2014 on the MPR, DPR, DPD, and DPRD as amended several times, most recently by Law No. 13 of 2019 on the Third Amendment to Law No. 17 of 2014 on the MPR, DPR, DPD, and DPRD, which includes substance on the MPR's authority to formulate PPHN with legal products in the form of MPR Decree; (d) stipulation of PPHN in a law that revokes Law No. 25 of 2004 on the National Development Planning System (SPPN); or (e) the MPR stipulates PPHN as a constitutional convention without going through changes in legal products as in letters a to d above. Of the five concepts, the fifth concept is the best because the constitutional convention is a source of constitutional law that has binding legal force in the practice of law in Indonesia.

The PPHN model development planning system acts as (a) a way to realize continuity or as a direction as well as a guideline in the state or government administration, especially those related to national development; (b) a way to ensure that the state or government administration, especially national development, is carried out in accordance with the ideology of Pancasila and the 1945 Constitution; and (c) a way to maintain efficiency, effectiveness, and synergy in the state and government administration considering the limited resources in development. PPHN contains the will that is aspired to, especially in achieving the Golden Indonesia 2045.

Therefore, it is suggested that in order for national development to be sustainable, it is necessary to: (a) make PPHN the legal basis and long-term guidelines for national leaders in carrying out sustainable national development; (b) maintain consistency in the development policies of national leaders from one term of office to the next in the long term within the PPHN frame; (c) make an assessment mechanism by the DPR in the form of a return for improvement of the APBN (State Budget) Bill by the Government at the time it is not in accordance with PPHN.

In the Industrial Revolution 5.0 dimension, PPHN should (a) adapt in a world that is highly rapid and competitive, as well as based on digital transformation, because currently almost all aspects of life are influenced by digital technology; (b) continue all technological and ecosystems innovations Industry 4.0 emphasizing that technology and ecosystems must be centered on the role of humans; (c) place all digital technology under human control. This is important to save humankind and the world to continue human life sustainability; (d) participate in the fierce global competition through continuity of development from one period to the next. There needs to be a legal basis in the form of an MPR Decree on PPHN so that Indonesia's development is not only sustainable but also expanding. This will equip Indonesia to be able to compete globally; (e) organize various national policies and regulations to strengthen sovereignty and economic growth, as well as socio-political and cultural life that supports sustainable and sustainable development.

The next suggestion is for the MPR to immediately form a Preparatory Team for PPHN Establishment in charge of preparing PPHN institutionalization, including the substance and legal structure of PPHN. The MPR as a State institution needs to carry out internal and external consolidation in order to strengthen popular sovereignty in accordance with the 1945 Constitution manifested in PPHN.

5. References

- Aldi Putra, Ardian. (2022). *Urgensi Penetapan Garis Besar Haluan Negara oleh Majelis Permusyawaratan Rakyat dalam Sistem Penyelenggaraan Pemerintahan Negara*. Universitas Jambi.
- Amedi, Azeem Marhendra. (2018). Analisis Politik Hukum Pendidikan Dasar di Indonesia Demi Menyongsong Era Tujuan Pembangunan Berkelanjutan (Sustainable Development Goals/SDGs). *Padadjaran Law Review*, 6.
- Desa, D. J. (2016). Pokok-Pokok Kebijakan Prioritas Penggunaan Dana Desa Tahun 2016. *Jakarta: Kementerian Desa PDTT*.
- Gai, Apolonaris, & Tokan, Frans Bapa. (2020). Analisa Dampak Penyelenggaraan Pemilu Serentak Dalam Meningkatkan Kualitas Demokrasi Di Indonesia: Studi Kasus Penyelenggaraan Pemilu di Kota Kupang-Provinsi Nusa Tenggara Timur Tahun 2019. *Warta Governare: Jurnal Ilmu Pemerintahan*, 1(1), 109–128.
- Hakim, Muhammad Lukman, IP, S., & Qurbani, Indah Dwi. (2021). *Kebijakan Pembangunan Pemuda: Strategi dan Tantangannya*. Media Nusa Creative (MNC Publishing).
- Jazuli, Ahmad. (2015). Dinamika hukum lingkungan hidup dan sumber daya alam dalam rangka pembangunan berkelanjutan. *Jurnal Rechts Vinding: Media Pembinaan Hukum Nasional*, 4(2), 181–197.
- Ma'ruf, Erfan. (2017). *Analisis Implementasi Kebijakan Sosial Penanggulangan Kemiskinan Berbasis Keluarga (Studi Kasus Program Keluarga Harapan di Jakarta Barat)*. Fakultas Ilmu Dakwah dan Ilmu Komunikasi Universitas Islam Negeri Syarif
- Maulidyna, Shafira Arizka. (2022). Politik Hukum Lingkungan Dalam Kebijakan Pembangunan Berkelanjutan Berwawasan Lingkungan Di Indonesia. *Simbur Cahaya*, 29(2), 265–292.
- Nazaruddin, T., & Manfarisyah, Manfarisyah. (2018). Rekonstruksi Politik Hukum Tata Ruang Kota Berkelanjutan Berbasis Kearifan Lokal. *Prosiding Seminar Nasional Politeknik Negeri Lhokseumawe*, 2(1).
- Purnamasari, Galuh Candra. (2023). Urgensi Amandemen Kelima Undang-Undang Dasar 1945 di Masa Pandemi. *Jurnal Ilmiah Hukum dan Hak Asasi Manusia*, 2(2), 81–91.
- Ratnaningsih, Erna. (2016). Perubahan Paradigma Pembangunan Hukum Nasional Pasca Amandemen Konstitusi. *PALAR (Pakuan Law review)*, 4(1).
- Setiawan, Otto Trengginas. (2021). REFORMULASI SISTEM PERENCANAAN PEMBANGUNAN NASIONAL DENGAN MODEL GBHN SEBAGAI HALUAN NEGARA. *PARAPOLITIKA: Journal of Politics and Democracy Studies*, 2(2), 20–50.
- Solihah, Ratnia. (2018). Peluang dan tantangan pemilu serentak 2019 dalam perspektif politik. *JIIP: Jurnal Ilmiah Ilmu Pemerintahan*, 3(1), 73–88.
- Tobu, Engelbertus, Lay, Benediktus Peter, & Seran, Antonia Immaculata Putri. (2023). Perlindungan Hukum Hak Atas Tanah Masyarakat Terhadap Pembangunan Berkelanjutan Di Kota Kupang. *Jurnal Ilmiah Dan Karya Mahasiswa*, 1(3), 325–338.
- Wulansari, Eka Martiana. (2023). Permodelan dan Bentuk Hukum Pokok-Pokok Haluan Negara sebagai Payung Hukum Pelaksanaan Pembangunan Berkesinambungan dalam Rangka Menghadapi Revolusi Industri 5.0 dan Indonesia Emas. *Kajian Ilmiah Hukum dan Kenegaraan*, 2(1), 17–36.