



ISSN Print 2615-5648
ISSN Online 2615-174X

Editorial Office: Faculty of Sharia, Universitas Islam Negeri Profesor Kiai Haji Saifuddin Zuhri Purwokerto, Indonesia, Jalan Jend. A. Yani No. 40 A Purwokerto Jawa Tengah 531226 Indonesia
Phone: +62281-635624 Fax: +62281- 636653
E-mail: volksgeist@uinsaizu.ac.id
Website: <http://ejournal.uinsaizu.ac.id/index.php/volksgeist>

Constitutional Design of State Policy as Guidelines on Indonesia's Presidential System Development Plan

Article	Abstract
<p>Author M. Wildan Humaidi^{1*}, Inna Soffika Rahmadanti²</p> <p>^{1,2} Faculty of Sharia, Universitas Islam Negeri Profesor Kiai Haji Saifuddin Zuhri Purwokerto, Indonesia</p> <p>Corresponding Author: [*]M. Wildan Humaidi, Email: wildanhumaidi@uinsaizu.ac.id</p> <p>Data: Received: Mar 28, 2023 Accepted: Jun 22, 2023 Published: Jun 28, 2023</p> <p>DOI: 10.24090/volksgeist.v6i1.7981</p>	<p>After the 1945 Constitution amendment, there is a need to improve and rearrange Indonesia's state administration system. That the State Policy Guidelines (GBHN), as a product of the People's Consultative Assembly (MPR) Decree, is annulled has the national development planning and process lost their direction and had unclear goals. Therefore, this research elaborated further on the necessity of realizing state policy's main points as guidance for development planning and offering ideas for the format of the presidential system design regulation following the Indonesia's post-reform constitution. This conceptual research used a comparative constitutional approach to find an appropriate and applicable model in Indonesia context. The existing models were explored, mapped, and formulated for the most feasible model suitable for Indonesia. This study found the need for the 1945 Constitution amendment agenda to accommodate state direction as the Directive Principles of State Policy (DPSP) concept in the 1945 Constitution of Republic of Indonesia, and for President and the Constitutional Court to support the accountability and enforcement of state laws in governmental administration.</p> <p>Keywords: <i>State policy; People's Consultative Assembly; directive principle of state policy.</i></p>

©2023; This is an Open Access Research distributed under the term of the Creative Commons Attribution Licencee (<https://creativecommons.org/licenses/by/4.0>), which permits unrestricted use, distribution, and reproduction in any medium, provided the original works is properly cited.

INTRODUCTION

Indonesia's reformation twenty-four years ago, to be exact in May 1998, had "enlightened" the life of the nation and state in Indonesia. The government's journey, previously under the New Order regime, had the Indonesian citizens fallen into bottomless unresolved problems. The constitutional political practice that was distant away from the principles of democracy, transparency, and the human rights (HAM) insecurity had the people's disappointed unbearably until finally the people's disappointment level culminated with the people's consensually performing reformation, which led to changes to the state's principles through amendments to the 1945 Constitution of the Republic of Indonesia from 1999-2002.¹

¹ Various demands that were voiced by elements of society during the reformation period, as follows; 1] Amendment to the 1945 Constitution; 2) the abolition of ABRI's dual function; 3] enforcement of the rule of law, respect

The amendment to the 1945 Constitution brought fundamental implications for the state's power structure management. The concept of sovereignty which previously implemented parliamentary supremacy by placing the people's core of power and "institutionalization" through the People's Consultative Assembly (MPR) had shifted to the constitutional supremacy principle.² The shifted application of the concept of sovereignty put MPR's position from the highest state institution to high state institution. This change in MPR's position in the constitutional structure also had implications for changes in the membership format,³ and institutional duties and authorities.⁴

MPR's authority in Article 3 of the 1945 Constitution (original manuscript) comprising establishing the Constitution and state policy outlines changed only to the authority to amend and stipulate the Constitution.⁵ MPR's authority in formulating the State Policy Guidelines (GBHN) had been "reduced" through the amendment process, to be exact in the third amendment in 2001. This authority reduction was the consequence of political resultant in the third amendment to the Constitution agreeing that MPR was no longer the highest state institution fully authorized to execute the people's sovereignty, as in Article 1 Paragraph 2 of the pre-amended 1945 Constitution. This way, MPR did no longer serve as the agency or institution with the highest source of state power and authorized to distribute its power to the other state institutions. This change to MPR's institutional structure constituting a form power separation doctrine based on the check and balance principle between the state power branches, MPR had equal position to the other state institutions.⁶

In addition to the reasons for the foregoing change to the institutional structure, MPR's de-authorization to formulate GBHN was also based on an important argument regarding the Presidential direct election by the people mechanism.⁷ This argument was the main issue in the debate in the third amendment to the 1945 Constitution.⁸ There were at least two views in assessing whether or not MPR was to stipulate GBHN again after Presidential direct election mechanism by the people. The first view argued that the President elected through a direct election by the people mechanism would automatically discharge MPR from drafting GBHN, compared to the Presidential election by MPR mechanism. The President was obliged to carry out their work programs for the people as promised in their political campaign, thus there was no need for government's work programs formulated through GBHN. This view was expressed by MPR Members Afan Gaffar, Maswadi Rauf, Theo L. Sambuaga, Lukman Saifuddin, and others. The second view, meanwhile, stated that even though the President was directly elected by the people, GBHN is still considered a necessity as a control mechanism is needed over the President's works as well as the President's

for human rights, and eradication of Corruption, Collusion, and Nepotism; 4) decentralization and fair relations between the center and the regions (regional autonomy); 5] realizing press freedom; and 6) realizing a democratic life. Sekretariat Jenderal MPR RI, *Guidelines on Socializing the 1945 Constitution of the Republic of Indonesia: Background, Process and Results of Amendment to the 1945 Constitution of the Republic of Indonesia*, 16 (Jakarta: Sekretariat Jenderal MPR RI, 2017) as delivered by Prof. Dr. Satya Arinanto, S.H., M.H in the introduction of Abdul Ghoffar; Abdul Ghoffar, *Comparison of Indonesian President's Power After Amendment to the 1945 Constitution with Eight Developed Countries* (Jakarta: Kencana, 2009).

² UUD Negara Republik Indonesia, "UUD Negara Republik Indonesia" (1945), sec. 1 Ayat (1).

³ UUD Negara Republik Indonesia, sec. 2 Ayat (1).

⁴ UUD Negara Republik Indonesia, sec. 3.

⁵ UUD Negara Republik Indonesia, sec. 3 Ayat (1).

⁶ Radian Salman et al., ARRANGEMENT OF MPR'S AUTHORITIES AND DUTIES (Jakarta: Badan Pengkajian MPR RI, 2020), 1.

⁷ UUD Negara Republik Indonesia, UUD Negara Republik Indonesia, sec. 6A Ayat (1).

⁸ Valina Singka Subekti, *Transitional Constitution Drafting: Conflict of Interests and Thoughts in the Process of Amendment to the 1945 Constitution* (Jakarta: Rajawali Pers, 2007), 238.

means of accountability. Therefore, it was still deemed a necessity for MPR to formulate GBHN as a President's performance control and evaluation mechanism. This second view was expressed by Affady from the TNI/Polri faction and Harun Kamil from the Group Envoys Faction. The debate finally concluded a decision and an agreement that since the President was directly elected by the people, MPR was no longer in charge of drafting GBHN, naturally MPR was also no longer authorized to oversee the President's performance that supervision and accountability control was carried out directly by the people.⁹

From the constitutional history perspective, the GBHN implementation practice was in fact expressed in various legal forms. During the Old Order, the concept of state policy was regulated in Presidential Decree No. 1 of 1960 concerning State Policy Guidelines, later confirmed by MPRS Decree No. I/MPRS/1960 concerning Political Manifesto of the Republic of Indonesia as State Policy Guidelines, which substantially contained ideas from President Soekarno's speech.¹⁰ Since the New Order, GBHN was outlined through MPR Decree (TAP MPR) and systematized into the Basic National Development Plan, Long-Term Development Plan, and Five-Year Development Plan (REPELITA).¹¹ It was through this legal format that the concept of national development plan was carried out during the historical period of the New Order's state administration.

GBHN's roles and functions had been removed since the state administration restructuring after the amendment to the 1945 Constitution of the Republic of Indonesia and replaced with the national development planning system model implementation as set forth in Law No. 25 of 2004 concerning the National Development Planning System (SPPN). Philosophically, SPPN was expected to ensure that development programs would run effectively and efficiently and have targets, and to guarantee achieved state goals,¹² also, SPPN was seen as filling up the state policy's "empty space" missing since the reformation era. However, along with the course of the state administration during the reformation period, GBHN implementation in fact raised state policy terminology considerably.

The state policy concept implementation was expressed in Article 13 paragraph (1) of Law No. 25 of 2004 concerning National Development Planning System, that National Long Term Development Plan (RPJPN) is stipulated in the form of a law. On this basis, Law No. 17 of 2007 concerning National Long-Term Development Plan (RPJPN) was enacted. Based on Article 3 of the Law, RPJPN was an elaboration of the goals of the Indonesian State Government establishment as referred to in the Preamble to the 1945 Constitution of the Republic of Indonesia. Furthermore, Article 4 states that RPJPN shall be guidelines on preparing the National Medium-Term Development Plan (RPJMN) comprising President's vision, missions, and programs for the next five-year period, as outlined in Presidential Regulation (PP) legal document format. Additionally, in anticipation of the transitional period of Presidential Office and ensuring the continuity of national development,

⁹ Harry Setya Nugraha, "Urgency of State Policy Guidelines in Indonesia's State Administration System," *VeJ* 5, no. 1 (June 2019): 204, <https://doi.org/10.25123/vej.3293>.

¹⁰ Imam Subkhan, "GBHN AND CHANGE TO DEVELOPMENT PLAN IN INDONESIA'S GBHN," *Aspirasi: Jurnal Masalah-Masalah Sosial* 5, no. 2 (2014): 135, <https://doi.org/0.46807/aspirasi.v5i2.455>.

¹¹ Orin Sabrina Pane, "Reformulation of the Concept of State Guidelines as Guidelines on Sustainable Development Planning in Indonesia's State Administration System" (Skripsi, Medan, Universitas Sumatera Utara, 2021), 3, <http://repositori.usu.ac.id/handle/123456789/32743>.

¹² Section considering letter d "National Development Planning System.," Law Number 25 of 2004 § (2004)..

Article 5 requires President, in charge in his/her last year administration, to prepare a Government Work Plan (RKP) for the following year as guidelines on preparation for State Budget (APBN) within the elected President's first year period of office.

Reflecting on the experience of state policy concept implementation as through SPPN, it practically raised a critical note. Among the problems arising was that the state policy concept with SPPN was likely to be strongly influenced by President's subjective perspective (Executive-Minded), which caused "President-centric" in national development plan, while the concept of state policy formulation should also pay attention to and consider the other branches of power's viewpoints, suggestions, and inputs as implemented in the check and balance principle. Even, the concerns about the clarity and sustainability of national development would also be influenced by the political cycle of five-year Presidential reelection which would result in RPJMN potentially not conforming to and inconsistent with RPJPN. This problem was certainly a serious note with potential implications for the aspired national development's sustainability and integration.

The long road and problematic application of the SPPN concept as the state policy concept embodiment eventually raised discourses on GBHN reformulation in current state administration system. Under MPR RI Decree No. 4/MPR/2014, strengthened by MPR Decree No. 8/MPR/2019, MPR of the 2019-2024 period would conduct a deeper study on the substance and legal form of State Policy's Subjects. In reality, MPR had a variety of attitudes in response to this by proposing various scenarios. First, the authority to determine the outline of the state policy was MPR's authority and was stated into MPR Decree. Second, it was possible to determine the state policy's outline into law. Third, the state policy's outline was divided into two: macro policy, with a long period of time (state policy); and SPPN, which is more directed towards economic development with more limited period.¹³

Previous studies focused on discussing the urgency and re-conception of state policy¹⁴ in Indonesia's constitutional system.¹⁵ However, this study was based more on the urgency of state policy directly from a historical¹⁶ philosophical perspective¹⁷ and the consequences of reconstructing the direction of Indonesia's current constitutional system.¹⁸ In addition, several studies on state policy also focused more on the compatibility of state policy with post-reform presidential system.¹⁹ Previous studies' main argument was always that state direction was of undeniable necessity. Thus, political reflection was needed by presenting state direction again. A cooperative relationship could

¹³ Bambang Sadono and Lintang Ratri Rahmiaji, "Reformulation of State Policy Guidelines (GBHN) and Amendment to the Constitution," *Jurnal Masalah-Masalah Hukum* 49, no. 2 (April 2020): 215, <https://doi.org/10.14710/mmh.49.2.2020.213-221>.

¹⁴ Harry Setya Nugraha, "MPR and Urgency of State Policy Guidelines in Indonesia's State Administration System," *Veritas et Justitia* 5, no. 1 (June 26, 2019): 191–217, <https://doi.org/10.25123/vej.3293>.

¹⁵ Ni Made Anggia Paramesthi Fajar, "URGENSI AMANDEMEN TERBATAS POKOK POKOK HALUAN NEGARA (PPHN)," *YUSTITIA* 15, no. 1 (Mei 2021).

¹⁶ Robinsar Marbun, "JURIDICAL REVIEW OF RE-EXISTENCE OF STATE POLICY GUIDELINES AS NATIONAL DEVELOPMENT GUIDELINES" 3 (2021).

¹⁷ Lutfil Ansori, "State Policies As Guidelines on State's Basic Policies in Indonesia's State Administration System: A Review of Philosophy of the Nation," *Justicia Islamica* 16, no. 1 (June 27, 2019): 79–102, <https://doi.org/10.21154/justicia.v16i1.1613>.

¹⁸ Imam Mahdi, "REFORMULATION OF NATIONAL DEVELOPMENT PLANNING SYSTEM FOR STATE POLICY GUIDELINES MODEL" 2, no. 1 (2017).

¹⁹ I Wayan Sudirta, "MEANING, POSITION, AND LEGAL IMPLICATIONS OF STATE GUIDELINES LAW IN INDONESIA'S STATE ADMINISTRATION SYSTEM," *Jurnal Yuridis* 7, no. 2 (December 31, 2020): 258, <https://doi.org/10.35586/jjur.v7i2.2252>.

be established between the People's Consultative Assembly and President through the check and balance-based state policy mechanism.²⁰

The research argued that discussing the importance of state direction required a broader perspective by studying comparative constitutions.²¹ The conceptual approach was used to formulate the ideal design of state direction according to Indonesia's presidential system, while the comparative approach enriched the reference in formulating state direction design practiced in many countries. The research's primary legal material was obtained from regulations applicable to Indonesia's legal system and the secondary legal material was obtained from various literatures on state policy. Using qualitative analysis technique, the research sought to formulate an ideal design of state direction compatible with Indonesia's presidential system.

RESEARCH METHODS

This research used a qualitative legal research method along with conceptual and comparative approaches.²² The conceptual approach is used to formulate the ideal design of the country's bow according to the Indonesian presidential system, while the comparative approach is used as an enrichment reference in formulating the design of the country's bow which is practiced in various countries. The primary legal material in this research was obtained from the regulations that apply in the Indonesian legal system and the secondary legal material was obtained from various kinds of literature that examine state policy. By the using qualitative analysis techniques, the research seeks to formulate an ideal design for the country's direction that is compatible with Indonesia's presidential system.

ANALYSIS AND DISCUSSION

Necessity of State Policy as National Development Guidelines

In Administrative Law's perspective, the term "guideline" or "planning" was something attached to governing activities. The "*Bestuuren is planen*" principle could be interpreted that to govern is to plan. This principle underlined the importance of planning in governance process.²³

In the context of Indonesian government administration, Pancasila and the 1945 Constitution were the ideal basis for development planning. National development planning as outlined in the state direction must always be oriented Pancasila values. State policy formulation must be based on and also aimed at reflecting the values of Belief in One God (application of religious ethics and morals, instead of materialism); Just and Civilized Humanity (no extortion or exploitation), The unity of Indonesia (application of togetherness, the principles of kinship, socio-nationalism and socio-democracy in the economy); Democracy (prioritizing the economic life of the people and

²⁰ Sutan Sorik and Dian Aulia, "Rearranging the Relation of People's Consultative Assembly with President Through Legal Politics of State Guidelines" *Jurnal Konstitusi* 17, no. 2 (August 19, 2020): 372, <https://doi.org/10.31078/jk1727>.

²¹ Tom Ginsburg and Rosalind Dixon, eds., *Comparative Constitutional Law: Introduction*, Research Handbooks in Comparative Law (Cheltenham, UK; Northampton, MA: Edward Elgar, 2011).

²² Peter Mahmud Marzuki, *Legal Research; Edisi Revisi*, 9th ed. (Jakarta: Prenanda Media Group, 2014), 172–77.

²³ W. Riawan Tjandra, "Potential Distortion of Revitalization of State Policy Guidelines," in *Reformulation of National Development Planning System of State Policy Guidelines Model and How to Amend the 1945 Constitution of the Republic of Indonesia*, Yogyakarta: Badan Pengkajian MPR RI dan dengan Asosiasi Pengajar Hukum Tata Negara dan Hukum Administrasi Negara wilayah Yogyakarta, 2016), 23.

the livelihoods of the people); and Social Justice (equality/emancipation, the main objective of prosperity in the society is not the prosperity of individuals).

The state guidelines in this case were constitutionally manifested in the main ideas including the overall spirit, direction and movement of development carried out as harmonious practices of all of the Pancasila principles, especially the practice of social justice for all Indonesian people principle which mandated that the economy shall be structured as a joint enterprise by virtue of the principles of kinship; production sectors important for the state and vital for the livelihood of the people at large shall be controlled by the state; the land and water and natural wealth contained in it shall be controlled by the state and utilized for the optimal welfare of the people.²⁴ Thus, the state guidelines served a vital position in governance process, especially in national development.

In line with the post-reform constitutional design changes, the concept of the state policy's main points as guidelines on the national sustainable development planning, which was previously set forth under MPR Decree containing GBHN, had been changed to SPPN model and described in RPJP, set forth in Law. In practice, RPJP was prepared from initial drafting stage to planning and final development drafting, all done by the government. After the final development drafting, the process was continued by the House of Representatives (DPR) and President to be approved and ratified into Law.²⁵

However, the SPPN and RPJP concepts were considered inappropriate to be state guidelines. Critical notes to the SPPN and RPJP concepts are described as follows: First, the preparation and formation processes were too president-centric. This had the ideal concept of national development planning potentially confined by the pragmatic interests of the five-year electoral victory of the winning party. Thus, the concept of integrated development planning was partial and incomplete, even changing along with Presidential power holder. Second, morally and politically, the concept of state policy as a "translating device" for the ideals of the state and the constitution should be a consensus concept that fully reflected the people's sovereignty. It was not only President and DPR's domain which in fact was political representation. Third, as in the previous analysis, that the drafting concept of the state policy which is a representation of the people's sovereignty representation practically made all state institutions which were the manifestation of the people's sovereignty and run based on a check and balance system had the responsibility to carry out the state policy's main points as the basis of national development. Fourth, there was no evaluation and control mechanism for state policy's implementation, especially with regard to national development implementation that the Government had done. Given the importance of development planning in government activities, an evaluation mechanism was needed for policies that were considered deviating considerably from the national development planning. The necessity to evaluate this policy would be ideal under the judicial power format.

From the critical note to the SPPN and RPJP implementation, ideas were needed to reformat the authority to formulate state policies in Indonesia's constitutional system. Presenting and repositioning state guidelines was of unavoidable necessity that it was a guide serving as compass in directing where the state administration and development would lead to and be realized under the ideological basis of Pancasila. In this context, Pancasila was the philosophical principles, the

²⁴ UUD Negara Republik Indonesia, Indonesia's Constitution, sec. Pasal 33 Ayat (1)-(3).

²⁵ Hastu Rahma Anggraini, "Overview and Analysis on the National Long-Term Development Plan (RPJPN) 2005-2025" (Paper, Semarang, Fakultas Ekonomi Universitas Negeri Semarang, 2014), 7.

constitution was the normative principle, and the state guidelines acted and served as directive principle. State policy served as guiding principle containing the basic directions on how to institutionalize the values contained in Pancasila and the state goals (*rechtsidee*) stated in the Preamble to the 1945 Constitution.

Broadly, the argument over the necessity for state guidelines in the national development planning system was strengthened by the state principles, the concept of familial or integral state as conceptualized by the state's founding fathers. This argument was explained elaborately by Yudi Latif:²⁶

First; “Pancasila was interpreted containing philosophical principles, the Constitution contained normative principles, thus the State Policy contained directive principles. Pancasila philosophical values were abstract. The Constitution's articles were also considered containing general norms and did not present any directions on how to institutionalize them. Therefore, a guiding principle containing directive principles was needed on how to institutionalize Pancasila values and the Constitution into public institutions, serving as guidelines for state administrators in formulating and implementing development policies in a comprehensive, guided, planned, and integrated manner. In this directive function, the State Policy must also be guidelines on legislation making.”

Second, GBHN was an integral element of the familial state conception based on Pancasila and the 1945 Constitution. In the concept of a familial state holding the consensus principle, political policy should not be handed to President as the expression of majority power, but must be a formulation and mutual agreement through the most comprehensive and representative assembly representing all elements of people's power.

Third; Having State Policy revived did not mean that the State Policy's format and content must be equal to and equivalent to that of previous GBHN. Most importantly and substantially, the State Policy must include guiding principles containing the ideological and strategic directive principles. In the spirit of GBHN restoration, efforts were needed to combine the positive legacies of the multiple government regimes so far: Old Order, New Order and Reform Order.”

The concept of people's sovereignty principle-based state policy was considered equivalent to the concept of an integral state, whose formulation and implementation required the involvement of all instruments of state institutions representing people's sovereignty. Thus, the concept of state policy was certainly not a “lonely road” for President only, but a path to take together with the other state institutions in realizing an aspired integrated development.

In line with it, strengthening the discourse on state policy reformulation in the Indonesia's state administration system was motivated by: First, President changes which often altered the country's development system resulted in incoherence and misalignment of development programs and tended to have a relatively short tempo; Second, after the Constitution amendment, there was no longer a concept of development planning by the highest institution which was considered covering all branches of state power, like the previous MPR (before the amendment); Third, there was a view that planning the state's vision and mission needed elaboration by all state institutions, instead of only by President.²⁷

²⁶ Yudi Latif, “Design for GBHN,” *Kompas*, Agustus 2016.

²⁷ Zainal Arifin Mochtar, “State Policy Guidelines in Indonesia's Presidential System” (Report on Research Results, Yogyakarta, Universitas Gadjah Mada, 2016), 35.

The other argument confirming the necessity to restore the State Policy concept could be associated with democracy's socio-political concept, especially with deeper participation in its formation. In social order's perspective, the principles of democracy and the prerequisite for a democratic state's establishment was the freedom that the people had in their aspiration expression, both in social and political policies. Based on the popular sovereignty's principle, the people were facilitated to express their will systemically or sporadically. In people's sovereignty, there was a systemic philosophy of association between the people, democracy, and its social base. Thus, the people's life and future, both as individuals and as a nation, were planned, designed, and realized through efforts to take the people's aspirations and social dynamics into account. In such atmosphere, state guidelines became a means of "humanizing humans", recognizing and appreciating the people's position in social responsibility of state administration. The state guidelines were needed and must be realized under a comprehensive social analysis, by accommodating all of their aspirations and dynamics.²⁸

Thus, the state guidelines must substantively arise from the people's "spiritual atmosphere", including their ideas, morals, intellectual works, and the statesmen. The State Policy's outline must always be arranged on the social ideology platform of Pancasila. At this point, the teleological dimension of the necessity to restore the spirit of state guidelines found its path. State Policy's main points were realized through reflecting the state system, accommodating all state institutions, and formulating operational guidelines for interpreting the Pancasila ideology. With this, it was about time to put people on their position as the "central issue", instead of an object of national development, even worse as mere spectators.²⁹

Unraveling the Systemic Chaos; State Policy Problems in Indonesia's Presidential System

The necessity to restore GBHN or State Policy's main points in current state administration system took us to the boisterous, contentious, and traumatic atmosphere during the New Order regime. With this condition, we need to note that the past GBHN (Old Order and New Order) was in fact the practice of "symbol of power contestation." Often, GBHN served as reference for overthrowing President if he/she did not follow the state direction. On the other hand, the change in the state institutions' work structure after the 1945 Constitution amendment, which putting MPR as the highest state institution anymore and the direct presidential election model by the people and not MPR's mandate anymore, was a systemic reason for the state guidelines' irrelevance to strengthening the presidential system built in the development of Indonesia's state administration after the amendments.³⁰

²⁸ Sudjito, "People's Sovereignty, Democracy, and GBHN in Social Order Perspective" (Yogyakarta: Badan Pengkajian MPR RI, 2016), 3.

²⁹ Sudjito, 3.

³⁰ The basic agreement to strengthen the presidential system of government is intended to strengthen the stable and democratic system of government adopted by the Republic of Indonesia. In the process of amending the 1945 Constitution, there were five commitments agreed upon by the MPR ad-hoc committee, such as not changing the preamble to the 1945 Constitution, maintaining the Unitary State of the Republic of Indonesia (NKRI), abolishing the explanations for the 1945 Constitution, amending the 1945 Constitution by means of an addendum, and finally reinforcing the government presidential system. Ni'matul Huda, *State Institutions During Democracy's Transitional Period* (UII Press, 2007), 53.

This worry and trauma would be natural if the GBHN or the State Policy's main points were taken and perceived equal to the past GBHN system mechanism, with MPR serving as the highest state institution. If what was desired was the design of State Policy as in the times of President Soekarno and President Soeharto, it could only be accepted by adopting the MPR's position in the 1945 Constitution before the amendments, which would also result in shifting the locus of state management to the representative institutions' hands.³¹ The previous GBHN concept in the end would also have implications for the executive's (President) accountability. In the political science and constitutional law theories, if the executive was subject to and responsible to legislature, the government system was parliamentary.³²

Therefore, it was necessary to emphasize that the currently constructed and discussed concept of GBHN or main state policies did not adhere to the legal design of the 1945 Constitution before amendments, but built the post-amendment constitutional system. Thus, it was important to formulate a State Policy concept as guidelines on integrated and sustainable national development plan that definitely conformed to the design for strengthening the Presidential system applied in Indonesia's state administration system.

Theoretically, a country characterized and identified as a presidential system adherent could be measured with the following parameters: 1) the president acted as the head of state and the head of government; 2) the presidential election mechanism was not done by a representative body, but directly by the people; 3) the president had equal position as legislature; 4) the cabinet was formed by the president, thus the cabinet was directly responsible to the president; 5) the president could not be overthrown by the legislature, and similarly the president could not disband the legislature.³³

The efforts to realize the desired State Policy were certainly not within the context of restoring MPR's position as the highest state institution,³⁴ since in the presidential system strengthening format, it was agreed that there was no highest institution. The presence of State Policy also did not allow presidential election by MPR, since in the presidential system, president's position was a direct derivative of the people's sovereignty. Also, State Policy did not require President to submit to and be responsible to MPR and thus this could not be interpreted that MPR was capable of impeaching President in the middle of his/her term of presidential office, except on the reasons such as impeachment case under the Constitutional Court's (MK) authority.³⁵

The attempts to reformulate the state guidelines must be made through Indonesia's current state adjustment. State Policy certainly did not change and alter the direct presidential election principle, did not distort to president's sub-domination over MPR, thus President and MPR were even and equal, and did not use State Policy as a political parameter in overthrowing the President while running his/her programs. The formulation of the State Policy under these principles had high urgency needed as guidelines for national development and to realize the state's ideals and goals.³⁶

³¹ Saldi Isra, "GBHN and Constitutional Amendment," *Kompas*, Agustus 2016.

³² Isra.

³³ Ribkha Annisa Octovina, "Presidential System in Indonesia," *Cosmogov: Jurnal Ilmu Pemerintahan* 4, no. 2 (2018): 248–49.

³⁴ I Wayan Prasa, "Synchronization of Reformulation of the National Development Planning System of GBHN Model and Presidential System." (Workshop Pancasila, Konstitusi dan Ketatanegaraan dengan Tema "Penegasan Sistem Presidensial," Bali: Badan Pengkajian MPR RI bekerjasama dengan FH Universitas Udayana, 2017), 5.

³⁵ UUD Negara Republik Indonesia, Indonesia's Constitution, sec. 24 C.

³⁶ Fence M. Wantu et al., "Urgency of the Form of Law and Enforcement, And Substance of Fundamentals of State Guidelines Negara" (Research Results, Gorontalo, Fakultas Hukum Universitas Gorontalo, 2020), 52.

Thus, state guidelines certainly did not have to make any change to the Presidential Government system design, as many people worried about.³⁷ Since state direction and presidential system were not diametrically separate concepts, they still had the possibility to establish harmony between the two. In relation to Indonesia's government system, referring to the historical basis as the founding fathers' idea of the nation, the efforts to realize the state goals must always be based on three fundamental consensuses, such as: Pancasila as the basic philosophy, the Constitution as the basic laws or norms, and State Policy as the basic policy. With regard to State Policy, its position could be interpreted as the Directive Principles of State Policy (DPSP), which were the general principles guiding the government in its current actions and future directions regarding the nation and its people. This principle was in addition to describing the State Policy as the ideal dream that the state must take into consideration in policy formulation and law making, serving to secure the values and the principle of "social, economic and political justice" for everyone, but also accommodated the "state's goals and ideals" under the constitution's corridor.³⁸

The DPSP concept was a set of principles that revitalized the people and the nation's aspirations. This conception conformed to Chinanapa that "*Directive principles specify the programs and the mechanics of the state to attain the constitutional goals set out in the preamble*".³⁹ Furthermore, DPSP was concluded as "*core and living constitutional principles*." Even normatively, DPSP was described as "*collection of constitutional provisions that require a state to carry out certain obligations in fulfillment of its mandate for the citizenry*". Thus, DPSP could be taken as "*blueprints for good governance and social justice for all*"⁴⁰ serving as the nation's compass in realizing its national ideals.

Therefore, the DPSP concept as outlined in the Constitution's articles was a "middle way" between the state's needs and the presidential system. With the constitutional provisions having the DPSP governed, this could provide more technical directions, clear boundaries, and control lawmakers as derivatives of the constitution, thus they did not arbitrarily formulate regulations and policies. This concept was certainly in line with the constitutionalism principle as the "spirit" of a democratic constitutional state.⁴¹

Constitutional Design of the State Policy; Comparative Approaches and Projections in Indonesia

As explained earlier, that the urgency of the State Policy's main points was of unavoidable necessity, and on the other hand, it was a big chance to combine it with the Presidential system. Therefore, this section would be more concrete to formulate the idea of legal format rather than state policy.

³⁷ Bayu Hermawan, "Experts: PPHN To Enter the 1945 Constitution to Annule the Presidential System" accessed February 17, 2022, <https://www.republika.co.id/berita/qycer5354/pakar-pphn-masuk-uud-1945-anulir-sistem-presidensial>.

³⁸ Berihun Adugna Gebeye, "The Potential of Directive Principles of State Policy for the Judicial Enforcement of Socio-Economic Rights: A Comparative Study of Ethiopia and India," *Vienna Journal on International Constitutional Law* 10, no. 5 (2016): 3-4.

³⁹ Gebeye, "The Potential of Directive Principles of State Policy for the Judicial Enforcement of Socio-Economic Rights: A Comparative Study of Ethiopia and India."

⁴⁰ Gebeye.

⁴¹ Miriam Budiardjo, *Basics of Political Science* (Jakarta: Gramedia Pustaka Utama, 2008), 171.

In the context of constitutional state, the state must always have the constitution been the basic and highest law. This had the consequence of the obligation of all state elements, including the state's institutional structure, to submit and comply with the limits set by the constitution. The existing limitation to the state's power and authority in the context of constitutional theory was known as the principle of constitutionalism.⁴²

Referring to Carl J. Friedrich, as quoted by Miriam Budiardjo, constitutionalism was an idea and principle where the government was a collection of restriction based activities organized by and on behalf of the people with the hope that government's power enforcement was not abused by those holding the mandate to rule.⁴³ In Indonesia context, according to Taufiqurrohman Syahuri, the constitution (or the Constitution) could be seen as an institution with special functions, such as determining and limiting power, in balancing branches of power on the one hand, and guaranteeing citizens' human and political rights on the other hand.⁴⁴

Referring to Carl J. Friedrich, as quoted by Miriam Budiardjo, constitutionalism was an idea and principle where the government was a collection of restriction based activities organized by and on behalf of the people with the hope that government's power enforcement was not abused by those holding the mandate to rule. In Indonesia context, according to Taufiqurrohman Syahuri, the constitution (or the Constitution) could be seen as an institution with special functions, such as determining and limiting power, in balancing branches of power on the one hand, and guaranteeing citizens' human and political rights on the other hand.

From a theoretical perspective and comparative constitutional law's perspective, these ideas could be actualized by formulating the State Policy Principles which in theoretical terminology was known as DPSP in the 1945 Constitution in Indonesia and had a strong and high binding power in the application of law.

The idea of putting State Policy in a separate chapter in the Body of the Constitution was actually not a new practice constitutionally. Many countries also applied the practice of expressing DPSP into their constitutions, such as in India, Ireland, Brazil, Belgium, Nepal, Pakistan, Philippines, and South Africa.⁴⁵

In line with this, according to Jimly Asshiddiqie, there was a trend in DPSP formulation in the global countries' constitutions today, whose constitutions tended to be both economic and social, especially countries that implemented presidential governance system, such as South Korea. South Korea's constitution also regulated matters on State Policy, particularly with regard to the citizens' rights and obligations and economic development.

Constitutionally, the DPSP concept had been practiced in many countries as one of the constitutionalism principles as outlined in their constitution's articles. Furthermore, the DPSP regulation and enforcement practice in many countries is explained in more detail as follows:⁴⁶

⁴² Bagir Manan and Kuntara Magnar, *Some Issues of Indonesia's State Administration Law* (Bandung: Alumni, 1997), 104.

⁴³ Budiardjo, *Basics of Political Science*, 171."number-of-pages": "171", "publisher": "Gramedia Pustaka Utama", "publisher-place": "Jakarta", "title": "Dasar-Dasar Ilmu Politik", "author": [{"family": "Budiardjo", "given": "Miriam"}], "issued": {"date-parts": [{"2008"}]}, "locator": "171"}, "schema": "https://github.com/citation-style-language/schema/raw/master/csl-citation.json"}]

⁴⁴ Taufiqurrohman Syahuri, *Constitutional Law: Processes and Procedures of the Constitution Amendment in Indonesia 1999-2002* (Jakarta: Ghalia Indonesia, 2004), 37–38.

⁴⁵ Sadono and Rahmiaji, "Reformulation of State Policy Guidelines (GBHN) and Amendment to the Constitution," 4.

⁴⁶ Mei Susanto, "The Discourse on Reinstating GBHN in the State Administration System in Indonesia's Presidential System," *Jurnal Penelitian Hukum De Jure* 17, no. 3 (September 2017): 436.

Table 1: *Comparison of State Policy Arrangements in the Constitutions on some Countries*

Country	Government System	DPSP Practice
Ireland	Parliamentary System	The provisions of <i>the Directive Principles of Social Policy</i> were set forth in Article 45 of the Constitution of Ireland. ⁴⁷
India	Parliamentary System	The provisions of <i>Directive Principles of State Policy</i> were set forth in Chapter IV of the Constitution of India. ⁴⁸
Philippines	Presidential System	The provisions of the Declaration of Principles and State Policies Principles were set forth in Article II Sections 1-8 of the Constitution of Philippine. ⁴⁹
South Korea	Presidential System	It was not expressly regulated in the constitution, but in general there were state guideline principles. ⁵⁰
Brazil	Presidential System	It is not expressly regulated in the constitution, but in general there were state guideline principles. ⁵¹
South Africa	Hybrid System	It is not expressly regulated in the constitution, but in general there were state guideline principles. ⁵²

Based on the explanation above, Indonesia could use the state administration practices enforced by some of these countries as reference for regulating state policies, later to be applied to the 1945 Constitution. That the State Policy's legal format included it into the constitution was a logical and rational choice, since because the constitution was the state's highest legal product and all of the state's elements were subject to and to comply with the constitution's orders. Thus, the state goals' achievement, as outlined in the state policy's main points, would have clear, directed, and strong legitimacy as mandated by the constitution.

Furthermore, as guidelines for future national development planning, the scope of state policy regulation and materials should note the important and main sectors in the national development aspect and must be capable of improving various sectors in the future life of the nation and state. There were various issues, including the economic policy and welfare improvement aspects, political stability, defense and security, health, natural resources and environment, religion and belief, culture, research development, science, and technology issues, and other strategic and important issues in the national development. The state policy's scope and area must accommodate all of the state's ideals and goals, and translate the directive measures for achieving and realizing them, such as: protecting the entire nation, promoting general welfare, educating the nation's life, and participating in world peace, as expressed in the fourth paragraph of the Preamble to the 1945 Constitution.

⁴⁷ Accessed March 25, 2022, <https://www.irishstatutebook.ie/eli/cons/en/html#part14>.

⁴⁸ Accessed March 25, 2022, <https://legislative.gov.in/sites/default/files/COI...pdf>.

⁴⁹ Accessed March 25, 2022, <http://extwprlegs1.fao.org/docs/pdf/phi132834.pdf>.

⁵⁰ Accessed March 25, 2022, <https://www.wipo.int/edocs/lexdocs/laws/en/kr/kr061en.pdf>.

⁵¹ Accessed March 25, 2022, https://www.constituteproject.org/constitution/Brazil_2017.pdf?lang=en.

⁵² Accessed March 26, 2022, <https://www.gov.za/sites/default/files/images/a108-96.pdf>.

Furthermore, as a guide for future national development planning, the scope of material and of state policy regulation must pay attention to important and main sectors in the aspect of national development and must be able to improve various sectors of the life of the nation and state in the future. Various issues such as economic policy and improving welfare aspects, political stability, defense and security, health, issues of natural resources and the environment, religion and belief, culture, research development, science, and technology, as well as other issues that are strategic and important in national development. The scope and area of the state policy must be able to accommodate all the ideals and goals of the state, and be able to translate the directive steps for achieving and realizing the goals of the state, such as: protecting the entire Indonesian nation, promoting general welfare, educating the nation's life, and participating in world peace, as contained in the fourth paragraph of the Preamble to the 1945 Constitution.

Secondly, the amendment agenda was made possible by putting the State Policy into a special chapter related to the State Policy's Main Principles. Substantive arrangements were specifically made in certain chapters containing State Policy, as practiced in the 1937 Constitution of Ireland and the 1946 Constitution of India. In Indonesia context, state policy implementation could be included in the constitutional provisions in national economy chapter, as stated in Article 33 of the 1945 Constitution. Because of that, the state policy domain directed more toward the economic development sector. However, for state policy's stronger and more effective position, this could be regulated in a separate chapter on state policy after the national economy chapter in the constitution. Thus, efforts were needed to amend the constitution to include matters regarding state policy in the constitution. However, strict limitations and carefulness were required for the amendment issue not to spread to other issues that might weaken democracy and the post-reform constitutional system. Amendment issues must involve the people through deliberation by democratic political actors.

Thirdly, there was a need for accountability design and state policy enforcement. The concerned accountability would be in the form of reports on state policy implementation and development and not make President directly responsible to MPR as a mandate, as in the past. The concerned accountability concept was institutional and also check and balance principle based supervision with MPR mechanism involving the House of Representatives (DPR) and Regional Representative Council (DPD), which were coincidentally the three institutions representing the people under a tricameral design. The supervisory instrument with the check and balance principle could be put into practice through legislation and budget supervision. As an illustration, if the Government proposed a Draft Law (RUU) which was considered violating the state guidelines or at least deviating from it, DPR could, through its institutional function, delay discussion on the draft law. Even more strictly, it was possible for DPR to remove it from the list of national legislation programs (Prolegnas). Similar condition for budget, DPR could cut and relocate the Draft State Budget (RAPBN) to important sectors and in accordance with the state guidelines as MPR recommended. This state policy accountability mechanism also needed to be included into the constitution for firm supervisory mechanism over the operation and compliance with state policy. Although this supervision could be combined with the parliamentary supervisory function, its arrangements must also be regulated in state policy chapter in the constitution.

As a form of upholding the state policy, the Constitutional Court's authority needed to examine laws (judicial review) deviating from the state guidelines and adopt a constitutional complaint mechanism when there is a mechanism of citizens' loss of constitutional rights due to president's

and other state institutions' policies in violation of state policies. Such authority could strengthen the Constitutional Court's mandate to safeguard the economic, social and cultural rights as in India's and South Africa's Constitutional Courts.⁵³

CONCLUSION

Given the long history of Indonesia's post-reform state administration, a systemic improvement and refinement process was needed. One idea for improvement was to realize state guidelines as the compass for the national development planning's direction in ensuring a holistic, sustainable, and "non-misguided" development. The post-reform state practice had led to state policy that required executive interests and did not accommodate the nation's whole elements. Therefore, joint efforts were needed to build a representative state policy agreement that was more compatible with Indonesia's presidential system. In the end, the efforts led to the necessity to amend the 1945 Constitution, including the points and arrangements of state policy therein. The state policy regulation could be accommodated separately in another chapter after discussion on national economy in the constitution. State policy provisions were strictly regulated in the constitution, including the consequences of their enforcement and monitoring and accountability mechanisms. Through constitutional provisions as the state's supreme law, there could not be any regulation or action contradictory to the 1945 Constitution. Thus, the state policy outlined in the constitution had binding power morally, politically, and juridically and would guarantee the clear realization of development and be directed in line with the state goals' ideals. Having state direction set forth in the constitution, any development program would not be confined by political power cycle. Thus, the development program was expected to run continuously according to the goals and ideals of Indonesia's constitution. Under this model, the government system was expected to run stably as the main characteristic of the presidential governance system.

REFERENCES

- Anggraini, Hastu Rahma. "Overview and Analysis on the National Long-Term Development Plan (RPJPN) 2005-2025." Paper, Faculty of Economics, Universitas Negeri Semarang, 2014.
- Ansori, Lutfil. "State Policies As Guidelines on State's Basic Policies in Indonesia's State Administration System: A Review of Philosophy of the Nation" *Justicia Islamica* 16, no. 1 (June 27, 2019): 79–102. <https://doi.org/10.21154/justicia.v16i1.1613>.
- Bayu Hermawan. "Pakar: PPHN Masuk UUD 1945 Anulir Sistem Presidensial." Accessed February 17, 2022. <https://www.republika.co.id/berita/qycer5354/pakar-pphn-masuk-uud-1945-anulir-sistem-presidensial>.
- Budiardjo, Miriam. *Basics of Political Science*. Jakarta: Gramedia Pustaka Utama, 2008.
- Fajar, Ni Made Anggia Paramesthi. "URGENCY OF LIMITED AMENDMENT TO THE FUNDAMENTALS OF STATE GUIDELINES (PPHN)" *YUSTITIA* 15, no. 1 (Mei 2021).
- Fence M. Wantu, Novendri M. Nggilu, Abdul Hamid Tome, and Ahmad. "Urgency of the Form of Law and Enforcement, And Substance of Fundamentals of State Guidelines Negara." Research Results, Faculty of Law Universitas Gorontalo, 2020.

⁵³ Susanto, "The Discourse on Reinstating GBHN in the State Administration System in Indonesia's Presidential System" 441.

- Gebeye, Berihun Adugna. "The Potential of Directive Principles of State Policy for the Judicial Enforcement of Socio-Economic Rights: A Comparative Study of Ethiopia and India." *Vienna Journal on International Constitutional Law* 10, no. 5 (2016): 3–4.
- Ghoffar, Abdul. *Comparison of Indonesian President's Power After Amendment to the 1945 Constitution with Eight Developed Countries*. Jakarta: Kencana, 2009.
- Ginsburg, Tom, and Rosalind Dixon, eds. *Comparative Constitutional Law: Introduction*. Research Handbooks in Comparative Law. Cheltenham, UK ; Northampton, MA: Edward Elgar, 2011.
- Huda, Ni'matul. *State Institutions During Democracy's Transitional Period*. UII Press, 2007.
- Isra, Saldi. "GBHN and Constitutional Amendment." *Kompas*, Augustu 2016.
- Latif, Yudi. "Design for GBHN." *Kompas*, August 2016.
- Mahdi, Imam. "REFORMULATION OF NATIONAL DEVELOPMENT PLANNING SYSTEM FOR STATE POLICY GUIDELINES MODEL" 2, no. 1 (2017).
- Manan, Bagir, and Kuntara Magnar. *Some Issues of Indonesia's State Administration Law*. Bandung: Alumni, 1997.
- Marbun, Robinsar. "JURIDICAL REVIEW OF RE-EXISTENCE OF STATE POLICY GUIDELINES AS NATIONAL DEVELOPMENT GUIDELINES]" 3 (2021).
- Marzuki, Peter Mahmud. *Legal Research; Revised Edition*. 9th ed. Jakarta: Prenanda Media Group, 2014.
- Mochtar, Zainal Arifin. "State Policy Guidelines in Indonesia's Presidential System." Report on Research Results, Universitas Gadjah Mada, 2016.
- Nugraha, Harry Setya. "Urgensi Garis Besar Haluan Negara dalam Sistem Ketatanegaraan Indonesia." *VeJ* 5, no. 1 (June 2019). <https://doi.org/10.25123/vej.3293>.
- Octovina, Ribkha Annisa. "Presidential System in Indonesia." *Cosmogov: Jurnal Ilmu Pemerintahan* 4, no. 2 (2018): 248–49.
- PANE, ORIN SABRINA. "Reformulation of the Concept of State Guidelines As Guidelines on Sustainable Development Planning in Indonesia's State Administration System." Undergraduate Thesis, Universitas Sumatera Utara, 2021. <http://repositori.usu.ac.id/handle/123456789/32743>.
- Prasa, I Wayan. "Synchronization of Reformulation of the National Development Planning System of GBHN Model and Presidential System." 5. Bali: Badan Pengkajian MPR RI bekerjasama dengan FH Universitas Udayana, 2017.
- Sadono, Bambang, and Lintang Ratri Rahmiaji. "Reformulation of State Policy Guidelines (GBHN) and Amendment to the Constitution" *Jurnal Masalah-Masalah Hukum* 49, no. 2 (April 2020). <https://doi.org/10.14710/mmh.49.2.2020.213-221>.
- Salman, Radian, Rosa Ristawati, Sukardi, Dwi Rahayu, Dri Utari, and M. Syiful Aris. *ARRANGEMENT OF MPR'S AUTHORITIES AND DUTIES*. Jakarta: Badan Pengkajian MPR RI, 2020.
- Sekretariat Jenderal MPR RI. *Guidelines on Socializing the 1945 Constitution of the Republic of Indonesia: Background, Process and Results of Amendment to the 1945 Constitution of the Republic of Indonesia*. 16. Jakarta: Sekretariat Jenderal MPR RI, 2017.

- Setya Nugraha, Harry. “*URGENCY OF STATE POLICY GUIDELINES IN INDONESIA’S STATE ADMINISTRATION SYSTEM.*” *Veritas et Justitia* 5, no. 1 (June 26, 2019): 191–217. <https://doi.org/10.25123/vej.3293>.
- National Development Plannint System ., Law Number 25 of 2004 § (2004).
- Sorik, Sutan, and Dian Aulia. “Rearranging the Relation of People’s Consultative Assembly with President Through Legal Politics of State Guidelines.” *Jurnal Konstitusi* 17, no. 2 (August 19, 2020): 372. <https://doi.org/10.31078/jk1727>.
- Subekti, Valina Singka. *Transitional Constitution Drafting: Conflict of Interests and Thoughts in the Process of Amendment to the 1945 Constitution*. Jakarta: Rajawali Pers, 2007.
- Subkhan, Imam. “*GBHN AND CHANGE TO DEVELOPMENT PLAN IN INDONESIA’S GBHN.*” *Aspirasi: Jurnal Masalah-Masalah Sosial* 5, no. 2 (2014). <https://doi.org/0.46807/aspirasi.v5i2.455>.
- Sudirta, IWayan. “*MEANING, POSITION, AND LEGAL IMPLICATIONS OF STATE GUIDELINES LAW IN INDONESIA’S STATE ADMINISTRATION SYSTEM.*” *Jurnal Yuridis* 7, no. 2 (December 31, 2020): 258. <https://doi.org/10.35586/jjur.v7i2.2252>.
- Sudjito. “*People’s Sovereignty, Democracy, and GBHN in Social Order Perspective,*” 3. Yogyakarta: Badan Pengkajian MPR RI, 2016.
- Susanto, Mei. “The Discourse on Reinstating GBHN in the State Administration System in Indonesia’s Presidential System.” *Jurnal Penelitian Hukum De Jure* 17, no. 3 (September 2017): 436.
- Syahuri, Taufiqurrohman. *Constitutional Law: Processes and Procedures of the Constitution Amendment in Indonesia 1999-2002*. Jakarta: Ghalia Indonesia, 2004.
- Tjandra, W. Riawan. “*Potential Distortion of Revitalization of State Policy Guidelines.*” In *Reformulation of National Development Planning System of State Policy Guidelines Model and How to Amend the 1945 Constitution of the Republic of Indonesia*, 23. Yogyakarta: Badan Pengkajian MPR RI dan dengan Asosiasi Pengajar Hukum Tata Negara dan Hukum Administrasi Negara wilayah Yogyakarta, 2016.
- Indonesia’s Constitution. *UUD Negara Republik Indonesia* [Indonesia’s Constitution] (1945). Accessed March 25, 2022. <https://www.irishstatutebook.ie/eli/cons/en/html#part14>.
- Accessed March 25, 2022. <https://legislative.gov.in/sites/default/files/COI...pdf>.
- Accessed March 25, 2022. <http://extwprlegs1.fao.org/docs/pdf/phi132834.pdf>.
- Accessed March 25, 2022. <https://www.wipo.int/edocs/lexdocs/laws/en/kr/kr061en.pdf>.
- Accessed March 25, 2022. https://www.constituteproject.org/constitution/Brazil_2017.pdf?lang=en.
- Accessed March 26, 2022. <https://www.gov.za/sites/default/files/images/a108-96.pdf>.