THE EXISTENCE OF AN EMERGENCY SITUATION WITH COMPELLING URGENCY BASED ON THE FORMULA OF THE ARTICLE OF THE 1945 CONSTITUTION OF THE REPUBLIC OF INDONESIA

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Abstract
The meaning of a state of emergency with a compelling urgency is very dependent on the meaning of the President's interpretation, because the President has the authority to determine when something is considered a state of emergency and when something is considered a state of urgency which causes this situation to create no legal certainty in determining a state of emergency or urgency coercive because everything really depends on the interpretation of the authority taken by a President based on his own legal interpretation because the 1945 Constitution of the Republic of Indonesia gives this authority to the President, while the 1945 Constitution of the Republic of Indonesia does not provide clear boundaries as to what is the definition of a state of emergency with a coercive urgency. This Research used Qualitative research methods. Qualitative research methods using normative juridical and empirical juridical approaches using primary data and secondary data. The result shows that State of emergency includes war emergency, military emergency and civil emergency which are based on situations that have actually occurred or are objective while for compelling emergencies based on the subjective circumstances of the president, with the standards set out in the Constitutional Court Decision Number 138/PUU-VII/2009. Determination of a state of danger which is the implementation of Article 12 of the 1945 Constitution of the Republic of Indonesia from 1946-2018 is contained in 12 laws and the urgency that compels the implementation of Article 22 of the 1945 Constitution of the Republic of Indonesia from 1960-2020 is contained in 134 Perppu issued by the President.
I. Introduction

Since the Constitution was first ratified and after being amended, there are 2 (two) articles that have not changed from the 1945 Constitution to the 1945 Constitution of the Republic of Indonesia, namely the article which regulates the urgency of coercion with the article which regulates situations of danger regulated in Article 12 of the Constitution. NRI 1945 which reads "The President declares a state of danger. The conditions and consequences of a state of danger are determined by law." Whereas a compelling crisis is regulated in Article 22 Paragraph (1) of the 1945 Constitution of the Republic of Indonesia which reads "In the case of a compelling crisis, the President has the right to issue a Government Regulation in lieu of a law." The two formulations of the articles in the 1945 Constitution of the Republic of Indonesia expressly provide different meanings, but the difference between the implementation of a dangerous situation with a pressing emergency is very vague for the community.

The use of a state of emergency with a coercive urgency depends very much on the meaning of the President who is given the authority to declare when something is considered a state of emergency or something is considered a precarious urgency, so that there is no certainty of the same legal interpretation in determining a state of emergency with a compelling urgency, each of which Becoming President can give meaning and limits to each.

In 1957, Law Number 74 of 1957 was also issued which also regulated dangerous situations. Even though the law was born based on the 1950 Constitution, it can be understood that the intended meaning is in line with the provisions on a state of emergency according to Article 12 of the 1945 Constitution. In the considerations of considering the law it is stated: Provisional Constitution of the Republic of Indonesia, to replace "Regeling op de Staat van Oorlog en van Beleg" (Staatsblad 1939 No. 582) and the Republic of Indonesia's State of Emergency Law of 1946 No. 6, with all the changes.

The sentence in the considerations considering above explains that Law Number 74 of 1957 which is a derivative of Article 129 of the 1950 Constitution and Law Number 6 of 1946 which is a derivative of Article 12 of the 1945 Constitution regulates the same problem as the regulations of the Dutch East Indies era "Regeling op de Staat van Oorlog en van Beleg" (Staatsblad 1939 N. 582) which are regulations regarding a country in a state of danger, war or siege. Currently, there is only one law as a derivative of Article 12 of the 1945 Constitution, namely Law (Prp) 23 of 1959 concerning the Establishment of a State of Danger (UU 23/prp/1959). The birth of the Danger Situation Law condensed and repealed all previous similar laws and regulations. Law 23/prp/1959 is a derivative of Articles 12 and 22 of the 1945 Constitution.

Situations that can be used as a basis for the President to determine a state of emergency, namely Civil Emergency, Military Emergency and War Emergency. Even though the variants of the current emergency are very diverse and growing rapidly. As happened during the Covid-19 pandemic, which involved exploring a state of danger or health emergency, as well as the stability of state finances. Law 23/prp/1959 is considered an “old fashioned” regulation, because there is no new regulation yet. And Indonesia should have a law that regulates the terms and consequences of a dangerous situation. However, from the time Indonesia had the 1945 Constitution and until the Constitution was amended 4 (four) times, Indonesia did not yet have a Law on the Conditions and Consequences of a Dangerous Condition. Meanwhile Law 23/prp/1959 does not regulate the terms and consequences of a dangerous situation.

Matters with compelling exigencies give the President the right to stipulate Government Regulations in lieu of laws, and become part of the discussion in Constitutional Law, namely
concerning Emergency Constitutional Law. Emergency Constitutional Law as a series of state institutions and authorities in an extraordinary and special manner, in the shortest possible time can eliminate emergencies or dangers that threaten ordinary or normal life. Because there are no restrictions on an emergency with a compelling urgency in the formulation of the Articles of the 1945 Constitution of the Republic of Indonesia, the full authority lies with the President, causing legal uncertainty based only on the objective and subjective elements of the President.

2. Research Method

This Research used Qualitative research methods. Qualitative research methods using normative juridical and empirical juridical approaches using primary data and secondary data.

4. Results and Discussion

A. Limitation of the Meaning of a State of Emergency With a Compelling Urgency in The Formulation of the Articles of the 1945 Constitution of the Republic of Indonesia

A state of danger as stipulated in Article 12 of the 1945 Constitution "The President declares a state of danger, the conditions and consequences of a state of danger shall be stipulated by law." This clause authorizes the President to determine a state of emergency as head of state. Thus giving the power to the President of Indonesia to violate the law in a constitutional emergency. Tracing the original intent of Article 12 of the 1945 Constitution is obtained from M. Yamin's translation of a situation referred to as Martial Law, or referred to as a state of "staat van beleg". Both of these terms describe the state's situation in a state of dangerous threat. Staat van beleg mentioned by Ananda B. Kusuma originates from a medieval concept which stated that when a country is surrounded by enemies/a state of danger, civil power temporarily shifts to military rule.

1) The Relationship Between A State Of Danger And A Compelling Urgency

Constitutionally, provisions regarding the authority to declare a state of emergency are regulated in Article 12 of the 1945 Constitution, "The President declares a state of emergency. The conditions and consequences of a state of danger are determined by law". This article authorizes the President as the head of state to declare a state in a state of emergency (state of emergency). In addition, Article 22 paragraph (1) of the 1945 Constitution states, "In the event of a pressing emergency, the President has the right to issue government regulations in lieu of laws". This provision is considered as an article that talks about the possibility of the president to issue government regulations in lieu of laws which are also often considered to be used to resolve issues that have emergency problems.

As derivatives or related to Articles 12 and 22 paragraph (1) of the 1945 Constitution, the Government Regulation in Lieu of Law Number 23 of 1959 concerning Revocation of Law No. 74 of 1957 (State Gazette No. 160 of 1957) and Determination of Danger Conditions (Perppu No. 23 of 1959).

Article 1 point 1 states:

(1) The President/Supreme Commander of the Armed Forces declares all or part of the territory of the Republic of Indonesia to be in a state of danger with the level of a civil
emergency or a military emergency or a state of war, if:

a. Security or law and order throughout the territory or in parts of the territory of the Republic of Indonesia is threatened by rebellion, riot or the result of natural disasters, so that it is feared that ordinary equipment cannot be handled;
b. there is war or danger of war or fear of rape in the territory of the Republic of Indonesia in any way whatsoever;
c. the life of the State is in a state of danger or from special circumstances it turns out that there are or are feared that there are symptoms which could endanger the life of the State.

The relationship between a state of emergency and urgency has become a debate among experts who are divided into two camps, especially in the context of the relationship between Article 12 and Article 22 of the 1945 Constitution. Both camps are of the opinion that:

1. Distinguish diametrically between elements of urgency and coercion from elements of a state of danger. In other words, situations of danger and all regulations issued in situations of danger are different from the Perppu.

2. The element of urgency is an emergency condition. However, the state of emergency in question is in a different context from a state of danger during war.

The writings of Bagir Manan and Susi Harijanti support the distinction between the state of emergency clause, Article 12 of the 1945 Constitution and the element of urgency, Article 22 of the 1945 Constitution, by looking at it from the point of view of original intent and etymology. Article 22 of the 1945 Constitution, according to Manan and Harijanti, copied and translated directly from Article 93 Indische Staatsregeling. The urgency of forcing is the equivalent of the term ringende buitengewone omstandigheden while a state of danger has an element of gevaar (danger). Jimly Asshiddiqie also agreed with Manan and Harijanti’s opinion. Likewise, Ni'matul Huda who took reference from the interpretation given by the Constitutional Court.

2). Limitation Of Meaning Of Emergency/Danger With A Compelling Urgency

Constitutional Court in Decision No. 138/PUU-VII/2009 dated 8 February 2010 concerning Review of PERPPU Number 4 of 2009 concerning Amendments to Law Number 30 of 2002 concerning the Corruption Eradication Commission. Interpreting the meaning of a coercive urgency, namely, "the notion of a coercive urgency is not meant to be limited to the existence of a state of emergency as referred to in Article 12 of the 1945 Constitution. It is true that a state of emergency as referred to in Article 12 of the 1945 Constitution can cause the process of forming an ordinary law or normally cannot be carried out, but the situation of danger is not the only situation that causes a compelling crisis as referred to in Article 22 paragraph (1) of the 1945 Constitution".

The President as the head of state and head of government must first establish a State in a State of Emergency through a Presidential Decree. Then the President can issue a Perpu to overcome and handle emergency conditions. To control that arbitrariness does not occur in issuing and enforcing the Perppu, the Constitutional Court exercises its authority to
review the Perppu both materially and formally. The Constitutional Court's decision Number 138/PUU-VII/2009 also regulates the standardization of compelling crises which include the following:

1. There is a situation, namely an urgent need to resolve legal issues quickly based on the law;
2. The required law does not yet exist so that there is a legal vacuum, or there is a law but it is not sufficient;
3. The legal vacuum cannot be overcome by making laws in the usual way because it will take quite a long time, while urgent situations need to be resolved.

Furthermore, there is the Constitutional Court Decision Number 003/PUU-III/2005 concerning the Review of Law Number 19 of 2004 concerning Forestry (UU 19/2004), the Court also emphasized the phrase "matters of compelling urgency" referred to in Article 22 paragraph (1) of the Constitution. 1945 is not the same as the phrase "state of danger" as referred to in Article 12 of the 1945 Constitution which must be based on objective conditions as stipulated by law. According to the Court, what is meant by Article 22 paragraph (1) of the 1945 Constitution is the subjective right of the President and becomes objective if it is approved by the DPR to be enacted as law. The following is the Court's full opinion:

a. "that the reason for issuing a Perppu by the President, including Perppu No. 1 of 2004, is because of "a matter of compelling urgency" as referred to in Article 22 paragraph (1) of the 1945 Constitution is a subjective assessment of the President, while the objectivity is assessed by the DPR in the next trial which can accept or reject the stipulation of a Perpu to become law;

b. that Article II of the Additional Rules of the 1945 Constitution states "With the enactment of amendments to this Constitution, the 1945 Constitution of the Republic of Indonesia consists of a preamble and articles";

c. that the "forced urgency" referred to in Article 22 paragraph (1) is not the same as "a state of emergency" as referred to in Article 12 of the 1945 Constitution and its provisions in Law (Prp) No. 23 of 1959 concerning Conditions of Hazard which must be based on objective conditions as stipulated by law;

d. that "the matter of compelling urgency" referred to in Article 22 paragraph (1) of the 1945 Constitution is indeed the subjective right of the President which will then become objective if approved by the DPR to be stipulated as law;"

From the above legal considerations, the Constitutional Court has reviewed Law Number 19 of 2004 concerning the Stipulation of Government Regulation Number 1 of 2004 concerning Amendments to Law Number 41 of 1999 concerning Forestry with the touchstone of Article 22 paragraph (1) of the 1945 Constitution. These three conditions can be determined by the President as a state of danger. First, there is a threat to security or law and order in some or all areas in Indonesia due to rebellions, riots or the result of natural disasters, so it is feared that ordinary equipment cannot be handled. Second, there is war or the danger of war or the occupation of Indonesian territory. Third, the life of a country that is in a state of danger or from other special circumstances that endanger the life of the country.
Law 23/prp/1959 provides a series of permissibility for the government to commit violations of law and human rights which are not commonly practiced in normal times. Among them:

a. Civil emergency condition
   The government is allowed to confiscate goods, use public service items, wiretapping and restricting telecommunication media, banning activities and gatherings, and limiting people from leaving the house.

b. Military emergency condition
   The government is given the authority to; prohibiting the production and trade of firearms and explosives, controlling means of communication, limiting land, air and sea traffic, limiting performances and printing, withholding postal letters and telegrams, militarizing certain positions, and making arrests for 21 days.

c. State of war emergency
   The government is given the right to take possession of goods for the purposes of war, ban shows and close printing, force people to be conscripted into the military/militarized, and may make regulations that conflict with laws for the sake of defense and security during war.

Limitations of critical coercive circumstances as required in the Constitution must be formulated carefully so that the contents of the PERPPU do not conflict with the principles as stipulated in Article 6 paragraph (1) of Law Number 12 of 2011 concerning Formation of Legislation, namely the principle of protection; humanity; nationality; kinship; archipelago; Unity in Diversity; justice; equal position in law and government; law order and certainty; and/or balance, harmony, and harmony. The formation of PERPPU must be based on these principles so that justice and legal certainty for the community and the Government are achieved, so that the formation of PERPPU in its implementation does not cause polemics in the community.

B. Determination of a State of Danger with Great Urgency Forcing During the Periodization of the President in Indonesia

Situations that can be used as a basis for the President to determine a state of emergency, namely Civil Emergency, Military Emergency and War Emergency. However, defining what is meant by a state of "civil emergency, military and war" is not easy. Moreover, in its development, emergency situations not only cover these three things, but also include security emergencies, economic or state financial crises, health crises, major natural disasters, and even what many countries are currently facing, namely a health emergency in the form of the Covid-19 pandemic. This is where the legal problem lies in Perppu No. 23 of 1959 which only classifies emergencies according to the three criteria referred to above. Even though the variants of the current emergency are very diverse and growing rapidly. So it's no longer relevant.

Law 23/prp/1959 still survives today and is still used in different regimes, such as the regimes of the Megawati and Susilo Bambang Yudhoyono administrations to stipulate military emergency and civil emergency in Aceh. Then it was also used by Abdurrahman Wahid for cases...
of civil emergency in Maluku.

1). Danger State : Empirical Facts of Establishing a State of Emergency/Danger

A state of danger can never be separated from the history of a nation. There are several momentum that encourage the need to define and regulate a state of danger. Some of the momentum as follows:

a. During the Dutch Military Aggression I

After the official proclamation of Indonesian independence was made on August 17, 1945, the Indonesian state was not completely independent. The struggle for sovereignty between Indonesia and the Netherlands has led to the existence of two governments over Indonesian territory, namely:

First, the Government of the Republic of Indonesia maintained its sovereign rights over the entire former Dutch East Indies territory based on the proclamation of Indonesian independence which was declared on August 17, 1945.

Second, the Nederlands Indie Government based on the Grondwet voor het Koninkrijk der Nederlanden law which gave autonomous status to the Dutch East Indies, Suriname and Curacao, but remained responsible to the queen of the Netherlands.

The goal of Dutch military aggression I was to destroy the existence of the Unitary State of the Republic of Indonesia (NKRI) and occupy Indonesian areas that were considered important both from an economic and political perspective. This tension and dualism of government caused the Indonesian state capital to move from Jakarta to Yogyakarta on January 4, 1946. However, there was an interesting event that occurred when the capital moved to Yogyakarta, namely the issuance of Law Number 6 of 1946 concerning a State of Emergency by President Soekarno. This may be a response to the Dutch military aggression I that occurred on September 11, 1945.

The birth of this law also cites Article 12 of the 1945 Constitution as the basis for the "Remembering" preamble. Article 12 of the 1945 Constitution states, "The President declares a state of danger. Conditions and consequences of a state of danger are determined by law." As for the scope of a dangerous situation according to Article 1 paragraph (2) of Law Number 6 of 1946 concerning a Danger State includes: Attack; Danger of attack; Rebellion or riot; Natural disasters.

Law 6/1946 also stated that the elimination of the state of danger was declared by the President and submitted to the DPR on the day of its announcement for approval. This law also applies immediately when it has been stated, without waiting for ratification.

b. Return to the Unitary State of the Republic of Indonesia

Dutch Military Aggression I was one of the Dutch actions to impose their will militarily on the Republic of Indonesia. The struggle for power between Indonesia and the Netherlands was then carried out with a diplomatic settlement, including through the Linggar Jati Agreement, the Renville agreement and finally the Round Table Conference. The idea of the Linggajati Agreement (on 10 - 12 November 1946) whose first contents were the recognition of the de facto status of
the Republic of Indonesia over Java, Madura and Sumatra by the Netherlands, the second was the formation of a federal state called RIS (United States of Indonesia) on January 1, 1949 and third, namely the formation of the Indonesian-Dutch Union with the Queen of the Netherlands as the head of state.

Renville Agreement and lastly the Round Table Conference. As for several agreements from the Round Table Conference, namely the charter of transferring sovereignty from the Dutch kingdom to the RIS government, Indonesia's status as a Union state between RIS and the Kingdom of the Netherlands, and the transfer agreement. The results of this agreement were then set forth in the RIS constitution on December 27, 1949. However, in its development, there were many demands for Indonesia to return to the form of a unitary state. This effort was then supported by an integral motion in the RIS Parliament which was initiated by M. Natsir who on 13 April 1950 was appointed as the first Prime Minister of the Unitary State of the Republic of Indonesia through the 1950 Constitution.

Regulations concerning situations of danger reappeared in 1950 through Law Number 7 of 1950 concerning Amendments to the Provisional Constitution of the United States of Indonesia to become the Provisional Constitution of the Republic of Indonesia. Furthermore, arrangements regarding situations of danger are regulated in Article 129 of the 1950 Constitution which states as follows.

a. In ways and in matters to be determined by law, the President can declare the territory of the Republic of Indonesia or parts thereof in a state of danger, if he deems this necessary for the interests of internal security and security against foreign countries.

b. The law regulates the stages of a state of emergency and the consequences of such a statement, and so on, determines when the power of the instruments of civil power based on the Constitution on public order and the police, wholly or partly transfers to the authority of the Armed Forces, and that the civil authorities submit to the Armed Forces authorities.

c. Re-enactment of the 1945 Constitution after the 1959 Presidential Decree

Indonesia is holding a people's democratic party for the first time in the form of elections. The 1955 election was the first democratic election in the history of the nation. However, there are various internal conflicts among the political elite that cannot be resolved properly. Moh even. Hatta resigned from the position of vice president on December 1, 1956 due to different views with Soekarno. This condition was exacerbated by the Constituent Assembly being unable to make decisions regarding the draft constitution. The impasse in the constituent assembly was finally resolved by President Soekarno by issuing a Presidential Decree on July 5, 1959. Because, if it is not resolved immediately, it has the potential to create a constitutional situation that endangers the unity and safety of the country. On December 16, 1959, the President issued Perppu Number 23 of 1959 concerning the Repeal of Law No.74 of 1957 (State Gazette No.160 of 1957) and the Determination of a State of Emergency. The interesting thing in this Perppu lies in the "Remembering" preamble. There are two articles in the 1945 Constitution that are cited in this Perppu, namely Article 12 and Article 22 of the 1945 Constitution. This means that the background to this Perppu arose because of two circumstances,
namely a state of danger and a pressing emergency. This Perppu regulates three emergencies, namely civil emergency, military emergency, and war emergency.

d. Rebellions Due to Dissatisfaction with the New Government's Performance After the 1950 Constitution

In the 1958-1960 range there were several rebellions, one of which was the Revolutionary Government of the Republic of Indonesia (PRRI) which was officially formed on February 15, 1958, even though this movement had appeared since 1950. In order to respond to the rebellion that has arisen, it is not surprising that the government promulgated Law Number 74 of 1957 concerning the Repeal of "Regelling Po De Staat Van Oorlog En Beleg" and the Establishment of a State of Emergency. This Law is an organic Law of Articles 89 and Article 129 of the 1950 Constitution. A state of emergency regulated in this Law is a state of emergency or a state of war issued by the President by virtue of a Council of Ministers' Decree if several events are met, namely:

a) Security or law and order throughout the territory or in parts of Indonesia is threatened by rebellions, riots or due to natural disasters, so it is feared that it cannot be handled by means of ordinary equipment;

b) War arises or there is a danger of war or there are fears of rape of Indonesian territory in any way. A state of danger has a time limit as stipulated in Article 4 of Law 74/1957 and can be revoked immediately or if a certain time is determined based on a decision. In the Elucidation section of Law 74/1957 it is stated that in a state of emergency the Government has special privileges that have the potential to deviate from objective law and provide extraordinary powers within the realm of state legislation, namely that the law in states of emergency is a sui generis regulation which standing above other laws and regulations so that according to law or not the actions taken must be measured according to the state of danger at that time.

e. Military Emergency in Aceh

On May 19, 2003, President Megawati issued a Presidential Decree ordering a military operation in Aceh to crush the Free Aceh Movement (GAM). Presidential Decree (Keppres) Number 28 of 2003 concerning Declaration of a State of Emergency with the Level of Martial Emergency in the Province of Nanggroe Aceh Darussalam. The background for the establishment of martial law in Aceh was due to the government's peaceful efforts, either through the granting of special autonomy, an integrated approach in a comprehensive development plan, or dialogue that had reached an impasse. This is because GAM remains in its stance which wants to separate itself from the Unitary State of the Republic of Indonesia and declare its independence.

This military emergency option is an anti-climax of an ongoing negotiation process in a rail called the Cessation of Hostilities Agreement (CoHA) generally has four agenda focuses, namely: security, humanitarian, reconstruction and civil society dialogue. The security agenda is ending armed contact and violence, establishing a
peace zone, demilitarization (relocating the TNI and storing GAM weapons) and reformulating the Mobile Brigade (Brimob) in Aceh into a civilian police force. The humanitarian agenda is the distribution of humanitarian assistance. The reconstruction agenda is rehabilitation for victims of violence and reconstruction for damage to public facilities (schools, hospitals, government offices, etc.) The civil society dialogue agenda was the preparation and implementation of dialogue as a whole to create a stronger and more permanent civil space and to build a democratic social order structure in Aceh and then experienced an impasse. The climax of the deadlock was the breakdown of the Joint Council negotiations in Tokyo on May 17, 2003, which was then used as the basis for the President of the Republic of Indonesia, Megawati Soekarnoputri, to issue the Presidential Decree (Keppres).

The basis for considering the establishment of this military emergency status is the situation in Aceh which is considered to be in a state of danger with the level of military emergency, and the supreme authority for the central military emergency is in the hands of the President of the Republic of Indonesia and the regional military emergency authority for NAD (Nanggroe Aceh Darussalam) Commander of the Iskandar Muda Military Command, Major General Endang Suwarya.

Human Rights Violations During the Implementation of the 1989-1998 Military Operation Area (DOM) In addition, this decision was taken by the President because of the increasing acts of armed violence which increasingly lead to acts of terrorism perpetrated by GAM, destroying public order and public peace, disrupting development programs that have been planned by the government, and disrupt the integrity of the Unitary State of the Republic of Indonesia.

f. Natural Disaster Emergency

On December 26, 2004 a natural disaster occurred which had an extraordinary and wide-reaching impact, namely an earthquake with a magnitude of 9.3 on the Richter scale which caused a massive tsunami which occurred in the Province of Nanggroe Aceh Darussalam. There were as many as 167,000 fatalities and missing with losses reaching trillions of rupiah. No wonder the President stipulated Presidential Decree Number 112 of 2004 concerning the Stipulation of Earthquake and Tsunami Wave Natural Disasters in Nanggroe Aceh Darussalam Province and North Sumatra Province as National Disasters and National Day of Mourning. The mourning period is 3 (three) days with flags flying at half-mast throughout the country.

g. When a health emergency intersects with an economic emergency and state finances

Indonesia has several times nearly fallen into the brink of a monetary crisis after the monetary crisis in 1997. In 2008 there was a threat of a financial crisis which had great potential to endanger the stability of the financial system and the national economy. At that time the Government issued Perppu Number 4 of 2008. Likewise in 2020, the President also issued Perppu No.1 of 2020 concerning State Financial Policy and Financial System Stability for Handling the Corona Virus Disease (Covid 19) Pandemic and/or in the Context of Dealing with Dangerous
Threats The National Economy And/or In The Context Of Facing Threats That Endanger The National Economy And/or Financial System Stability.

2). Determination of Danger Conditions based on Laws and Regulations
The establishment of a state of emergency in Indonesia has been carried out several times through statutory regulations, as follows:
1) Law Number 6 of 1946 concerning Dangerous Conditions;
2) Law Number 30 of 1948 concerning Granting Full Powers to the President in a State of Emergency;
3) Law Number 74 of 1957 concerning Dangerous Conditions; a
4) Law Number 23 Prp of 1959 concerning Determination of Danger Conditions;
5) Law Number 27 of 1997 concerning Mobilization and Demobilization;
6) Law Number 4 of 1984 concerning Outbreaks of Infectious Diseases;
7) Law Number 24 of 2007 concerning Disaster Management;
8) Law Number 7 of 2012 concerning Handling of Social Conflicts;
9) Law Number 9 of 2016 concerning Prevention and Management of Financial System Crisis; And
10) Law Number 6 of 2018 concerning Health Quarantine.

Among the laws above, regulations that have the concept of emergency and also use the term emergency, but do not place Article 12 of the 1945 Constitution of the Republic of Indonesia as a consideration are:
1) Law Number 24 of 2007 concerning Disaster Management;
2) Law Number 7 of 2012 concerning Handling of Social Conflicts;
3) Law Number 6 of 2018 Concerning Health Quarantine; And
4) Law Number 9 of 2016 concerning Prevention and Handling of Financial System Crisis.

These four laws do not refer to Article 12 of the 1945 Constitution as the basis for determining status with certain emergency characteristics. Thus, the enactment of the four laws does not result in an emergency law being enforced, the applicable legal system is the normal legal system. However, each of these laws recognizes the diction of emergency status. For example, the Disaster Management Law recognizes the diction "national disaster emergency status", the Health Quarantine Law recognizes the Status of "Public Health Emergency" and the Social Conflict Management Law recognizes the Status of "National/Local Conflict Conditions".

3). Determination of Matters with Compelling Urgency
From 1960 to 2020 the President has issued 134 (one hundred and thirty four) Government Regulations in Lieu of Laws (PERPPU). Then divided into:
1) There are 58 (fifty eight) Perppu that have been enacted or passed into Laws;
2) There is 1 (one) Perppu that has been determined to become a Perppu; 
3) There are 52 (fifty two) Perppu that are still valid; And
4) There were 23 (twenty three) revoked Perppu with provisions (revoked by law there were 18 and 5 Perppu revoked by Perppu).
4. Conclusion

From the discussion of the research results described earlier, the following conclusions can be drawn: Limitation of the meaning of a state of emergency with a compelling urgency in the formulation of Article 1945 of the 1945 Constitution of the Republic of Indonesia, that a state of emergency with a compelling urgency is determined by the President as head of state and head of government. State of emergency includes war emergency, military emergency and civil emergency which are based on situations that actually happened or are objective while for a compelling urgency this is based on the subjective situation of the president, with the standardization stipulated in the Constitutional Court Decision Number 138/PUU-VII/2009 as follows:

1) There is an urgent need to resolve legal issues quickly based on the law;
2) The required law does not yet exist so that there is a legal vacuum, or there is a law but it is inadequate;
3) This legal vacuum cannot be overcome by making laws in the usual manner because it will take quite a long time, while urgent situations need to be resolved.

For dangerous situations from 1946 - 2018 the President has promulgated 10 (ten) laws which regulate dangerous situations or encourage emergencies so that the following laws are formed. Due to the urgency that forced the President to issue 134 (One hundred and thirty four) Perppu from 1960 - 2020, in 2021 and until November 2022 there was no Perppu issued by the President. The following is the legal position of the Perppu:

1) There are 58 (fifty eight) Perppu that have been enacted or passed into Laws;
2) There is 1 (one) Perppu that has been determined to become a Perppu;
3) There are 52 (fifty two) Perppu that are still valid today
4) There were 23 (twenty three) Perppu that were revoked with provisions revoked by law there were 18 and Perppu that were revoked by Perppu there were 5

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