

National Development Planning In The Field Of State Defense Law

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Article Info

Received: 2022-08-12

Revised: 2023-02-21

Accepted: 2023-03-31

Keywords:

National Defense,
Development Planning,
Law.

Abstract

National development planning becomes a very important phase in designing the direction of the nation's and country's growth in the coming periods. Development planning in Indonesia is carried out based on the national development planning system, which encompasses all aspects of community, national, and state life. One of them is the planning in the field of national defense, which has the function of maintaining national existence and stability. The planning of national defense law development faces challenges in accordance with the dynamics of threats, obstacles, challenges, and disturbances to national defense. These challenges arise both at the national, regional, and global levels. National development planning in the field of state defense law is the subject of study in this article. The research method used is normative descriptive research by examining various related literatures. The result of this research is that national development planning in the field of national defense needs to be carried out by considering the dynamics of threats and challenges to national defense. The planning of national defense development requires planning related to the legal framework or regulations in the field of national defense to ensure the legality and legitimacy of the development of the national defense system.

I. Introduction

National development planning is divided into medium-term and long-term periods. Medium-term development planning has a time dimension of 5 (five) years, while long-term development planning has a time dimension of 20 (twenty) years. Indonesia will soon enter a new phase of development planning with the conclusion of the National Long-Term Development Plan (RPJPN) 2020-2024 in December 2024. Law No. 17 of 2007 concerning the 2005-2025 National Long-Term Development Plan has divided the Development phases into five-year periods, making this year the last year of the long-term development planning, which overall spans 20 years. Article 1 number 1 of Law No. 17 of 2007 concerning the RPJPN 2005-2025 stipulates that the RPJPN document is a national development planning document for a period of 20 (twenty) years from 2005 to 2025.

Development planning in this phase faces increasingly dynamic challenges. The current situation and conditions of society have undergone very rapid changes and are interrelated across sectors and territories, both nationally, regionally, and globally. The social interactions of the international community are no longer limited by distance and time. Technological advancements have changed the patterns of social interaction today. Technological advancements have also influenced fundamental aspects of community, national, and state life, including ideology, politics, economy, social, culture, and defense and security. Moreover, the world today is facing common challenges such as climate change, technological disruption, demographics, geopolitics, and so on. These challenges are also faced by Indonesia as a country that has experienced rapid development in recent times. The situation of the challenges becomes more complex with the relocation of the capital city. The relocation of the capital city also poses a challenge in designing various aspects of the state, especially in governance and economics. In addition to designing a new national capital, the government also faces the challenge of redesigning Jakarta after it ceases to be the capital.

The complexity of these challenges must be a priority in formulating the RPJPN 2025-2045. The current challenges indicate the need for an integrated multisectoral approach in planning and implementing national development. One of the important and vital sectors of development is national defense planning. National defense has a direct impact on the existence of a country. Even in the dimension of inter-state competition interactions, national defense can influence the nation's self-esteem. National defense plays a role in detecting, countering, and facing various threats that endanger the nation and state. The quality of a country's defense being weak or low indicates that the nation and state are in a dangerous situation.

The strength of national defense correlates with national stability, which serves as the fundamental capital for conducting development. A strong national defense will create good national security stability. Without stability, the development goals of achieving economic growth, welfare, and quality of life for the community are difficult to realize. The

continuity and smoothness of development will be greatly determined by the country's resilience against threats from both within and outside. The conducive stability of a country will encourage its ability to focus on efforts to achieve its goals in accordance with the planned development. In the current development of national, regional, and global interactions, national defense has become an aspect that must be maintained in a conducive state at all times. The highly dynamic political and economic situation needs to be a point of vigilance for maintaining national defense. This article will examine the patterns of planning in the development of the national defense sector.

2. Research Method

This research was conducted using a descriptive and normative approach by outlining various data and information related to the research theme, sourced from literature such as regulations, relevant theories and doctrines, research findings, as well as relevant journal articles, and so on. The sources of material in the writing of this journal article include: (i) primary sources, namely basic norms and legislation. The primary materials used in this research include: the 1945 Constitution, and legislation related to the field of national defense and national development planning. (ii) Secondary sources that include new and up-to-date scientific knowledge, encompassing books, research reports, journals, and magazines related to national defense. (iii) Tertiary sources, which are materials that can provide guidance and explanations for primary and secondary legal materials. Tertiary materials include dictionaries, abstracts, and encyclopedias.

3. Results and Discussion

Dimensions of National Development Planning

Development is a systematic process that is multidimensional in making changes to community, national, and state life towards a better direction. These changes or transformations are organized by involving multiple parties and optimizing the existing resources. Law Number 25 of 2004 on the National Development Planning System (National Development Planning System Law) defines national development as an effort carried out by all components of the nation in order to achieve the goals of the state. In that definition, it includes the desire to implement development in order to achieve the national goals outlined in the Preamble of the 1945 Constitution of the Republic of Indonesia (UUD NRI 1945). These goals include: protecting all Indonesian people, advancing the general welfare, educating the nation's life, and participating in maintaining world order based on eternal peace and social justice for all Indonesian people.

Development in Indonesia is organized within the framework of achieving the country's goals. The transformation of society pursued through development must be able to create conditions for a protected society, a prosperous society, an intelligent society, and one that can contribute to the efforts of achieving world peace. This framework was established by the nation's founders and remains the highest goal in the life of the state in Indonesia. Until

now, that national goal has become a constitutional aspiration and has not changed since 1945. This constitutional aspiration demonstrates a national commitment that the ruling government must steadfastly uphold these ideals in formulating policies and implementing development.

National development that aims to achieve state goals must be carried out comprehensively and systematically. Thus, the implementation of development must have a comprehensive plan. Development planning is defined as a process of formulating alternatives or decisions based on data and facts that will be used as material to carry out a series of activities.¹ Another definition states that development planning is a continuous process that includes decisions or choices of various alternatives for resource use to achieve specific goals in the future.² Whereas in the normative framework of Article 1 Number 3 of the National Development Planning System Law, the national development planning system is defined as a unified procedure for development planning to produce long-term, medium-term, and annual development plans implemented by state organizers and society at the Central and Regional levels. Meanwhile, in the normative framework of Article 1, Number 3 of the National Development Planning System Law, the national development planning system is defined as a unified procedure for development planning to produce long-term, medium-term, and annual development plans implemented by state organizers and society at the Central and Regional levels.

The national development planning system aims to: a. support coordination among development actors; b. ensure the creation of integration, synchronization, and synergy both between regions, between spaces, between times, between government functions, and between the Central and Regional; c. ensure the interconnection and consistency between planning, budgeting, implementation, and supervision; d. optimize community participation; and e. ensure the achievement of resource use in an efficient, effective, just, and sustainable manner.

Next, there are several characteristics of development planning, namely: i. efforts reflected in the plan to achieve steady social economic growth. ii. efforts reflected in the plan to increase per capita income. iii. efforts to implement structural economic changes. iv. efforts to expand job opportunities. v. efforts for equitable development. vi. efforts to develop community economic institutions that better support development activities. vii. Continuous efforts to maintain economic stability. Every development plan must contain the following essential elements:³

1. Basic policies or basic strategies of the development plan. This element is the foundation of the entire plan, which is then incorporated into the other key elements of development planning.

¹Riyadi Dan Bratakusumah. (2005). *Peran Masyarakat dalam Pembangunan*, Multigrafika: Jakarta.

²Conyers, D. and P. Hills. (1994). *An Introduction to Development Planning in the Third World*. Chichester: John Wiley and Sons.

³Edi Wibowo. (2008). Perencanaan Dan Strategi Pembangunan Di Indonesia. *Jurnal Ekonomi Dan Kewirausahaan*. Vol. 8, No. 1. <https://media.neliti.com/media/publications/23438-ID-perencanaan-dan-strategi-pembangunan-di-indonesia.pdf>

2. The existence of a macro framework. In this framework, various development variables and the implications of their relationships are connected.
3. Estimating sources of development financing is a strategic limitation, so it needs to be carefully estimated.
4. Description of a consistent policy framework such as fiscal policy, budgeting, monetary policy, pricing, and other sectoral policies. Various policies need to be formulated and then implemented.
5. Development planning is an investment program carried out sectorally. The preparation of sectoral investment programs is carried out together with the preparation of plans.

The Indonesian national development planning system is divided into three stages: short-term, medium-term, and long-term. Next, there are two levels of national development planning, namely regional development planning and national development planning.

Period	Duration	Instance	Naming
Short	1 Year	Central Government	National Annual Development Plan/Government Annual Work Plan
		Local Government	National Annual Development Plan/Government Annual Work Plan
		Ministry/Agency	Annual Development Plan of Ministries/Agencies
		Regional Device Work Unit	Annual Development Plan of Regional Device Work Units
Middle	5 Years	Central Government	Medium-Term Development Plan
		Local Government	Medium-Term Development Plan Regional Medium-Term Development Plan
		Ministry/Agency	Medium-Term Development Plan of Ministries/Agencies
		Regional Device Work Unit	Medium-Term Development Plan of Regional Work Units/Renstra
Long	20 Years	Central Government	Long-Term Development Plan
		Local Government	Regional Long-Term Development Plan

2. The Concept of National Defense and Resilience

National defense is all efforts to uphold the sovereignty of the state, the integrity of the NKRI territory, and the safety of the entire nation. Law No. 3 of 2002 on National Defense, Article 1 defines "national defense as all efforts to maintain the sovereignty of the state, the integrity of the Unitary State of the Republic of Indonesia (NKRI), and the safety of the entire nation and state." The essence of national defense for the Indonesian nation is all-encompassing defense efforts whose implementation is based on the awareness of citizens' rights and obligations as well as confidence

in their own strength.⁴ The ability to face all of that does not only stem from military capability, but also from the capabilities of other elements of national power, including the government's capacity to address it. All government apparatus (the cabinet) is responsible for security, while the military is responsible for formulating everything related to defense operations and tactics. Undoubtedly, certain threats must be addressed with appropriate, effective, efficient instruments that do not cause social, economic, political, and ideological dislocation.⁵

National defense is a joint force (civilian and military) organized by a state to ensure the integrity of its territory, protection of its people, and/or safeguarding its interests. Thus, the implementation of national defense is carried out by considering the dynamics of the forms of threats faced. The Indonesian nation, based on its experience, has established a way to address those threats, challenges, obstacles, and disturbances; that way is National Resilience. What we mean by national resilience is a dynamic condition of a nation characterized by perseverance and toughness that forms national strength capable of overcoming every threat, challenge, obstacle, and disturbance, whether coming from outside or within, which directly or indirectly endangers the survival of the nation and the achievement of national goals.⁶

National defense is organized by the government and prepared early with a national defense system through building and nurturing the resilience of the state and nation, as well as addressing every threat. The created state of security also enables the development of national welfare in various aspects, such as economic growth that increasingly reduces poverty, the implementation of national education that enlightens the nation, the enforcement of law, and the establishment of justice for all citizens.

Kusnanto Anggoro argues that amidst the necessity to prepare for internal security, external military threats are something that must always be considered, even though at the same time it must also be acknowledged that for the foreseeable future, it is difficult to imagine a traditional war occurring. Occupying foreign territories has become something that faces increasingly sharp moral objections and is becoming more economically costly. Armed conflict, if it must occur, is likely to

⁴Article 1 UU. No.3 Tahun 2003 Tentang Pertahanan Negara.

⁵Kusnanto Anggoro. (2003). *Keamanan Nasional, Pertahanan Negara, dan Ketertiban Umum*, Makalah Pembanding Seminar Pembangunan Hukum Nasional VIII. Diselenggarakan oleh BPHN, Departemen Kehakiman dan HAM RI.

⁶Sayidiman Suryohadiprojo. *Kemiskinan Melemahkan Ketahanan Nasional*. <http://sayidimansuryohadiprojo.com>.

be limited in scope, brief in duration, and utilize advanced technology.⁷

The General Defense Policy of the State is formulated as a unified direction of policy, one of which is integrative defense, which is a policy that integrates military defense and non-military defense. The integrative meaning of national defense is the realization of the integration and synergy of national defense management and administration policies in the form of; First, military defense is manifested in the form of the main component, namely the TNI, characterized by the joint command of the three forces (Army, Navy, and Air Force), thus showing a complete unity, reinforced by Reserve Components and Supporting Components sourced from non-military defense based on the professions required by the Main Components. Second, non-military defense is realized in the form of main elements by the relevant ministries as well as the non-military threats faced and supported by other elements of the nation's components. Meanwhile, the meaning of non-military defense synergy is to demobilize the Reserve Component and Supporting Component formed in military defense back to the relevant ministry institutions, as the main elements and other elements. Meanwhile, the Main Component (TNI) acts as another element in providing assistance to the relevant ministries through military operations other than war.⁸

The defense of the country will be able to create a resilient national resilience. National defense or resilience functions for the nation to face all threats, challenges, and disturbances (AHTG) so that national life continues to aim towards achieving national goals. National resilience is essentially a concept in the regulation and administration of welfare and security in national life.⁹ National resilience can be seen as a concept and condition that can be explained as follows:¹⁰

- a. As a concept, national resilience is a comprehensive and integrated depiction of the components of the national system driven towards achieving national goals.
- b. As a condition, national resilience is a measure of the success of managing the national system in synergizing all its strengths and capacities to face challenges, threats, obstacles, and disturbances in order to achieve national goals.

⁷Kusnanto Anggoro, *Op.Cit*

⁸Lampiran I Peraturan Menteri Pertahanan Nomor 16 Tahun 2012 Tentang Kebijakan Pengintegrasian Komponen Pertahanan Negara.

⁹ Sigit Dwi Kusrahmadi. *Ketahanan Nasional*. Diakses 10 Oktober 2023.
https://staffnew.uny.ac.id/upload/131655977/pendidikan/KETAHANAN+NASIONAL+UPT+MKU+Penting+Sekali+A1+04-02-06_0.pdf

¹⁰Putu Sastra Wingarta. (2016). Rejuvenasi Bhinneka Tunggal Ika; Pendekatan Kewaspadaan Nasional. *Jurnal Kajian Lemhanas RI*, Edisi 26, hal. 24.

National resilience as an important element in national development encompasses all aspects of national life that are integrated. This shows that national resilience has diverse aspects or dimensions but forms an integrated unity. This integrated concept means that each aspect of national resilience has interrelated relationships.

National resilience encompasses all areas of life mapped into eight dimensions, namely: geography, demography, and natural resource wealth as natural determinants, and ideology, politics, economy, socio-culture, as well as defense and security as social determinants.¹¹ In national policy, the eight aspects of national resilience are referred to as *asta gatra* (eight gatra), which are divided into *tri gatra* and *panca gatra* with the following division of elements:

Asta Gatra	Tri Gatra	Gatra Geographical location and position
		Gatra Aspect of conditions and natural wealth
		Gatra The state and capabilities of the population
	Panca Gatra	Gatra ideological
		Gatra political
		Gatra Economic
		Gatra Social and Cultural
		Gatra Defense and security dimensions

According to Sayidiman Suryohadiprojo, the elements in the *tri gatra* are referred to as scientific elements, while the elements in the *panca gatra* are referred to as social elements.¹² This division is similar when compared to the division according to Hans J Morgenthau (1989; 107-219) who argues that there are two factors that give strength to a country, namely: first, relatively stable factors, consisting of geography and natural resources; and second, relatively dynamic factors, consisting of industrial capability, military, demographics, national character, national morale, quality of diplomacy, and quality of government.

The aspect of *tri gatra* is natural and relatively stable considering the character of the objects within it. Meanwhile, the five elements are social in nature and relatively changeable along with the development of society. The study related to law in this writing limits the scope to the five elements associated with the social system of society. The limitations in the elements contained in the *panca gatra* include:

¹¹ *Ibid.*

¹² Sayidiman Suryohadiprojo, Op. Cit, hal. 14.

- a. Ideological resilience is the mental condition of the Indonesian nation based on the belief in the truth of the Pancasila ideology, which includes the ability to foster and maintain national unity and integrity, as well as the ability to repel the penetration of foreign ideologies and values that do not align with the nation's character;
- b. Political resilience is the condition of the political life of the Indonesian nation based on political democracy according to Pancasila and the 1945 Constitution, which includes the ability to maintain a healthy and dynamic political system and the ability to implement an independent and active foreign policy;
- c. Economic resilience is the condition of the nation's economic life based on economic democracy grounded in Pancasila, which encompasses the ability to maintain a healthy and dynamic economic stability, the ability to create national economic independence with high competitiveness, and to realize fair and equitable people's prosperity;
- d. Cultural resilience is the condition of the nation's socio-cultural life imbued with national personality based on Pancasila, which encompasses the ability to shape and develop the socio-cultural life of Indonesian people and society who are faithful and devoted to God Almighty, harmonious, united, patriotic, high-quality, advanced, and prosperous in a life that is entirely harmonious, balanced, and capable of countering the penetration of foreign cultures that are not in accordance with national culture; and
- e. Defense and security resilience is the condition of the nation's deterrent power based on the awareness of defending the country by all citizens, which includes the ability to maintain dynamic national defense and security stability, secure development and its results, as well as the ability to uphold national sovereignty and counter all forms of threats.

The Panca gatra, which is a social element, has a relatively changeable nature. This is due to the dynamic nature of society, which affects the elements contained within the panca gatra. Society as a system is built with interrelated social elements. One of the elements that build this is social norms, which function as guidelines or instructions for individuals and society to interact with each other.

3. Defense Sector Development Planning

Development and national defense are two dimensions that are interconnected and mutually influence each other. National defense is one of the aspects in the implementation of development. Planning and implementing development must go hand in hand with national defense. Development

planning must also include national defense planning. In general, there are two aspects that fall within the scope of national defense planning to support national development, namely the spectrum of threats and the potential of defense capabilities. To design national defense planning, those two aspects need to be given serious attention.

From the aspect of the threat spectrum, national defense is not solely within the scope of countering military (traditional) threats, but also non-military (non-traditional) threats. Even non-military threats dominate the types of threats to national defense. Its destructive power is also very large and has a wide-ranging impact in terms of ideology, politics, economy, society, and culture. Neglecting these threats can impact national security. These non-military threats come in various forms and continue to evolve. Among them are cyber warfare, issues arising in the techno-cultural era, propaganda and fake news, environmental and climate change problems, radicalism of values that are dangerous to national safety, economic dependence on other countries, social inequality, food crisis threats, and so on. The nature of these non-military threats is multidimensional, requiring a multidimensional handling approach.

Law Number 3 of 2002 concerning National Defense (National Defense Law) has regulated the defense force in anticipating these types of military and non-military threats. Article 7 paragraph (1) of the National Defense Law regulates that national defense is organized by the government and prepared in this manner with the national defense system. Regarding military threats, Article 7 paragraph (2) regulates the position of the Indonesian National Armed Forces (TNI) as the main component in facing military threats, supported by reserve components and supporting components. Meanwhile, a multisectoral approach is used in addressing non-military threats. Article 7 paragraph (3) stipulates that government agencies outside the defense sector are the main elements in addressing non-military threats, in accordance with the form and nature of the threats faced. In facing this threat, the participation of other elements of the nation's strength is also regulated.

The medium- and long-term development planning currently being drafted plays a vital role in welcoming and achieving the targets of Indonesia Emas 2045. Similarly, national defense planning, which is also part of that development planning. The national defense planning up to 2045 needs to be designed to face the challenges that are already evident today and to anticipate potential disruptions on a national, regional, and global scale.

The challenges ahead will become increasingly complex along with multidimensional or multisectoral changes. Especially within the global scope that is certainly faced, challenges in the

fields of geopolitics and geo-economics, technological disruption, international trade, global cultural interactions, and others. In addition, military threats are still very important to be wary of. Considering the conflicts that have occurred recently. Like the Russia-Ukraine conflict, Israel's military invasion of Palestinian territories, inter-country border conflicts, and so on. The conflict has an impact on regional and international security.

For Indonesia, future national defense planning also needs to consider the shift in the position of the capital city. This adds a new epicenter to the territorial defense of the country, which was previously focused on Jakarta. With this relocation, the national defense posture also needs to be designed for the protection of the new capital city as well as Jakarta, which is envisioned as an economic center and a global city. National defense planning to address non-military threats must adapt to the multidimensional nature of these threats, requiring defense planning that is also multidimensional or multisectoral. Each ministry/agency needs to develop defense strategies in their respective fields to strengthen the nation's defense capabilities. Such as in the fields of education, health, social affairs, technology, economy, law, and so on.

Meanwhile, national defense planning to face military threats needs to strengthen the country's defense posture and also achieve independence in military equipment through the development of the national defense industry. Both types of national defense threats need to receive serious attention in future national defense planning while remaining vigilant to anticipate highly dynamic national defense disruptions that can emerge at any time on an unpredictable scale. Therefore, there needs to be an awareness that national defense is a shared responsibility between the main components of defense, namely the TNI, along with state institutions, related agencies, and the community.

4. Legal Planning in the Field of National Defense

Various dimensions of planning for national defense development, as described in the previous section, also require support from regulatory instruments in the form of legislation. Regulatory support in the form of legislation serves as the foundation or legal umbrella in the implementation of national defense. This will provide legality for every step in building the national defense. This aspect of legality is very much needed at this time in accordance with Indonesia's position as a democratic rule of law state. As a rule of law state, it is certain that every aspect of community, national, and state life must be based on legal aspects, whether in the form of legislation

or the norms existing within society. Furthermore, the democratic principle in the organization of national defense is necessary to build national defense by prioritizing democratic values, including the adoption of human rights in the formulation of policies and the implementation of national defense.

Planning the development of the defense sector by prioritizing the principles of a democratic rule of law not only provides a legal basis but also grants legitimacy to policies and their implementation in the national defense sector. This legitimacy is a tangible support from elements of society towards policies and activities in the field of national defense. This legitimacy is built through the formulation of legal instruments that are transparent, participatory, and accountable. In a modern and democratic state, this legitimacy from the people is essential to support the effectiveness of implementing various national development programs. Kusnanto believes that the government, as the representative of the society to implement state policies, has the obligation to fulfill the element of "adequate stateness," especially in creating a balance between coercive capacity, infrastructural power, and unconditional legitimacy.¹³ In addition to legality and legitimacy, the regulation of national defense development in legislation will be able to provide accountability limits in every step of national defense administration. This legal instrument can also function for the public to exercise control over national defense policies in accordance with the law.

Regulations regarding national defense also require adjustments to developments that arise in relation to national defense. The dimension of long-term development planning over a period of 20 (twenty) years is a long time span. Within that time frame, societal dynamics can experience rapid and significant changes that affect the state of national defense. Therefore, efforts must be made to plan adjustments or establish various laws and regulations related to national defense.

4. Conclusion

Development planning today faces various challenges in line with the dynamics of change within society. Changes that often occur so quickly and massively in various aspects of national development, including ideology, politics, economy, socio-culture, and defense security. This condition demands a planning model that is systematic, adaptive, and sustainable. Development planning also includes aspects of development planning in the field of national defense.

In the realm of defense planning, adaptive and sustainable planning patterns must be the main focus to address various threats, obstacles, challenges, and disturbances

¹³Anggoro, Kusnanto. (2003). *Keamanan Nasional, Pertahanan Negara, Dan Ketertiban Umum*, Makalah Pembanding Seminar Pembangunan Hukum Nasional VIII. Diselenggarakan oleh Badan Pembinaan Hukum Nasional, Departemen Kehakiman dan HAM RI.

to national defense. The development of various aspects of life at the national, regional, and global levels needs to be given serious attention in formulating development planning. The strategic environment of national defense becomes a central point in the development of national defense by considering the optimization of defense resource strength.

The strength of the national defense system also needs to be supported by regulations or legislative instruments that can provide legality and legitimacy in formulating the national defense system. The existence of these regulatory instruments also serves as the legal basis for every action taken to maintain and improve the quality of the national defense system.

The government, in formulating national development planning both in the long term and in the medium and short term, needs to establish appropriate regulatory frameworks for each sector of development. This also applies to the planning of national defense development, which also needs to include adjustments to the regulatory framework in the field of national defense.

The planning of defense law must currently encompass the needs to address threats, obstacles, challenges, and disturbances from both external and internal sources, whether military or non-military in nature. Legal planning in the field of national defense needs to be pursued with two strategies, namely (i) drafting new regulations related to aspects of national defense and (ii) evaluating and updating existing regulations to improve them in accordance with the legal needs of the community related to national defense.

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