



PROCEEDINGS

The 4th International Conference on Sustainable Innovation (ICoSI) 2020

Cutting Edge Innovations for Sustainable Development Goals

Universitas Muhammadiyah Yogyakarta (Indonesia)

October 13 - 14 2020

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Focal Conferences



- ✔ (ICPU) The 2nd International Conference on Pharmaceutical Updates
- ✔ (ICOMS) The 6th International Conference on Management Sciences
- ✔ (ICLAS) The 9th International Conference on Law and Society
- ✔ (ICMHS) The 4th International Conference Medical and Health Sciences
- ✔ (ICAF) The 6th International Conference for Accounting and Finance
- ✔ (ILEC) The 2nd International Language and Education Conference
- ✔ (ICONURS) The 2nd International Conference on Nursing
- ✔ (ICITAMEE) The 1st International Conference on Information Technology, Advanced Mechanical and Electrical Engineering
- ✔ (IConARD) International Conference on Agribusiness and Rural Development
- ✔ (ISHERSS) The 2nd International Symposium on Social Humanities Education and Religious Sciences
- ✔ (ICONPO) The 10th International Conference on Public Organization
- ✔ (DREAM) The 5th Dental Research and Exhibition Meeting
- ✔ (ICHA) The 5th International Conference on Hospital Administration
- ✔ (ICOSA) The 3rd International Conference on Sustainable Agriculture





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Preface by the Chairperson of the 4th ICoSI 2020



Dr. Yeni Rosilawati, S.IP. S.E., MM.

Assalamu'alaikum Wr. Wb.

All praise is due to Allah, the Almighty, on whom we depend for sustenance and guidance. Prayers and peace be upon our Prophet, Muhammad SAW, his family and all of his companions.

On behalf of the organizing committee, it is my pleasure and privilege to welcome the honourable guests, distinguished keynote & invited speakers, and all the participants.

With the main theme of “Cutting-Edge Innovations on Sustainable Development Goals (SDGs)”, the 4th International Conference on Sustainable Innovation (ICoSI) 2020 serves as a forum to facilitate scholars, policy makers, practitioners, and other interested parties at all levels from Indonesia and abroad to present their novel ideas, promote cutting-edge research, and to expand collaboration network. The conference has about 1373 participants participating from more than 8 countries 4 continents all over the world, making this conference a truly international conference in spirit.

This multidisciplinary conference was first held in 2012 and has undertaken various changes and adopted to the current technological trends of our education system. From having this conference with just 175 participants back in 2012 we have come a long way in making the conference a huge success with more than 1373 participants participating in this two-day conference.

Formerly, this conference consisted of only 9 (nine) focal conferences. This year, there are 14 focal conferences from various disciplines, namely: 1) The 2nd International Conference on Pharmaceutical Updates (ICPU), 2) The 6th International Conference on Management Sciences

(ICoMS), 3) The 9th International Conference on Law and Society (ICLAS), 4) The 4th International Conference Medical and Health Sciences (ICMHS), 5) The 6th International Conference for Accounting and Finance (ICAF), 6) The 2nd International Language and Education Conference (ILEC), 7) The 2nd International Conference on Nursing (ICONURS), 8) The International Conference on Information Technology, Advanced Mechanical and Electrical Engineering (ICITAMEE), 9) The 2nd International Conference of Agribusiness and Rural Development (IConARD), 10) The 10th International Conference on Public Organization (ICONPO), 11) The 2nd International Symposium on Social Humanities Education and Religious Sciences (ISHERSS), 12) The 5th Dental Research and Exhibition Meeting (DREAM), 13) The International Conference on Hospital Administration (ICHA), and 14) The 3rd International Conference on Sustainable Agriculture (ICoSA).

Accordingly, We are proud to announce that this year, the 4th ICoSI 2020 breaks the Museum Rekor-Dunia Indonesia (MURI) record as the Virtual Multidisciplinary Conference with the Largest Number of Area of Fields in Indonesia

In addition, this year, this conference holds special value since this is the first conference in the history of our university where the entire conference is taking place remotely on a digital platform through the use of advance technologies due to the Covid-19 Pandemic.

I would take this opportunity to express my highest respect to the Rector of Universitas Muhammadiyah Yogyakarta, Dr. Gunawan Budiyanto who gave approval and ensured the maximal support from all the faculty members of Universitas Muhammadiyah Yogyakarta (UMY) that made this event a big success. In addition, my appreciation goes to all the support teams who have provided their valuable support and advice from planning, designing and executing the program.

Let me conclude my speech by encouraging the delegates to participate with an increasing number in all the activities and discussions through the digital platforms for the next two days. I wish everyone a successful, safe, and fruitful conference.

Thank you!

Wassalamu'alaikum Wr. Wb.

Yogyakarta, Indonesia, 14 October 2020



Welcoming Remarks by the Rector of Universitas Muhammadiyah Yogyakarta



Assoc. Prof. Dr. Gunawan Budiyanto

Innovation is the beginning of the development of technology, and technology is a development machine that is expected to provide benefits to humans and provide the smallest possible impact on environmental quality. In the concept of sustainable development, development must improve the quality of human life without causing ecological damage and maintain the carrying capacity of natural resources.

International Conference on Sustainable Innovation (ICoSI) is an international conference which is an annual conference held by the University of Muhammadiyah Yogyakarta (UMY), Indonesia. In 2020 this raises the issue of "Cutting-Edge Innovations on Sustainable Development Goals." Therefore, on behalf of all UMY academics, I would like to congratulate you on joining the conference, hoping that during the Covid-19 Pandemic, we can still provide suggestions and frameworks for achieving sustainable development goals.

About The 4th International Conference on Sustainable Innovation (ICoSI) 2020

Cutting Edge Innovations for Sustainable Development Goals

The 2030 Agenda for Sustainable Development is enacted by the United Nations as a shared blueprint for peace and prosperity for people and the planet, now and into the future. It consists of strategies to improve health and education, reduce inequality, and spur economic growth while also conserving natures by 2030.

This year, however, at the first one-third of its timeline, the SDG Reports shows that the outbreak of COVID-19 did hinder the achievement, or at least decelerate the progress of achieving the 17 goals. In fact, according to the report, “some number of people suffering from food insecurity was on the rise and dramatic levels of inequality persisted in all regions. Change was still not happening at the speed or scale required”, accordingly.

Therefore, in this event of pandemic, the quantity and quality of research, innovation, and more importantly multi-disciplinary collaboration are indispensable. Furthermore, there needs to be clear ends of those works. That is how those research are applicable and benefits directly to the society. That is how those research is incorporated as the drivers of policy making, and used practically in the society. Hence, the stakeholders especially the triple helix of higher education institution, government, and industry must be re-comprehended and supported to reach the common goal of the SGD.

International Conference on Sustainable Innovation (ICoSI) has been essentially attempting to strengthen this regard since its first establishment. One of the goals of ICoSI is to provide primarily a platform where scholars, practitioners, and government could grasp the development and trends of research. Hopefully, meeting these actors altogether would result in stronger collaboration, sophisticated and advantageous research, and brighter ideas for further research. Based on these reasoning, this year, the 4th ICoSI 2020 UMY is themed ‘Cutting-edge Innovations for Sustainable Development Goals’.

Improving from last year conference which brought nine focal conference, this year ICoSI 2020 UMY brings 14 disciplines, from social sciences, natural sciences, and humanities. ICoSI 2020 received as much as 1005 papers. The paper works submitted in ICoSI 2020 UMY will be published in Atlantis Proceedings, IOP Proceedings, National/International Journals, and ICoSI ISBN-indexed Proceedings.

Nevertheless, ICoSI believes that publication is only the beginning of research dissemination. The publications will enhance the chance of the research known by wider audience, and then used, applied, and incorporated at either system, institutional, or personal level of human lives.



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TRACK ECONOMICS, LAW, EDUCATION, SOCIAL, AND HUMANITIES



Legal Politics of Restoration of Indonesia's State Policy Post Amendment of the 1945 Constitution

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ABSTRACT

The study examines the polemic of the political revitalization of the GBHN law as a state policy and the position of the Long-Term Development Plan (RPJPN) as a substitute for GBHN in the second term of Jokowi's Presidency. By applying normative research methods and qualitative descriptive analysis, the results show that the GBHN restoration effort is the right step as the primary guideline for national development. The RPJPN better reflects the crystallization of the political vision of the President during his five years office, so that it is not appropriate as a state policy. GBHN is a political vision of the Indonesian people, and it can be applied as a substitute for a change in government regime. The strength of GBHN's constitutional legitimacy is far superior because it is made by the people's representative institution (MPR), and governing the RPJPN which is solely made by the President. The position of RPJPN was mutually agreed upon as a translation of the principle of the state policies in the GBHN. In the context of the GBHN restoration, Pancasila remains as an ideological foundation, while the 1945 Constitution remains as a constitutional foundation.

Keyword: Legal Politics, GBHN, RPJPN.

1. INTRODUCTION

Several countries in the world have included state policies in their constitutions. The Irish Constitution since 1937 has included the Directive Principles of State Policy (DPSP) containing guidelines for economic policy, free-market mechanisms, state intervention, and others. Since then, many countries have followed the inclusion of DPSP in their constitutions, such as Belgium, India, the Philippines, South Africa, etc. There is a trend in the formulation of the DPSP in the constitutions of countries in the world today, which contain both economic and social constitutions. Indonesia also has state policies similar to the above countries. By looking at this trend, placing the DPSP or GBHN in the constitution is a natural thing. According to J.G. Steenbeek, constitutional materials involve human rights guarantees and citizens, fundamental constitutional structure, and the insufficient distribution and limitation of power. The direction of state development is also a necessity that deserves to be included in the constitution materials.

A transformation occurred after the amendment of the 1945 Constitution in the political constellation of the national development law, including the concept of GBHN as the state policies. The authority of the People's Consultative Assembly (MPR) to design state policies was trimmed and handed over to the President as the executive power. In history, the politics of law for the formation of the state policies have been going on since the Old Order regime, although they have not yet materialized well. This happened because the MPR at that time was not yet effective, and the President's

power was very hegemonic in determining the direction of the country. The practice of abuse of power is often carried out by executive authorities. The application of political economy and guided democracy causes the concept of state policies to be identical to the political vision of the President. Outlines of the State Policy are the manifesto of every Soekarno political speech without having to be comprehensively reviewed by the National Planning Board and immediately confirmed through an MPR Decree.

The same phenomenon also occurred in the New Order era that the power of the executive branch is superior to that of the parliament. In fact, the President is the mandate of the MPR. It is at this stage, according to Satjipto Rahardjo, legal politics informs us that the laws are full of political interests. Therefore, laws must be viewed as the result of a political process. Furthermore, the political sub-system is considered to be stronger than the legal sub- system, and the political sub-system has a higher energy concentration than the legal sub- system. As a result, when the law deals with politics, it is in the lower position.

Since the 1998 Reform era, the GBHN was deemed irrelevant so that it was replaced with the model of the "National Long-Term Development Plan (RPJPN). Theoretically, an entity called "state" always needs a "development," despite the fact that these two entities have different natures by definition. The definition of the state by the "post-structuralist" group, as put forward by Foucault, is "the mobile effect of a regime of multiple governmentalities" or a moving effect of a multi-regulatory regime. Development can be seen as an effect of a state in which there is a process of

collision and opposites between various actors in realizing a desire to improve. In Tania Li's terminology, it is called "the will to improve." The state itself is not a fixed, static, and homogeneous entity, but a continuous process of formation that is practiced and actualized through development.

Thus, there is a process of mutual synergy between the state and development. The state is formed through a development process, and on the other hand, development is constructed by actors, agents, and institutions that represent the state or have a state character through the will to regulate and control the population in a particular area. Rist, for example, offers how we define and view development as an instrument and a reality of life and not just a legal artifact. Development should not be based on what is thought or expected, but on actual social practice and its consequences, something that everyone can recognize. Therefore, what needs to be highlighted is the historical process that began two centuries ago and continues to the present time.

Development is a general transformation and destruction of the natural environment and social relations to increase the production of commodities (goods and services) in order to meet demand through market mechanisms. Regardless of these views, GBHN, especially development in a broad sense, is highly dependent on the main course of development law politics chosen by the mandate holders or policymakers. The political and legal configuration that accompanies it must be interpreted as one unit in assessing and appreciating each product of the policy referred to. The correlation between the GBHN, development, the character of the authorities, and the policy formulating actors are very influential in the formulation of a national development navigation system such as the Indonesian GBHN model.

The interconnection between law and politics in Indonesia can be analogized as a train locomotive out of its tracks. If the rail is the Law and politics is locomotive, what often happens is, locomotive (politics) often deviates or is not on the rail (law). The illustration narrated by Sri Soemantri looks simple but is the empirical fact. Basically, the law is expected to rule, but the fact proves that politics holds the steering wheel. Law is often blunt and even does not side with the public interest when the political will of the rulers is more dominant in making law as a mere legitimacy of power. Many of Soekarno's political speeches were not comprehensively reviewed by the National Planning Board (Bappenas version of the New Order era), but immediately confirmed through the MPRS Decree as GBHN.

An important question to be addressed is whether the GBHN model considered outdated, no longer in line with the spirit of constitutional reform after the

amendments to the 1945 Constitution, and to be replaced with the RPJPN model. Besides, is the RPJPN model sufficient to provide a solution or reversely creates a new complication in the development system in the Reformation Era? With a normative approach and qualitative descriptive analysis, this study examined and provided solutions related to legal political problems ineffectorts to revitalize the GBHN as a state policy after the amendments to the 1945 Constitution.

2. DISCUSSION

2.1. GBHN as Constitutional Product

Not all ruling regimes have poor development achievements, including in formulating state policies. In the Old Order Era, the Development program with the vision of the Universal People was the embryo of the main development direction concept. The spirit of "universal people's development fundamentally involved all the resources of the Indonesian people." The goal was to achieve justice and common prosperity in accordance with national goals. Despite that, in practice, the universal people's development system was still Soekarno-centric and had not been able to lay the conceptual foundation of systematic development. The political orientation that was very dominant in the guided democracy era hampered the acceleration of the development program until the fall of President Soekarno.

In the New Order era, the concept of development began to be systematically designed. The National Development Planning Agency (Bappenas) became the main architectural institution. It was marked by the formation of the GBHN concept, which is broken down in the Long Term Development Plan (RPJP) and the Five Year Development Plan (Repelita). At the regional level, planning units were also formed, for example, the Bali Planning Unit in 1969. The concepts of GBHN, RPJP, and Repelita were the basis for the value of the development paradigm and became a reference for all government policies and national development.

MPR, as a parliamentary institution, has the authority to direct the GBHN, starting from reviewing the material and its legal products, as confirmed in Article 3 of the pre-amended 1945 Constitution. However, in practice, the GBHN material is a government product implemented by a special agency of the National Security and Defense Council (Wanhanakamnas). This council is tasked with collecting materials, processing, and analyzing materials that are strategic in nature for strengthening the concept of Economy, Politics, Socio-Culture, and Defense/Security (Epoleksosbudhankam) based on the development of Science and Technology. The results of the analysis were made in the form of a GBHN draft GBHN and further refined by the National Planning

Agency (Bappenas). In the final stage, the draft was submitted to the President to be forwarded to the MPR.

The GBHN is a constitutional product of the MPR, which as stipulated every five years at the MPR plenary session. The decree is already a product of law that is commonly used even though theoretically, the product "Beschikking" can take the form of a Decision. Even though the GBHN concept is from the Government, it still goes through a discussion process in the MPR on four levels. Level I is the discussion by the Ad hoc Working Committee. Level II is through general views of the factions during the MPR plenary session. Level III is through commission sessions. Lastly, Level IV is the decision making in the plenary session of the MPR, which was confirmed by the MPR Decree on GBHN. Broadly speaking, the GBHN regulates the Basic Development Pattern and the General Pattern of Long-Term Development for a period of 25 years. In addition, a General Pattern of Five-Year Development to be implemented by the President in the form of Repelita is also regulated. The Repelita era lasted from 1969 until it ended in 1998.

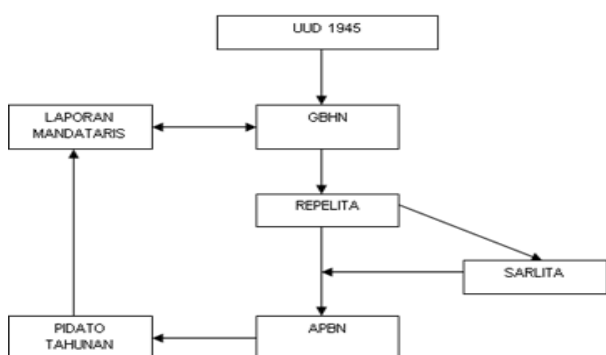


Figure 1. National Development Planning Cycle (1969-1998)

The New Order regime succeeded in compiling a national development plan through five-year stages in a structured manner and based on Pancasila and the 1945 Constitution. For the context of regional government (provincial and district/city), the GBHN document was translated into the Basic Regional Development Pattern (Poldasbangda) document. The GBHN was able to provide guidelines and measurable national development directions to be carried out by each state institution, especially the President (head of executive power), as the mandate of the MPR. The concept of GBHN was a masterpiece of the MPR during the New Order era, which deserving appreciations. The five-year development plan was an elaboration of the GBHN formulated by the MPR as the representative of the people's representative institution.

Therefore, the GBHN version of the country direction concept is still relevant to be revitalized. The New Order disorientation, which made the GBHN an instrument of legitimacy for the President's power,

needs to be corrected. It is no longer allowed to practice the hegemony of the President's power over the parliamentary institution, MPR. Strengthening the presidential system requires limiting the power of the President as regulated in the 1945 Constitution after the amendments. For this reason, it will be difficult for the President to practice hegemony over the parliamentary institution.

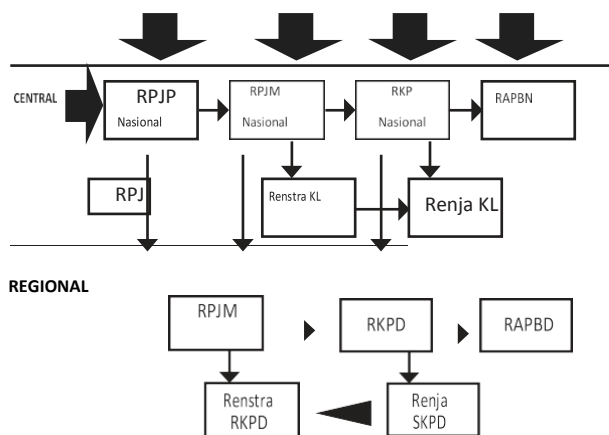
2.2. RPJPN as the Reflection of the President's Political Vision

There are a number of sectoral laws that govern the national development planning system. Some of them are National Development Program Law (Propenas), the National Development Planning System Law to regulate planning mechanisms and documents,18 and the Law on the National Long-Term Development Plan (RPJPN) with a development vision for 20 years, calculated from 2005 to 2025. In relation, the RPJP Law itself was enacted in 2007. The retroactive principle of the RPJPN Law violates the rules of forming legislation since it is not easy to achieve a synergy of development planning at the central and regional levels. Not to mention the vision of regional development must also adapt to the politics of decentralization in the context of regional autonomy. Therefore, the RPJPN should not be used as the main direction of national development. The RPJPN Law reflects more on the political vision of the President, which is not necessarily in line with the national objectives as mandated by the 1945 Constitution. Moreover, after the amendments to the 1945 Constitution, the term of office of the President and Vice President has been limited to five years, and after that, they can only be elected once. It indicates the development policy of the RPJPN model to change and adapt to the President's political vision and program. Even more ironic, if the old President is not re-elected for a second term of office, the state policy may also change.

Figure 2. Planning Documents of Laws No. 25 Year 2004

Planning			Unemployment
LONG TERM	MEDIUM TERM	SHORT TERM	

Source : Sumardi, 2010



The legal polemic regarding the disharmony of cross-sectoral regulations is very large. Laws no. 17 of 2007 emphasizes that RPJPN is a long-term guideline in the national development system. But in practice, it is not necessarily a guideline for local governments. Moreover, in the preparation of the Regional Government Work Plan (RKPD), there is no requirement for community participation. This is different from the preparation of the Regional RPJP and Regional RPJM. In fact, RKPD is an annual program that is directly felt by the community. In law, the design of the RKPD only refers to the Government Work Plan (RKP). The RKPD document is also not mentioned as a description of the Regional RPJM. The National RPJP is regulated by the Law Meanwhile, the Regional RPJP with Regional Regulations, which can be replaced, along with the change in the government regime. Ideally, the MPR's authority to make GBHN, as was the practice before the amendment of the 1945 Constitution, should be revitalized.

As a comparison, the Philippines adopts a presidential system, also has a state policy. In the 1987 Philippine Constitution, the provisions of the Directive Principles of State Policy (DPSP) are regulated in Article II, entitled the Declaration of Principles and State Policies. The provisions regulate, among others, national economy and patrimony policies, agrarian reform issues and natural resource wealth, urban land reform and housing, labor, and others. The Philippine constitution clearly distinguishes between principles and policies. Principles are intended as binding rules that must be obeyed by the government in implementing various actions, including the formation of rules, while policies are guidelines for state orientation. In practice, the difference between the two is vague because not all principles are self-executor, and in fact, some policies make certain rights as justiciable rights. The following is a comparison of several countries that apply the concept of state policies in their national development.

Table 1. Countries with State Policy

Country	Government System	State Policy
Philippines	Presidential System	Regulated in Article II of the 1987 Philippine Constitution with the Declaration of Principles and State Policies Principles.
South Korea	Presidential System	It is not explicitly stated in the South Korean constitution, but several arrangements demonstrate the principles of state policy.
Brazil	Presidential System	It is not explicitly stated in the Brazilian Constitution, but some arrangements demonstrate principles of state policy.
Ireland	Parliamentary System	It is regulated in Article 45 of the 2015 Irish Constitution entitled Directive Principles of Social Policy.
India	Parliamentary System	It is regulated in Chapter IV of the Indian Constitution under the title Directive Principles of State Policy.
South Africa	Mixed government system	It is not explicitly stated in the South African Constitution, but several provisions contain the principle of state policy.

The position of the RPJPN should only be part of the implementation of the GBHN. In terms of political-judicial legitimacy, the concept of development direction for the RPJPN model is formed by means of a Law product. Thus, it has a weak constitutional legitimacy (powerless) than the GBHN, as outlined in the MPR Decree. In terms of the position and hierarchy of legal norms, the MPR Decree is much higher than the law. The GBHN has strong constitutional legitimacy and is more representative of the aspirations of the people than the RPJPN concept. MPR membership includes all members of the DPR institution plus all members of the Senate (DPD).

The GBHN policy is more measurable and accountable because it is eligible for five years, according to the term of office of the President. Meanwhile, the design of the development program, as outlined in the RPJPN, is difficult to ensure its effectiveness and accountability aspects and to hold the government accountable comprehensively in implementing development policies at the end of the term of office, which is only five years. Meanwhile, the vision and mission, as well as the development program as outlined in the RPJPN, are valid for 20 years. The phenomenon is difficult to reason politically and legally since every President/Vice President has a different political vision and development work program depending on the ideological basis and political direction adopted by the person concerned or by the supporting party.

3. CONCLUSION

The RPJPN concept is only a form of personification of the President's short-term legal political policy. There is no guarantee that the President and the successor regime will be consistent in continuing the development plan of the RPJPN model that was made by the previous regime. In practice, the development vision of the RPJPN often does not go hand in hand with development programs at the regional level. Moreover, Regional Heads have different visions and political parties from the President. As a result, there was inconsistency in planning and development arrangements between the central and regional governments.

There are four paradigmatic frameworks if the GBHN is revitalized after the amendment of the 1945 Constitution. First, the placement of the GBHN within the framework of constitutional authority does not change to be part of the MPR's authority. As representatives of the people, the MPR consists of all members of the DPR and DPD members, so that it is powerful from the basis of political legitimacy. Second, GBHN is actually a regulating nature so that it is included in the norms of "regeelling" not "beschikking". Therefore, the nomenclature for determining the GBHN was replaced in the form of an MPR Regulation and no longer an "MPR Decree." Third, GBHN can still be used as a measure of the success of the government in carrying out government functions in all areas of life during the five years in power. By pouring it into the Repelita program, people's representatives through the MPR and DPR, DPD institutions can easily carry out the control function as well as provide an assessment (progress report card) on the achievements of government performance whether it is in line with the mandate of the GBHN.

Fourth, even though it is no longer the mandate of the MPR, the President can still be held accountable by the MPR, if it is proven that he has not consistently and consistently carried out the GBHN. The President's failure to describe the GBHN could lead to the process of dismissing the President. Hasn't the 1945 Constitution stated that one of the powers of the MPR is to dismiss the President and/or Vice President. However, the procedure starts with the DPR first. The trick is if the DPR considers that the President has not consistently implemented the GBHN, then the DPR can exercise its right to express its opinion, then be brought to the Constitutional Court (MK) to be asked for a legal opinion.

If proven to have violated the GBHN, the DPR can propose to the MPR to immediately hold a hearing to dismiss the President. A requirement for constitutional violations that could lead to impeachment is if the President/Vice President is proven to "no longer meet

the requirements as President and/or Vice President." This requirement provides space for a dynamic constitutional interpretation and is highly dependent on the political perspective of the people's representatives. Therefore, the position of the MPR and DPR in assessing the failure of government performance related to the implementation of the GBHN could lead to the impeachment process. The GBHN concept needs to be revitalized as a masterpiece of state policy to guide national development, which is increasingly losing its passion and direction today.

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