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Regulation of the Authority to Make MPR Decrees Before and After Reforms in the 1945 Constitution of the Republic of Indonesia

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ABSTRACT
The People's Consultative Assembly (MPR) is a high state institution in the Indonesian constitutional system and MPR Decrees are one type of applicable legislation. The legal basis for MPR Decrees before the amendment to the 1945 Constitution can be found through the interpretation of some articles in the 1945 Constitution. After the amendment to the 1945 Constitution, apart from changing the position of the MPR as the highest state institution, it also changed the duties and authority of the MPR. The MPR no longer issues MPR Decrees. However, based on Law Number 12 of 2011 concerning the Formation of Legislative Regulations, it places MPR Decrees in the sequence of statutory regulations. Thus, the MPR Decree is part of the types and hierarchy of statutory regulations placed under the 1945 Constitution of the Republic of Indonesia. This article raises the issue of how the authority to make MPR Decrees is regulated before and after the amendments to the 1945 Constitution and is linked to TAP MPR RI Number I/MPR/2003 concerning Review of the Material and Legal Status of TAP MPRS and TAP MPR RI from 1960 to 2002. The purpose of this writing is to find out how the authority to make MPR Decrees is regulated before and after the amendment to the 1945 Constitution and is linked to TAP MPR RI Number I/MPR/2003. This writing uses a normative juridical method with a statutory regulatory approach. With some MPR Decrees still in effect before and after the reform, they are based on constitutional practices as well as the provisions in the 1945 Constitution and related laws and regulations.

Keywords: *1945 Constitution, After Reforms, Authority MPR*

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INTRODUCTION

The People's Consultative Assembly (MPR) is one of the high state institutions in the Indonesian constitutional system (I. Ghosh et al., 2021) (Hamzaoui et al., 2023). The Decree of the People's Consultative Assembly, or TAP MPR for short, is one form of legislation that legally applies in Indonesia(K. Ghosh et al., 2021). The legal basis for

TAP MPR before the amendment of the 1945 Constitution was found through the interpretation of some articles in the 1945 Constitution such as Article 3 which reads "The People's Consultative Assembly establishes the Constitution and the outlines of the state direction" (Ansariyar & Tahmasebi, 2022) (Sbayti et al., 2023). The existence and use of TAP MPR before the reformation or before the amendment of the 1945 Constitution has been accepted and in fact can be useful in organizing the state (Han et al., 2021a). Based on this custom, the existence of TAP MPR is accepted as legislation and used as a source of law (Sun et al., 2024a). After the amendment to the 1945 Constitution, in addition to changing the position of the MPR as the highest state institution (Lee, 2021), it also changed the duties and authority of the MPR (Soesatyo et al., 2023a) (Capulli et al., 2023). The MPR no longer issues MPR Decrees that are outwardly regulating (Han et al., 2021b), as stipulated in TAP MPRS No. XX/MPRS/1966 concerning the DPR-GR Memorandum on the Source of Legal Order of the Republic of Indonesia and the Order of Legislation determining Pancasila as the source of all sources of law and the order of legislation and TAP MPR No. III/MPR/2000 concerning Sources of Law and Order of Legislation (Poernomo, 2022a). In subsequent developments after the amendment of the 1945 Constitution of the Republic of Indonesia (Qi et al., 2021), based on Law Number 12 of 2011 concerning the Establishment of Legislation as amended several times, most recently by Law Number 13 of 2022 concerning the Second Amendment to Law Number 12 of 2011 concerning the Establishment of Legislation (Law Number 12 of 2011) in which it determines the type and order of laws and regulations (Schweppe et al., 2022), placing TAP MPR/S in the order. Article 7, paragraph (1) of Law Number 12/2011 confirms the types and hierarchy of laws and regulations in Indonesia. These consist of seven levels: first, the 1945 Constitution of the Republic of Indonesia (UUD NRI 1945), which serves as the highest legal foundation; second, the People's Consultative Assembly Decrees (TAP MPR); third, Laws or Government Regulations in Lieu of Laws; fourth, Government Regulations; fifth, Presidential Regulations; sixth, Provincial Regulations; and finally, seventh, District or City Regulations. This hierarchy ensures a structured legal system, providing clarity and consistency in the creation and implementation of laws across the country (Noer Wahid et al., 2023).

Article 7 paragraph (2) of Law Number 12/2011 emphasizes that the legal force of laws and regulations is in accordance with their hierarchy (Tian et al., 2021). This means that this provision stipulates the existence of TAP MPR as a statutory regulation whose legal force is stronger than the Law (Dong & Zhang, 2021). Thus, based on Law No. 12/2011, the MPR Decree is part of the type and hierarchy of laws and regulations placed under the 1945 Constitution (Sutton, 2022). This means that TAP MPR is no longer only *beschikking* but also *regeling*. A decision (*beschikking*) is one-time (*enmahlig*), while a regulation (*regeling*) is always in effect continuously (*dauerhaftig*) (Liu et al., 2022).

In Indonesian administrative law, there is a significant distinction between beschikking (decisions) and regeling (regulations). Beschikking represents administrative decisions that possess several distinct characteristics that set them apart. These decisions are specifically targeted at individual persons or entities, making them more personal in

nature rather than broadly applicable. They are characterized by their finality and concrete nature, meaning they have immediate and tangible effects on their subjects.

Beschikking decisions originate from executive authority, demonstrating their administrative nature within the government structure. A key feature of these decisions is their one-time use (einmahlig), indicating they are meant to address specific situations rather than serve as ongoing rules. The format of beschikking can vary, as there isn't always a standardized template, allowing for flexibility based on the specific circumstances and requirements of each case.

When disputes arise regarding these administrative decisions, they are subject to review through legal proceedings in the State Administrative Court, providing a specific venue for challenging or appealing such decisions. This legal recourse ensures accountability and proper oversight of administrative decision-making processes within the Indonesian legal system (Soesatyo et al., 2023b).

Regeling represents a form of regulation with several distinct characteristics that define its scope and implementation. As a regulatory instrument, it possesses generally binding force (algemeen bindende) that applies to all subjects under its jurisdiction. One of its fundamental features is its abstract-general nature, meaning it is not targeted at specific individuals but rather applies broadly to all relevant parties. Regeling derives its authority from legislative power, giving it a firm legal foundation within the regulatory framework. It is also characterized by its continuous applicability (dauerhaftig), ensuring its provisions remain in effect over time rather than being temporary measures. Furthermore, Regeling follows a standardized form or format, providing consistency and clarity in its presentation and interpretation. Finally, regulations under Regeling are subject to Judicial Review by the Supreme Court, allowing for legal oversight and ensuring their compliance with higher laws (Wang et al., 2023).

In reality, there are still a number of MPR/S Decrees that are still valid and used as a source of law (Liu, 2024). Thus, the validity of a number of MPR/S Decrees is based on state administration practice or state administration habits (Seniya & Jain, 2022). In addition (Idboufker et al., 2023), the reason TAP MPR/S is still enforced is intended to avoid legal vacuum (Cheng et al., 2022).

RESEARCH METHODOLOGY

The type of writing used to answer the two problem formulations above is the library research method using a normative approach (Gu & Tanoue, 2022), namely legal research using primary data sources (Kong, 2021), and secondary data sources, namely laws and regulations, legal theories, and opinions of experts (Adetayo, 2022).

Library research is research that is *using available data* or library research (Peng, 2022). The writing process will trace data that has been available in the form of legal provisions that have been written and are still valid, and other forms of published information such as research reports, journals, magazines, newspapers, dictionaries, and others. The available data is also called secondary data, such as laws and regulations (Aytac & Tran, 2021).

RESULT AND DISCUSSION

Conceptual Framework

Hierarchy of Legal Norms Theory

The theory of hierarchy of legal norms (Stuffenbeu theorie) introduced by Kelsen states that legal norms are tiered and layered in a hierarchical arrangement, where a lower norm applies, is sourced, and is based on a higher norm. And so, on up to a norm that cannot be traced further and is hypothesized and fictitious, namely the basic norm (grundnorm). The basic norm as the highest norm is formed directly by the community and becomes the source of norms for lower norms, therefore the basic norm is called presupposed or determined in advance (Nsor-Ambala, 2023).

With the position of legal norms that have a hierarchical structure, the validity of a lower legal norm will be highly dependent on the existing norms above which are the basis for the validity of the norm (Poernomo, 2022b). The provisions outlined by a higher norm are das sollen for the formation of lower norms. The lower legal norm must not contradict the higher legal norm which is the basis or source of the enactment of the norm.

Hans Nawiasky's theory of the hierarchy of legal norms, known as "Theorie von Stufenbau der Rechtsordnung," presents a systematic arrangement of legal norms in a hierarchical structure. At the highest level stands the Staatsfundamentalnorm, which represents the fundamental norm or the ultimate source of legal authority in a state. Below this, we find the basic rules of the state (Staatsgrundgesetz), which establish the foundational principles and organizational framework of the state system. The third level consists of formal laws (Formell Gesetz), which are the concrete legal provisions enacted through established legislative procedures. Finally, at the lowest level of the hierarchy are the implementing regulations and autonomous regulations (Verordnung en Autonome Satzung), which provide detailed guidelines and rules for executing the higher-level norms. This hierarchical arrangement ensures a coherent and organized legal system where each level derives its validity from and must conform to the norms of the higher levels.

Based on Nawiasky's theory, A. Hamid S. Attamimi compared it with Kelsen's theory and applied it to the hierarchical structure of the legal system in Indonesia. Based on this theory, the structure of Indonesia's legal system is Staatsfundamentalnorm (Pancasila in the Preamble of the 1945 Constitution), Staatsgrundgesetz (Torso of the 1945 Constitution, TAP MPR, and constitutional conventions), Formell gesetz (Laws), and Verordnung en Autonome Satzung (hierarchically starting from Government Regulations to Decrees of Regents or Mayors) (Ogbu et al., 2022).

Decree of the People's Consultative Assembly

The 1945 Constitutional Amendment repositioned the position of the MPR and there was no provision that explicitly abolished the MPR's authority to issue MPR Decrees (Lambré et al., 2022),because from the beginning, this authority was constructed as an inherent authority and used as a derivation of the authority to determine the broad lines of state direction. However, during the discussion process of the 1945 Constitution amendment, the amendors showed the intention that the MPR could no longer issue

decrees of a regulating nature as a consequence of changes in its position and authority (Saba et al., 2022).

The MPR Decree (Decree of the People's Consultative Assembly) serves as a significant source of law in Indonesia, representing decisions made by the MPR as the holder of people's sovereignty. These decrees are established during formal MPR sessions and are structured into two main implementation categories. The first category encompasses MPR Decrees that contain legislative outlines, which are subsequently implemented through the creation and enactment of laws. The second category consists of MPR Decrees that provide outlines for the executive sector, which are then implemented through Presidential Decrees. This systematic approach ensures that the MPR's decisions are properly executed through appropriate legal and administrative channels, maintaining the hierarchy and effectiveness of Indonesia's legal framework.

TAP MPR is a form of legislative product that is a decision of the MPR deliberation, which is directed outward (from the Assembly), namely regulating the outlines in the legislative and executive fields. The term decree in TAP MPR/MPRS does not exist in the 1945 Constitution. This term was taken by the MPRS in the first session, from the sound of Article 3 of the 1945 Constitution, where there is a source of law, that the MPR is authorized to establish the Constitution, the Guidelines for State Policy (GBHN), elect the President and Vice President (Nizinski et al., 2024).

TAP MPR means that a form of decision issued by the MPR and has legal binding force outside and inside the MPR (Alessandra Martinelli et al., 2022). MPR Decree No. I/MPR/2003 is a MPR Decree on the Review of the Material and Legal Status of TAP MPRS and TAP MPR RI from 1960 to 2002 (Sun et al., 2024b). This TAP was born based on Article I of the Supplementary Rules of the 1945 Constitution of the Republic of Indonesia (Abdul Wahab Mohammad et al., 2024).

Discussion

MPR Decree before the amendment of the 1945 Constitution/before reformation

The legal basis for TAP MPR/S in the 1945 Constitution is not clearly and explicitly regulated in the same way as laws, government regulations in lieu of laws, and government regulations. However, the legal basis can be found through the interpretation of a number of articles in the 1945 Constitution (before amendment), among others:

Article 2 paragraph (3): "All decisions of the MPR shall be made by a majority vote". Article 3: "The MPR establishes the Constitution and the Guidelines of State Policy". Article 6 paragraph (2): "The President and Vice President are elected by the MPR".

From these provisions it is clear that the Indonesian state stands on the foundation of popular sovereignty. The sovereignty of the people is exercised by only one state institution, the MPR. The implementation of popular sovereignty is realized through the duties and powers granted to the Assembly. From the sound of Article 2 paragraph (3) which states, "all decisions of the MPR are determined by majority vote", because the

MPR's decision is the decision of a state institution that is above the President, DPR, BPK and MA, the form of regulation chosen must be above the law but under the Constitution.

Statutory regulations can only be formed by institutions that obtain statutory authority (wetgevingsbevoegdheid), namely the power to form law (rechtsvorming). In this regard, not all institutions have it. An institution will have authority either by attribution or delegation. The MPR does not obtain authority either by attribution or delegation to form legal products called MPR Decrees. However, the authority to form it is obtained based on the authority (duties) it has through the 1945 Constitution as mentioned above.

It is normal for a state institution to make rules, especially those that fall within its jurisdiction and are related to issues within its jurisdiction. Apart from the 1945 Constitution and the Outlines of State Policy, the 1945 Constitution does not provide any other explanation of the MPR's legal products. However, as explained above, the presence of MPR Decrees can be based on two things, namely: First, the provisions implied in the 1945 Constitution. The existence of implied provisions that also contain implied power is recognized by every Constitutional system. Second, the basis of the legal form of the MPR Decree is constitutional practice or constitutional custom. State practice or custom is one of the sources of constitutional law found in every country. The Indonesian constitutional system recognizes the presence of constitutional practices or customs as stated in the Explanation of the 1945 Constitution: "The Constitution of a State is only part of the basic law of the country, the Constitution is a written basic law, while in addition to the Constitution it also applies unwritten basic law, which is the basic rules that arise and are maintained in the practice of state administration, although not written".

Thus, the MPR's authority to make TAP MPR, which was owned by the MPR before reformation, is recognized based on the interpretation of the articles of the 1945 Constitution. It is also recognized in practice.

Regulation of MPR Decrees After Reform, Especially in MPR Decree No. I/MPR/2003 on Reviewing the Material and Legal Status of TAP MPRS and MPR RI in 1960 Until 2002

The issuance of MPR Decree No. I/MPR/2003 on the Review of the Material and Legal Status of TAP MPRS and TAP MPR RI from 1960 to 2002 (MPR Decree No. I/MPR/2003) is inseparable from Article I of the Supplementary Rules of the 1945 Constitution of the Republic of Indonesia (UUD NRI Tahun 1945). Article I of the Supplementary Rules of the 1945 Constitution of the Republic of Indonesia confirms that "the MPR is tasked with conducting a review of the material and legal status of the Temporary MPR Decree and MPR Decree for a decision at the 2003 MPR session." The review of the material and legal status of MPR Decrees is an integral part of constitutional reform activities as a result of changes to the Constitution, particularly regarding changes to the position, duties, and authority of the MPR.

In accordance with Article I of the Supplementary Rules of the 1945 Constitution of the Republic of Indonesia, the People's Consultative Assembly (MPR) conducted a

comprehensive review of the material and legal status of TAP MPRS and TAP MPR during its 2003 session. The results were formally documented in MPR Decree No. I/MPR/2003, which examined 139 TAP MPRS and TAP MPR decisions and organized them into six distinct categories. The first category included 8 revoked and invalidated decisions. The second category contained 3 decisions that remained fully in force. The third category comprised 8 MPR decisions that remained valid until the formation of the post-2004 election government. The fourth category included 11 decisions that remained in force pending the enactment of specific laws. The fifth category contained 5 MPR procedural decisions that remained valid until new procedures were established by the post-2004 election MPR. Finally, the sixth category encompassed 104 decisions that required no further legal action, either because they were einmalig (final), had been revoked, or had been fully implemented. Notably, of these six categories, only the TAP MPRS and TAP MPR in the second and fourth groupings remain legally valid and in force today. The second grouping consists of 1 TAP MPRS and 2 TAP MPR, while the fourth grouping comprises 1 TAP MPRS and 10 TAP MPR, all of which continue to have legal standing in Indonesia's current legislative framework.

The second grouping is regulated in Article 2 of TAP MPR Number I/MPR/2003, which states that TAP MPRS and TAP MPR RI shall remain in force with specific provisions for each. The first provision concerns TAP MPRS of the Republic of Indonesia Number XXV/MPRS/1966 regarding the Dissolution of the Indonesian Communist Party. This decree declares the Communist Party as a prohibited organization throughout the entire territory of the Republic of Indonesia and bans the spread or development of Communist/Marxist-Leninist teachings. This decree remains in force with the stipulation that all its provisions must be enforced with justice and respect for law, democratic principles, and human rights.

The second provision addresses TAP MPR RI Number V/MPR/1999 concerning the Determination of Opinion in East Timor. This decree remains in force until the implementation of the provisions outlined in Article 5 and Article 6 of TAP MPR RI Number V/MPR/1999.The fourth grouping is regulated in Article 4 of TAP MPR Number I/MPR/2003 which states that: "TAP MPRS and TAP MPR RI as referred to below remain in effect until the formation of a law.

1. TAP MPRS of the Republic of Indonesia Number XXIX/MPRS/1966 on the Appointment of Ampera remains in effect with respect to the designated Ampera Heroes and until the formation of a law on the awarding of titles, merit marks, and other honors.
2. TAP MPR RI Number XI/MPR/1998 on Clean and Corruption, Collusion and Nepotism-Free State Administration until the implementation of all provisions in the TAP.
3. TAP MPR RI Number XV/MPR/1998 on the Implementation of Regional Autonomy, Regulation, Sharing, and Equitable Utilization of National Resources, as well as Central and Regional Financial Balance within the Framework of the Republic of

Indonesia until the formation of laws on Regional Government as mandated by Articles 18, 18A, and 18B of the 1945 Constitution of the Republic of Indonesia.

4. MPR Decree No. III/MPR/2000 on the Source of Law and the Order of Legislation.
5. MPR Decree No. V/MPR/2000 on Strengthening National Unity and Integrity.
6. MPR Decree No. VI/MPR/2000 on the Separation of the Indonesian National Army and the Indonesian National Police until the enactment of relevant legislation.
7. TAP MPR RI Number VII/MPR/2000 on the Indonesian National Army and the Role of the Indonesian National Police until the formation of laws related to the improvement of Article 5 paragraph (4) and Article 10 paragraph (2) of the TAP in accordance with the 1945 Constitution.
8. MPR Decree No. VI/MPR/2001 on the Ethics of National Life.
9. TAP MPR RI Number VII/MPR/2001 on the Vision of Future.
10. MPR Decree No.VIII/MPR/2001 on Recommended Direction for the Eradication and Prevention of Corruption Collusion and Nepotism until the implementation of all provisions in the Decree.
11. TAP MPR RI Number IX/MPR/2001 on Agrarian Reform and Natural Resource Management until the implementation of all provisions in the TAP.

When analyzed further, in fact only the TAP MPRS and TAP MPR in the second grouping are still in force, while in the fourth grouping, some of them are actually no longer in force. This is because they have been implemented or legal actions have been taken, such as the establishment of certain laws. The TAP MPRS and TAP MPR are as follows:

1. TAP MPR RI Number XXIX/MPRS/1966 concerning the Appointment of Ampera Heroes remains in effect with respect to the Ampera Heroes who have been appointed and until the formation of a law concerning the awarding of titles, service marks, and other honors. This TAP MPRS actually No. longer applies after the establishment of Law Number 20 of 2009 concerning Titles, Merit Marks, and Honor Marks. As stated in the general explanation section of the Law, the establishment of the Law is intended as a unification and codification of legislation that currently consists of: 17 (seventeen) laws and 1 (one) TAP MPRS No. XXIX/1966 concerning the Appointment of Hero Ampera.
2. TAP MPR RI Number XV/MPR/1998 on the Implementation of Regional Autonomy, Regulation, Sharing, and Equitable Utilization of National Resources, as well as Central and Regional Financial Balance within the Framework of the Unitary State of the Republic of Indonesia until the formation of laws on Regional Government as mandated by Articles 18, 18A, and 18B of the 1945 Constitution. This MPR Decree is essentially no longer applicable given the enactment of a number of Laws concerning Government, including Law Number 22 of 1999 concerning Regional Government, Law Number 32 of 2004 concerning Regional Government, and most recently Law Number 23 of 2014 concerning Regional Government. Article 18, Article 18A, and Article 18B of the 1945 Constitution of the Republic of Indonesia are included in the legal basis (reminder provision) of the Law to emphasize that the establishment of the

Law is based on the provisions of Article 18, Article 18A, and Article 18B of the 1945 Constitution of the Republic of Indonesia and the mandate of this MPR Decree.

3. MPR Decree No. III/MPR/2000 on the Source of Law and Order of Legislation. This MPR Decree actually ceased to apply after the establishment of Law No. 10/2004 on the Formation of Legislation, although this law has also been revoked and declared invalid by Law No. 12/2011 on the Formation of Legislation. Both laws regulate the source of law as well as the type and hierarchy of laws and regulations as a substitute for the regulation on the order of laws and regulations stipulated in this MPR Decree.
4. TAP MPR RI Number VI/MPR/2000 on the Separation of the Indonesian National Army and the Indonesian National Police until the formation of related laws. This MPR Decree ceased to apply after the enactment of Law No. 2 of 2002 on the Indonesian National Police (Polri Law) and Law No. 34 of 2004 on the Indonesian National Army (TNI Law). In the legal basis (remembrance provision) of both laws, this MPR Decree is included. This confirms that the establishment of the two laws is based on and an implementation of this MPR Decree.
5. TAP MPR RI Number VII/MPR/2000 on the Role of the Indonesian National Army and the Role of the Indonesian National Police until the formation of laws related to the improvement of Article 5 (4) and Article 10 paragraph (2) of the TAP which are adjusted to the 1945 Constitution of the Republic of Indonesia.

Article 5 paragraph (4) of this MPR Decree emphasizes that "Members of the Indonesian National Army do not exercise the right to vote and be elected. The participation of the Indonesian National Army in determining the direction of national policy is channeled through the MPR until 2009 at the latest." Meanwhile, Article 10 paragraph (2) of this MPR Decree affirms that "Members of the Indonesian National Police do not exercise the right to vote and be elected. The participation of the Indonesian National Police in determining the direction of national policy is channeled through the MPR until 2009 at the latest."

Improvements related to the two articles above have actually been regulated in the Law on TNI, Law on Polri, and even strengthened in Law Number 7 of 2017 concerning General Elections (Law on Elections). Article 39 of the Law on TNI of laws and regulations as a substitute for the regulation on the order of laws and regulations stipulated in this MPR Decree.

The regulation prohibits every soldier from engaging in: 1) activities to become a member of a political party; 2) practical political activities; 3) business activities; and 4) activities to be elected as a member of the legislature in general elections and other political positions. Furthermore, Article 28 of the Law on the National Police confirms that the National Police of the Republic of Indonesia is neutral in political life and does not involve itself in practical political activities. Members of the National Police of the Republic of Indonesia do not exercise their right to vote or to be elected, and members of the police who hold positions outside the police service must resign or retire from their roles.

Regarding the regulation on the period of involvement of the TNI (Indonesian National Army) and Polri (National Police) in determining the direction of national policy through the MPR until 2009, it is also no longer relevant as this period has passed, especially since the TNI-Polri faction has not been part of the MPR since 2004. This is a result of amendments to the 1945 Constitution of the Republic of Indonesia, particularly Article 2 paragraph (1), which states that, "The MPR consists of members of the House of Representatives and members of the Regional Representative Council elected through general elections and further regulated by law.

6. MPR Decree No. VII/MPR/2001 on the Vision of Future Indonesia

This MPR TAP outlines that the Vision of Future Indonesia consists of three main visions, namely:

a. Ideal Vision, which reflects the lofty ideals as stated in the Preamble of the 1945 Constitution of the Republic of Indonesia.
b. The Intermediate Vision, namely Indonesia's Vision 2020, which is valid until 2020; and
c. The Five-Year Vision, as enshrined in the State Policy Guidelines. In the current context, these three visions have been replaced by the SPPN Law.

The aims and objectives of this MPR Decree are almost the same as the aims and objectives of the SPPN Law, even as stipulated in Law No. 25/2004 on the National Development Planning System (although the SPPN Law is much more complex).

The establishment of this MPR TAP is intended to maintain the continuity of the direction of state administration between the five-year vision, the Vision of Indonesia until 2020, and the noble ideals of the nation enshrined in the Preamble of the 1945 Constitution of the Republic of Indonesia. Meanwhile, the objectives of the SPPN include:

a. Supporting coordination between development actors;
b. Ensuring the creation of integration, synchronization, and synergy between regions, spaces, times, government functions, and between the Central Government and the Regions;
c. Ensuring linkages and consistency between planning, budgeting, implementation, and monitoring;
d. Optimizing community participation; and
e. Ensuring the efficient, effective, equitable, and sustainable use of resources.

The description of development planning in the Law on SPPN is also more comprehensive than in the MPR TAP. In the SPPN Law, national development planning is divided into: The National Long-Term Development Plan (RPJP) for a period of 20 years; The Medium-Term Development Plan (RPJM) for a period of 5 years; and The Annual National Development Plan (RKP) for a period of 1 year. Another reason this MPR Decree is no longer relevant is that the five-year vision stipulated in the MPR Decree is already included in the State Policy Guidelines. This is despite the fact that the Outlines of State Policy no longer exist because the authority of the MPR to stipulate them was removed during the amendments to the 1945 Constitution of the Republic of Indonesia between 1998 and 2002.

Based on the above, the regulation of the TAP MPR remains a matter that needs attention. This is because there are still TAP MPRS and TAP MPR whose content material is still valid. For this reason, it is important to continue to place it as one of the types in the hierarchy of laws and regulations. There are at least 1 (one) TAP MPRS and 7 TAP MPR that are still valid, namely:

1. TAP MPRS Number XXV/MPRS/1966 on the Dissolution of the Indonesian Communist Party, the Declaration of the Indonesian Communist Party as a Prohibited Organization in the Entire Territory of the Republic of Indonesia and the Prohibition of Any Activity to Spread or Develop the Ideology or Teachings of Communism/Marxism-Leninism;
2. MPR Decree No. XVI/MPR/1998 on Political Economy in the Framework of Economic Democracy;
3. MPR Decree No. V/MPR/1999 on the Act of Free Choice in East Timor;
4. MPR Decree No. IX/MPR/1998 on Clean and Corruption-Free State Administration, Collusion, and Nepotism;
5. MPR Decree No. V/MPR/2000 on Strengthening National Unity and Integrity;
6. MPR Decree Number VI/MPR/2001 on the Ethics of National Life;
7. MPR Decree No. VIII/MPR/2001 on Recommendations on Policy Directions for the Eradication and Prevention of Corruption, Collusion, and Nepotism; and
8. MPR Decree No. IX/MPR/2001 on Agrarian Reform and Natural Resource Management.

In a more advanced opinion, it is hoped that the explanation of Article 7 paragraph (1) letter b of Law No. 12/2011 Establishment of Legislation needs to be deleted, so that the formation of MPR Decree becomes the full authority of the MPR, including MPR Decree that is regulating (regeling) as it was before the reform/before the amendment of the 1945 Constitution, without having to be limited as stated in the explanation of Article 7 paragraph (1) of Law No. 12/2011.

CONCLUSION

The regulation of MPR Decrees (TAP MPR) was initially recognized under the constitution and in practice before the reformation period. In the early days of reform, these decrees were removed from Indonesia's hierarchical order of laws and regulations. However, they were reinstated in 2011 through Law Number 12/2011, placing them back in the hierarchy under the 1945 Constitution. This reinstatement did not restore the MPR to its pre-reform status, as the formation of new MPR Decrees in the reform era differs significantly from the period before the 1945 Constitution amendments. This change occurred because legislative authority was fully transferred to the President and DPR.

The amendments to the 1945 Constitution fundamentally altered the MPR's position, duties, and authority. Previously the highest state institution, the MPR became equal in standing with other state institutions. This change meant that MPR Decrees were no longer recognized as regulations (regeling) in the Indonesian legal system. While MPR Decrees can still be issued, they now function only as determinations (beschikking), such

as decrees appointing a Vice President to become President in cases of permanent presidential absence. The key distinction lies in that regulations (regeling) are general-abstract in nature, while determinations (beschikking) are concrete-individual.

Post-reformation, MPR Decree formation was governed by Decree No. I/MPR/2003, which reviewed the material and legal status of TAP MPRS and TAP MPR from 1960 to 2002. This decree categorized 139 existing decrees into six groups: eight were revoked and invalidated; three remained valid with specific provisions; eight stayed in force until the formation of an elected government; eleven remained valid until the formation of new laws; five continued until new MPR procedural rules were established following the 2004 elections; and 104 required no further legal action, either being final (einmahlig), already revoked, or completed.

Beyond TAP No. I/MPR/2003, MPR Decrees are also recognized under Law No. 12/2011 on Legislative Formation. However, the explanation of Article 7 paragraph (1) significantly restricts this authority. This limitation could be addressed through two potential solutions: either the House of Representatives and Government could amend Law Number 12/2011 by removing the explanation of Article 7 paragraph (1), or the Constitutional Court could declare this explanation inconsistent with the 1945 Constitution's mandate. Either approach would restore the MPR's authority to issue decrees, including those regulatory in nature, enabling it to fulfill its constitutional functions effectively.

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