

# The Relic of Our Distant Past: Prospects for *Ex-Ante* Emergency Laws Reform in Indonesia

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**ABSTRACT:** The 1945 Constitution establishes two mechanisms for dealing with emergencies, including Article 12, which requires the enactment of an *ex-ante* law governing the state of emergency. However, a dualism has emerged within Indonesia's *ex-ante* emergency laws. The purpose of this research is to analyse the current regulatory landscape of *ex-ante* emergency laws, assess their constitutionality and limitations, and propose a constitutional framework for the law on the state of emergency, followed by reform proposals based on best practices. This normative legal research employs statutory and conceptual approaches, utilising primary and secondary legal materials. The findings show that there has been a "balkanisation" of *ex-ante* emergency laws, as evidenced by the existence of: 1) the law on the state of emergency model, which implements the delegation provision of Article 12; and 2) the ordinary legislation model, which deviates from the constitutional requirement of Article 12. To ensure compliance and harmonisation with Article 12, the various types of emergencies, which are currently dispersed across several laws, must be consolidated into a single law on the state of emergency. This unification should be followed by reforms to the regulations governing declaration authority, conditions for declaration, and the consequences of the state of emergency. These measures are necessary to ensure that the President is well-equipped to deal with emergencies while maintaining effective checks to prevent the abuse of presidential emergency powers.

**KEYWORDS:** *Ex-Ante* Emergency Laws, Reform, Indonesia.



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## I. INTRODUCTION

Since the dawn of the Roman Republic, emergencies have been recognised as a reality of politics that necessitates a change in the administration of the

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state.<sup>1</sup> The institution of “dictator” was then established by the Constitution of the Roman Republic, which granted “temporary” absolute power to a single magistrate to defend the republic against external and internal threats.<sup>2</sup> Inspired by the practice of the Roman Republic, Clinton Rossiter coined the term “constitutional dictatorship” to refer to a subsystem of a constitutional government that governs the temporary and limited grant of emergency powers to an executive to deal with emergencies.<sup>3</sup> In modern times, emergencies are not limited only to the “ancient” understanding of war, rebellion, and insurrection, but also encompass “novel” emergencies such as public health and disaster.<sup>4</sup>

To address these emergencies, the 1945 Constitution provides two distinct mechanisms: 1) by attributing the authority to declare a state of emergency to the President, subject to the conditions determined by law; 2) by granting the President the authority to enact Government Regulation in Lieu of Law (hereinafter *Perppu*).<sup>5</sup> As for the former, Article 12 of the 1945 Constitution mandates that the conditions for the declaration and the consequences of a state of emergency are to be regulated *ex-ante* “by law (*dengan undang-undang*)”. The phrase “by law”, which conceptually differs from the phrase “in law”, dictates that the subject matters mentioned in Article 12 are to be regulated exclusively in a single law.<sup>6</sup>

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<sup>1</sup> Anna Lührmann & Bryan Rooney, “Autocratization by Decree: States of Emergency and Democratic Decline” (2021) 53:4 *Comparative Politics* 619.

<sup>2</sup> Marc de Wilde, “Roman dictatorship in the French Revolution” (2021) 47:1 *History of European Ideas* 140–141; Eric A Posner, “The Constitution of the Roman Republic” in Giuseppe Dari-Mattiacci & Dennis P Kehoe, eds, *Roman Law and Economics* (Oxford: Oxford University Press, 2020) 53–54.

<sup>3</sup> Clinton Rossiter, *Constitutional Dictatorship: Crisis Government in the Modern Democracies* (New Brunswick and London: Transaction Publishers, 2007) 5–7.

<sup>4</sup> Natalie Wright et al, “Health Emergency and Disaster Risk Management: Five Years into Implementation of the Sendai Framework” (2020) 11:2 *International Journal of Disaster Risk Science* 206–216.

<sup>5</sup> Bagir Manan & Susi Dwi Harijanti, “Artikel Kehormatan: Peraturan Pemerintah Pengganti Undang-Undang dalam Perspektif Ajaran Konstitusi dan Prinsip Negara Hukum” (2017) 4:2 *Padjajaran Jurnal Ilmu Hukum (Journal of Law)* 222–243.

<sup>6</sup> Aan Eko Widiarto, “Implikasi Hukum Pengaturan Hukum Acara Mahkamah Konstitusi dalam Bentuk Peraturan Mahkamah Konstitusi” (2019) 16:1 *Jurnal Konstitusi* 23–42.

The law on the state of emergency enacted under Article 12 is currently governed by a decades-old law, namely Government Regulation in Lieu of Law Number 23 of 1959 on the State of Emergency (hereinafter *Perppu* 23/1959), which regulates civil, military, and war emergencies.<sup>7</sup> However, in the post-*reformasi* era, there was a shift in how the lawmakers addressed “new” emergencies. Instead of anchoring new laws to Article 12, emergency legislation such as Law Number 24 of 2007 on Disaster Management (hereinafter Law 24/2007) was enacted based on the general lawmaking powers under Articles 20 and 21.<sup>8</sup>

This dualism in the emergency laws regime has created an ambiguity, specifically regarding the constitutionality of the new emergency legislation enacted based on Articles 20 and 21. In addition, the balkanisation between this new emergency legislation and Article 12 emergency law has created legal uncertainty and tensions. These conditions, therefore, warrant a closer analysis in order to construct a framework to both harmonise and ensure the constitutionality of the currently balkanised emergency legislation.

While prior studies have discussed the topic of emergency laws in Indonesia, they have largely focused on the specific and reactive aspects of the emergency regime rather than the overarching *ex-ante* framework. For instance, Fitra Arsil and Qurrota Ayuni discussed models of emergency arrangements for the purpose of dealing with the COVID-19 pandemic.<sup>9</sup> Bagir Manan and Susi Dwi Harijanti, on the other hand, discussed proposals to limit the use of *Perppu* in order to prevent arbitrariness based on the perspectives of constitutionalism and the rule of law.<sup>10</sup> Lastly, Agus Adhari discussed the ambiguity of emergency regimes and practices in the Indonesian constitutional system.<sup>11</sup> Based on the existing literature, a

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<sup>7</sup> Agus Adhari, “Ambiguitas Pengaturan Keadaan Bahaya dalam Sistem Ketatanegaraan Indonesia” (2019) 11:1 *Dialogia Iuridica: Jurnal Hukum Bisnis dan Investasi* 43-61.

<sup>8</sup> Fitra Arsil & Qurrota Ayuni, “Model Pengaturan Kedaruratan dan Pilihan Kedaruratan Indonesia dalam Menghadapi Pandemi Covid-19” (2023) 50:2 *Jurnal Hukum & Pembangunan* 423-432.

<sup>9</sup> Arsil & Ayuni, *supra* note 8.

<sup>10</sup> Manan & Harijanti, *supra* note 5 at 222-243.

<sup>11</sup> Adhari, *supra* note 7.

significant research gap remains where there is a lack of a comprehensive analysis on the constitutionality of the currently fragmented *ex-ante* emergency laws and a framework for their harmonisation.

To fill this gap, the novelty of this research lies in its focus on analysing the constitutional framework of *ex-ante* emergency laws under Article 12 and how existing emergency legislation should be harmonised and restructured to satisfy both the constitutional standards and best practices. This research, therefore, aims to: 1) explore, map, and analyse the current regulatory landscape of *ex-ante* emergency laws in Indonesia; 2) analyse the constitutionality and limitations of the existing models of *ex-ante* emergency laws; and 3) propose a constitutional framework for the establishment of *ex-ante* emergency laws, followed by reform proposals based on best practices. Thus, this research not only contributes to the theoretical discussions on the state of emergency but also offers practical reform proposals regarding *ex-ante* emergency laws in Indonesia. Based on the background described, this research has two research questions: 1) What is the current regulatory landscape of *ex-ante* emergency laws in Indonesia? and 2) what are the prospects for reforming the regulation of *ex-ante* emergency laws in Indonesia?

## II. METHODS

This research is normative, employing both statutory and conceptual approaches.<sup>12</sup> The statutory approach examines relevant laws and regulations on emergency laws in Indonesia.<sup>13</sup> Meanwhile, the conceptual approach is employed to analyse relevant concepts to the issue at hand, including the state of emergency and best practices on *ex-ante* emergency laws.<sup>14</sup> This research relies on primary legal materials and secondary materials.<sup>15</sup> The primary legal materials consist of relevant constitutional

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<sup>12</sup> Sanne Taekema, “Theoretical and Normative Frameworks for Legal Research: Putting Theory into Practice” (2018) 2018:2 Law and Method 1–17.

<sup>13</sup> Peter Mahmud Marzuki, *Penelitian Hukum: Edisi Revisi* (Jakarta: Prenada Media Group, 2017) 133–204.

<sup>14</sup> *Ibid.*

<sup>15</sup> *Ibid.*

provisions, laws, and regulations.<sup>16</sup> Furthermore, the secondary legal materials include journal articles, books, and reports.<sup>17</sup> These materials are collected through a literature review and subsequently analysed to answer the research questions.<sup>18</sup>

### III. THE CURRENT LANDSCAPE OF EMERGENCY LAWS IN INDONESIA

#### A. *Models of Ex-Ante Emergency Laws in Indonesia*

Several laws still on the books govern the conditions for the declaration and the consequences of a state of emergency: 1) *Perppu* 23/1959; 2) Law 24/2007; 3) Law Number 7 of 2012 on the Management of Social Conflict (hereinafter Law 7/2012); 4) Law Number 9 of 2016 on the Prevention and Management of Financial System Crisis (hereinafter Law 9/2016); and 5) Law Number 17 of 2023 on Health (hereinafter Law 17/2023). However, there are differences in the constitutional basis for their enactment and in the subject matters regulated, as illustrated in Table 1.

**Table 1.** Constitutional Basis for Enactment and Subject Matters Regulated in *Perppu* 23/1959, Law 24/2007, Law 7/2012, and Law 17/2023

Law	Basis for Enactment		Subject Matters Regulated		
	Art. 12	Other	Conditions for Declaration	Consequences of Declaration	Other Unrelated Subject Matters
<i>Perppu</i> 23/1959	✓	Art. 22 par. (1)	✓	✓	x
Law 24/2007	x	Art. 20 and Art. 21	✓	✓	✓
Law 7/2012	x	Art. 18B par. (2),	✓	✓	✓

<sup>16</sup> *Ibid.*

<sup>17</sup> *Ibid.*

<sup>18</sup> Hari Sutra Disemadi, "Lenses of Legal Research: A Descriptive Essay on Legal Research Methodologies" (2022) 24:2 Journal of Judicial Review 299.

Law	Basis for Enactment		Subject Matters Regulated		
	Art. 12	Other	Conditions for Declaration	Consequences of Declaration	Other Unrelated Subject Matters
		Art. 20, Art. 21, Art. 28G par. (1), and Art. 28J			
Law 9/2016	x	Art. 5 par. (1) and Art. 20	✓	✓	✓
Law 17/2023	x	Art. 20, Art. 21, Art. 28H par. (1), Art. 34 par. (3)	✓	✓	✓

Source: processed by the Author, 2025.

First, regarding the basis for enactment, *Perppu* 23/1959 is the only emergency law that bases its enactment on Article 12.<sup>19</sup> This means that *Perppu* 23/1959 is the sole law implementing the delegation provision of Article 12. The reference to Article 22 paragraph (1) merely indicates the form and procedure of its enactment, namely *Perppu*, which is enacted unilaterally by the President without the prior approval of the People's Representative Council in cases of compelling urgency.<sup>20</sup> On the other hand, Law 24/2007, Law 7/2012, Law 9/2016, and Law 17/2023 base their enactments on the general lawmaking power under Article 20 and other constitutional provisions, instead of Article 12.

Second, regarding subject matters, *Perppu* 23/1959 is the only emergency law that exclusively regulates the state of emergency. In short, *Perppu*

<sup>19</sup> Qurrata Ayuni et al, "Concept and Implementation on the State of Emergency in Indonesia: Outlook to Strengthen Checks and Balances during Crisis" (2022) 9:1 *Revista de Investigações Constitucionais* 17-30.

<sup>20</sup> Herlambang Perdana Wiratraman, "Does Indonesian COVID-19 Emergency Law Secure Rule of Law and Human Rights?" (2020) 4:1 *Journal of Southeast Asian Human Rights* 312.

23/1959 does not regulate other subject matters unrelated to the state of emergency. This is quite different from the content and structure of Law 24/2007, Law 7/2012, and Law 17/2023, which regulate the state of emergency as part of a comprehensive statutory scheme alongside other subject matters.

For example, Law 24/2007 regulates not only disaster emergencies but also pre-disaster and post-disaster management.<sup>21</sup> Law 7/2012, in principle, uses the same logic as Law 24/2007 by adopting a three-stage approach: 1) conflict prevention; 2) conflict cessation, which includes regulation on the declaration and the consequences of conflict “emergency” status; and 3) post-conflict recovery. Law 9/2016, on the other hand, adopts a two-stage approach: 1) prevention of a financial system crisis; and 2) management of a financial system crisis. Law 17/2023 is comparatively even more “comprehensive,” placing the regulation of health emergencies as one “little” part of a “grand” regulatory scheme.<sup>22</sup>

Regarding the regulation of the types of emergencies and declaration authority, variations exist among the *ex-ante* emergency laws, as shown in Table 2.

**Table 2.** Types of Emergencies and Declaration Authority in *Perppu* 23/1959, Law 24/2007, Law 7/2012, and Law 17/2023

Law	Emergencies	Declaration Authority		
		President	Other Officials	Need for Consultation
<i>Perppu</i> 23/1959	Civil Emergency	Yes	No	No
	Military Emergency	Yes	No	No

<sup>21</sup> Lusi Apriyani, Febrian Febrian & Fahmi Yoesmar, “Penyelamatan Satwa dalam Bencana pada Sistem Penanggulangan Bencana Nasional” (2022) 6:2 Bina Hukum Lingkungan 167–183.

<sup>22</sup> Nico Gamalliel & Ahmad Fuady, “Indonesia’s new health law: lessons for democratic health governance and legislation” (2024) 23 The Lancet Regional Health - Southeast Asia 100390.

Law	Emergencies	Declaration Authority		
		President	Other Officials	Need for Consultation
	War Emergency	Yes	No	No
Law 24/2007	National-Scale Disaster Emergency	Yes	No	No
	Provincial-Scale Disaster Emergency	No	Yes, Governor	No
	Regency/Municipal- Scale Disaster Emergency	No	Yes, Regent or Mayor	No
Law 7/2012	National-Scale Social Conflict	Yes	No	Yes, with the People's Representative Council (DPR)
	Provincial-Scale Social Conflict	No	Yes, Governor	Yes, with the Provincial People's Regional Representative Council (DPRD <i>Provinsi</i> )
	Regency/Municipal- Scale Social Conflict	No	Yes, Regent or Mayor	Yes, with the Regency/Municipal People's Regional Representative Council (DPRD <i>Kabupaten/Kota</i> )
Law 9/2016	Financial System Crisis	Yes	No	No, but the President must need prior recommendation from the Financial System Stability Committee
Law 17/2023	National-Scale Extraordinary Event	No	Yes, Minister of Health	No
	Provincial-Scale Extraordinary Event	No	Yes, Governor	No
	Regency/Municipal- Scale Extraordinary Event	No	Yes, Regent or Mayor	No

Source: processed by the Author, 2025.

*Perppu 23/1959* regulates three types of emergencies, specifically civil, military, and war emergencies.<sup>23</sup> The types of emergencies regulated under *Perppu 23/1959* are considered insufficient to address new, multidimensional emergencies, such as the public health emergency during the COVID-19 pandemic. However, instead of amending *Perppu 23/1959*, the lawmakers addressed these novel emergencies through ordinary, comprehensive legislation enacted outside the purview of Article 12.

In essence, these “new” emergency laws function as laws on the state of emergency without having to comply with the constitutional requirement under Article 12, such as the requirement that emergencies be declared exclusively by the President. This is evident in how these new laws regulate declaration authority by: 1) attributing declaration authority to other officials, such as Governors and Regents/Mayors for regional-scale emergencies, and the Health Minister for national-scale health emergencies; 2) requiring prior consultation with the legislative branch for emergency declarations; and 3) requiring a prior recommendation from a body or a committee before the President can declare an emergency.

The *ex-ante* emergency laws also differ in how they tailor the conditions for the declaration of emergencies, as seen in Table 3.

**Table 3.** Conditions for Declaration in *Perppu 23/1959*, Law 24/2007, Law 7/2012, and Law 17/2023

Law	Emergencies	Conditions for Declaration
<i>Perppu 23/1959</i>	Civil Emergency	1. security or legal order throughout the territory or in parts of the territory of the Republic of Indonesia is threatened by rebellions, riots, or as a result of natural disasters, so it is feared that it cannot be addressed by ordinary means; 2. the emergence of war or the danger of war
	Military Emergency	
	War Emergency	

<sup>23</sup> Danang Risdiarto, “Legalitas Dekrit Presiden 5 Juli 1959 dan Pengaruhnya bagi Perkembangan Demokrasi di Indonesia” (2018) 15:1 Jurnal Legislasi Indonesia 59–68.

Law	Emergencies	Conditions for Declaration
		<p>or the fear of invasion of the territory of the Republic of Indonesia by any means;</p> <p>3. the state is in a state of danger or from special circumstances, there are or are feared to be symptoms that could endanger the life of the state.</p>
<b>Law 24/2007</b>	<p>National-Scale Disaster Emergency</p> <hr/> <p>Provincial-Scale Disaster Emergency</p> <hr/> <p>Regency/Municipal-Scale Disaster Emergency</p>	<p>Indicators:</p> <p>a. number of victims;</p> <p>b. material losses;</p> <p>c. damage to infrastructure and facilities;</p> <p>d. extent of the affected area; and</p> <p>e. social and economic impacts caused,</p> <p>to be regulated further by a Presidential Regulation.</p>
<b>Law 7/2012</b>	<p>National-Scale Conflict</p> <hr/> <p>Provincial-Scale Conflict</p> <hr/> <p>Regency/Municipal-Scale Conflict</p>	<p>the conflict cannot be controlled by the police, and the functions of government are disrupted.</p> <p>the escalation of conflict occurs includes an area or regency/municipality and/or several provinces and has a national impact.</p> <hr/> <p>the escalation of conflict occurs in a certain area or regency/municipality and/or several regencies/municipalities within a province and has an impact to the provincial level.</p> <hr/> <p>the escalation of conflict occurs in a certain area or regency/municipality and has an impact only at the regency/municipal level.</p>
<b>Law 9/2016</b>	<p>Financial System Crisis</p>	<p>the Financial System fails to perform its functions and roles effectively and efficiently, as indicated by the deterioration of various economic and financial indicators.</p>
<b>Law 17/2023</b>	<p>National-Scale Extraordinary Event</p> <hr/> <p>Provincial-Scale Extraordinary Event</p> <hr/> <p>Regency/Municipal-Scale Extraordinary Event</p>	<p>a. the emergence of a disease or health issue that was previously nonexistent or unknown;</p> <p>b. a continuous increase in incidence over 3 (three) consecutive periods in hours, days, or weeks;</p> <p>c. an increase in incidence of illness by 2 (two) times or more compared to the previous period;</p> <p>d. the average number of illness occurrences per month over 1 (one) year shows a rise of 2 (two) times or more;</p>

Law	Emergencies	Conditions for Declaration
		e. the death rate due to disease or health issues in 1 (one) specific period shows an increase of 50% (fifty percent) or more;
		f. the proportion of new disease cases in one period shows an increase of 2 (two) times or more compared to the previous period within the same time frame; and/or
		g. other criteria set by the Minister.

Source: processed by the Author, 2025.

*Perppu* 23/1959 stipulates that the conditions for declaration are identical for all types of emergencies mentioned. Given that the authority to declare emergencies is attributed to the President, *Perppu* 23/1959 provides the President with considerable leeway to determine which type of emergency to declare once the conditions are satisfied.

Other emergency laws differentiate based on the scale of the emergency. Law 24/2007, Law 7/2012, and Law 17/2023 adopt a geographical limits approach, whereby emergencies can be declared only in certain parts of the country consistent with the affected geographical area. However, Law 7/2012 and Law 17/2023 explicitly differentiate the conditions for each scale of emergency, whereas Law 24/2007 merely provides broad indicators. Law 24/2007 and Law 17/2023 also contain rulemaking delegations regarding the conditions for emergency declarations, namely by Presidential Regulation and Ministerial Regulation, respectively. Essentially, both laws allow the addition of emergency declaration conditions through executive rules.

Based on this analysis, it can be argued that under the current landscape, there are two models of *ex-ante* emergency laws in Indonesia: 1) *ex-ante* emergency law as a law on the state of emergency, embodied by *Perppu* 23/1959; and 2) *ex-ante* emergency law as ordinary legislation, embodied by Law 24/2007, Law 7/2012, Law 9/2016, and Law 17/2023. For the purpose of clarity, each model may be defined as follows:

1. *ex-ante* emergency law as a law on the state of emergency: an emergency law enacted based on Article 12 of the 1945 Constitution, exclusively regulating the delegated subject matters

under the article, namely conditions for declaration and the consequences of a state of emergency; and

2. *ex-ante* emergency law as ordinary legislation: an emergency law based primarily on the general lawmaking power under Article 20 of the 1945 Constitution, containing extraordinary provisions to address “emergencies”, including conditions for declaration and consequences of a “state of emergency” embedded within non-emergency subject matters.

These models warrant a closer examination of their constitutionality, especially regarding the latter model of *ex-ante* emergency laws as ordinary legislation.

### *B. The Constitutionality of the Ex-Ante Emergency Laws Models and their Limitations*

First, the *ex-ante* emergency law, as a law on the state of emergency model, bases its enactment on Article 12 of the 1945 Constitution, which states:

*“The President may declare a state of emergency. The conditions for such a declaration and the consequences of a state of emergency shall be further regulated by law.”*

Based on the text of the article, the President is the only public official attributed with the constitutional authority to declare a state of emergency. This means that only the President, and no other public official or body, shall be exclusively granted the declaration authority.<sup>24</sup> Limitations on the President’s declaration authority, whether by requiring the approval of the legislative bodies or requiring prior recommendation by governmental bodies, must be deemed unconstitutional. The only delegated subject matters are the conditions for the declaration and the consequences of a state of emergency, not the declaration authority itself.

The use of the phrase “*shall be further regulated by law*” in the text of Article 12 dictates that there can only be one law on the state of

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<sup>24</sup> Desi Fitriyani & Qurrata Ayuni, “State of Emergency: Measuring Constitutional Court Oversight” (2025) 15:1 *Al-Daulah: Jurnal Hukum dan Peradaban Islam* 224–247.

emergency. Consequently, if lawmakers recognise different types of emergencies, all those emergencies must be regulated under a single law. Regarding form, the use of the phrase “law” in lowercase is understood to cover both law in its formal sense (*wet in formele zin*) and law in its material sense (*wet in materiele zin*).<sup>25</sup> This means that not only law that is both law in the formal and material senses, but also *Perppu*, which is law in the material sense, may serve as the form by which the delegation provision under Article 12 is implemented.<sup>26</sup>

In short, this model is only constitutional if it meets the following constitutional requirement:

1. the law attributes exclusive declaration authority to the President;
2. the law contains the regulations on the conditions for declaration and the consequences of a state of emergency; and
3. the law must be the only law regulating the state of emergency.

Based on these requirements, *Perppu 23/1959* is constitutional under Article 12 of the 1945 Constitution for four primary reasons:

1. the form of *Perppu 23/1959* as a law in the material sense, which was subsequently transformed into a law in both the material and formal senses by Law Number 1 of 1961 on the Stipulation of All Emergency Laws and All Government Regulations in Lieu of Law that Existed Before January 1, 1961 as Laws;
2. it confers the declaration authority exclusively to the President, as seen in Article 1 paragraph (1);
3. it contains the regulation on the consequences of a state of emergency, as seen in Article 1 paragraph (2) through Article 61; and
4. it is the only law that bases its enactment on Article 12 of the 1945 Constitution.

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<sup>25</sup> Fitra Arsil, Qurrata Ayuni & Ariesy Tri Mauleny, “The disappearance of the ‘legislative model’: Indonesian parliament’s experience in response to Covid-19” (2024) 30:3 *The Journal of Legislative Studies* 265–287.

<sup>26</sup> Muhammad Fadli Efendi, “Mekanisme Legislative Review Peraturan Pemerintah Pengganti Undang-Undang dalam Perspektif Hukum” (2021) 7:2 *Veritas et Justitia* 406–430.

However, regardless of its constitutionality, *Perppu 23/1959* is an antiquated law that needs to be updated to address new forms of emergencies and recent changes to constitutional texts and structures.<sup>27</sup> In addition, the limitation on the subject matters regulated would render the comprehensive management of emergencies virtually impossible, especially for emergencies that are cyclical or recurring by nature, such as natural disasters.<sup>28</sup>

Second, the ordinary legislation model, which is based on the general law-making power under Article 20 of the 1945 Constitution, is actually a fairly recent development that took place after the constitutional amendment in 2002.<sup>29</sup> As legislative power is by nature hard to define, and absent a clear textual prohibition, the existence of *ex-ante* emergency laws outside the purview of Article 12 may be deemed constitutional *prima facie*.<sup>30</sup> In the pursuit of more comprehensive emergency management and to assert more control over the President's emergency powers, lawmakers chose to instead use their general lawmaking power under Article 20 to bypass the constitutional constraints of Article 12.<sup>31</sup>

However, the ordinary legislation model renders Article 12 practically useless by allowing lawmakers to circumvent the limitations of their own legislative power under Article 12. This provides an alternative means for lawmakers to create a *quasi-law* on the state of emergency with even more "bite" over the President's emergency powers.<sup>32</sup> This is apparent in how these ordinary legislations deviate from the constitutional requirements of Article 12:

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<sup>27</sup> Ahmad Gelora Mahardika, "Urgensi Revisi Peraturan Pemerintah Pengganti Undang-Undang Nomor 23 Tahun 1959 Sebagai Kontekstualisasi Iklim Demokrasi" (2020) 4:2 *Justitia Jurnal Hukum* 360–372.

<sup>28</sup> Wenxin Su, Linyan Chen & Xin Gao, "Emergency Decision Making: A Literature Review and Future Directions" (2022) 14:17 *Sustainability* 6–17.

<sup>29</sup> Alexander Kennedy, "The Role of Indonesian Constitutional Law in Sustaining National Resilience Amid Global Challenges" (2024) 12:4 *Jurnal Lemhannas RI* 494–501.

<sup>30</sup> Richard A Epstein, "Delegation of Powers: A Historical and Functional Analysis" (2021) 24:3 *Chapman Law Review* 659–706.

<sup>31</sup> Ayuni et al, *supra* note 19.

<sup>32</sup> Paolo Sosa-Villagarcia, José Incio & Moisés Arce, "The Rise of Legislative Authoritarianism" (2025) 36:2 *Journal of Democracy* 110.

1. Law 24/2007:
  - a. assigned declaration authority to other officials, namely governors for provincial-scale disaster emergencies and regents/mayors for regency/municipal-scale disaster emergencies;
  - b. regulated other subject matters unrelated to the “state of emergency,”
2. Law 7/2012:
  - a. assigned declaration authority to other officials, namely governors for provincial-scale social conflicts and regents/mayors for regency/municipal-scale social conflicts;
  - b. required prior consultation with legislative bodies; and
  - c. regulated other subject matters unrelated to the “state of emergency,”
3. Law 9/2016:
  - a. required prior recommendation from the Financial System Stability Committee; and
  - b. regulated other subject matters unrelated to the “state of emergency,”
4. Law 17/2023:
  - a. assigned declaration authority to other officials, namely the health minister for national-scale extraordinary events, governors for provincial-scale extraordinary events, and regents/mayors for regency/municipal-scale extraordinary events; and
  - b. regulated other subject matters unrelated to the “state of emergency.”

In short, the ordinary legislation model is arguably unconstitutional, as it chips away at the President’s constitutionally assigned emergency powers under Article 12 by means of the lawmakers’ general lawmaking power.

The Constitutional Court, however, in Decision Number 8/PUU-XII/2014 held the provisions assigning declaration authority to governors, regents, and mayors in Law 7/2012 to be constitutional. The Court, employing an original intent approach, limited the scope of the state of

emergency under Article 12 to its historical practice of civil, military, and war emergencies, as regulated under *Perppu 23/1959* and prior laws on the state of emergency. Simply put, other types of emergencies, such as social conflict or financial system crisis, are not covered within the meaning of the state of emergency under Article 12.<sup>33</sup> Therefore, under the Court's logic, any form of deviation from the constitutional requirements under Article 12 is legitimate and constitutional.

The Court's non-textual approach is misleading at best, specifically by strictly demarcating the lines between the type of emergencies as understood "historically" and normatively in *Perppu 23/1959* from other "new" kinds of emergencies.<sup>34</sup> Historical practices may inform and even clarify the meaning of a constitutional text, but they do not necessarily narrow or even broaden the meaning of the text.<sup>35</sup> Originalism, properly understood, dictates that a constitutional text must be given its ordinary public meaning as understood at the time of its enactment.<sup>36</sup>

The Court in Decision Number 8/PUU-XII/2014 discussed the genesis of Article 12 and recognised that the term "*keadaan bahaya*" was an incorrect translation of the term "*staat van beleg*", which is a Dutch term that translates to the "state of siege" or martial law.<sup>37</sup> Gross and Ní Aoláin affirmed the scope of the state of siege by tracing its origins from the civil law traditions, which were historically applied to the state of war, rebellion, and insurrection.<sup>38</sup> However, a more correct and literal translation of the term "*keadaan bahaya*" is "the state of emergency," which is a broader term as compared to the historical terms of "*staat van oorlog* (the state of war)"

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<sup>33</sup> Arsil & Ayuni, *supra* note 8.

<sup>34</sup> Melissa Crouch, "The Expansion of Emergency Powers: Social Conflict and the Military in Indonesia" (2017) 41:3 *Asian Studies Review* 469–473.

<sup>35</sup> Michael L Smith, "Historical Tradition: A Vague, Overconfident, and Malleable Approach to Constitutional Law" (2023) 88:3 *Brooklyn Law Review* 813–818.

<sup>36</sup> Lawrence B Solum, "Original Public Meaning" (2023) 2023 *Michigan State Law Review* 829–830.

<sup>37</sup> Tim Penyusun Naskah Komprehensif, *Naskah Komprehensif Perubahan Undang-Undang Dasar Negara Republik Indonesia Tahun 1945: Latar Belakang, Proses, dan Hasil Pembahasan, 1999-2002 Buku IV Kekuasaan Pemerintahan Negara Jilid 1* (Jakarta: Sekretariat Jenderal dan Kepaniteraan Mahkamah Konstitusi, 2010) 19.

<sup>38</sup> Oren Gross & Fionnuala Ní Aoláin, *Law in Times of Crisis* (Cambridge: Cambridge University Press, 2006) 27.

and “*staat van beleg* (the state of siege)” used in the colonial and early-revolutionary era.<sup>39</sup> Even the current Dutch Constitution, specifically Article 103 that regulates the state of emergency (*uitzonderingstoestand*) and its implementing legislation, namely the Coordination in States of Emergency Act (*Coördinatiewet uitzonderingstoestanden*), allows the central government to declare a state of emergency to address broad types of emergencies, including the COVID-19 pandemic.<sup>40</sup>

Regardless of the fact that the term “*keadaan bahaya*” was an incorrect translation of the term “*staat van beleg*”, an originalist must give full effect to a constitutional text’s ordinary public meaning in its original language.<sup>41</sup> Hence, the term “*keadaan bahaya*”, which linguistically refers to a state of danger, given its proper ordinary public meaning, is not limited to only war, rebellion, and insurrection, but also covers other types of emergencies, such as public health and disaster emergencies.<sup>42</sup> In short, the Constitutional Court’s precedent on *ex-ante* emergency laws in Decision Number 8/PUU-XII/2014 is flawed and must be overturned.

#### IV. *EX-ANTE* EMERGENCY LAWS IN INDONESIA: *QUO VADIS?*

##### A. *Constitutional Framework for Ex-Ante Emergency Laws Reform in Indonesia*

The constitutional framework provided for the establishment of *ex-ante* emergency laws is based upon Article 12 of the 1945 Constitution. In other words, the lawmakers’ general lawmaking power under Article 20 is subject to the limitations of Article 12, namely:

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<sup>39</sup> Atma Suganda & Musa Anthony Siregar, *The Meaning and Development of State Emergency Laws Based on Constitution in the Indonesian Legal System* (Paris, France: Atlantis Press, 2020) 459.

<sup>40</sup> Björn Hoops, “Governmental Policies to Fight Pandemics: Defining the Boundaries of Legitimate Limitations on Fundamental Freedoms” in *Governmental Policies to Fight Pandemic* (Brill | Nijhoff, 2024) 269–271.

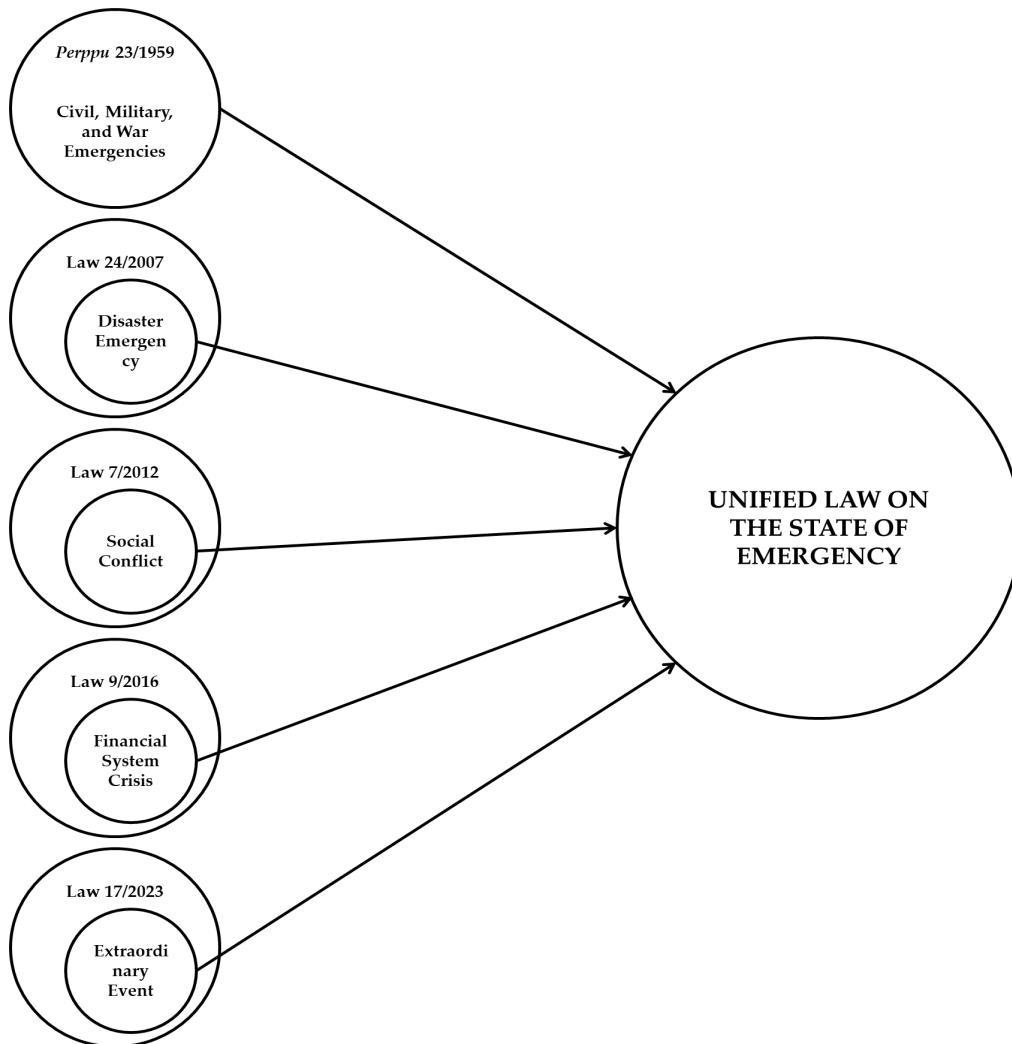
<sup>41</sup> Lawrence B Solum, “The Public Meaning Thesis: An Originalist Theory of Constitutional Meaning” (2021) 101 *Boston University Law Review* 1975–1980.

<sup>42</sup> Jimly Asshiddiqie, *Hukum Tata Negara Darurat* (Jakarta: Rajawali Pers, 2008) 219–221.

1. the law must attribute exclusive declaration authority to the President;
2. the law must contain regulations on the conditions for declaration and the consequences of a state of emergency; and
3. the law must be the sole law regulating the state of emergency.

Therefore, pursuant to the use of the phrase “by law”, there may only be one law on the state of emergency.<sup>43</sup> This requires that every type of emergency currently in the books be regulated under a single law, as illustrated in Figure 1.

**Figure 1.** Unification of *Ex-Ante* Emergency Laws



<sup>43</sup> Yodi Martono Wahyunadi, “Kompetensi Absolut Pengadilan Tata Usaha Negara dalam Konteks Undang-Undang Nomor 30 Tahun 2014 tentang Administrasi Pemerintahan” (2016) 5:1 Jurnal Hukum dan Peradilan 135–154.

Moreover, any type of deviation must be rectified to comply with the constitutional requirements of Article 12.

Complexities arise from the necessity to address emergencies that are cyclical or recurring by nature, requiring comprehensive legislation that covers pre-emergency and post-emergency phases.<sup>44</sup> The constitutional limitations of Article 12 would bar the lawmakers from establishing a “comprehensive” law on the state of emergency. However, while the regulation on the state of emergency must be separated into a single law, a “harmonisation” is not impossible.

Harmonisation could be achieved by establishing a new law on the state of emergency that unifies the regulations currently dispersed across several laws. The law must also contain a closing provision that revokes any provisions regulating the state of emergency in Law 24/2007, Law 7/2012, Law 9/2016, and Law 17/2023. This serves two primary purposes: 1) it addresses the issue of dualism regarding laws on the state of emergency by unifying them into a single law; and 2) it removes the unconstitutional aspect of Law 24/2007, Law 7/2012, Law 9/2016, and Law 17/2023, specifically their provisions regulating the state of emergency.

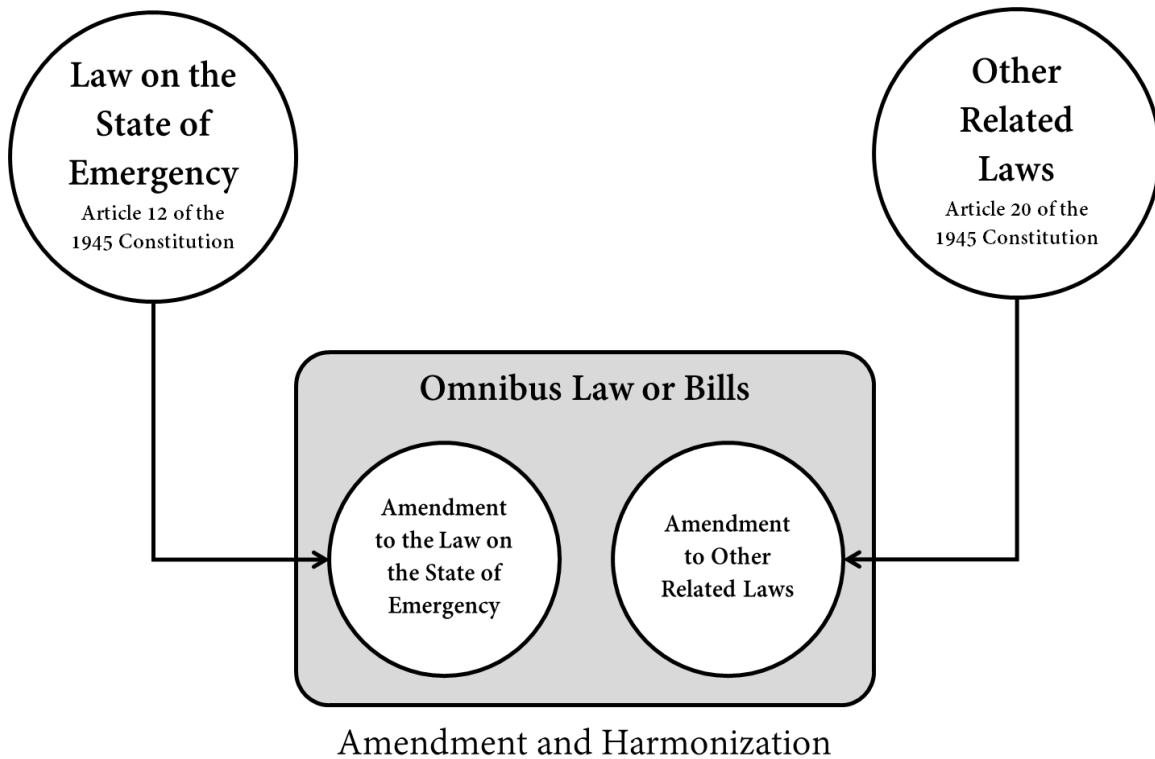
If an amendment is necessary to either the unified law on the state of emergency or other laws regulating the pre-emergency and/or post-emergency aspects, Law Number 13 of 2022 on the Second Amendment to Law Number 12 of 2011 on the Formation of Laws and Regulations provides an omnibus method that allows the lawmakers to amend two or more laws concurrently. Hence, if amending the emergency law requires harmonisation with related laws, the omnibus method can be employed as a harmonisation tool while keeping the laws normatively separate, as seen in Figure 2.<sup>45</sup>

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<sup>44</sup> Reidar Staupe-Delgado & Olivier Rubin, “What makes an acute emergency? Temporal manifestation patterns and global health emergencies” (2023) 44:8 *Third World Quarterly* 1795–1806.

<sup>45</sup> Bagus Hermanto & Nyoman Mas Aryani, “Omnibus legislation as a tool of legislative reform by developing countries: Indonesia, Turkey and Serbia practice” (2021) 9:3 *The Theory and Practice of Legislation* 427.

**Figure 2.** Amendment and Harmonisation to the Law on the State of Emergency and Other Related Law(s) by Omnibus Method



*B. Best Practices on Ex-Ante Emergency Laws and Prospects for Adoption in Indonesia*

Many scholars contend that there must be clear legal limitations on the practice of the state of emergency.<sup>46</sup> While this argument might be reasonable in theory, it disregards the realities of real-world emergencies, which are unpredictable by nature. Hence, strict and overly detailed regulations on the state of emergency may instead be counterproductive, unnecessarily limiting the President’s capability to deal with emergencies.<sup>47</sup> A reform of the law on the state of emergency must be undertaken for the purposes of: 1) allowing the President to effectively deal with emergencies;

<sup>46</sup> Muhammad Yopy Adhihernawan & Hernadi Affandi, “Limitation of The President’s Power to Declare a State of Emergency: a Comparison of France, India, and Indonesia” (2022) 22:2 Jurnal Penelitian Hukum *De Jure* 150–159.

<sup>47</sup> Maggie Davis et al, “Emergency powers and the pandemic: Reflecting on state legislative reforms and the future of public health response” (2023) 21:7 Journal of Emergency Management 29–31.

and 2) ensuring effective control against abuse from the exercise of emergency powers.

There are three subject matters of the law on the state of emergency, as mentioned in Article 12, that need to be reformed:

1. Declaration Authority;
2. Conditions for Declaration; and
3. Consequences of the State of Emergency.

First, regarding the declaration authority, Article 12 requires that it be attributed exclusively to the President. No other public official or body may share this exclusive power, and it must cover every type and scale of emergency. The only limitations on the President's declaration authority are the conditions for emergency declaration set by lawmakers through the law on the state of emergency itself. This limits the President's discretion in determining which type and scale of emergency are to be declared.

The President's exclusive power to declare does not mean that it cannot be subject to oversight. Article 12 allows for post-declaration control, either normatively or institutionally, by the legislative and the judiciary. Several mechanisms may be embedded to achieve this:

1. Expiry Mechanism: because a state of emergency is supposed to be temporary, an explicit regulation on its duration is needed as a safeguard against the risk of "permanent" emergencies. The expiration of the duration means that the state of emergency has ended *de jure*.<sup>48</sup> In Italy, for example, Article 24 of the Civil Protection Code limits the duration of a state of emergency to 12 months, subject to a maximum extension of 12 months.<sup>49</sup> In Finland, a state of emergency decree may legally remain in force for only 3 months;<sup>50</sup>

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<sup>48</sup> *Emergency Law Responses and the Covid-19 Pandemic*, by Erin Houlihan & William Underwood, in *Global State of Democracy Thematic Paper 2021* (Stockholm: International IDEA, 2021) 14-18.

<sup>49</sup> Nicola Canestrini, "Covid-19 Italian emergency legislation and infection of the rule of law" (2020) 11:2 *New Journal of European Criminal Law* 117.

<sup>50</sup> Anna Jonsson Cornell & Janne Salminen, "Emergency Laws in Comparative Constitutional Law – The Case of Sweden and Finland" (2018) 19:2 *German Law Journal* 240.

2. Termination Mechanism: termination may be executed by the President as the official who declared the state of emergency (*contrarius actus* principle).<sup>51</sup> Termination by the legislature may also be constitutional, as Article 12 is silent regarding the legislature's role in the termination process;<sup>52</sup> and
3. Extension Mechanism: this must be differentiated from "renewal," which poses a constitutional problem under Article 12, as a renewal essentially creates a "new" state of emergency, contravening the President's exclusive declaration authority if done by the legislature. An extension, however, does not create a "new" state of emergency, and thus may be performed by the legislature without posing serious constitutional issues. The extension's duration may be equal to or less than the original duration. A limit on the maximum number of extensions could also be established, requiring a new state of emergency to be formally declared if the emergency still exists *de facto*.<sup>53</sup> Requiring supermajorities to approve extensions is another safeguard to consider.<sup>54</sup>

With regard to post-declaration control, both legislative and judicial oversight should be integrated within a unified checks-and-balances framework. While legislative control is arguably a more effective mechanism,<sup>55</sup> judicial control can function in tandem with legislative scrutiny by operating strictly on clear textual authorisation provided by law. This integrated approach is meant to provide a more robust check against executive overreach.

Second, regarding the conditions for declaration, the text of Article 12 which states that "[t]he President may declare a state of emergency. The conditions for such declaration ...," requires that the conditions for

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<sup>51</sup> Muhammad Yasin Izhharulhaq, Adrian E Rompis & Amelia Cahyadini, "The Role of the Contrarius Actus Principle in Oversight of the Growth and Development of Community Organizations" (2020) 8:3 *Yustisia Jurnal Hukum* 425.

<sup>52</sup> Elliot Bulmer, *Emergency Powers: International IDEA Constitution-Building Primer 18* (Stockholm: International IDEA, 2018) 17–21.

<sup>53</sup> *Ibid.*

<sup>54</sup> *Ibid.*

<sup>55</sup> *Ibid.*

declaration must be tailored to the nature of each emergency. Therefore, there are two things to consider:

1. Types of Emergencies: Article 12 should not be interpreted as limiting the types of emergencies that can be regulated. The constitutional authority to decide which emergencies to regulate rests entirely with the lawmakers. As such, they may choose to codify only the emergencies currently on the books or add other types of emergencies as they see fit; and
2. Conditions for Declaration: In principle, conditions for declaration serve as the ultimate limitation on the President's power. The grounds for declaration must be specified to prevent abuse and shape public expectations.<sup>56</sup> Geographical limitations can also safeguard against overreach, ensuring that a state of emergency is declared only for affected territories, thus protecting democratic government in unaffected regions.<sup>57</sup> However, these conditions for declaration should not be excessively specific, as emergencies are unpredictable by nature.<sup>58</sup>

These conditions serve as judicial standards, allowing the courts to determine whether the President declared a state of emergency in accordance with the law.

However, because these conditions are not to be made too specific, courts should take a deferential approach when reviewing the President's declarations and the emergency measures taken.<sup>59</sup> Quoting Justice Robert H. Jackson's concurrence in the U.S. Supreme Court *Steel Seizure Case*:

*“When the President acts pursuant to an express or implied authorization of Congress, his authority is at its maximum, for it includes all that he possesses in his own right plus all that Congress can delegate ... A seizure executed by the President pursuant to an Act of Congress would be supported by the strongest of presumptions and the widest latitude of judicial*

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<sup>56</sup> *Ibid.*

<sup>57</sup> *Ibid.*

<sup>58</sup> *Ibid.*

<sup>59</sup> *Ibid.*

*interpretation, and the burden of persuasion would rest heavily upon any who might attack it.”*

In essence, courts must treat emergency declarations and measures made under the law on the state of emergency with a presumption of validity, unless there is a clear case where the declaration and the measures taken contradict the conditions prescribed by the law.<sup>60</sup> A deferential court in this case only serves as an additional safeguard, particularly in scenarios where the President commands enough legislative support to render political control ineffective.<sup>61</sup>

Third, regarding the consequences of a state of emergency, there are several critical aspects to consider, such as:

1. Emergency Authorities:
  - a. What Kind of Emergency Authorities: determining the types of emergency authorities granted follows the same logic as the conditions for declaration, specifically that they must be tailored to the nature of the emergency to allow for balanced responses.<sup>62</sup> However, because emergencies are inherently unpredictable, overly specifying these authorities risks artificially constraining the President’s capabilities,<sup>63</sup> and
  - b. To Whom the Authorities are Given: emergency authorities may be centralised to the President, who may then delegate them to other government officials or bodies within the executive branch. Alternatively, as Windholz described as an “autocratic technocracy,” these authorities may also be delegated to existing government bodies better suited to

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<sup>60</sup> Eric L Windholz, “Governing in a pandemic: from parliamentary sovereignty to autocratic technocracy” (2020) 8:1–2 *The Theory and Practice of Legislation* 100–101.

<sup>61</sup> Ittai Bar-Siman-Tov, “Covid-19 meets politics: the novel coronavirus as a novel challenge for legislatures” (2020) 8:1–2 *The Theory and Practice of Legislation* 25–27.

<sup>62</sup> Bulmer, *supra* note 52.

<sup>63</sup> *Ibid.*

address a declared emergency.<sup>64</sup> For instance, in a national-scale disaster emergency, additional authorities are granted to the National Disaster Management Body (*Badan Nasional Penanggulangan Bencana*). Furthermore, emergency authorities are not exclusively executive, especially in the wake of the establishment of independent state institutions. For example, during a financial system crisis, the Indonesia Deposit Insurance Corporation (*Lembaga Penjamin Simpanan*) is granted additional authority for banking restructuring.

2. Human Rights Limitation:

- a. How Rights Should be Limited: a declaration of the state of emergency generally affects substantive and procedural rights.<sup>65</sup> Given that Indonesia is a party to international human rights instruments such as the ICCPR, any limitation must be subject to the standards imposed by these instruments. For starters, limitations are permissible only as long as they are strictly necessary to address the declared emergency and employ the least restrictive means.<sup>66</sup> However, the ICCPR's standard, as interpreted under the Siracusa Principles, merely mandates that “[t]he competent national authorities shall be under a duty to assess individually the necessity of any derogation measure taken or proposed to deal with the specific dangers posed by the emergency.”<sup>67</sup> In other words, the “strictly necessary” and “least restrictive means” obligations apply only to the specific actions taken during an emergency, not to the emergency law *per se*. Consequently, lawmakers have broad

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<sup>64</sup> Windholz, *supra* note 60.

<sup>65</sup> Bulmer, *supra* note 52.

<sup>66</sup> Anna L Grilley, “Arbitrary, Unnecessary Quarantine: Building International and National Infrastructures to Protect Human Rights during Public Health Emergencies” (2017) 34:4 *Wisconsin International Law Journal* 924.

<sup>67</sup> Point 52 International Commission of Jurists, *Siracusa Principles on the Limitation and Derogation Principles in the International Covenant on Civil and Political Rights*, 1984.

leeway in designing emergency measures within the law to provide the President with the tools needed to deal with emergencies; and

- b. Which Rights May be Limited: both international human rights instruments and the 1945 Constitution govern two types of rights, derogable and non-derogable.<sup>68</sup> In principle, derogable rights may be limited for reasons such as national security or public order.<sup>69</sup> On the other hand, non-derogable rights, such as freedom from torture and freedom from slavery, must remain completely immune from limitation during emergencies.<sup>70</sup>
3. legislative and judicial control:
  - a. Legislative Control: legislative control during a state of emergency serves to minimise the threat of the abuse of presidential emergency powers.<sup>71</sup> Beyond control mechanisms for the extension and termination of emergencies, legislative control may also require the President to submit periodic reports to the People's Representative Council. This creates a legislative-executive dialogue that ensures accountability and improves emergency responses by allowing the legislature to point out any inadequacies, gaps, or inconsistencies in the emergency measures taken by the President;<sup>72</sup> and
  - b. Judicial Control: judicial oversight acts as an additional safeguard to ensure the government exercises its emergency powers within prescribed limits.<sup>73</sup> While the level of judicial scrutiny should be deferential, there must be: 1) a defined

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<sup>68</sup> Art. 4 United Nations, *International Covenant on Civil and Political Rights*, Art. 28A to Art. 28I par. (1) Republik Indonesia, *1945 Constitution of the Republic of Indonesia*, 2002.

<sup>69</sup> Art. 4 par. (1) *International Covenant on Civil and Political Rights*, *supra* note 68; Art. 28J par. (2) *1945 Constitution of the Republic of Indonesia*, *supra* note 68.

<sup>70</sup> Bulmer, *supra* note 52.

<sup>71</sup> Mikko Värttö, "Parliamentary oversight of emergency measures and policies: A safeguard of democracy during a crisis?" (2024) 10:1 European Policy Analysis 85.

<sup>72</sup> *Ibid.*

<sup>73</sup> Houlihan & Underwood, *supra* note 48.

review mechanism for emergency declarations; and 2) a cause of action for individuals or organisations to challenge emergency measures.<sup>74</sup> This judicial authority is to be attributed to the Supreme Court and/or other courts under its jurisdiction, as it is the only court with “open” jurisdiction under the 1945 Constitution.<sup>75</sup>

In brief, lawmakers may devise any mechanism to control the exercise of presidential emergency powers through a law on the state of emergency. However, there are two things to keep in mind: 1) lawmakers must comply with the constitutional requirements and limitations of Article 12; and 2) the regulations must allow the President to deal with emergencies effectively while, at the same time, preventing any abuse of emergency powers.

## VI. CONCLUSION

The current landscape of *ex-ante* emergency laws in Indonesia has experienced a series of “balkanisation” with the enactment of several *ex-ante* emergency laws outside the purview of Article 12. Deviations of the so-called ordinary legislation model contravene the constitutional limits of Article 12 and thus pose serious constitutional problems and mandate an urgent reform. A codification of the current dispersed laws regulating emergency into a single and unified law on the state of emergency is needed to comply with the constitutional requirement of Article 12.

The unification process is followed by reforms on declaration authority, conditions for declaration, and the consequences of the state of emergency. The great task for lawmakers is to ensure that the President is well-equipped to deal with emergencies, while at the same time ensuring that there are effective checks on the President’s use of emergency powers. In addition, the law on the state of emergency must be harmonised with other related laws, especially those regulating pre-emergency and post-emergency phases, to produce an ecosystem of comprehensive emergency management. Future changes to any provisions related to the state of

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<sup>74</sup> Bulmer, *supra* note 52.

<sup>75</sup> Bimo Fajar Hantoro, “Pembatasan Yudisial dan Perluasan Kewenangan Mahkamah Konstitusi dalam Memutus Sengketa Hasil Pilkada” (2024) 7:1 Media Iuris 102.

emergency requiring amendments to both the law on the state of emergency and other related laws can be achieved using an omnibus method to ensure that this ecosystem remains harmonious.

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