



Dissecting the Nusantara Insight Law Draft: Strong Sovereignty and Nationalism in Diversity

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Abstract

The background that drives this research is the sixty-nine years ago, Soekarno was passionate about providing a geopolitical theory to ensure that the archipelago was one. The belief that the archipelago was whole provided a philosophical and legal basis for the inclusion of all the island groups throughout the colonial occupation into Indonesian territory. Geopolitics in the thought of the founding father goes beyond the concept of nationality developed by outside scientists, for example Ernest Renan, which only requires a unified desire to become a nation. Geopolitics, which later in its development became the insight of the archipelago, went beyond the concept of the desire to unite. The insight of the archipelago in the view of the founding father is a state destiny bound by the power of God Almighty within a scope of the archipelago which is intended for Indonesians, by God Almighty.

Keywords: *Nusantara Insight; Law Draft; Sovereignty; Nationalism*

Introduction

The concept of archipelago insight was subsequently accepted and formulated by the New Order government in legal construction as a constitutional political conception through MPR Decree Number IV / MPR / 1973 and restated in MPR Decree Number IV / MPR / 1978, as well as in MPR Decree Number II / MPR / 1983 concerning State Policy Guidelines.

At the end of the New Order government, the Unitary State of the Republic of Indonesia (NKRI) cannot be denied that it has undergone very dynamic changes at the end of the 20th century (Zharkov, 2002). The dynamics of governance experienced by the Indonesian people began in 1997 since the fall of the Asian Miracles due to the economic crisis in Thailand in countries in the Asian region (Omuraliev and Kokareva, 2007). Asian Miracles is a very well-known term regarding the success of a centralized unitary state in Asia where these countries with a centralized power system can increase very high economic growth (Suny, 2001). However, the economic crisis in Asia led to the collapse of the thesis regarding the Asia Miracles which left Japan and Korea as countries that were still economic powers in Asia. The

collapse of the Asian Miracles thesis gave rise to an idea to include the principles of decentralization and regional autonomy in the pattern of government that has been centralized (Carrère d'Encausse, 1993).

The process of change from centralization to decentralization was then followed by changes and transitions that occurred throughout the country (TASS, 1990a). It cannot be denied that the birth of democracy in Indonesia carries a story that is not always sweet. However, the recent perceived political openness, growth of civil society, media freedom and demands for government accountability have become the colors of Indonesian democracy (TASS, 1990b).

With drastic changes, gradually the concept of the archipelago concept began to fade as a national concept. In 2015, the DPD used its legislative powers to promote the legislative process for the archipelago perspective (Marat, 2008). In the context of the formulation of the Law on Archipelago Insights, this paper will try to offer solutions to the following problems:

1. Formulate the problems faced related to the insight of the archipelago and ways to overcome them in the life of the nation, state and society.
2. Formulate legal problems faced as a reason for the formation of the Draft Law on Archipelago Insights as the legal basis for solving or solving problems in the life of the nation, state and society.
3. Formulate philosophical, sociological, and juridical considerations or foundations for the formation of the Draft Law on Archipelago Insights.
4. Formulating targets to be realized, scope of regulation, scope, and direction of regulation in the Draft Law on Archipelago Insights.

Research Methods

This research involved 32 practitioners' students from the government and stakeholders of Indonesia. These parties were given an online questionnaire was conducted using Google Forms service. The survey data were acquired by using a self-administered survey containing 31 items gathered under 7 concepts based on the the Nusantara Insight Law Draft: Strong Sovereignty and Nationalism in Diversity. The data gathered using Likert Scale (1 = strongly disagree, 2 = disagree, 3 = average, 4 = agree, 5 = strongly agree) for every question extended over five-point. The Cronbach's alpha was found to be 0.912. This indicator proves that all the factors in the test show high consistency for same perception. For creating content validity, the questions/items and their matching hypotheses were previously dapted according to the current study.

Research Results and Discussion

Archipelago Insights: Classic versus Present

The concept of national insight about the region began to be developed as a science at the end of the nineteenth and early twentieth centuries and was known as geopolitics, which initially discussed geography in terms of state politics (Ismailova, 2004; Tchorev, 2002). In Indonesia, the geopolitical concept was originally put forward by Soekarno at a preparatory meeting for Indonesian independence (Kakeyev and Ploskikh, 2003). This concept then developed into the concept of Archipelago Insights, for the following reasons:

1. The Unitary State of the Republic of Indonesia is an archipelagic country;
2. Located between two continents (Asia and Australia) and two oceans (Indian Ocean and Pacific Ocean) so that it is appropriate to call it the homeland between the sea / water which is hereinafter called the archipelago.
3. Another uniqueness is that the archipelago is on the Equator and is served by a Geo Stationary Satellite Orbit (GSO).

As we all know, the Concept of Archipelago Insights was subsequently accepted and formulated by the New Order Government in legal construction as a political conception of state administration through MPR Decree Number IV / MPR / 1973 and restated in MPR Decree Number IV / MPR / 1978, as well as in MPR Decree No. II / MPR / 1983 concerning State Policy Guidelines.

The concept of archipelago insight in the New Order government later became an instrument of doctrine regarding nationalism and national resilience (Akayev, 2002). At that time, national resilience became the main thing with two main dimensions: outward resilience and internal resilience. Resilience to leave gave birth to the conception of an archipelagic state with the Juanda declaration which was later championed by Mochtar Koeso Jamamadja. The concept of an archipelago nation is important for Indonesia to protect defense and security interests in the maritime sector. Furthermore, the concept of an archipelagic state provides its own advantages in terms of controlling natural resources in the oceans (van der Heide, 2008). Meanwhile inside, the concept of archipelago insight then forms similarities with certain models, for example uniform village structure. The concept of nationality was also used to ward off communist ideology which was the enemy of the New Order. National resilience is manifested in many dimensions, for example food security (Gullette, 2010).

What then becomes an interesting discussion is whether the conception of the archipelago insight is still valid considering that there have been enormous changes both at the global and domestic levels. At the global level, the collapse of the communist countries in the Balkans gave democracy victory over communists. This has become a landmark for the end of world order as in Huntington's thesis in the clash of civilization. Apart from that at the domestic level, changes in the principles of decentralization and regional autonomy in the governmental pattern that have been centralized so far have become the beginning of a movement back to adat. The return to adat was followed by changes and transitions taking place across the country. Changes in the state system are thus closely related to the concept of the Archipelago Concept. Therefore, it is necessary to reconstruct the classical doctrine of Archipelago Insights by incorporating contemporary transitions to which Wawasan Nusantara must respond.

The changing conditions of socio-culture, politics, ecology, economy, security, freedom, cultural diversity and others prove that we are not facing a static world but dynamic transformation in many ways. This then affects the concept of Archipelago Insights because these changes affect the way we view our nation and environment.

These classical and contemporary aspects need to be integrated, evaluated in order to formulate the archipelago insight arrangements. One of them is the need to integrate aspects of ecological environmental insight into the archipelago perspective. I see that environmental insight needs to be encouraged in the context of environmental protection in every perspective of the life of our nation and state. This is of course different when compared to other countries that have provided constitutional protection for the environment as a special constitutional subject. France, for example, was the first country to integrate an environmental charter into the French Constitution of 2004. Another country that has also advanced in environmental constitutional protection is Ecuador.

Apart from that, the development of IPR which gives rise to the right to geographical indication as part of Indonesia's diversity is something that cannot be left out. The thousands of islands in Indonesia

provide different geographical indications and certain characteristics. Thus it is necessary to reconstruct the insight of the archipelago in a more comprehensive context and consider deeper insights.

These developments are only a small part of the reconstruction of the archipelago's insight that must be translated into the Archipelago Insights Law so that the Archipelago Insights Law becomes a very complete and comprehensive perspective.

Philosophical and Sociological Basis

Philosophical Foundation

The essence of Archipelagic insight is the sovereignty of the archipelago, in the sense of a comprehensive perspective within the archipelago for the sake of national interests and goals. This means that every citizen and state apparatus must think, behave and act as a whole for the benefit of the Indonesian nation and state. Likewise, products produced by state institutions must be within the scope of and in the interests of the Indonesian nation and state, without eliminating aspects of the diversity of the archipelago in its entire scope. The archipelago concept is a concept that brings together the challenges of geography and the challenges of pluralism in it into an advantage. For example, the sea is seen as a link and not a divider between regions.

Pluralism is also not only in the context of socio-culture, but pluralism in a very broad sense including ecology, local wisdom, natural resources, flora and fauna. Therefore, the insight of the archipelago can be drawn philosophically into sovereignty and nationalism in diversity or diversity. Philosophically, the archipelago insight is a necessity in uniting a diverse Indonesia. Archipelago insight is a paradigm of a nation in designing all aspects of the order of life and life in the context of realizing national ideals and goals;

How to unify this diversity is through high nationalism in all aspects of life by prioritizing national interests over the interests of individuals, groups, groups, ethnic groups, or regions. This does not mean eliminating the interests of individuals, groups, ethnic groups or regions.

Sociological Basis

The loss of GBHN causes the insight of the archipelago to have no legal foundation. After the process of amendment to the 1945 Constitution was carried out as many as 4 (four) after the 1998 reform, the MPR's authority to determine the GBHN had been trimmed, so that the concept of the Archipelago was unclear in its formulation in legal products so that its implementation had no legal force. This certainly results in the existence of the Concept of Archipelago Insights which is still relevant in the context of realizing national ideals and goals to become unclear. A nation will fail when it does not have insight in attitude and action. Therefore, the formulation and / or formation of the Law on Archipelagic Insights which becomes relevant must be implemented immediately.

Therefore, sociologically, the Archipelago Insight Law will become a legal instrument to replace the absence of an MPR Decree, which formulates the concept of Archipelago Insights as the basis for the attitudes and actions of the Indonesian state and nation in realizing national ideals and goals as affirmed in the Preamble to the 1945 Constitution.

Principles of Regulation

1. General

Sixty-nine have passed since the declaration of independence. Across the golden bridge of independence, for 69 years we built NKRI . During this long period, many dynamics took place. State and national struggles occurred during that 69 years. The episode of the fall of the New Order government 16 years ago also left a story of a national struggle that was almost broken, even the Indonesian state was predicted to break up like a balkan state after the fall of the Soviet Union. However, the cracking of the

archipelago did not occur, perhaps, the concept of archipelago insight has united us so closely. However, it is also undeniable that changes at the global and domestic levels cause us to rethink the concept of the archipelago concept.

2. Principles

Archipelagic insight if the basic philosophy is drawn and its manifestation will be related to certain principles. At least the principles that can become the spirit or guiding star in the Archipelago Insight Law are:

- a. Nationality
- b. Unity and Unity
- c. Diversity
- d. Protection

3. Purpose

There are so many goals and implications of applying the archipelago's insight into the life of the nation and state, for example:

- a. The implementation of the Archipelago in political life will create a healthy and dynamic climate for the administration of the State. This can be seen in the form of a strong, aspirational and trusted government that is built as the incarnation of the people.
- b. The implementation of the Archipelago's insight into economic life will create an economic order that truly guarantees the fulfillment and improvement of people's welfare and prosperity in a just and equitable manner.
- c. The implementation of the Archipelago in the socio-cultural life will create an inner and outer attitude that recognizes, accepts, and respects all forms of difference or diversity as a reality of life as well as the gift of the creator.
- d. The implementation of the Archipelago in the life of Defense and Security will raise awareness of the love for the country and the nation which will continue to shape the attitude of defending the country for every Indonesian citizen.

Therefore, the aim of the Archipelago Insight arrangement is to integrate the archipelago insight as part of the way of life of the nation and state in everyday life by all elements of the Indonesian nation.

4. Substance

Archipelagic insight is the perspective and attitude of the Indonesian nation regarding itself and its environment by prioritizing the unity and integrity of the nation as well as regional unity in the conduct of social, national and state life. The realization of the archipelago as one political unit; The realization of the Archipelago as one economic unit; The embodiment of the archipelago as one social and cultural unit; The realization of the Archipelago as a single Defense and Security unit.

What is interesting is that the embodiment of the insight of the archipelago as a single political entity also contains legal unity. Thus, the archipelago viewpoint views law as being subordinate to politics; In the forward formulation, legal entity must be considered as a separate sub-regulation.

Apart from regulating legal unity as part of the archipelago's perspective, it is also necessary to encourage environmental and ecological unity in which geographical indications symbolizing Indonesia's rich pluralism should also be encouraged.

5. Procedure

After the substance of the regulation, it is necessary to think about how the implementation of the socialization of the archipelago's insight in legal procedural form. The first thing that must be done is to think about normalization that can technically be an instrument of integration of the archipelago's insight into the life of the nation and state. For example, regulations can be encouraged to include insights from the archipelago in curricula, college orientation programs, training education, and others.

Synchronization & Harmonization

Seeing the history that the regulation of the archipelago insight is in a general state policy which is in the TAP MPR hierarchy, above the hierarchy of laws. Therefore, it is better if the formulation of the draft law on archipelago insight has the perspective that the law on archipelago insight is considered to be a basic law.

In addition, the formulation of the Archipelago Insight Law requires horizontal synchronization and harmonization with other laws. For example, Law Number 26 of 2007 concerning Spatial Planning has integrated the concept of the archipelago concept. This law regulates that, "The implementation of spatial planning aims to create a national territory space that is safe, comfortable, productive and sustainable based on the insight of the archipelago".

In the preparation and formulation of the Law on Archipelago Insights, it is necessary to conduct a study on vertical and horizontal synchronization with other laws and regulations.

Conclusion

Based on the research objectives and the results of the research that has been done, it can be concluded that Those were the initial suggestions for the Archipelago Insight Law. I really appreciate the serious steps taken by the DPD RI by starting to collect material and input to compile this 2015 Priority Law. We hope to participate in monitoring and providing input until this law is passed.

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