



## Reconstruction of Article 19 Article (3) and Article 27 Article (2) Law No. 25 of 2004 About National Development Planning System

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### ABSTRACT

The law on the national development planning system is a unified procedure for national development planning to produce long-term, medium-term and annual development plans that are carried out by all elements of government both at the central and regional levels. At the level of implementation, there is a discrepancy in the direction of development between the central government and local governments, this is due to the unsynergic planning documents prepared by the central government and regional governments. The objectives to be achieved in the preparation of this research are to analyze the implementation of the national development planning system and carry out the reconstruction of ideal norms against the National Development Planning System Law. This type of research is normative legal research using statutory and conceptual approaches. The results of this study indicate that the reconstruction of the norms of Article 19 paragraph (3) and Article 27 paragraph (2) of Law Number. 25 of 2004 concerning the National Development Planning System, changes were made in relation to the Regional Medium-Term Development Plan (RPJMD), which previously had the preparation process regulated by a Regional Head Regulation, amended by a Regional Regulation where the drafting process involved the legislature. This is intended to emphasize that the drafting of the RPJMD also involves senators so as to maximize the function of the DPRD to provide control during the development process. Then the procedures for preparing planning documents as well as controlling and evaluating regional development are regulated in a ministerial regulation.

**Keywords:** Norm Reconstruction, National Development, Planning System.

### Introduction

Planning is a basic part of development management. Planning basically revolves around two things. The first is the conscious determination of concrete goals to be achieved within a certain period of time on the basis of the values of the community in question, and the second is the choice between efficient and rational alternative ways to achieve these goals. Therefore, in order to carry out a good national development, careful planning is needed so that the goals to be achieved and the efforts to be made to achieve these goals can be carried out.

Law Number 25 of 2004 concerning the National Development Planning System (UU 25/2004) is the legal basis for the implementation of development planning in Indonesia. This law was born when it was needed, namely after the amendment to the 1945 Constitution which abolished the MPR's function in compiling and establishing the Outlines of State Policy (GBHN). Previously, the country's goals were compiled and determined in the GBHN. Currently, the country's goals are outlined in the form of a Long Term Development Plan (RPJP) with a period of 20 (twenty) years, which is then further elaborated in a Medium Term Development Plan (RPJM) with a period of 5 (five) years. With the existence of Law No. 25 of 2004, it is hoped that the National Development Planning can be prepared in a systematic, directed, integrated, comprehensive and responsive to changes.

Nine years since the enactment of Law No. 25 of 2004, it turns out that there are still many problems. The law, which is expected to serve as a guide in preparing planning at the central and regional levels, turns out to have many deficiencies. In practice law is always formed and abolished by institutions the competent authorities form it, based on norms higher, so that lower norms (*inferior*) can be formed based on higher (*superior*) norms, in the end the law becomes tiered and layered to form a Hierarchy. Several things indicate disharmony, inconsistency and conflict between the laws and regulations, including:

1. There are regulatory inconsistencies in Law 25/2004 and Law 23/2014, namely regarding the legal basis for establishing the RPJMD.

19 paragraph (3) states that the Regional Medium Term Development Plan is stipulated by a Regional Head Regulation (Perkada) no later than 3 (three) months after the regional head is inaugurated.

In Law 23/2014 Article 264 paragraph (1) letter e states that RPJPD and RPJMD as referred to in Article 263 paragraph (1) letters a and b are stipulated by Perda. Local regulations are stipulated by the Regional Head after obtaining joint approval with the DPRD. The formation of regional

regulations is the same as laws, because the formation involves the legislature. Regional regulations can also contain provisions regarding the imposition of law enforcement coercion fees, in whole or in part, on violators in accordance with statutory regulations.

2. There is a conflict of norms regulated in Law 25/2004 and Law 22/2014, namely the delegation of regulations regarding further arrangements to regulate procedures for preparing regional planning documents.

In Law 25/2004 Article 27 paragraph (2) "Further provisions regarding the procedures for compiling Regional Long Term Development Plans ( RPJPD ) , Regional Medium Term Development Plans ( RPJMD ) , Strategic Plans -Regional Work Units ( Renstra SKPD ) , Regional Work Plans , Work Plans for Regional Work Units ( Renja SKPD ) and Implementation of Development Plan Deliberations \_ \_ \_ \_ Regions are regulated by Regional Regulations.

In Law 2 3/20 1 4 Article 277 " Further provisions concerning planning procedures, control and evaluation of Regional development, procedure reevaluation of draft regional regulations on Regional Long Term Development Plans ( RPJPD ) and Regional Medium- Term Development Plans ( RPJMD ) , as well as governance way of change Regional Long Term Development Plans \_ \_ \_ \_ ( RPJPD ) , Regional Medium - Term Development Plans ( RPJMD ) , and Regional Government Work Plans are governed by \_ \_ \_ ministerial regulations " .

In practice, arrangements regarding procedures for preparing regional planning documents have been regulated in Permendagri 86/2017 this Permendagri is more used and more binding for regions in implementing Regional Development Planning.

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## Formulation of the problem

Based on the description of the background of the problems above, the problems in this study can be formulated, namely:

1. How is the implementation of the national development planning system in the central and regional governments?
2. How is the reconstruction of ideal norms in the national development planning system ?

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## Research methods

research conducted in this study is research that is normative. The research approach used is the statutory approach and the concept approach. Then the analysis of the legal materials obtained, both primary legal materials, secondary legal materials, and tertiary legal materials, will then be compiled in a comprehensive structure for further descriptions and then a qualitative juridical analysis will be carried out based on existing legal norms. Analysis will be carried out on both secondary and tertiary legal materials, so that the results of this analysis constitute a comprehensive analytical description of the ideal concept of a national development planning system.

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## Discussion

### *Problems of National Development Planning at Central and Regional Levels*

long-term, medium-term and annual development plans that are carried out by elements of state administration and society at the central and regional levels. SPPN is prepared with the aim of: (a) supporting coordination between development actors, (b) ensuring the creation of integration, synchronization, and synergy between regions, between space, between time, between government functions as well as between central and regional, (c) guarantee linkages and consistency between planning, budgeting, implementation and supervision, (d) optimizing community participation, (e) ensuring the achievement of efficient, effective, just and sustainable use of resources.

In the implementation of regional development planning, it turns out that many problems arise. Other problems that often arise in the field are as follows:

1. Propenas (RPJMN) and Propeda (RPJMD) are not continuous plans because they are only prepared every 5 years. The plan does not explain outputs and results and is not related to the budget, even though it is generally defined as a development program.
2. It is still unclear how and when top down and bottom up planning will be integrated. Likewise who is responsible for ensuring integration or what happens if the autonomous region decides to ignore Propenas.
3. Planning in the field shows a big gap in taking into account financial capabilities. Only annual regional planning includes this fiscal capability.
4. Such planning is too focused on the budget and development projects rather than looking at the budget as a whole.

It is interesting to note that Bappenas has identified seven critical points in the annual planning and musrenbang stages in Indonesia:

1. Sharpening goals and objectives to be achieved

2. The scope of the discussion is limited to deconcentration funds, co-administration, has not yet touched on transfer funds to the regions, private investment plans and plans for bank lending
3. Clarity of directives from the central government (Ministry of Bappenas, Ministry of Finance, Ministry of Home Affairs, and Ministries/Agencies) to provincial governments and district/city governments because they are normative and uncertain
4. Standardization of K/L program nomenclature and activities with programs and activities of local government work units (SKPD)
5. Clarity on the criteria for determining program priorities and K/L activities to be implemented in each province
6. Limited time to discuss the synergy of programs and activities of Ministries/Institutions with SKPD programs and activities so that no final decisions are made.

The certainty of the Musrenbangnas results is used as the basis for preparing work plans for Ministries of Institutions (K/L) and Work Plans and Budgets (RKA K/L). In addition to the critical points ahead, there are several problems between the central and regional governments, namely the lack of integration and control and evaluation between the Ministries of Institutions (K/L) and Regional Work Units resulting in duplication of supervision and delays in implementation reports. This problem must be resolved immediately, the Ministries of Institutions (K/L) need to take steps to harmonize systems and mechanisms for controlling and evaluating the implementation of development programs and activities (Ministries of Bappenas, Ministry of Finance, Ministry of Home Affairs, Ministry of PANRB, BPKP and BPK). Regional governments also need to organize and strengthen SKPDs in controlling and evaluating the implementation of development programs and activities.

Before discussing the matter of the reconstruction of norms against Law no. 25 of 2004 concerning the national development planning system, it is first necessary to describe the factors that influence changes to the law on the national development planning system, namely:

#### A. Philosophical and Sociological Aspects

The government of the Indonesian state was formed to protect the entire Indonesian nation and all of Indonesia's bloodshed, promote public welfare, educate the nation's life, and participate in carrying out world order, as well as as a result of changes to the 1945 Constitution of the Republic of Indonesia which stipulates that the President is directly elected by the people and in the absence of the GBHN as a guideline for the President and Regional Heads for preparing development plans, further arrangements are needed for the National development planning process. To achieve national development goals, as the practice of Pancasila, development planning has an important and strategic position in nation building, development planning is very important in a country. Development planning provides a firm belief in its success. Centralized development planning is believed to be an important institutional and organizational mechanism, in order to limit the main obstacles in the development process, ensure the achievement of good growth rates and can achieve development in a consistent and systematic manner. A systematic and comprehensive development policy framework can play an important role in spurring growth. In the process of national development, humans will strive to cultivate nature and living conditions to reach a better level than before. If examined more deeply, it will be seen that development is not merely the pursuit of economic growth, but also progress in further industrial progress. Development is a conscious effort by humans to change their destiny. To change fate, of course, connotes changing for the better, not the other way around. Therefore the essence of development is to improve the standard of living and welfare of the community.

#### B. Juridical Aspect

In order to guarantee the achievement of development planning in Indonesia, a holistic direction for the country's development is formed which is regulated in the long-term development plan document as an attachment to Law Number 17 of 2007 concerning the National Long-Term Development Plan (UU RPJPN), this long-term plan becomes the reference main role in formulating plans for the central government and regional governments. With the RPJPN Law, the pattern of development will be clearer, measurable, concrete, and consistent. Besides that, the Development Planning System regulated in Law Number 25 of 2004 concerning the National Development Planning System needs to be improved in order to regulate the authority to prepare planning documents for the regions in order to create development synergy between the center and the regions and to ensure that development activities run effectively, efficiently, and targeted it is necessary to make changes to the norms in the law. The main goal of development is to create an enabling environment for its people to enjoy long, healthy and productive lives. In order to guarantee the achievement of these development goals, national development is needed which is carried out by all components of the nation in order to achieve the goal of becoming a state as stated in the Preamble of the 1945 Constitution of the Republic of Indonesia. In the process of implementing this development, stages are needed that can maximize development goals. This then becomes a bridge in the context of realizing the ideals of a nation that represents people's sovereignty on behalf of the people. So that the improvement of Law no. 25 of 2004 concerning the National Development Planning System needs to be implemented in order to synergize development between the central and regional governments.

#### C. Political Aspect

Development planning considers that the election of the president and vice president as well as regional heads of governors, regents and mayors is a planning process, because the electorate determines their choice based on the development programs offered by each candidate. The development plan is ultimately the elaboration of the development agendas offered by the president and vice president as well as regional heads of elected governors, regents and mayors. It is this conception that causes contestation in the election of leaders to become an important factor in determining the future in national development planning. Aspects of leadership occupy an important part in the planning approach. In line with the principles of national development planning, various modern literatures also show that the leadership factor is a significant aspect in planning and organizational systems. Thomas J Chermack stated that "*leadership is a key ingredient of scenario planning because leadership is a critical component of any organization*

*change and development effort. Furthermore, it is also stated that if the leadership of the organization is not involved and supportive, the project is likely to fail* ". Leadership is likened to fuel that will provide the impetus for development vehicles to achieve organizational goals. In the context of the current state administration system, leaders are needed who are able to combine various potentials in planning approaches to achieve success in national development. Candidates for national leaders who are currently competing are expected to be able to provide an overview of a structured and measurable program that will be implemented if they are later elected as President/Vice President, Governors, Regents and Mayors. The clarity of the program and the stages to be carried out will greatly facilitate the technocratic planners to synergize their plans with the vision, mission and programs of the candidates. The programs that are currently being offered by candidates for national leadership also need to get enrichment from a technocratic, top-down and bottom-up approach. This is because development planning is made not just to produce documents containing political jargon, but to be implemented in order to overcome the gap between limited government resources and national goals that must be achieved. The existence of a development plan that is currently being prepared will greatly determine the success of the government's performance because planning is a reflection of the government's readiness to achieve national goals .

#### D. Future Challenges

The National Development Planning System has been running at every level of government. In particular, long-term development plans for each region have been set for 20 years, medium-term regional development plans for 5 years. The RPJMD changes every 5 years following the implementation of regional head elections, bearing in mind that RPJMD is an elaboration of the vision, mission and programs of the Regional Head. In the context of implementing Regional Government, regional development plans are prepared as an integral part of the national development planning system. One of the development planning documents that must be prepared by regional governments as mandated in Law Number 25 of 2004 concerning the National Development Planning System and Law Number 9 of 2015 concerning the second amendment to Law Number 23 of 2014 concerning Regional Government, is the Regional Medium Term Development Plan (RPJMD). In its development, different things have occurred at the implementation level where often the RPJMD prepared by the local government is often not in line with the RPJMN, this is what will become a challenge going forward if the Law on the national development planning system is not corrected immediately.

In summary, Indonesia's national development planning is an important element in achieving inclusive and sustainable development goals. Philosophical, sociological, juridical, political and future challenges must be thoroughly considered to ensure planning effectiveness and efficiency. Changes and improvements in development planning regulations and governance are needed to ensure synergies between central and local governments and accommodate political and social changes that occur. Good leadership and a combination of technocratic, top-down and bottom-up approaches will be the key to success in overcoming future challenges and achieving the desired national development goals.

### Construction Norms Article 19 Paragraph (3) & Article 27 Paragraph (2) of the National Development Planning System Law.

Based on several textual and contextual narratives and arguments that the researcher previously described, the researcher offers a reconstruction of the norms of Article 19 paragraph (3) and Article 27 paragraph (2) of Law Number. 25 of 2004 concerning the National Development Planning System, but before that, the researchers first presented the original formulation of the provisions in Article 19 paragraph (3) and Article 27 paragraph (2) prior to reconstruction as a comparison before and after reconstruction, namely as follows:

| Before                                                                                                                                                                                                                                                                                                                                                                                                                                        | After                                                                                                                                                                                                                                                                                                                                                                                                     |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p><b>1. Article 19 Paragraph (3)</b> The Regional RPJM is stipulated by a Regional Head Regulation no later than 3 (three) months after the Regional Head is inaugurated.</p> <p><b>2. Article 27 Paragraph (2)</b> :Further provisions regarding the procedures for preparing the Regional RPJP, Regional RPJM, Renstra-SKPD, RKPD, Renja-SKPD and implementation of the Regional Musrenbang shall be regulated by Regional Regulation.</p> | <p><b>1.</b> The Regional RPJM is stipulated by Regional Regulation no later than 6 (six) months after the elected regional head is inaugurated.</p> <p><b>2.</b> Further provisions regarding procedures for planning, controlling and evaluating regional development, procedures for evaluating draft regional regulations on the RPJPD, RPJMD and RKPD are regulated by a Ministerial Regulation.</p> |

The construction as offered by the researcher above is based on several considerations, where the editorial of the Regional Medium-Term Development Plan (RPJMD), which previously had the drafting process regulated by a Regional Head Regulation, was changed to a Regional Regulation where the drafting process involved the legislature. This is intended to emphasize that the drafting of the RPJMD also involves senators so as to maximize the function of the DPRD to provide control during the development process. Apart from that, in order to harmonize the existing laws and regulations as stated in Law No. 23 of 2014 concerning Regional Autonomy it stipulates that the RPJMD is regulated in Regional Regulations, so Law No. 25 of 2004 concerning the National Development Planning System must be updated immediately in order to adapt to the dynamics and developments of the times. Besides that, to reduce the ego-centricity of each regional head who is elected in preparing the RPJMD, the SPPN Law must synergize with regional autonomy regulations in guiding the implementation of development. The principle of widest possible autonomy gives the impression that every development process in the regions must be carried out independently without any interference from the central government so that this makes the development planning process unable to run synergistically.

In addition, researchers also formulate procedures for preparing planning documents as well as controlling and evaluating regional development regulated in ministerial regulations. In this case, there has been the latest ministerial regulation that regulates the procedures for planning, controlling and evaluating regional development, namely Permendagri No. 87 of 2017. Currently this Permendagri is more implemented and binding for all regions, this is because this Permendagri is a logical consequence of the current regional autonomy law. In order to avoid norm conflicts, the researcher reconstructed the formulation of the article which previously regulated the procedure for preparing the Regional RPJP, Regional RPJM, Renstra-SKPD, RKPD, Renja-SKPD documents and the implementation of the Regional Musrenbang which were previously regulated by Regional Regulations replaced by Ministerial Regulations so that this will provide positive juridical implications for the process of legal renewal in the implementation of the development system in Indonesia.

By regulating the procedures for preparing national development planning documents, it will certainly provide compliance for each region to synergize development with the central government. For example, the Regional Regulation of the City of Gorontalo No. 10 of 2019 concerning the Regional Intermediate Development Plan for the City of Gorontalo which has undergone revision so that new changes were made, namely Regional Regulation No. 5 of 2021 concerning the RPJMD. The City of Gorontalo revised the 2019-2024 RPJMD, due to the stipulation of Presidential Regulation No. 18 of 2020 concerning the 2019-2024 National Medium-Term Development Plan, then according to the provisions of article 159 paragraph (2) Permendagri No. 86 of 2017, it is necessary to revise the Gorontalo City RPJMD 2019-2014. The positive juridical implication for the reconstruction of the norms of Article 19 Paragraph (3) and Article 27 Paragraph (2) with the new regulation of norms is to strengthen the national development planning system and then guarantee the synergy of the process of preparing development planning documents at the regional and central levels.

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## Conclusion

After explaining the problem comprehensively, of course there are things that can be drawn a red thread which will be described as follows:

1. In the implementation of development planning between the central and regional governments, it turns out that many problems have arisen. The problems that often arise in the field are as follows:
  - a. Proenas (RPJMN) and Propeda (RPJMD) are not continuous plans because they are only prepared every 5 years. Sectoral egos often occur in each elected regional head in formulating development plans. The plan does not explain outputs and results and is not related to the budget, even though it is generally defined as a development program.
  - b. It is still unclear how and when top down and bottom up planning will be integrated. Likewise who is responsible for ensuring integration or what happens if the autonomous region decides to ignore Proenas.
  - c. Planning in the field shows a big gap in taking into account financial capabilities. Only annual regional planning includes this fiscal capacity.
  - d. Such planning is too focused on the budget and development projects rather than looking at the budget as a whole.
2. The reconstruction of Article 19 Paragraph (3) and Article 27 Paragraph (2) in the Law on the National Development Planning System as offered by researchers is based on several considerations, in which the regulation of the Regional Medium-Term Development Plan (RPJMD), which previously had the drafting process, was regulated by Regulation Regional Heads are changed by Regional Regulations where the drafting process involves the legislature. This is intended to emphasize that the drafting of the RPJMD also involves senators so as to maximize the function of the DPRD to provide control during the development process. In addition to avoiding norm conflicts, the researcher reconstructed the formulation of the articles concerning procedures for preparing the Regional RPJP, Regional RPJM, Renstra-SKPD, RKPD, Renja-SKPD and the implementation of the Regional Musrenbang which were previously regulated by Regional Regulations replaced by Ministerial Regulations so that this will provide positive juridical implications for the process of legal reform and harmonization of law in the implementation of the development system in Indonesia.

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## Suggestion

After providing an explanation to a conclusion, the author has several suggestions for use as improvements in national development, namely setting the medium-term expenditure framework, especially for *multiyear activities*, not only referring to the preparation of an annual budget, then the process of planning and preparing development activities and programs must take into account priorities regional, not just the interests of the ministries of institutions. Then Improve the information system and policy analysis as well as improve the format for preparing the National Medium Term Development Plan so as to provide a clear *roadmap of development for five years*. Besides that, the preparation of the RPJMN needs to take into account the clear development *stages and the Work Plan of the Ministries of Institutions rearranged based on the RKP*.

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