

# THE EXISTENCE AND RELEVANCE OF THE MAIN POINS OF STATE DIRECTION IN THE CONSTITUTIONAL SYSTEM ACCORDING TO UUDNRI 1945

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## Abstract

This paper discusses the urgency and implications of The Main Poin of State Direction In The Constitutional System (PPHN) in Indonesian state administration where after the MPR no longer has the authority to determine the Guidelines of State Policy (GBHN), the GBHN function is replaced by Law Number 25 of 2004 concerning the National Development Planning Systems and Law Number 17 of 2007 concerning the National Long-Term Development Plan (RPJPN) 2005-2025. This has an impact on the Indonesian state administration ideologically, juridically, and politically. The research method in this study uses the normative juridical method. In conclusion, the preparation of PPHN is something that has become a necessity for Indonesia today and the implementation of PPHN will not have adverse implications for the Indonesian Presidential system of government, it will even strengthen the Presidential system. In addition, the existence of PPHN actually complements the perfection of Indonesia's constitutional building, namely Indonesia has Pancasila as the ideology and foundation of the state, The 1945 Constitution of Republic Indonesia (UUDNRI 1945) as the constitutional direction of the state, and PPHN as the basic policy of state development. The results of the study show that this GBHN needs to be elaborated into stages that can facilitate efforts to achieve it. To provide a legal basis, the direction of the State (whatever its name) needs to be outlined in legal form.

**Keywords:** *Existence, Relevance, PPHN, Indonesian Constitutional System*

## Abstrak

Kajian ini membahas mengenai urgensi dan implikasi Pokok Pokok Haluan Negara (PPHN) dalam ketatanegaraan Indonesia dimana setelah MPR tidak lagi memiliki wewenang menetapkan Garis-Garis Besar Haluan Negara (GBHN), fungsi GBHN digantikan dengan Undang-Undang Nomor 25 Tahun 2004 tentang Sistem Perencanaan Pembangunan Nasional, dan Undang-Undang Nomor 17 Tahun 2007 tentang Rencana Pembangunan Jangka Panjang Nasional Tahun 2005-2025. Hal tersebut membawa dampak di dalam ketatanegaraan Indonesia secara ideologis, yuridis, dan politik. Metode penelitian dalam kajian ini menggunakan metode yuridis normatif. Kesimpulannya, penyusunan PPHN adalah hal yang sudah menjadi kebutuhan Indonesia saat ini dan penerapan PPHN nantinya tidak akan berimplikasi buruk terhadap sistem pemerintahan Presidensial Indonesia, bahkan akan memperkuat sistem Presidensial tersebut. Selain itu, keberadaan PPHN justru semakin melengkapi sempurnanya bangunan ketatanegaraan Indonesia, yaitu Indonesia memiliki Pancasila sebagai ideologi dan dasar negara, UUD NRI Tahun 1945 sebagai haluan

konstitusional negara, dan PPHN sebagai kebijakan dasar pembangunan negara. Hasil kajian menunjukkan bahwa GBHN ini perlu dijabarkan ke dalam tahapan-tahapan yang dapat mempermudah upaya pencapaiannya. Untuk memberikan dasar hukum maka haluan Negara (apapun namanya) perlu dituangkan dalam bentuk hukum.

Kata kunci: Eksistensi, Relevansi, Pokok-Pokok Haluan Negara, Sistem Ketatanegaraan Indonesia

## 1. Introduction

Indonesia since its establishment has a great commitment to realize public welfare. Development in various fields such as law, politics, economics, social, culture, defense, security and so on is carried out from the central to the regional level. Development in various fields cannot be carried out without a reference / direction / guidance / direction that is designed in a planned manner for a certain period of time. State direction can be in the form of political direction in the fields of economy, culture, or law. Thus this term can be associated with the notion of politics in a broad sense, as reflected in the terms economic politics, cultural politics, legal politics, energy politics, food politics, and so on (Mei Susanto, 2017). In the third Amendment of the UUDNRI 1945, to fulfill the needs of the principle of popular sovereignty, Article 1 paragraph 2 was changed to: "Sovereignty is in the hands of the people and is exercised according to the Constitution", which is interpreted as a shift in the position of the MPR from the highest state institution to a state institution parallel to other state institutions. The shift in the position of the MPR certainly also had an influence on the shift in its authority, including a reduction in the authority to determine the Guidelines, as stated in Article 3 paragraph (1) of the UUDNRI 1945 which originally read: "The People's Consultative Assembly establishes the Constitution and the Guidelines for State Policy" to "The People's Consultative Assembly has the authority to amend and establish the Constitution. Then after the MPR no longer had the authority to establish the GBHN, the GBHN function was replaced by the GBHN function is replaced by Law Number 25 of 2004 concerning the National Development Planning Systems and Law Number 17 of 2007 concerning the National Long-Term Development Plan (RPJPN) 2005-2025.

Regardless of the pros and cons, the existence of GBHN or whatever its name is needs to be studied. This is considering the essence of the state as an organization of power that requires "development guidance" in order for the state as an organization of power to achieve its goals. The study that needs to be done concerns the existence of development guidance and whether it has an important meaning that correlates with the state as an organization of power.

Many good things will happen in the constitutional life of Indonesia if the spirit of GBHN is revived with the nomenclature of the state direction adapted to the current constitutional conditions. More than that, the state direction that will be formed is a state direction that is not narrowly interpreted, namely a state direction that is temporary five years as it was formed in the New Order era, but a state direction that is broadly interpreted, namely a state direction that provides direction and guidance for the development and implementation of the country's long-term long term planning 20-25 years (Meirina Fajarwati, 2017).

## 2. Research Method

### 2.1 Research Object, Time, and Location

This study focuses on the state direction in the constitutional system according to UUDNRI 1945 particularly on the existence and relevance. The research period was conducted in 2023-2024, following several stages, including data collection, analysis, and the final reporting of research findings.

### 2.2 Data Collection Techniques

This descriptive analysis research is a normative juridical research. This analysis is described and arranged systematically by basing on the relevant theoretical foundations. Data is taken from secondary data sourced from Primary Legal Materials, in the form of laws and regulations related to the object of research, Secondary Legal Materials, in the form of books, research results of scholars or scientific articles related to the object of research as well as legal opinions and Tertiary Legal Materials in the form

of general dictionaries and legal dictionaries. The data obtained both from primary legal materials, secondary legal materials and tertiary legal materials are analyzed qualitatively and then arranged systematically so that a correlation between problems, analysis and conclusions will be obtained.

### **2.3 Data Analysis Technique**

The data analysis technique is carried out through a historical approach, and the conclusions are drawn using the deductive method of thinking, which is a way of thinking that starts from general knowledge in the form of norms and then assesses a specific event.

## **3. Results and Discussion**

### **A. The Existence of PPHN in the State System according to the UUDNRI 1945**

History shows that the existence of the State Policy in the Indonesian constitutional system has changed. In the Old Order and New Order eras, the State Policy played a very vital role as a guideline for state development, which at that time, its formal form was referred to as GBHN. However, after the reformation, the existence of the State Policy was lost along with the amendment of the 1945 Constitution which then eliminated the existence of the State Policy in the constitution. GBHN at that time was interpreted as the direction of the state in outlines as a statement of the will of the people who have an idiil foundation of Pancasila and the UUDNRI 1945 as a constitutional foundation (Moh. Kusnardi, 2008). If essentially it is seen as a state direction, then the paradigm is that it is not only the president or the executive who has the responsibility to implement it, but all branches of power must refer to and be guided by the state direction, because the state direction contains the main principles of state policy, in which there are also interests in the legislative and judicial fields. For example, how the state policy provides direction for achieving social justice through judicial institutions, and so on, so that the state policy cannot be simplified that only the president or the executive is guided by the state policy, but all branch of power policies must also refer to and culminate in the formulated and agreed state policy. (Fence M Wantu, 2020)

The four amendments to the UUDNRI 1945 have had an impact on the MPR's authority, with the MPR no longer recognized as a high state institution. The absence of the MPR as a high state institution led to a reduction in the MPR's authority, namely the authority to make the Guidelines, as shown in Article 3 of the UUDNRI 1945 before the amendment: "The People's Consultative Assembly establishes the Constitution and the outlines of the state direction". After the amendment of the Constitution of the Republic of Indonesia in 1945, there was a change in the authority of the MPR in article 3 of the UUDNRI 1945 to:

- "(1) The People's Consultative Assembly is authorized to amend and enact the Constitution
- (2) The People's Consultative Assembly shall inaugurate the President and/or Vice President.
- (3) The People's Consultative Assembly may only dismiss the President and/or Vice President during his term of office in accordance with the Constitution."

This is indicated by the absence of authority in making the GBHN. The absence of the GBHN then underlies the need for the preparation of the National Long-Term Development Plan (RPJPN) (Prayudi, 2012). This resulted in the loss of the binding and compelling status of the GBHN. The presence of the GBHN is a legal consequence of the position of the MPR as a high state institution that has the authority to elect the President. The existence of the GBHN is constitutionally obligatory to be implemented by the President. The abolition of GBHN in the 1945 amendment to the UUDNRI 1945 is not directly related to the existence of GBHN in the constitution (Center for State Policy Studies, 2020). The issue that occurred at that time was related to the position of the MPR, which was no longer a high state institution and had implications for the abolition of GBHN. The abolition of the GBHN was purely a consequence of changes in the constitutional system, namely related to the presidential election which was directly elected by the people, the position of the MPR which was no longer a high state institution and the strengthening of the presidential system (Center for State Policy Studies, 2020).

After the abolition of the GBHN in the Indonesian constitutional system, the regulation

of national development guidelines was then outlined in the form of Law Number 17 of 2007 concerning the RPJPN, which had previously been regulated in Law Number 25 of 2004 concerning the National Development Planning System. The change of GBHN to the RPJPN does not guarantee consistency in the implementation of the Law, because each pair of elected presidents and vice presidents will provide or express their vision and mission, which is not necessarily the same as the vision and mission of the elected president and vice president. The RPJPN is an executive product and juridically legal (Efriza, 2019).

The abolition of the GBHN raises several different perceptions among the public, some think that GBHN is needed for certainty in realizing national development, but there are also those who think that the RPJPN is sufficient for national development planning, and GBHN will only be used as a defense of power (Compilation Team, 2020). Since the presidential and vice presidential elections in 2014 and after the presidential and vice presidential elections in 2019, the absence of the GBHN is considered to make national development in Indonesia not sustainable in various fields, which has implications for the country's strategic development which is only determined by the regime at that time, but if there is still a GBHN, it is considered that even though the regime has changed, national development will continue. The impact that leads to inconsistency and directionlessness due to changes in the vision and mission of the president and vice president so that it is necessary to restore the GBHN but with a product that is not the same as the GBHN, so that the new GBHN is mandatory for renewal and synchronization in accordance with the presidential system inherent in the Indonesian nation.

The existence of the polemic that will bring back the GBHN, the MPR will carefully examine the substance and legal form of the State Policy Principles. The presence of GBHN does not close the creativity of the vision and mission of the President and Vice President in their goal of implementing national development programs. The idea to restore the existence of GBHN will be realized with different things, which will be known as PPHN, so that there is a revitalization of GBHN which will certainly be different from before by being adjusted to the times and a political system based on the principles of democracy.

The direction of the state has a close relationship with the Indonesian state system, including the existence of state institutions. Before the 1945 Constitution was amended, the MPR had a close relationship in its main tasks, namely relating to the Constitution, the President and Vice President and one of the most important in this discussion, relating to the Guidelines. GBHN in the conditions before the amendment of the 1945 Constitution of the Republic of Indonesia gave the definition of direction into 2, namely in a broad sense, that the state direction included the UUDNRI 1945 and the decrees of the People's Consultative Assembly, but in a narrow sense, the direction was defined as a MPR decree document with the name GBHN which was a development planning document with a certain period or time limit (Center for Legal Policy Studies, 2020). The existence of the GBHN depends on the authority given to the MPR. During the Soeharto era, the implementation of the State Policy was left to the President as the mandate of the MPR, but during the reform period, the state policy was more directed and aimed at all state institutions in its implementation. Based on MPR Decree No. II/MPR/1998, it is explained that the outlines of the state direction are a form of statement of the will of the people which in essence is a unity of the general pattern of national development determined by the MPR, this state direction is the will of the people in a development that will occur in Indonesia (Efriza, 2019). GBHN, which contains national development, must be implemented by the President and Vice President, and if it is not implemented or the president and vice president violate what is in GBHN, the MPR has a full role or authority over every action taken by the President and vice President and can declare a motion of no confidence in the President and Vice President and revoke their mandate. The function of executive power exercised by the President is as a mandate recipient or MPR mandatary who has the role and function to carry out the state direction and other decisions that have been prepared and issued by the MPR (Center for Legal Policy Studies, 2020).

After the New Order or reformasi, there was an amendment to the UUDNRI 1945, which caused differences in the relationship in terms of the exercise of authority exercised by the MPR. The

relationship between PPHN, the UUDNRI 1945 and the state system can provide changes. The word "amendment" means change. Amendment in constitutional law means changing, adding, or deleting existing provisions in the provisions of laws and regulations. The existence of a plan to revive the GBHN in the form of PPHN will certainly have an impact on changing the existing state administration system in Indonesia, which must also change what has been amended in the 1945 Constitution of the Republic of Indonesia in the absence of the MPR's authority. The existence of PPHN, which revitalizes the GBHN that existed during the New Order era, in the current situation and conditions of our state administration, does not allow for the existence of GBHN, so it is only relevant if the President is responsible to the MPR for the implementation of PPHN.

PPHN is a guide for state administrators when formulating and carrying out policies in accordance with the objectives of the Indonesian nation state as stated in the Preamble of the UUDNRI 1945, so that this reflects as a unity that complements the existence of Pancasila and the UUDNRI 1945 (I Wayan Sudirta, 2020). In essence, this state direction is a state policy towards all state institutions, central government, and also local governments which in its implementation is used as a guide in the framework when formulating materials related to legislation and government programs. Basically, the existence of this state direction is indirectly conveyed in the post-amendment the UUDNRI 1945 which contains several provisions related to the basic premise in the implementation of the state in the fields of education and culture listed in CHAPTER XIII, in article 31 and article 32, In addition, related to the fields of national economy and social welfare contained in CHAPTER XIV, in articles 33 and 34, which can be said to indicate a state direction, although it is not frankly named GBHN, so that from here the forerunner of the State Direction has been contained in the Indonesian Constitution (I Wayan Sudirta, 2020).

The State Policy in the constitutional system is a philosophical and strategic idea for the sake of being a forum for the purpose of living as a nation and state, therefore the state policy is a straight line with Pancasila and the UUDNRI 1945 as a guiding document for state administration. Therefore, this state direction does not affect the presidential system that has been established in the UUDNRI 1945 after the amendment. The issue of the existence of this state direction is expected to reflect directed national development, because with the state direction, the vision and mission of the president and vice president, which will always change, will remain the same, because if there is no state direction, the vision and mission of the president and vice president are more political aspects and will always change their thoughts on national development, therefore it is difficult to determine whether the vision and mission are in line with the long-term development that has been determined. The products in this state direction are outlined in long-term, short-term and medium-term programs.

The legal implications of the re-establishment of the state direction will restore the MPR's authority that has been eliminated, where there is an attributive nature of the MPR to make a governing decree. Therefore, if there is an addition to the MPR's authority, it can have an impact on the development planning system, especially on Law Number 25 of 2004 concerning the National Development Planning System, therefore the state direction has a position as a guideline in making development planning below, so that the authority possessed by the MPR can be carried out checks and balances for national development.

GBHN is a state direction regarding the implementation of the state in outlines as a comprehensive and integrated statement of the will of the people. As a state direction, it can certainly be understood that the existence of the GBHN itself in the implementation of the wheels of government is needed. Through the GBHN, the direction and purpose of the government's journey will be easier to understand so that it is quite easy to correct the level of success and achievement made by a government that is in power. Although a number of other programs such as the RPJPN were formed and offered to replace the position of the GBHN, it must be admitted that it has not been able to be built as a more operational conception so that the goals and development process are not swayed by the tug of interest from various parties. This is where the existence of the RPJPN has not been able to balance or replace the existence of GBHN as a direction and compass for the future journey of the Indonesian Nation. In fact, one of the reasons for a number of pro-GBHN efforts is based on facts obtained in the field which show that neither the Rencana Pembangunan Jangka Menengah (RPJM) nor the RPJP are able to provide

solutions to unify the vision of development at all levels in order to create community welfare (Robinson Sembiring, 2005).

Ideologically, the existence of PPHN is considered fundamental and urgent, considering that not only does the national development process require guidance on direction and strategy in the short, medium and long term, but also more fundamentally to ensure that the national development process is a manifestation and implementation of the state ideology and national philosophy of Pancasila. Juridically, in the Sistem Perencanaan Pembangunan Nasional, the MPR has no role. In fact, the MPR is a constitution-making state institution. The MPR is the most perfect implementer of popular sovereignty because it has 2 (two) elements of membership, namely members of the DPR and members of the DPD. Thus, in the MPR there is not only representation of the Indonesian people as a whole, but also representation of regional interests. Politically, the National Development Planning Systems cannot be said to be part of a political contract between the President and his people through their representative institutions. The National Development Planning Systems document also has no political implications for the President and or Regional Heads if it is not implemented properly. Also from a legal aspect, the National Development Planning Systems document is not binding in its implementation.

Many good things will happen in the constitutional life of Indonesia if the spirit of GBHN is revived with the nomenclature of the state direction adapted to the current constitutional conditions. More than that, the state direction that will be formed in the future is a state direction that is not narrowly interpreted, namely a state direction that is temporary five years as it was formed in the New Order era, but a state direction that is broadly interpreted, namely a state direction that provides direction and guidance for the development and implementation of the country's long-term long term planning 20-25 years (Meirina Fajarwati, 2018).

Indonesia is a republic that uses a presidential system of government where the president has a role as head of state as well as head of government. The replacement of the presidency is carried out through elections held every 5 (five) years. Before being elected, the President and Vice President have a vision and mission and work programs promised to the community which will then be implemented after being elected. The various work programs are outlined in the development plan. This means that it is very possible that when the presidency changes, there will be changes in development plans as well, which will result in unfinished previous development plans that will be neglected if not continued, which will be detrimental to the community. Furthermore, the existence of a development planning model that is left to the government, such as in the RPJPN and RPJMN, national development planning has the potential to move away from state goals so that what has been aspired to and becomes a state goal becomes hampered to be realized. The state goals written in Paragraph IV of the Preamble of the UUDNRI 1945 are as follows:

*First*, protecting the entire Indonesian nation and the entire Indonesian bloodline. The areas suggested to realize the State's objectives in terms of advancing the general welfare in PPHN are as follows: (Hendrikus Otniel Nasozaro, 2018)

- a. Law
- b. Social and Cultural
- c. National Social Security
- d. Religion and Belief
- e. Human Rights
- f. Health and Safety

*Second*, promoting the general welfare. The task of every state in promoting the general welfare is not easy and requires a long and continuous process of stages. General welfare is not only seen in a certain period of time and in the periodization of certain government positions, but is seen in a sustainable, continuous manner and there must be an increase in welfare in society. A change in development planning that does not look at the development planning of the previous period will disrupt the stages of the people's welfare process. The areas suggested to realize the State's objectives in terms of promoting general welfare in PPHN are as follows: (Hendrikus Otniel Nasozaro, 2018)

- a. Economy
- b. National Energy

- c. National Transportation Network
- d. Tourism
- e. Natural Resources and Environment
- f. Regional Autonomy and Development
- g. Food and Agriculture
- h. Fisheries and Marine

*Third*, to educate the nation. Education is the main milestone of a country's progress. The more equitable and higher education that is facilitated by the state for its people, will increase the level of progress of the country itself. Indonesia fought very hard to facilitate it by making various plans and programs to advance the education level of its people. In fact, with the change of government, education programs also change according to what the government wants, which then causes a lot of confusion for the community so that people no longer focus on education alone but also have to focus on thinking about the implementation of the new government's education programs. The areas suggested to realize the State's goals in terms of educating the nation's life in PPHN are as follows: (Hendrikus Otniel Nasozaro, 2018)

- a. Education
- b. Democracy
- c. Understanding and Practicing Pancasila
- d. Information, Communication and Mass Media
- e. Research and Technology

*Fourth*, participate in implementing world order based on independence, lasting peace and social justice. Efforts to realize world order must be carried out by establishing cooperation between countries and also outlined in a structured and planned development plan. Of course this is not easy because it must require consistency and permanent commitment to make it happen. This means that if there are differences in commitment in different governments, then the country's goals experience obstacles in realizing them.

The areas suggested to realize the State's objectives in terms of participating in implementing world order in PPHN are as follows: (Hendrikus Otniel Nasozaro, 2018)

- a. Politics
- b. Defense and Security

## **B. Relevance of PPHN in the State System according to the UUDNRI 1945**

The amendments to the 1945 Constitution have brought implications for constitutional life, which include the state institutional system and the government system. In the context of the state institutional system, the amendments to the 1945 Constitution recognize the existence of 7 (seven) state institutions, such as the People's Consultative Assembly, the House of Representatives, the House of Regional Representatives, the Supreme Audit Agency, the Supreme Court and the Constitutional Court. The position of the People's Consultative Assembly is now equal to the other six state institutions, not league as the highest state institution. The emergence of a new state institution, namely the Constitutional Court and a relatively "new" state institution, namely the Regional Representative Council, which was previously realized in the Regional Representative.

During the process of discussing the amendment of the UUDNRI 1945, the Ad Hoc Committee I compiled a basic agreement related to the amendment of the UUDNRI 1945. The basic agreement consists of five points, namely: (Secretariat General of the MPR RI, 2020)

1. not to amend the Preamble of the UUDNRI 1945;
2. maintain the Unitary State of the Republic of Indonesia;
3. reinforce the presidential system of government;
4. The elucidation of the UUDNRI 1945 containing normative matters will be incorporated into the articles (body);
5. make changes by way of addendum.

As the sole person in charge of managing the country's government, the president has the responsibility of realizing the country's goals. Therefore, the president prepares development plans for

the short-term 1-year, medium-term 5-year and long-term 20-year.

Currently, the development program plan is outlined in Law No. 25/2004 on the National Development Planning System as the legal basis for the implementation of development planning in Indonesia and Law No. 17/2007 on the National Long-term Development Plan 2004-2025.

Based on several expert opinions, it can be said that the paradigm is a concept, method and rules of rules that are used as a framework for implementation in a study (Muslim, 2015). In the context of the existence of the outline of the State's direction, the concept of the State's direction is the existence of the State's direction during the enactment of the original 1945 Constitution and the concept of the existence of the State's direction during the enactment of the 1945 Constitution after the amendment.

The history of the formation of GBHN originated from the Indonesian Political Manifesto formulated by President Sukarno. The existence of the GBHN during the enactment of the original 1945 Constitution cannot be separated from the existence of the People's Consultative Assembly as the highest State institution that has enormous power so that the People's Consultative Assembly is positioned as a super body and "the incarnation of all the people". In the context of the realization of democracy, quantitatively, it basically does not show its representation considering that not all members of the People's Consultative Assembly are the result of direct elections by the people.

The amendment of the 1945 Constitution has implications not only for the system of government, but also for the institutional system of the State. The amendments to the 1945 Constitution changed the system of government from a pseudo-presidential to a pure presidential system. This change gave the president broad powers, namely as Head of State, head of government and legislative powers.

Direct presidential elections give the President the responsibility to develop work programs as campaign materials to offer and attract voters. In the absence of the GBHN as before the amendment, the President's work programs become a reference in the implementation of development under his leadership.

The existence of a development plan needs to be outlined in a regulation in order to provide certain guarantees with various existing problems. The Consultative Assembly is now no longer authorized to set the GBHN. There are two factors that surround it:

*First*, in accordance with Article 3 of the 1945 Constitution, the People's Consultative Assembly is no longer given the power to set the Guidelines, so constitutionally the People's Consultative Assembly has no legal basis in setting the Guidelines.

*Second*, after the amendment of the 1945 Constitution, the decisions of the People's Consultative Assembly that can be issued are only decisions to amend the Constitution, Decrees of the People's Consultative Assembly and Decrees of the People's Consultative Assembly. Looking at the substance of the GBHN, the GBHN can only be determined by the Decree of the Supreme Council of the People's Consultative Assembly. But the problem is, the Decree of the People's Consultative Assembly that can be issued by the People's Consultative Assembly is only a decree that is *beschikking* (stipulating), not *regeling* (regulating). The substance in the GBHN is more regulating in nature, which means that it is general in nature.

On the one hand, if the GBHN or whatever its name is written into law, then there are also problems. The problem that arises is that if the law is contrary to the 1945 Constitution, it has the potential for judicial review by the Constitutional Court, in accordance with Article 24 C paragraph (1) of the 1945 Constitution.

Basically, the 1945 Constitution already has an "outline of the direction of the State". The outline of the State direction in question has been contained in paragraph four of the Preamble of the 1945 Constitution as the purpose of the State, namely: to protect the entire Indonesian nation and the entire Indonesian blood sphere, to promote general welfare, to educate the nation's life and to participate in implementing world order based on independence, lasting peace and social justice. The above State objectives are general in nature so they need to be elaborated in plans that are prepared in the short term, medium term and long term.

The President, DPR and DPD are the State institutions that best demonstrate procedurally representative democracy because these three institutions are the result of people's choice through a free election mechanism. In the current democratic system, the President and DPR are institutions produced or sourced from political parties because the President can only be nominated by a political party or a coalition of political parties, while the membership of the DPR all come from political parties. This system leads to the view that the products produced by these two institutions (laws) are legal products that have political content. On the one hand, the products produced by these two institutions (and together with DPD) are products of the people produced through their representatives (President, DPR and DPD).

Based on the above study and looking at the position and power of the MPR as well as the position and power of the President, DPR (and DPD) after the amendment, the legal forum as a regulation of the State direction is more likely to be through the Act. However, the Act as an elaboration of the direction of the State must reflect and be based on the objectives of the State as specified in the fourth paragraph of the Preamble of the 1945 Constitution.

The state is an organization (power). As an organization, it requires certain objectives. The purpose of the Indonesian State has been expressly determined in paragraph four of the Preamble of the 1945 Constitution. This goal needs to be elaborated in a phased development plan.

In the presidential system according to the 1945 Constitution, the President's power is very large as the head of government and also as the head of the State and the holder of legislative power (the formation of laws) brings the consequence that the President must understand what development plans must be implemented. However, the existence of the House of Representatives and the House of Regional Representatives as representatives of the people (in accordance with their position as representatives) cannot be ruled out. Therefore, in accordance with the authority of the three high State institutions, the most possible legal form is a law. However, once again concerns that the Act containing the "direction of the State" can be subject to judicial review can be ruled out if the Act regulating the direction of the State still refers to the objectives of the State that have been set out in the Preamble paragraph of the 1945 Constitution, namely:

- a. to protect the entire nation and all the blood of Indonesia
- b. educating the nation's life
- c. promote the general welfare and
- d. Participate in maintaining world order

#### 4. Conclusion

Ideologically, the existence of PPHN is considered fundamental and urgent, considering that not only does the national development process require guidance on direction and strategy in the short, medium and long term, but also more fundamentally to ensure that the national development process is a manifestation and implementation of the state ideology and national philosophy of Pancasila. To realize it, there are areas suggested in the PPHN to realize each of the State's objectives in accordance with the preamble of the UUDNRI 1945. As an organization (power) the State needs to have development guidelines outlined in the GBHN. This GBHN needs to be elaborated into stages that can facilitate efforts to achieve it. To provide a legal basis, the direction of the State (whatever its name) needs to be set out in legal form. In accordance with the legislative system and the state institutional system in Indonesia, the legal form that can be established is the Law. The State Policy as outlined in this law must refer to the objectives of the State which have been set out in the fourth paragraph of the Preamble of the UUDNRI 1945.

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