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## ROAD MAP OF NATIONAL DEVELOPMENT THROUGH THE V AMENDMENT OF THE 1945 CONSTITUTION

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### ABSTRACT

#### KEYWORDS

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The actualization of the 1945 Constitution of the Republic of Indonesia in the administration of the state, after 23 years of reform or after 4 amendments have been made, it is deemed necessary/important to carry out the 5th amendment. solely on the needs/allegances of the state and it is relevant to the affairs of the life of all Indonesian people. The research method used is normative juridical research considering that what is studied is the result of books and regulations regarding: the ratio of amendments to the 1945 Constitution of the Republic of Indonesia, public participation in constitutional changes, the national development planning system (SPPN), and reconstruction of the state policy model of the main principles of the state. . The basic question related to the current state administration issue is bringing back the State Policy Guidelines to be an important choice? In the course of Indonesia's state administration, it seems that a national development roadmap is urgently needed, in order to realize a good government, and maintain the sustainability of national development (sustainable government) so that the government (President) of the development program becomes a Vision-Mission that must be continued even though the President changes.

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### INTRODUCTION

The 1945 Constitution of the Republic of Indonesia, which was first enacted on August 18, 1945 and has been amended in 1999, 2000, 2011, and 2002 is the basis for the operation of the Indonesian state administration system. The various contents of the material contained have undergone changes so as to change the practice of organizing the life of the nation and state. The dynamics of the changes that have occurred underscore the rule of law in Indonesia which is not opposed to change but as long as it is in the interest of the State and to adapt to the times, changes to the constitution are not prohibited. (Huda, 2011).

The plan to change the constitution continues, so that currently there is an effort to bring back the Outlines of State Policy, which cannot be denied to be the state administration that has received the most attention throughout 2019 (Siswanto et al., 2019). Until now (2022). In fact, President Jokowi expressly agreed to the proposal regarding the importance of the GBHN, but the president stated that he did not agree if the MPR was returned as the highest state institution. In our opinion or the author's perspective, the GBHN can be re-incorporated into the 1945 Constitution, but it does not violate the principles of the presidential form of government which have been "purified" in the Amendments to the 1945 Constitution in 2001 and 2002. The restoration of the MPR's authority regarding the GBHN does not "damage" the standard form. presidential government. This is what requires an in-depth study.

The presidential form of government basically consists of four characteristics. First, the position of head of government is held by a president. The head of state of all countries that adopt the form of a republic is a president. The head of government of all countries that use a presidential form of government is a president. If using a republican form of state, but adopting a parliamentary form of government, the two positions are held by different people. The head of state is elected by the people as a result of elections, such as India and Germany, while the head of government is elected from and by the parliament (Wospakrik, 2016).

However, if you adopt a republican form of state and a presidential form of government, then a president as head of state and head of government is directly elected by the people through elections. The presidential election system in countries in the form of a presidential government is generally based on the majority of votes, except for Indonesia, which is not only based on the most votes but also the support of the majority of the provinces. If the president is elected by the MPR, it follows the standard of a parliamentary form of government (Harijanti & Dwi, 2014).

If the president and vice president are elected by the MPR, this will not only undermine the presidential form of government that was purified in 2001 and 2002, but will also cause the government to be unstable and ineffective (Al-Fatih, 2022). This last thing happened not only because since 1999 Indonesia had implemented a multi-party system, but also had never produced a political party that won an election that reached a majority, even the percentage of votes obtained by the party winning the election dropped steadily from 38% in 1999 to around 19% in year 2019.

The president and vice president produced by the MPR from many parties which have seats in a relatively balanced number are the result of a compromise. It is not impossible that the elected president does not come from the party that won the election, such as the president elected by the MPR in 1999. The government that is formed is actually unstable because the MPR can be dismissed halfway through even though it has not been proven to have violated the law (Widyawati, 2014).

The two relations between the authority of the president as chief executive and the DPR as the legislative body are not supervising each other because both the DPR and the president are directly elected by the people through elections. The President and the DPR are both strong because the legitimacy of their power comes from the people and they are accountable to the people. Therefore, the president is not responsible to the DPR, but the president cannot dissolve the DPR (Kanang, 2018).

In carrying out the legislative and budgetary functions there are differences between countries in the partnership relationship between the president and the DPR. The power of the president of the Republic of Indonesia in the field of legislation and budget is greater than that of the president of the United States (US). This is none other than because the formation of all laws must involve the president who has the same authority as the DPR. The DPR can submit a bill, but if the president is not willing to discuss it, the bill will never become law. However, no matter how many bills the president submits to the DPR, if the DPR does not agree, the bill will never become law.

Congress (Senate and House of Representatives) in the US can form laws without involving the president, indeed it can veto laws that it does not approve, but 60 or more senators can defeat the president's veto. In Indonesia only the president can propose a RAPBN. If the DPR disagrees with the RAPBN proposed by the president, the president can issue a government regulation to implement the previous year's APBN. Both the congress and the president in the US can submit a bill on the state budget, but if the two

cannot reach an agreement, the government will be paralyzed (and will have to lay off federal employees) because there is no budget available.

The three ministers as members of the cabinet are appointed and dismissed by the president. A minister may not hold concurrent legislative (DPR) or judicial (judge) positions. Therefore, the minister is fully responsible to the president. Ministers are assistants to the president as head of state and head of government. The president must work with the DPR in forming laws and the state budget, but implementing laws and state budgets is an independent function of the president. Likewise the DPR. The DPR must work with the president in formulating laws and the state budget, but carrying out supervision over the implementation of the law and the state budget is the function of the DPR itself. It is the minister, as assistant to the president, who becomes a commission partner in the DPR in discussing and agreeing on laws and the state budget. It is the ministers, as assistants to the president, who must listen to and answer questions from members of the DPR.

In countries that use a parliamentary form of government, every week a prime minister (PM) as the head of government must listen to and answer questions and criticisms from the parliament (opposition). The president as the head of government in a country that adopts the presidential form of government only appears once a year in the DPR, namely when delivering financial notes and delivering a state speech commemorating independence day. Fourth, the presidential term is fixed (four years for the US, five years for Indonesia, six years for France). The term of office of a PM as the head of government is not permanent because at any time the parliament can give a vote of no confidence. The president as head of state and head of government can be dismissed if proven violating laws (such as treason, corruption and disgraceful acts). The dismissal of a president in Brazil begins with a political process in the DPR and the Senate and then a trial at the Supreme Court. In Indonesia there is a legal process (tried by the Constitutional Court on accusations by the DPR), and if proven guilty then only then enter the political process in the MPR (Mahfud, 2007).

If the MPR is designated as the highest state institution, the president and deputy can be dismissed in the middle of the road solely because of political considerations. This deviates from the standard of a presidential government, namely the president and vice president are elected by the people through elections, and a presidential government is stable because it is bound by a term of office unless the president is proven to have violated the law.

Article 6A of the 1945 Constitution, as a purification of the presidential form of government because it follows the four guidelines above. However, the adopted presidential form of government is in no way a copy of another country's presidential form of government. If the MPR is established as the country's highest institution, it will definitely deviate from the standard presidential form of government of other countries. If the MPR is established as the country's highest institution, it will definitely deviate from the standard presidential form of government because the president and the DPR are both elected and accountable to the people. All high state institutions in the form of a republican state and a presidential form of government have different functions, but have an equal position (Manan, 1993).

#### **A. Returning GBHN**

The question is, how to reinsert the GBHN without "destroying" the standard of the presidential form of government that has been implemented since 2004. What should not be adopted has been stated above. The GBHN is said to be necessary

because the Indonesian state does not have a long-term development plan so that the president changes the policy. What has been adopted as a "substitute" for the GBHN so far is the National Long-Term Development Plan (RPJP) which is a development planning document for a period of 20 years. The current National RPJP is Law no. 17 of 2007 concerning the national RPJP 2005 to 2025. In addition to the National RPJP, the National Medium Term Development Plan (RPJM) is also set for a period of five years. To implement the National RPJP, Bappenas has prepared four RPJMs. This document outlines the vision and direction of national development in all fields (Tarigan, 2021).

In the political treasures, the term vision and direction of national development is known in Law no. 17 of 2007, and the terms vision, mission, and program that must be prepared by every election participant as campaign material in elections which are held periodically every five years. Terms like this need to be "rugged". According to my reading, the vision of the Indonesian state has been formulated in the Preamble and Body of the 1945 Constitution. Therefore, all election participants or state administrators do not need to formulate a new vision of the Indonesian state, but obey what has been determined by the nation's founders.

The GBHN is the state's vision for the long term of 50 years as the implementation of the vision of the Indonesian state based on the 1945 Constitution. The GBHN is the direction of the Indonesian state. What is offered as campaign material by election participants is a measurable program for one five-year term to implement the GBHN. Thus, the campaign materials submitted to the people by each pair of candidates, political parties participating in the election and candidates for DPD members (individuals) every five years are operational in nature. If the GBHN is formulated "to create a corruption-free country" election participants must formulate concrete and operational programs to prevent and eradicate corruption.

If in the GBHN it is formulated "to create job opportunities for every workforce and the State is obliged to protect its people (responsibility to protect" and the State is obliged to give every citizen land ownership rights to work on" then election participants offer programs that are able to create job opportunities and land tenure programs that are unequal, but there must be an equitable and fair distribution of land tenure to all Indonesian people. Thus, the electorate will be able to choose and consider the quality of the candidates and the direction of the program offered so that it is time for them to make decisions about the selected election participants.

All state institutions (established based on the 1945 Constitution, such as DPR, DPD, President and Vice President, Supreme Court, Constitutional Court and BPK) must also report orally and in writing the results of implementing the GBHN in their field of duty within a year and within five years to the MPR. The annual and five-year reports are institutional reports on the implementation of the GBHN in their field of duty. The report is not a report on the personal responsibility of the incumbent and is therefore not related to the term of office (for example, the MPR cannot dismiss the president and/or deputy because of the report). The report will be useful for a nation (because it describes how far the GBHN has been achieved) and for voters in determining the organizers of the next period. The responsibilities that the president and DPR give to voters at the end of their term of office, for example, are not as detailed as reports to the MPR (Masdianto, Hidayati, & Ramlah, 2021).

## METHOD RESEARCH

The quantitative method is the research method chosen in this study to answer research questions. Quantitative problems more generally have a large area, complex levels of variation but are located on the surface (Mulyadi, 2011). The data used are primary data and secondary data. Primary data obtained from the website of the Central Statistics Agency (BPS). While secondary data obtained by library research method. Library Research is a study that is used to collect information and data with the help of various kinds of assistance such as books, journals, articles and others (Mirzaqon & Purwoko, 2018). Library Research also means data collection techniques by reviewing books, literature, notes, and reports related to the problem under study (Cahyono 2020). The data sources used as materials are books, journals, articles, and similar things that are obtained through Google Scholar.

## RESULTS AND DISCUSSION

Various discussions, both formal and ordinary, that stood out and were interesting to discuss were constitutional issues related to the 5th Amendment to the 1945 Constitution. These discussions were so hot after the election was over, and it cannot be denied that many things related to actual/strategic issues that emerged.

The issue of the Amendments to the 1945 Constitution has clearly received serious attention. Experiencing a very strong outpouring of thoughts, it could be because it is a national need, or because it was triggered by a purely political agenda.

The MPR will review the limited amendment recommendations. This was revealed factually when examining the first speech of the elected MPR chairman Bambang Soesatyo accompanied by his nine deputies: namely Ahmad Basarah, Ahmad Muzani, Lestari Moerdijat, Jazilul Fawaid, Syarief Hasan, Hidayat Nurwahid, Zulkifli Hasan, Arsul Sani, and Fadel Muhammad (leader of MPR Period 2019-2024). According to Bambang "The Constitutional Amendment also became the recommendation of the 2014-2019 MPR. Therefore, it is mandatory to follow up. However, the choice of amendment must prioritize rationality and the interests of the nation and state. The MPR will pay attention to all aspirations that develop in society and also the proposals of political parties, the MPR will not be careless."

Starting from the foregoing, the importance of the Limited Amendment to the Constitution was explicitly stated, especially in recreating the state policy system which during the New Order era was called the Outlines of State Policy.

Underlining the commitment of the elected chairman of the MPR is important, because the State Policy is an urgent need for the Indonesian people. The existence of a national direction is expected to be able to realize national development that has clear, measurable and sustainable planning. Thus, not every time a president, governor, or regent and mayor changes, the policies and programs themselves change.

Apart from that, it is also necessary to understand and give the clearest possible understanding of the president's accountability. Because in reality many think that if the GBHN is determined by the MPR, the president must be responsible to the MPR. Because of this, the traumatic image of the past administration automatically recalled, when President BJ Habibie was denied accountability by the MPR, or when President KH. Abdurahman Wahid was "trapped" or dropped by the MPR. In fact, there is also an "alarm" sounding faintly from the danger behind the GBHN plan. Even more firmly voiced, the return of the GBHN which was implemented through the 5th Amendment to

the 1945 Constitution, will bring this change to reopen the "entrance gate" to our country's authoritarian regime. (Abustan, 2021).

Opinions who refuse to remind political party elites that they should think again to bring up the GBHN again. The missing democratic principle is the bottom-up mechanism in development planning. After the 1998 reform, development planning was carried out in stages from village to national in order to accommodate the voice of the people. This mechanism is regulated in Law Number 25 of 2004 concerning the National Development Planning System.

The GBHN would be more suitable for an authoritarian regime like in the New Order era. The State's Policy can be implemented without obstacles, it can even be described in more detail through the Five-Year Development Plan. A similar thing happened in the era of President Soekarno, namely after dissolving the constituent assembly and proclaiming a guided democracy in 1959, he implemented the Planned Universal National Development Policy.

Moreover, even another legal consequence of the implementation of the GBHN is that the president will again become the mandate of the MPR. In fact, this phenomenon is something we have left after the New Order. Therefore, this causes direct presidential elections to be irrelevant and at the same time disrupts the presidential system. The question that is now being raised a lot is why the President is elected directly if he has to submit to the GBHN and cannot fulfill his promises to the voters (the people).

Furthermore, many views see that the GBHN is only an entry point for bigger changes. It even mentions that the amendment will also change the term of office of the President to 7 or 8 years but can only be elected once. So, the phenomenon of the 5th amendment is difficult not to guess what is behind the plan to revive GBHN is back?. However, what is certain, as the Indonesian people, is that the 5th Amendment must be relevant to the needs of the state in order to accelerate the welfare of the Indonesian people.

### **1. National Development Roadmap**

The People's Consultative Assembly's plan to make limited amendments to the 1945 Constitution in order to revive the authority to regulate the main points of state policy continues to be voiced by the leadership of the MPR. In fact, in the campaign stage, the idea of a constitutional amendment was never voiced.

To avoid this, long-term national development guidelines do not need to be regulated through a limited amendment to the 1945 Constitution. Law Number 17 of 2007 concerning the National Long-Term Development Plan for 2005-2025 is considered sufficient to regulate the concept of medium-term and long-term development.

According to a researcher at the Center for Constitutional Studies at Andalas University, Khairul Fahmi, Thursday (10/10/2019), reviving the MPR's authority to regulate the main points of state policy is contrary to strengthening the presidential system. Although it does not explicitly position the president as the mandate of the MPR, the discourse will continue to make the MPR the highest institution.

Moreover, if the main points of state policy determined by the MPR are binding, the president. The power of oligarchy: political parties in the MPR can take the president hostage if the president is deemed to have deviated from the main state policies that have been regulated by the MPR.

Although Bambang Soesatyo as chairman of the MPR ensures that the Constitutional Amendments do not become a wild ball. Bambang also promised that the MPR would not be in a hurry, we agreed there was no need to rush.

Actually, politically mathematically, the coalition government of Joko Widodo-KH. Ma'ruf Amin could propose Constitutional Amendments. The MPR is given the authority to amend the Constitution. Article 37 of the 1945 Constitution states that a proposal to amend the 1945 Constitution can be scheduled in an MPR session if it is submitted by at least 1/3 of the members of the MPR. One third of the MPR is equal to 237 people. Government supporters (PDI-P, Golkar Party, PKB, Nasdem, and PPP) totaled 349 seats.

The constitution also states that each proposed amendment is submitted in writing along with the reasons. So, it is not possible with only limited Amendment Jargon. Which article do you want to change? To amend articles in the Constitution, the MPR session is attended by at least 2/3 of the total members of the MPR or 74 members of the MPR. This means that political lobbying with parties outside the government is needed or lobbying for MPR members from the DPD, totaling 136 people. Meanwhile, the decision to change the articles in the Constitution is carried out with the approval of fifty percent plus one member of the MPR.

However, we want to remind you that constitutional amendments are not only a matter of political mathematics. However, public space must be opened, because the constitution does not only belong to the leadership of political parties or to the 711 members of the MPR. As a social contract, constitutional amendments belong to the Indonesian people (Subekti, 2022).

The proposer of the Amendment needs to explain what a limited amendment is. The limited amendment only adds one paragraph in Article 3 of the 1945 Constitution which reads that the MPR has the right to determine the state's direction. The addition of articles on the authority of the People's Consultative Assembly to determine the state's policy will lead to linkages with other articles, including the question of who will make the state's policy. Will the MPR make the state's direction? What are the consequences if the president does not follow the direction of the state? Who judges? If the MPR was not the MPR, it would become a high-ranking state institution like the New Order era.

Making the state's direction opens a new debate. Sensitive issues can arise. Constitutional amendments open Pandora's box. However, the chairman of the MPR, Bambang Soesatyo, explained all these doubts by saying that all elements of the leadership of the MPR agreed that the amendments were carried out on a limited basis only to revive the state's direction. According to him, the state's direction needs to be returned as a reference for intense development during the leadership period.

In the future, the visions and missions of leaders, starting from the president to regional heads. Must refer to the site of the national development roadmap outlined by the MPR. That way, national development can be sustainable (sustainable) even though the presidential period changes. Currently, the MPR Review Board is tasked with accommodating public input, including from academics.

This is intended to show and/or prove that the idea of this amendment is indeed desired by the community. Just to say, the four amendments to the 1945 Constitution, which were carried out from 1999 to 2002, were part of the demands of the people that pushed for democracy. However, nowadays people never talk about the direction of

the state, but prioritize other issues such as the Corruption Eradication Commission, money politics, and the draft Criminal Code.

However, if it is seen that the national development roadmap is very much needed, in order to realize a good government, the administration of the state needs to be regulated and set forth in a constitution. Because without rules, state administration tends to be misused. As the iron law of power reminds us, "power tends corrupt, absolute Power Corrupt absolute".

However, it all depends on the legal content (construction) contained in the substance of the GBHN. What is the basic principle used in drafting the State Policy, namely the GBHN. That will be at stake (Latif, 2020)

## CONCLUSION

That the amended 1945 Constitution is far better than the original and therefore must be implemented as a valid constitution. However, because the constitution is the resultant or the result of the agreement of the makers in accordance with ideological needs.

That the follow-up (fifth) amendment was carried out so that the change would be even better because the current situation is considered to still leave various problems to be resolved.

That a roadmap for national development is urgently needed, in order to realize a good government, the administration of the state needs to be regulated and enshrined in a constitution.

## REFERENCES

- Abustan. (2021). Mencermati Korelasi Antar Lembaga. *Kompas*.
- Al-Fatih, Sholahuddin. (2022). *Hukum Pemilu Dan Threshold* (Vol. 1). Ummpress.
- Harijanti, Bagir Manan, & Dwi, Susi. (2014). Memahami Konstitusi: Makna Dan Aktualisas. *Jakarta: Rajagrafindo Persada*.
- Huda, Nimatul. (2011). *Hukum Tata Negara Indonesia*.
- Kanang, Abdul Rahman. (2018). Diskursus Pembatasan Kekuasaan Presiden Dalam Sistem Presidensial Menurut Uud 1945. *Al Daulah: Jurnal Hukum Pidana Dan Ketatanegaraan*, 7(1), 163–177.
- Latif, Yudi. (2020). *Negara Paripurna*, Jakarta. Pt Radja Grafindo Persada.
- Mahfud, Moh. (2007). *Perdebatan Hukum Tata Negara Pasca Amandemen Konstitusi*. Lp3es.
- Manan, Bagir. (1993). Dan Kuntana Magnar. *Beberapa Masalah Hukum Tata Negara Indonesia*, Bandung: Alumni.
- Masdianto, Hindra, Hidayati, Rahmi, & Ramlah, Ramlah. (2021). *Implementasi Ishlah Dalam Penyelesaian Perkara Perceraian Di Lembaga Adat Kecamatan Jangkat Kabupaten Merangin*. Uin Sulthan Thaha Saifuddin Jambi.
- Mirzaqon, T. A., & Purwoko, Budi. (2018). Library Research Of The Basic Theory And Practice Of Expressive Writing Counseling. *Jurnal Nasional*.
- Mulyadi, Mohammad. (2011). Penelitian Kuantitatif Dan Kualitatif Serta Pemikiran Dasar Menggabungkannya. *Jurnal Studi Komunikasi Dan Media*, 15(1), 128–137.
- Siswanto, Heru, Nainggolan, Indra L., Susanto, Mei, Satrio, Ndaru, Zainab, Nina, Rahayu, Panti, Saputra, Rahmat, Dhianty, Rama, Oktovan, Ridho, & Putri, Widya Sari. (2019). *Politik Hukum Era Jokowi* (Vol. 1). Puskapkom.
- Subekti, Ramlan. (2022). Khalaman Opini, 2020.Ompas. *Kompas. Com*.



- Tarigan, Azhari Akmal. (2021). *Jati Diri Hmi Wati: Menggagas Nilai-Nilai Dasar Kohati (Ndk)*. Merdeka Kreasi Group.
- Widyawati, Nina. (2014). *Etnisitas Dan Agama Sebagai Isu Politik: Kampanye Jk-Wiranto Pada Pemilu 2009*. Yayasan Pustaka Obor Indonesia.
- Wospakrik, Decky. (2016). Koalisi Partai Politik Dalam Sistem Presidensial Di Indonesia. *Papua Law Journal*, 1(1), 142–161.

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