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KARYA ILMIAH : PROSIDING

Judul Artikel : **"CORRELATION BETWEEN CONSTITUTIONAL CHANGES AND DEVELOPMENT PARADIGM ON REGIONAL DEVELOPMENT PLANNING"**

Jumlah Penulis : **3 orang**

Status Pengusul : **Penulis ke- 3**

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d. Penerbit/Organiser : **Fakultas Hukum UNSOED Purwokerto**

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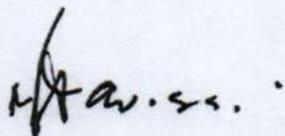
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	Reviewer I	Reviewer II	
a. Kelengkapan unsur isi Prosiding(10%)	1	1	1
b. Ruang lingkup dan kedalaman pembahasan (30%)	2,5	3	2,75
c. Kecukupan dan kemutakhiran data/informasi dan metodologi (30%)	2,5	3	2,75
d. Kelengkapan unsur dan kualitas penerbitan prosiding (30%)	3	3	3
Total = (100%)	9	10	9,5
Nilai Pengusul = 40% x 9,5 : 2 = 1,9			

Semarang, 23 Juni 2021

Reviewer 1

Reviewer 2



Prof. Dr. Esmi Warassih Pudjirahayu, SH.,MS
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Prof. Dr. Yusriyadi, S.H.,M.S
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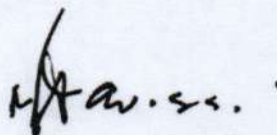
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- Kelengkapan unsur dan kualitas penerbit : Kualitas penerbit cukup baik, yang dipublikasikan SHS web of conferences, dengan ISBN : e-ISBN : 2261- 2424

Semarang, 11 Juni 2021

Reviewer 1



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- Kecukupan dan kemutakhiran data/informasi dan metodologi : Kecukupan dan kemutakhiran informasi, dan data sesuai dengan perkembangan masyarakat pada saat artikel terbit di prosiding, sehingga memiliki unsur kebaruan. Metodologi cukup jelas sesuai dengan rumusan masalah.
- Kelengkapan unsur dan kualitas penerbit : Proceeding merupakan kumpulan artikel dari pelaksanaan international conference yang diadakan oleh Universitas Jendral Soedirman Purwokerto pada tanggal 25 – 26 September 2018 di Hotel Java Heritage Purwokerto. Publikasi oleh EDP Sciences. Dapat dikatakan penerbit cukup berkualitas.

Semarang, 10 Juni 2021

Reviewer 2

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This is to certify that

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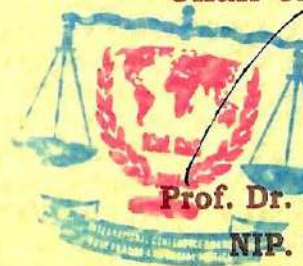


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Correlation Between Constitutional Changes and Development Paradigm on Regional Development Planning

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Abstract. Indonesia's development planning cannot be separated from the underlying constitution. The 1945 Constitution as the constitution of the Indonesian nation experienced ups and downs with the occurrence of constitutional changes in the past several eras. Therefore, it is necessary to know how the correlation between changes in the Constitution to development planning in the region. Through qualitative research with this normative approach, it is known that changes in the development paradigm have more influence on changes in regional development planning when compared to changes that occur in the constitution. Therefore, the selection of the Development Paradigm that is used needs to be ensured that it does not deviate and is in accordance with the guiding values and principles of development namely the values of Pancasila contained in the 1945 Constitution.

1 Introduction

After the Proclamation of Independence on August 17, 1945 Indonesia laid the foundation of the ideals of the state formation in the Preamble of the 1945 Constitution which affirmed that the Indonesian State Government is formed to protect the entire Indonesian nation and all the Indonesian bloodshed and to advance the general welfare, to educate the nation's life, and to participate in carrying out the world order based on independence, lasting peace and social justice [1]. Therefore development must, in fact, be carried out while ensuring that the intended objectives can be achieved with the availability of available resources. Thus, the development planning is important to do. Development planning in general according to Sjafrizal, is a way or technique to achieve development goals appropriately, directed, and efficiency in accordance with the conditions of the country or region concerned [2].

Indonesia's development planning cannot be separated from the underlying constitution. Mustopadidjaja revealed that every government runs the wheels of development according

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Intolerance Acts in Philippines and Indonesia: a Comparative Study

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Abstract. This study compares the existence of intolerance acts in Philippines and Indonesia. This study is a qualitative type of research which involves in-depth interview and focus group discussion with the study informants. The informants consist of law enforcement agencies, non-government organizations, and religious groups from Philippines and Indonesia. The result reveals that understanding and application of intolerance acts in the Philippines and Indonesia are different. Unlike the Philippines, there are laws in Indonesia defining specific acts of religious intolerance. The acts of religious intolerance are widespread in Indonesia compared to the Philippines.

1 Introduction and Literature Review

Nowadays Indonesia is facing a challenge in defending religious diversity. It has a rapidly growing number of religious intolerance act. In 8 December 2016 there were 182 documentations of violation on religious freedom. In late 2015 until December 31st, there were 197 events[1]. In 2016 religious based criminalisation and religious perverted became a national trend which also affected other form on intolerance act, and even turned into violence act with massive victims[2]. Government was blamed for accommodating regulation which also intimidated minorities, while a study showed 159 acts or 50,5% intolerance cases on 2016 was done by government actors [2].

The rising number of religious intolerance number is a result of poor law enforcement[3]. As a result of unclear regulation, there are several disharmonies on legal system occurred. Law enforcement failed to understand the main reason behind intolerance movement in Indonesia. Indonesian police officers also failed to act against hard-line groups and individuals that have continued to promote intolerance and spread hatred[4].

Philippines, on the other hands, follows the American model of church-state separation, thus the clear separation of church as the predominant religious institute and state institution prohibits the state from interfering in church matters, and prohibits the state from having a state religion[5]. This distinction plays major role on Philippine diversity and the neutral position of government official towards religious affiliation of its people also help the society moulding their view on diversity[5].

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Correlation Between Constitutional Changes and Development Paradigm on Regional Development Planning

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Correlation Between Constitutional Changes and Development Paradigm on Regional Development Planning

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Abstract. Indonesia's development planning cannot be separated from the underlying constitution. The 1945 Constitution as the constitution of the Indonesian nation experienced ups and downs with the occurrence of constitutional changes in the past several eras. Therefore, it is necessary to know how the correlation between changes in the Constitution to development planning in the region. Through qualitative research with this normative approach, it is known that changes in the development paradigm have more influence on changes in regional development planning when compared to changes that occur in the constitution. Therefore, the selection of the Development Paradigm that is used needs to be ensured that it does not deviate and is in accordance with the guiding values and principles of development namely the values of Pancasila contained in the 1945 Constitution.

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Indonesia's development planning cannot be separated from the underlying constitution. Mustopadidjaja revealed that every government runs the wheels of development according

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to Pancasila and the 1945 Constitution, but with a different choice of development paradigm [3]. The 1945 Constitution as the constitution of the Indonesian nation experienced ups and downs with the occurrence of constitutional changes in the past several eras. The 1945 Constitution as the Indonesian National Constitution was replaced by the 1949 Constitution of the Republic of Indonesia (The 1949 RIS Constitution) to The 1950 Provisional Constitution. The substitution of the Constitution should have an impact on the development planning. Therefore, the problem in this study is how the correlation between changes in the Constitution that occur in Indonesia and the impact on development planning in the region is. This research will also examine changes in the development paradigm of regional development planning.

2 Objective of The Study

This study examines the impact of changes in substance that occurred in the 1945 Constitution as the Indonesian constitution on regional development planning. It will also provide information on matters that affect development planning in the regions relevant to the substitution of the Constitution.

3 Methodology

This research is a qualitative research with a normative approach. ⁹ This study uses secondary data in the form of legal materials to be reviewed and analyzed [4] which include Primary, Secondary and Tertiary Legal Materials. A review of several development planning regulations, the literature related to the development planning and the history of several Institutions will help in reviewing these changes and their impact.

4 Discussion

4.1 Changes to the Constitution and Development Paradigm

Law according to Mochtar Kusumaatmaja in the Theory of Development Law has some functions which one of them is as a means of development [5]. Therefore, after the Proclamation of August 17, 1945 Indonesia established and chose Pancasila as the philosophy basic ¹⁰ the Republic of Indonesia which is stated in the Preamble to the 1945 Constitution [6]. Pancasila as a state philosophy is inherent and animates the entire Preamble of the 1945 Constitution. Pancasila is constitutionally a guide in community life, nation and state. Thus, Pancasila is expected to play a role as a guide to the values and principles in choosing a paradigm, designing strategies and developing systems, processes as well as indicators of state performance and national development which will be set forth in the legislation below [3].

Political developments that were still unstable at the beginning of independence led to changes in the Indonesian Constitution. These changes have an impact on development planning. This can be seen in the following table:

Tabel 1. Constitutional Development and Development Planning Documents (1945 – 2010)

Constitution	Legal Basic of Planning Development	Time of Plannning	Planning Document
<ul style="list-style-type: none"> The 1945 Constitution The 1949 RIS Constitution . 	Government Declaration on State Development 18 August 1945	1947, 1948, 1949, 1950	1. Basics of Principles Instead of Plans to Manage the Indonesian Economy; 2. Three-Year Production Plan, 1948 - 1950 (Plan Kasimo) results of the Ministry of Prosperity's planning unit.
The 1950 Provisional Constitution	Article 52 paragraph (1) of the Provisional Constitution 1950	1951-1955, 1956-1960	1. Industrial Urgency Plan (RUI), 1951 - 1953, extended to 1955. Results of the Industrialization Committee of the Ministry of Trade and Industry 2. Five-Year Development Plan (RPLT) 1956 - 1960.
The 1945 Constitution	MPRS Decree No. I/MPRS/1960 concerning the Political Manifesto of the Republic of Indonesia as Outlines rather than State Policy.	1961-1963	The Eight Year Long Term Development Plan is called the First Phase of the National Planning National and Development Plan (RPNSB-I) 1961-1969
	MPRS Decree No.IV of 1963 concerning Guidelines for Implementation of Lines - Outline of State Guidelines and Development Guidelines	1963-1969	RPNSB 1961-1969 which was refined or called the Struggle Economic Plan
	Cabinet Presidium Instruction Number 15/EK/IN/3/1967 of 1967 concerning the Assignment of Bappenas to draft five development plans from 1967-1973	1969-1973	1. Five-Year First Development Plan (Repelita I) 1969 - 1973. 2. Plan for the State Budget (RAPBN) of 1969 - 1974.
	MPR Decree No. IV/MPR/1973 concerning GBHN	1974/1975 – 1978/1979	1. Repelita II 1974 - 1979. 2. RAPBN 1974-1979.
	MPR Decree No. IV/MPR/1978 concerning GBHN.	1979/1980 – 1983/1984	1. Repelita III 1979 – 1984. 2. RAPBN 1979-1984.

Constitution	Legal Basic of Planning Development	Time of Plannning	Planning Document
	MPR Decree No. II/MPR/1983 concerning GBHN.	1984/1985 - 1988/1989	1. Repelita IV 1984 - 1989. 2. RAPBN of 1984-1989.
	MPR Decree No. II/MPR/1988 concerning GBHN	1989/1990 – 1993/1994	1. Repelita V 1989 - 1994. 2. RAPBN 1989-1994.
	MPR Decree No.II/MPR/1993 concerning GBHN.	1994/1995 – 1998/1999	1. Repelita VI 1994 - 1999. 2. RAPBN of 1994-1999.
	MP ⁴ Decree No. IX/MPR/1998 concerning the Principles of Development Reform in the Context of Rescue and Normalization of National Life as State Policy.	1998-1999	1. National Development Plan (Transition) 1999 - 2000. 2. RAPBN of 1999/2000.
The 1945 Constitution of the Republic of Indonesia	MPR Decree No. IV/MPR/1999 concerning GBHN.	2000-2004	1. National Development Program (Propenas) 2000 - 2004. 2. Annual Development Plan (Repeta) 2000- 2004.
	The Chosen Vision and Mission of the President.	2004-2009	1. National Long Term Development Plan (RPJMN) 2004 -4009. 2. Government Work Plans (RKP) 2005-2009.
	⁵ Republic of Indonesia Law Number 25 Year 2004 concerning the National Development Planning System.	2005-2025	Law Number 17 Year 2007 on National Long Term Development Plan (RPJMN) 2005 - 2025.
	National Long Term Development Plan (RPJPN) 2005 - 2025, Elected President's Vision and Mission.	2010-2014	1. RPJMN 2010 - 2014. 2. RKP 2010- 2014.

Source: [3]

The development of the Development Paradigm which lasted from 1945 to 2015 is as follows:

- a. 1945-1949

Collectivity in the administration of the state and nation-building, enhance the ability of individuals and communities to maintain and fill independence and the spirit of cooperation in realizing a just and prosperous society according to the constitution.

- b. 1950-1959.
Independence and anti-independence with the mindset of freedom of association and assembly in the political, economic and social fields attempts to free themselves from dependence and poverty due to colonial domination. Development planning in this era is implementing a political economy system based on nationalism.
- c. 1960-1965
The National Planning National Development Plan (RPNSB) 1961-1969 was the Political Manifesto (Manipol) of the Republic of Indonesia and the 1945 Constitution, Indonesian Socialism, Guided Democracy, Guided Economy, and Indonesian Personality (Manipol - Usdek) National, Religion, Communist (Nasakom).
- d. 1966-1998
The constitutional and rational arrangement of the political and economic system is based on the spirit of returning to Pancasila and the 1945 Constitution purely and consistently. Economic and political policies reflect the articles in the 1945 Constitution based on economic democracy and controlled by market mechanisms. The pattern of governance and development at that time was a five-year national leadership cycle and a "development trilogy" that combined healthy and dynamic growth, equity and national stability, accompanied by improvements in the quality of Human Resources, human development, sustainable development.
- e. 1998-2004
Total planned, institutionalized and sustainable reforms to improve all deviations in the economic, political and governmental institutions along with efforts to realize autonomy (decentralization) and the principle of "good and clean governance".
- f. 2004-2015
Development strategy for the United Indonesia Cabinet I, is "pro-growth, pro poor, pro jobs" and quality development ". The development paradigm of the United Indonesia Cabinet II is a balanced, inclusive and creative development towards a prosperous, democratic and just Indonesia [3].
The above conditions explain that Indonesia has experienced several constitutional changes due to the development of the conditions and dynamics of the life of the Indonesian people. In the phase of constitutional change there was also a change in the Development Paradigm and those that did not result in changes to the development paradigm.

4.2 Impact of Constitutional Change and Development Paradigm on Regional Development Planning

The purpose of regional development according to Ginandjar Kartasasmita is to improve the standard of living and welfare of the people in the region through harmonious and integrated development between sectors and sectors with efficient and effective regional development planning for regional independence and equitable progress in all corners of the country [7]. Therefore development planning plays an important role in creating effective and efficient development. The following is the relevance between constitutional changes, the choice of development paradigm for regional development planning:

- a. Changes to the 1945 Constitution became The 1949 RIS Constitution.
Early independence of development planning was carried out based on the 1945 Constitution. Changes to the 1949 RIS Constitution of the United States of Indonesia (RIS) did not cause significant changes because the substance of the foundation of development planning which is still the same is contained in the 1945 Constitution contained in the 1949 RIS Constitution[3].

b. Changes to The 1949 RIS Constitution became The 1950 Provisional Constitution. The implementation of the 1949 RIS Constitution in a short time, resulting in changes in that period did not have a significant impact on regional development planning. This is also due to the absence of substantial changes in the contents of the constitution. According to Prof. Soepomo, the philosophy of the state and the implementation of development used in the 1949 RIS Constitution, the 1950 Provisional Constitution (UUDS) and the 1945 Constitution were Pancasila. The similarity is also found in the substance of the philosophy of development Article 38 of the 1950 Provisional Constitution and Article 33 of the Constitution of 1945. The development paradigm in the 1950-1995 eras was an anti-dependence paradigm that resulted in science-based development planning [3].

c. Changes to the 1950 Provisional Constitution became The 1945 Constitution. Reusing the 1945 Constitution caused by the failure to draft a new constitution through the Presidential Decree of July 5, 1959, has the addition of the Republic of Indonesia's Political Manifesto (Manipol) and the 1945 Constitution, Indonesian Socialism, Guided Democracy, Guided Economy and Indonesian Personality designated as Lines - Outline of the State Policy through the Decree of the Republic of Indonesia MPRS Number 1 / MPRS / 1960. This condition shows a change in the development paradigm from Liberal to Guided [3].

During this period the National Development Planning Agency (Bappenas) was formed, the Department of Planning and Research (Bapperdep) and the Regional Development Coordination Agency (Bakopda) [3]. The development planning process continues to experience improvements and has an impact on regional development planning. The importance of bottom-up and top-down development planning development is important so that the Minister of Home Affairs Regulation No. 9 Year 1982 concerning Guidelines for the Preparation of Regional Development Planning and Control (P5D) is established. Based on the Minister of Home Affairs Regulation, planning documents include:

1. Long-term Development Planning Documents, namely the Provincial Basic Development Pattern (Poldas) and District Development Patterns (Poldas) which are guided by the Outline - State Policy Outline and implemented according to the conditions, and potential of the region according to their level.
2. Medium-Term Regional Development Planning Document, namely the Five-Year Regional Development Plan (Repelitada)/Regional Development Program (Propeda) consisting of the Provincial Repelitada / Propeda and the District Repelitada / Propeda.
3. Short-term Regional Development Planning Documents namely the Regional Annual Development Plan (Repetada) consisting of Provincial and District levels[8].
- d. Changes to The 1945 Constitution became the 1945 Constitution of the Republic of Indonesia.

The 1998 Reformation encouraged an amendment of 4 (four) times to the 1945 Constitution. The fundamental changes that impacted changes in development planning were Articles 18, 18 A and 18 B of the 1945 Constitution of the Republic of Indonesia which affirmed the provision of wider autonomy to the Regional Government[3]. The amendment encouraged the birth of Law Number 25 Year 2004 concerning the National Development Planning System which regulates the substance and procedures for the progress of development planning both at the central and regional levels. This was also followed by the birth of Law Number 32 Year 2004 concerning Regional Government. Then the Minister of Home Affairs Regulation Number 54 Year 2010 which has now been replaced by the Minister of Home Affairs Regulation Number 86 Year 2017 concerning Procedures for Planning, Regional Development Control and Evaluation, Procedures for Evaluating Regional Regulation Draft on Regional Long Term Development Plans and Regional Medium Term Development Plans, and Procedures for Changing Regional Long Term Development Plans, Regional Medium Term Development Plans, and Government Work Plans Area. The replacement was due to the birth of Law Number 23 Year 2014 concerning

Regional Government. These laws and regulations regulate the substance and procedure of development planning in the region. Participatory development planning is increasingly developed in addition to top down and bottom up in order to strengthen the process of delivering aspirations in the regional development planning process.

Based on the above conditions, changes in development planning can occur if there is a change in the development paradigm and substantive changes in the Constitution. If there is no substantive change in the Constitution, it will not affect development planning. Changes in the development paradigm do not always follow or are followed by changes in the Constitution. So that the development paradigm has more influence on development planning. The fact shows that the development paradigm is sometimes not relevant/not related to the existence of the constitution. Sorting the development paradigm sometimes does not pay attention to the values contained and agreed upon in the constitution. This certainly needs to be a concern given the use of the development paradigm will have an impact on the laws and regulations of development planning and the results of development both at the central and regional levels. Sorting, choosing and using development paradigms need to be considered in order to remain in accordance with the conditions and national identity that is in accordance with the values of Pancasila contained in the 1945 Constitution.

5 Conclusion

Constitutional changes in Indonesia can have an impact on regional development planning in Indonesia if there is a change in substance in it. However, the change in the development paradigm has more influence on changes in development planning when compared to changes that occur in the constitution. Therefore the selection of the Development Paradigm that is used needs to be ensured that it does not deviate and is in accordance with the guiding values and principles of development namely the values of Pancasila contained in the 1945 Constitution.

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