

IDEAL FORM OF DETERMINATION REGIONAL MEDIUM-TERM DEVELOPMENT PLAN

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ABSTRACT

Development plans at the regional level are included in the regional medium-term development plan, which is then stipulated by legislation. However, in terms of regulations, there is dualism in regulations related to regional medium-term development plans, namely Article 19 paragraph (3) of Law Number 25 of 2004 concerning the National Development Planning System stipulated by the Regional Head Regulation and Article 264 paragraph (1) of Law Number 23 of 2014 concerning Regional Government stipulated by the Regional Regulation. This research uses a normative research method with a statute approach. This research shows that in the future, ideally, regional medium-term development plans are stipulated by the Regional Head Regulation because regional medium-term development plans are an elaboration of the regional head's vision and mission and for synchronization with regulations at the central level.

Keywords: *Development Plan, Regional Regulation, Regional Head Regulation.*

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INTRODUCTION

The current implementation of regional autonomy in Indonesia, each region, both provincial and district, even down to the village level, is given the authority to plan, develop, and regulate various regional development policies in order to improve performance with the aim of fulfilling public services.¹ In order to achieve the national development goals of improving the lives and welfare of the community through

¹ D. Iswanto, *Implementasi Kebijakan Bantuan Langsung Tunai Dana Desa (BLT DD) sebagai Perlindungan Sosial Masyarakat Miskin Terdampak Covid-19 (Studi di kabupaten Tuban)*. University of Brawijaya, (2021)

equitable implementation of regional development that is carried out periodically, planning documents are prepared as part of the contribution to national development. Regional development is a comprehensive effort that focuses on sustainability and covers all aspects of community life, in line with regional and national development goals. Regions are an important component in national development, where effective regional development management requires a coordinated and integrated approach that is fundamental to national development efforts.²

Development planning is a method or technique for achieving goals that aims to accelerate the development process in order to create a developed, prosperous, and well-off society. Development planning can also be defined as a collection of development policies and programs to stimulate the public and private sector to use available resources more productively.³

Development planning has various types, depending on their respective nature. Based on the timeframe, development planning can be classified into three types: long-term, medium-term, and short-term or annual development plans. Long-term development plans typically cover a period of 10-25 years. Currently, long-term development plans, both national and regional, cover a period of 20 years. Medium-term development plans typically cover a period of 4-5 years, depending on the term of office of the President or regional head. In Indonesia, medium-term development plans have a period of 5 years. Medium-term development plans are an elaboration of long-term development plans. Short-term development plans usually cover one year, so they are often called annual plans. This annual plan is essentially an elaboration of medium-term plans.⁴

Development planning documents, both long-term, medium-term, and annual development plans, are then stipulated by statutory regulations. For long-term development plans in the regions, they are stipulated by regional regulations in accordance with the provisions in Article 13 paragraph (2) of Law Number 25 of 2004 concerning the National Development Planning System, which states that the Regional RPJP is stipulated by Regional Regulations. This provision is then also regulated in Article 264 paragraph (1) of Law Number 23 of 2014 concerning Regional Government, which states that the RPJPD is stipulated by Regional Regulations. A different situation occurs in regional medium-term development plans, where in Article 19 paragraph (3) of Law Number 25 of 2004 concerning the National Development Planning System, it is stated that the Regional RPJM is stipulated by Regional Head Regulations. However, then

² V, Ramadanti, Kebijakan Berbasis Bukti (Based Policy Evidence) dalam Perencanaan Pembangunan di Kota Makassar (Studi Kasus pada BAPPEDA Kota Makassar). *Jurnal Administrasi Publik*, (2019), p1-10

³ Setiadi, Irwan Nasution, and Armansyah Matondang, "Analysis of the Duties and Functions of Bappeda in the Implementation of Coordination of Regional Medium-Term Development Plans," *Perspektif* 7, No. 2 (2018). , p. 36.

⁴ Setiadi, Nasution, and Matondang. , pp. 36 – 37.

in Article 264 paragraph (1) of Law Number 23 of 2014 concerning Regional Government, it is stated that the RPJMD is stipulated by Regional Regulations.

In current practice, the provisions followed and implemented at the regional level are the provisions of Article 264 paragraph (1) of Law Number 23 of 2014 concerning Regional Government that the RPJMD is stipulated by Regional Regulation. However, if we look at it from a statutory regulatory perspective, both laws and regulations are Law Number 25 of 2004 concerning the National Development Planning System and Law Number 23 of 2014 concerning Regional Government. Therefore, it is necessary to discuss the ideal form of determining the regional medium-term development plan.

METHOD

The method used in this paper is a normative legal research method conducted based on primary legal materials by examining theories, concepts, legal principles, norms, and rules from statutory regulations.⁵ The nature of the research used in this paper is prescriptive, adhering to the characteristics of legal science as an applied science, the prescripts provided in legal research activities must be able and possible to be applied. Therefore, what is produced by legal research, even though it is not a new legal principle or new theory, at least it is a new argument.⁶

DISCUSSION

RPJMD Regulations in Legislation

Law Number 25 of 2004 concerning the National Development Planning System mandates that each region must develop a regional development plan that is systematic, focused, integrated, and responsive to change, with long-term, medium-term, and short-term or annual planning levels. Each region must establish a long-term regional development plan, a medium-term regional development plan, and a regional government work plan.⁷

In Article 5 paragraph (2) of Law Number 25 of 2004 concerning the National Development Planning System, it is stated that the regional medium-term development plan is an elaboration of the vision, mission and program of the regional head, the preparation of which is guided by the regional long-term development plan by taking into account the national medium-term development plan, containing the direction of regional financial policy, regional development strategy, general policies and programs of regional

⁵ Eka N.A.M. Sihombing, "Perkembangan Kewenangan Pembatalan Peraturan Daerah dan Peraturan Kepala Daerah; Kajian Putusan Mahkamah Konstitusi Nomor 137/PUU-XIII/2015 dan Nomor 56/PUU-XIV/2016", *Jurnal Yudisial* 10, no. 2 (Agustus 2017), hlm. 226.

⁶ Ali Marwan Hsb, "Putusan Peninjauan Kembali Perkara Pidana sebagai Novum dalam Peninjauan Kembali Perkara Perdata", *Jurnal Yudisial* Vol. 12, no. 1 (2019), hlm. 115.

⁷ Suriyati Hasan, "Development Planning System in National Legal Arrangement (A Study of Law Number 25 of 2004 concerning the National Development Planning System)", *Meraja Journal* Vol. 1, no. 3 (November 2018), p. 63.

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work units, cross-work of regional units and regional programs accompanied by work plans with a regulatory framework and an indicative funding framework.⁸

Regulations regarding regional medium-term development plans are then also regulated in Law Number 23 of 2014 concerning Regional Government. In Article 258 paragraph (1) it is stated that regional development is the embodiment of the implementation of government affairs that have been delegated to the regions as an integral part of national development, harmonization between national priorities and regional priorities and between national 5 (five) yearly targets with regional priorities and between national 5 (five) yearly targets with regional 5 (five) yearly targets and in Article 263 paragraph (1) it is also stated that development planning documents consist of (1) regional development plans, namely long-term regional development plans, medium-term regional development plans, and regional government work plans; and (2) regional apparatus plans, namely regional apparatus strategic plans and regional apparatus work plans.⁹

Referring to Article 9 paragraph 2 of Law Number 25 of 2004 concerning the National Development Planning System, the preparation of the National/Regional Medium-Term Development Plan (RPJM) and the Regional Work Plan (RKP/RKPD) is carried out through the following sequence of activities:¹⁰

- a. Preparation of the initial draft of the development plan;
- b. Preparation of the draft work plan;
- c. Development planning deliberation; and
- d. Preparation of the final draft of the development plan.

In more detail, regarding the procedures for drafting the RPJMD, the legal provisions contained in Minister of Home Affairs Regulation No. 86 of 2017 concerning Procedures for Planning, Controlling, and Evaluation of Regional Development, Procedures for Evaluating Draft Regional Regulations concerning Regional Long-Term Development Plans and Regional Medium-Term Development Plans, and Procedures for Amendments to Regional Long-Term Development Plans, Regional Medium-Term Development Plans, and Regional Government Work Plans must also be considered. Article 5 of Minister of Home Affairs Regulation No. 86 of 2017 stipulates that the Regional Development Plan, as referred to in Article 4, must be formulated in a manner that is:

- a. Transparent;
- b. Responsive;
- c. Efficient;

⁸ Maria Yeti Andrias, "Determination of Regional Medium-Term Development Plans (Districts/Cities) from a Legislative Perspective," *JIS: Journal of Social Sciences* Vol. 4, no. 1 (2024), pp. 68 – 69.

⁹ Andrias., p. 69.

¹⁰ Pasal 9 ayat 2 Undang-Undang 25 Tahun 2004 tentang Sistem Perencanaan Pembangunan Nasional

- d. Effective;
- e. Accountable;
- f. Participatory;
- g. Measurable;
- h. Equitable;
- i. Environmentally sound; and
- j. Sustainable.

Legislation as an Instrument for Determining the RPJMD

Legislation is a crucial factor in achieving national goals. In the context of development, legislation is a means to support the realization of development goals.¹¹ Bagir Manan provides a definition of legislation, stating that legislation is:¹²

- a. Written decisions issued by authorized officials or officials, containing generally binding rules of conduct;
- b. Rules of conduct containing provisions regarding obligations, functions, status, or a system;
- c. Regulations that have general-abstract characteristics. This means they are not intended for specific individuals, groups, or objects, or specific events or phenomena.

In the history of Indonesian state administration, the hierarchy of laws and regulations has undergone several changes. The first such regulation was established in Law Number 1 of 1950 concerning Central Government Regulations. Article 1 states that "The types of central government laws and regulations are: a. Laws and Government Regulations in Lieu of Laws; b. Government Regulations; c. Ministerial Regulations."

The regulation regarding the hierarchy of laws and regulations was then regulated in the Decree of the Provisional People's Consultative Assembly of the Republic of Indonesia Number XX/MPRS/1966 concerning the DPR-GR Memorandum concerning the Sources of Legal Order of the Republic of Indonesia and the Order of Laws and Regulations of the Republic of Indonesia. In this MPRS Decree, it is stated that the forms of laws and regulations of the Republic of Indonesia according to the 1945 Constitution are as follows:

- a. The 1945 Constitution of the Republic of Indonesia;
- b. MPR Decree;
- c. Law/Government Regulation in Lieu of Law;
- d. Government regulations;

¹¹ Anggita Yudanti and Wicipto Setiadi, "Problems of Indonesian Regulation Formation in Planning Regulation Formation with Regional Development Planning," *Volksgeist: Journal of Law and Constitutional Studies* V, Issue I (2022). , p. 31.

¹² Bagir Manan, *Ketentuan-Ketentuan Pembentukan Peraturan Perundang-Undangan Dalam Pembangunan Hukum Nasional*, (Jakarta: LPND, 1994)

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- e. Presidential Decree; and
- f. Other Implementing Regulations, such as
 - Ministerial regulation;
 - Ministerial Instruction;
 - And others.

The hierarchy of laws and regulations underwent another change with the issuance of People's Consultative Assembly Decree Number III/MPR/2000 concerning Legal Sources and the Order of Legislation. Article 2 states that "The order of laws and regulations serves as a guideline for the creation of subordinate legal regulations. The order of laws and regulations of the Republic of Indonesia is as follows:

- a. 1945 Constitution;
- b. Decree of the People's Consultative Assembly of the Republic of Indonesia;
- c. Constitution;
- d. Government Regulation in Lieu of Law;
- e. Government regulations;
- f. Presidential Decrees of a regulatory nature;
- g. Local regulation.

The regulations regarding the hierarchy of laws and regulations then changed with the enactment of Law Number 10 of 2004 concerning the Formation of Laws and Regulations. Article 7 states that "the types and hierarchy of laws and regulations are as follows:

- a. The 1945 Constitution of the Republic of Indonesia;
- b. Law/Government Regulation in Lieu of Law;
- c. Government regulations;
- d. Presidential Regulation; and
- e. Local regulation.

Along with the amendment of Law Number 10 of 2004 to Law Number 12 of 2011 concerning the Formation of Legislation, the hierarchy of legislation has also undergone changes. Article 7 paragraph (1) of Law Number 12 of 2011 concerning the Formation of Legislation states that "The types and hierarchy of legislation consist of:

- a. The 1945 Constitution of the Republic of Indonesia;
- b. Decree of the People's Consultative Assembly;
- c. Law/Government Regulation in Lieu of Law;
- d. Government regulations;
- e. Presidential decree;
- f. Provincial Regional Regulations; and
- g. Regency/City Regional Regulations.

In addition, Article 8 paragraph (1) also states that in addition to the types of statutory regulations as referred to in Article 7 paragraph (1), one of them includes

regulations stipulated by the Governor, Regent/Mayor, which are often also called regional head regulations.

Of the types and hierarchy of existing laws and regulations, there are 2 (two) laws and regulations used as legal instruments for determining regional medium-term development plans, which are regulated in laws and regulations. The first is stipulated by the Regional Head Regulation as stipulated in Article 19 paragraph (3) of Law Number 25 of 2004 concerning the National Development Planning System. Then the second is stipulated by Regional Regulation as stipulated in Article 264 paragraph (1) of Law Number 23 of 2014 concerning Regional Government.

The Ideal Form of RPJMD Determination

Of the 2 (two) laws and regulations governing the Regional Medium-Term Development Plan, namely Law Number 25 of 2004 concerning the National Development Planning System and Law Number 23 of 2014 concerning Regional Government, there are 2 (two) types of laws and regulations used as legal products in determining the Regional Medium-Term Development Plan, namely the Regulation of the Regional Head and Regional Regulation. However, the ideal law and regulation used as a legal product in determining the Regional Medium-Term Development Plan is the Regulation of the Regional Head in this case the Regulation of the Governor, Regulation of the Regent/Mayor.

There are 2 (two) reasons which form the basis for why regional head regulations are ideal statutory regulations to be used as legal products in determining the Regional Medium Term Development Plan, namely:

1. RPJMD is an elaboration of the vision and mission of the elected regional head
2. Synchronization with central level

Referring to the hierarchy of laws and regulations, which are divided based on their jurisdiction, Indonesian laws and regulations can be divided into central and regional laws and regulations. Central laws and regulations consist of: 1) Laws/Government Regulations in Lieu of Laws; 2) Government Regulations; and 3) Presidential Regulations. Regional laws and regulations consist of: 1) Regional Regulations; and 2) Regional Head Regulations. By analogy, laws and regulations are the same as regional regulations in terms of the institutions that form them, which involve the House of Representatives and the Regional House of Representatives. Regional head regulations are the same as government regulations and presidential regulations because they are stipulated by the head of state and the head of the region.¹³

¹³ Ali Marwan Hsb, "The Position and Content of Regional Head Regulations," in *the Paradigm of Indonesian Constitutional Law in the Context of the 90th Anniversary of Prof. Dr. M. Solly Lubis, SH* (Medan: Enam Media, 2020). , pp. 1081 – 1082.

At the central level, the National Medium-Term Development Plan is stipulated by Presidential Regulation, the latest of which is Presidential Regulation Number 12 of 2025 concerning the National Medium-Term Development Plan for 2025 – 2029. If it is in sync with the regulations with the National Medium-Term Development Plan, then the determination of the Regional Medium-Term Development Plan should be stipulated by a Regional Head Regulation, not a Regional Regulation.

CONCLUSION

Based on the discussion above, it can be concluded that the regulations regarding the determination of regional medium-term development plans experience dual regulatory arrangements, where in Article 19 paragraph (3) of Law Number 25 of 2004 concerning the National Development Planning System it is stipulated by a Regional Head Regulation, while in Article 264 paragraph (1) of Law Number 23 of 2014 concerning Regional Government it is stipulated by a Regional Regulation.

If we look at the provisions regarding legislation in Indonesia under Law No. 12 of 2011, in principle, both Regional Head Regulations and Regional Regulations are considered types of legislation. However, there are clear differences in their levels.

It is appropriate that the determination of the regional medium-term development plan is stipulated by a regional head regulation for 2 (two) reasons, namely that the regional medium-term development plan is an elaboration of the regional head's vision and mission and to be in sync with central level regulations that the national medium-term development plan is stipulated by a Presidential Regulation.

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