

The Dialectics of Garuda Totem and Covid-19 Totem in the Constitution of Indonesia

Diana Fitriana¹, Sarip², Rohadi² and Hanif Nurcholis Adiantika²

¹. Universitas Bhayangkara Jakarta Raya, Indonesia

². Muhammadiyah University of Cirebon, Indonesia

Email: diana.fitriana@dsn.ubharajaya.ac.id

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Abstract : This paper aims to determine to what extent Garuda totem is faced with covid-19 totem in the constitution of Indonesia. It begins with the pandemic hit a worldwide including Indonesia, all countries are busily making effective policies. Reviewing the existing policies, the president and the regional heads have an extraordinary role. A well-saying that the king can do no wrong while carrying out his policies. Many issues concerning the existence of Garuda totem are currently being in the spot light. Thus, this study focuses on the discussion upon the struggle of Garuda totem over the new totem that has changed the policy arrangement in Indonesia. A normative legal research method sets as a basis for conducting an analysis. The struggle made the existence of Garuda totem hits a polemic in the Indonesian constitution. This so-called totem does not just apply on religious values. The state even has its respective totem as a form of sacredness for its people. The research result on the consequences of Garuda totem, holding the shield of Pancasila and setting its feet on Indonesia's diversity, are indicating an inseparable bondage for the king of the country and the king of the region during 2019-nCoV which befell the worldwide, particularly Indonesia. In addition, the national emblem, Garuda Pancasila, is not just an ordinary image. It has a meaning that is coming from Indonesian cultures. It has a sacred value (holy) that must be protected and maintained its dignity by everyone who claims to be the citizens of Indonesia. This is to signify an ethic of showing the love for the country. Lastly, in order to avoid the threats to Garuda totem, the state is required to be more careful in making policies.

Keywords: Covid-19; Garuda totem; The Constitution System; The Struggle.

Dialektika Totem Garuda dan Totem Covid-19 dalam Ketatanegaraan Indonesia

Abstrak : Tujuan dari penulisan ini yaitu untuk mengetahui sejauh mana totem Garuda dihadapkan pada totem Covid-19 dalam ketatanegaraan Indonesia. Berawal dari adanya pandemik yang melanda dunia termasuk Indonesia, semua negara disibukan untuk segera mengambil kebijakan-kebijakan yang efektif. Melihat kebijakan-kebijakan yang ada menempatkan Presiden dan Kepala Daerah memiliki peran yang sangat luar biasa dan dapat dikatakan sebagai the king can not do wrong dalam menjalankan kebijakannya. Permasalahan-Permasalahan yang berkenaan dengan keberadaan totem Garuda saat sekarang banyak disoroti, fokus pembahasan mencoba mengkaji pergumulan totem Garuda atas totem baru yang merubah tatanan kebijakan di Indonesia. Metode penelitian hukum yang bersifat normatif sebagai pijakan dalam melakukan analisis. Adanya pergumulan atau pertarungan yang menjadikan keberadaan totem Garuda mengalami polemik dalam ketatanegaraan Indonesia. Apa yang dinamakan sebagai totem sendiri rupanya bukan hanya berlaku pada nilai-nilai keagamaan saja, bahkan sekelas negara memiliki totem masing-masing sebagai bentuk kesakralan bagi masyarakatnya. Hasil penelitian Konsekuensi totem Garuda yang memegang perisai Pancasila dan menapakkan kakinya pada kebhinekaan Indonesia, sebagai bentuk ikatan yang tidak terpisahkan bagi raja negara maupun raja daerah pada saat adanya 2019-nCoV yang menimpa dunia dan Indonesia khususnya. Labang Negara yaitu Garuda Pancasila bukan hanya sebuah gambar yang biasa saja, mempunyai makna yang lahir dari budaya-budaya Indonesia, memiliki nilai sakralitas (suci) yang wajib di lindungi yang harus dipertahankan martabatnya oleh setiap orang yang mengaku sebagai warga Indonesia untuk menandakan sebuah etika yang menunjukkan rasa kecintaan terhadap tanah air. Dalam rangka menghindari ancaman terhadap totem Garuda, negara harus berhati-hati dalam mengambil kebijakan

Kata Kunci: Covid-19; Pergumulan; Totem Garuda; Sistem Ketatanegaraan

INTRODUCTION

It all begins with the birth of the Covid-19 totem. At the end of 2019 or in the early of 2020, people around the world including Indonesia can not do activities, education, and entertainment maximally as before.¹ The totem is a creature in Greek mythology that used as a symbol exalted by the community. The people in each country can not do much about the rules applied by the state. There is a limitation on the activities, restriction in the freedom of opinion, including the academic pulpit.² Most of the countries are buzzing democracy and turning their countries into kings of countries based on the concept of “the king can do no wrong.” Almost all legal products born in early 2020 are no longer put the people's voice *as vox populi vox dei*, as a consideration for legal policy.³ Although it should be realized that Indonesian democracy is not identical to *vox populi vox dei*, not being synonymous with majority vote is the truth.⁴

The 2019-nCoV Totem was pinned by WHO on February 11, 2020, in Indonesia, it is known as Covid-19.⁵ Its existence has forced the Indonesian government to issue policies. These are sometimes causing a controversial such in emergency regulations known as the Perpu.⁶ The concept of “the king can do no wrong” becomes the foundation for emergency regulations. The policies cannot be blamed as long as it is on the behalf of the state, has good faith, or often associated with the presidential prerogative rights.⁷ The Indonesian government's policy is deemed to be insufficient in considering the people's voice. Thus, this concept comes strong in the midst of the 2019-nCoV totem and can create people power.⁸ The totem of the Indonesian state which carries the values of the nation and the state philosophy, shaping the nation state,⁹ is being neglected by the existence of a new totem that is currently becoming a global prima donna.

The global totem strengthened the role of the king who becomes the head of state, head of government, and head of the region. The Garuda totem which ideally balances the people's, the government's, and the state's expectations has lost its prestige. Emergency ground and immediate handling are causing the weakening of the Garuda totem and strengthening the new totem. *Vox populi vox dei* developed in medieval times, known as deism, have put aside God's role in human life.¹⁰ Accordingly, this research formulated the following research questions: (1) how to interpret

¹ Fradhana Putra Disantara. “The Validity of Rector's Circular Letter on the Covid-19 Pandemic”. *UNIFIKASI : Jurnal Ilmu Hukum*. 7(1). 2020. 126-136. DOI : 10.25134/unifikasi.v7i1.2765. Sarip Sarip, Syarifudin, Aip, dan Muaz, Abdul. “Dampak Covid-19 Terhadap Perekonomian Masyarakat dan Pembangunan Desa.” *Al-Mustafha: Jurnal Penelitian Hukum dan Ekonomi Syariah*. 5 (1).2020. 10-20. DOI: 10.24235/jm.v5i1.6732.g3120.

² Delvira Hutabarat. “Guru Besar UII Diteror, Mahfud MD: Kalau Ada Orangnya Laporkan Ke Saya.” <https://www.liputan6.com/regional/read/4267172/guru-besar-uii-diteror-mahfud-md-kalau-ada-orangnya-laporkan-ke-saya>. Accessed on June 7, 2020.

³ Heri Kusmanto. “Partisipasi Masyarakat Dalam Demokrasi Politik.” *Jurnal Ilmu Pemerintahan dan Sosial Politik UMA* 2.1 (2014): Page 79, 78-90.

⁴ Mahkamah Konstitusi Republik Indonesia. “Sejarah Terbentuknya Mahkamah Konstitusi.” *Kamis 13 Agustus 2015*, <https://mkri.id/index.php?page=web.Berita&id=11766>, Accessed on May 30, 2020, at 12:10 p.m.

⁵ Yuliana, Yuliana. “Corona Virus Diseases (Covid-19); Sebuah Tinjauan Literatur.” *Wellnes And Helthy Magazine* 2.1 (2020): page 188, 187-192.

⁶ Ali Marwan Hsb. “Kegentingan Yang Memaksa Dalam Pembentukan Peraturan Pemerintah Pengganti Undang-Undang.” *Jurnal Legislasi Indonesia* 14.1 (2017): hlm 110, 109-122. Ni'matul Huda. *Politik Ketatanegaraan Indonesia*. Cetakan Pertama. (Fakultas Hukum Universitas Islam Indonesia Press, Yogyakarta, 2003), page 140.

⁷ Sarip, Sarip. “Pemikiran the King Can Do Not Wrong dalam Politik Hukum Ketatanegaraan Indonesia.” *Kanun: Jurnal Ilmu Hukum* 20.2 (2018): page 316, 315-336.

⁸ Anggara S, Margono Margono, Kayan Swastika. “American Intervention In The Overthrow Of President Ferdinand E. Marcos In Philippines In 1983-1986.” *Jurnal Historica* 1.1 (2017): page 124, 116-130.

⁹ Lebih jelas lihat Turiman Turiman. “Menelusuri “Jejak” Lambang Negara Republik Indonesia Berdasarkan Analisis Sejarah Hukum.” *Jurnal Hukum & Pembangunan* 44.1 (2014): 122-169.

¹⁰ M. Baharudin. “Pergumulan Keberagamaan di Dunia Barat.” *Jurnal Teologia* 25.2 (2014), page 4, 1-23

the Garuda totem in the midst of the existence of a new totem? (2) How to return the Garuda totem to solve problems of the 2019-nCoV totem?

RESEARCH METHODS

This research was non-doctrinal research that looked at the social condition as the object of the research. This legal research applied a conceptual approach to state policies in the pandemic era. The research aims to find coherence on: whether the policies implemented in the pandemic era comply with the law and legal norms, whether the norms is in the form of orders or prohibitions and are in line with legal principles, and whether the action is in line with legal norms or legal principles. A legal study aims to find out what kind of steps the countries and regions take during a pandemic. This research used primary and secondary legal materials. The inventory of policies refers to the existence of legal issues. The materials were then analyzed using the method of reasoning and legal deduction.

RESULTS AND DISCUSSION

1. Interpreting the State Totem in the 2019-nCoV Totem Struggle

The meaning of the state totem can be seen from the history of law. This was divided by Savigny into three stages: (1) Law not found in regulation; (2) The culmination of culture or the right time for the codification of law; (3) the decrease in the existence of society/nation.¹¹ Likewise, Ilham Yuli Isdiyanto mentioned the law issue such as many law graduates refuse to study Indonesian history. They are more interested in studying western theory and applying it immediately.¹² In the end, Indonesian law is trapped in rationality without concern to the character as the basis for Eastern thinking.¹³ The rationality trap leads to thoughts with reason and senses. Thus, the state totem will be considered mystical. Finally, the development of Indonesian law will not reach perfection without a national spirit (*volkgeist*).¹⁴

The philosophers explore knowledge from myths. This then is drawn to the rational or logos perspective.¹⁵ Talking about the totems, almost all thoughts are focused on worship related to religious rituals or myths. This situation is reasonable because the word totem originally comes from the traditions of the Indians in North America. Their daily life praxis is related to religion or myths.¹⁶ For some circles, the totem is seen as mythology that has no rationality and an eastern character. This situation is emphasized by Edward as follows:

“... No truth applies. Thus, the untruth is easily cast. In reality, this is the main characteristic of the Eastern people. Europeans are good reasoners; all of their statements are factual and free from all obscurity. Natural thought, or may also not studying about the thinking; skeptical in nature and demands proof before accepting the truth of a proposition; has a trained intelligence like a machine. On the other hand, the eastern mind

¹¹ Leopold Pospisil. *Anthropology of Law: Comparative Theory* (USA: Willey 1971), page 142. Bandingkan dengan, Antonius Cahyadi. “Hukum Rakyat: a’ La Friedrich Karl von Savigny.” *Jurnal Hukum & Pembangunan* 35.4 (2005): page 393, 386-406.

¹² Ilham Yuli Isdiyanto. “Problematika Teori Hukum , Konstruksi Hukum Dan Kesadaran Sosial,” *Jurnal Hukum Novelty* 9.1 (2018): page 62, 54–69.

¹³ Antonius Cahyadi. “Hukum Rakyat..., *Op.Cit*, hlm 392. Lasiyo Lasiyo. “Pemikiran Filsafat Timur dan Barat (Studi Komparatif), *Jurnal Filsafat* Seri 27 (1997): page 2, 1-18.

¹⁴ Ilham Yuli Isdiyanto. “Menakar “Gen” Hukum Indonesia Sebagai Dasar Pembangunan Hukum Nasional.” *Jurnal Hukum & Pembangunan* 48.3 (2018): page 591, 589-661.

¹⁵ Mahfud Mahfud, Patsun Patsun. “Mengenal Filsafat Antara Metode Praktik dan Pemikiran Socrates, Plato dan Aristoteles.” *CENDEKIA: Jurnal Studi Keislaman* 5.1 (2019): page 129, 119-140.

¹⁶ Xaverius Wonmut. “Totemisme dan Perkawinan Sakramenta.” *Jurnal Jumpa* V.1, (2017): hlm 53, 53-72.

is like a zigzagging course, it is completely asymmetrical. The reasoning is the least systematic".¹⁷

Apart from this opinion, there are several notes in interpreting the state totem. A country basically has something sacred as a symbol of the country. This is in line with the term used in anthropology, mentioning totems as sacred and revered objects or animals in totemism.¹⁸ Both western and eastern countries have something sacred. This serves as the symbol of their respective countries. Referring to Edward's Statement, the rational western country also has a similar perspective of the totem as those in Eastern people. This is in line with Bronislaw Malinowski's statement. The local beliefs of the eastern community are characterized by magic, there is no difference with the religions of the West, both act as a response to ignorance.¹⁹

The sacredness of the state totem can not be separated from human nature which is full of symbols. In line with Ernst Carisser's opinion, humans are *animal symbolicum* or *homo symbolicus*. It can freely be interpreted as creatures that can use and develop various kinds of symbols in communication.²⁰ This opinion dismissed western rational thinking. Clearly, Garuda is an Indonesian totem serving as a symbol of an organization known as the state. The Garuda totem is considered the highest totem in the country of Indonesia. Even though, it still recognizes other local totems. Totem does not only apply to religious values. Every country has its own totem as a form of sacredness for its society. The state has its own premise in the use of the word totem. From this point of view, the state defines as an organization of the nation.²¹ Garuda carries out Pancasila and binds the nation through Bhinneka Tunggal Ika. It has a rational strength in achieving the vision and mission of the state Pancasila.²² Based on Emile Durkheim's perspective, the totem is not something to be worshipped. In fact, there is a meaning behind it.²³ The rational power behind the selection of the Garuda totem was not without reason. It was this archipelagic geography that strengthened Indonesia. If other totems such as lions, bulls, or tigers are found in areas in Indonesia, they are only local totems.

In terms of strength, lions, bulls or tigers are stronger than birds. However, only birds can cross the oceans and visit the islands without using tools. This is in line with the condition of Indonesia. Ideally, the central government should be able to explore and understand the character of each region in Indonesia in handling the 2019-nCoV totem. The birth of the 2019-nCoV totem has a tremendously destructive force on the central and local governments as they walk in a different path. This certainly does not reflect the Garuda totem.²⁴ There are many asynchronies between the central

¹⁷ Edward Said, *Orientalisme*, terj. Asep Hikmat (Bandung: Pustaka, 2001), page 48-49.

¹⁸ Kamus Besar Bahasa Indonesia. <https://kbbi.web.id/totem>, accessed on May 30, 2020. Koentjaraningrat, Budhisantoso, J. Danadjaya, Parsudi Suparlan, E.K.M Masinambaw, Anrini Sofion. *Kamus Istilah Antropologi*, (Jakarta: Pusat Pembinaan dan Pengembangan Bahasa Departemen Pendidikan dan Kebudayaan, 1984), page 187.

¹⁹ Muh Syamsuddin. "Totemisme dan Pergeserannya: Studi Terhadap Tradisi Lokal di Sendang Mandong, Klaten, Jawa Tengah." *RELIGI: Jurnal Studi Agama-Agama* 13.1 (2017): page 97, 96-116.

²⁰ Sri Pangastoeti. "Pergeseran Makna Tenno Sebagai Simbol Negara Jepang." *Jurnal Humaniora* 16.2 (2004): hlm 190, 189-200. Nurhuda Widiana. "Pergumulan Islam Dengan Budaya Lokal: Studi Kasus Masyarakat Samin di Dusun Jepang Bojonegoro." *Jurnal Teologia* 26.2 (2015): page 200, 198-215.

²¹ M. Iwan Satriawan, Siti Khoiriah. *Ilmu Negara*. (Jakarta: RajaGrafindo Persada, 2016), hlm 4-6. Usman Usman. "Negara dan Fungsinya (Telaah Atas Pemikiran Politik)." *Jurnal Al-Daulah* 4.1 (2014): page 132, 130-139.

²² Sarip Sarip, Abdul Wahid. "Kemajemukan Visi Negara Hukum Pancasila Dalam Misi Hukum Negara Indonesia." *Refleksi Hukum Jurnal Ilmu Hukum* 2.2 (2018): page 114, 109-124.

²³ Daniel L. Pals, *Dekonstruksi Kebenaran: Kritik Tujuh Teori Agama*, terj. Inyik Ridwan Muzir (Yogyakarta: Ircisod, 2003), page 150

²⁴ Heri CS. "Menyoal Ketidaksinkronan Data Antara Pemerintah Pusat dan Pemerintah Daerah Dalam Tanggap Darurat Covid-2019." <https://www.radioidola.com/2020/menyoal-ketidaksinkronan-data-antara-pemerintah-pusat-dan-pemerintah-daerah-dalam-tanggap-darurat-covid-19/>. Diakses 30 Mei 2020. Tim CNN Indonesia.

and local governments due to neglecting Garuda totem as the foundation of the Indonesian country. The local government felt entitled and so do the central. This was due to the 2019-nCoV totem which leads to the existence of kings of the state and kings of regions. The struggle is increasingly becoming parallel with the simultaneous regional head elections on December 9, 2020.²⁵

The word *pergumulan* is a basic word from *gumul* means wrestling. The word *pergumulan* is interpreted as a struggle.²⁶ This word is commonly used by the writers but they do not put the meaning of this word. However, the readers can find the meaning of *pergumulan* by looking at the series of writing. For example, (1) the Javanese spiritual struggle to interpret the presence of Jesus Christ was written by Antonius Kurnia Adrianto;²⁷ (2) the struggle between Islam and local culture written by Nurhuda Widianana; (3) the struggle for Islam and politics in Indonesia written by M. Abdul Wahid;²⁸ (4) The Struggle for the Role of Government and Parliament in History: A Comparative Study of the Constitution in Different Countries by Jimly Asshiddiqie.²⁹ Some may have tried to find the concept of *pergumulan* as limitations in solving a problem.

Although some writings do not explicitly write about the concept of *pergumulan*, it still can be examined. This is because they have two or more research objects that are combined to find the solution. This is in line with the word *pergumulan* which is basically part of many martial arts, various techniques for dealing with an opponent when hugged or held. This involves two forces.³⁰ Thus, in interpreting the word *pergumulan* in writing, try to find its limitations. The meaning of *pergumulan* (struggle) is basically similar to the word *pergulatan* (wrestling). Some writings present it two or more in the discussion. The word *pergumulan* can be interpreted as a process of interlocking two or more objects to achieve their respective existence. *pergumulan* (struggle) in this paper also confronts two forces between the center and the local governments which try to find a solution to the 2019-nCoV totem. The central government in its struggle against the 2019-nCoV totem uses the principles of power. This indicates it has overlooked the Garuda totem. On the other hand, The Local Government uses its power to rely on the local totem and overrides the Garuda totem. The *Deism* which is owned by the community is not taken into account. The reason for the emergency is the center and the local governments become this kings.

2. Restoring the Awareness of the Garuda Totem of the 2019-nCoV Totem

The Garuda totem is the totem of the Indonesian country known as the Garuda Pancasila. This is a historical fact of the journey of Indonesia's formation from nation to state.³¹ The Indonesian state totem began on July 13, 1945. It was formed at the meeting of the drafting committee for the 1945

“PKS Nilai Kebijakan Jokowi Terkait Corona Bikin Bingung Pemda.” <https://www.cnnindonesia.com/nasional/20200429151736-32-498526/pks-nilai-kebijakan-jokowi-terkait-corona-bikin-bingung-pemda>. diakses 30 Mei 2020. Alfin Pulungan. “Komisi IX DPR Kritisi Ketidaksinkronan Data Covid-2019 Milik Pemerintah Pusat-Daerah.” <https://www.teropongsenayan.com/111168-komisi-ix-dpr-kritisi-ketidaksinkronan-data-covid-19-milik-pemerintah-pusat-daerah>. Accessed on May 30, 2020.

²⁵ Ahda Bayhaqi. “Pilkada Serentak Disepakati Digelar 9 Desember 2020.” <https://www.merdeka.com/politik/pilkada-serentak-disepakati-digelar-9-desember-2020.html>. Accessed on May 30, 2020. Nur Azizah Rizki Astuti. “Komisi II-Mendagri-KPU Sepakati Pilkada Serentak 9 Desember 2020.” <https://news.detik.com/berita/d-4976846/komisi-ii-mendagri-kpu-sepakati-pilkada-serentak-9-desember-2020>. Accessed on May 30, 2020

²⁶ Kamus Besar Bahasa Indonesia. <https://typoonline.com/kbbi/pergumulan>. Accessed on May 31, 2020

²⁷ Antonius Kurnia Adrianto. “Pergumulan Kebatinan Jawa Memaknai Kehadiran Yesus Kristus.” *Jurnal Teologi* 5.1 (2016): 15-26.

²⁸ M. Abdul Wahid. “Pergumulan Islam dan Politik di Indonesia.” *Jurnal Politik Profetik* 7.1 (2019):

²⁹ Jimly Asshiddiqie. *Pergumulan Peran Pemerintah dan Parlemen Dalam Sejarah: Telaah Perbandingan Konstitusi di Berbagai Negara*. (Jakarta: UI Press, 1996).

³⁰ Wikipedia Ensklopedia. <https://id.wikipedia.org/wiki/Pergumulan>. Accessed on May 31, 2020

³¹ G.S. Diponolo. *Ilmu Negara, Jilid 1* (Jakarta: Balai Pustaka, 1975), hlm 23. Suhino. *Ilmu Negara*, (Yogyakarta: Liberty, 1980), page 64.

Constitution. Parada Harahap initiated or proposed a National emblem.³² Garuda Pancasila totem was finally accepted on February 10, 1950, during the meeting of the Parliament of the Republic of Indonesia (RIS) with the Government. It was stipulated the RIS State Emblem on February 11, 1950. the RIS Parliament ratified it on February 17, 1950.³³ The sequence of events indicated the totem Garuda was legalized when Indonesia became RIS.

The Garuda totem was validated during the RIS or the federal state. Basically, there are two values in the Garuda totem. There are two values in the life of the Indonesian state such as; (1) Pancasila and (2) the existence of *Bhinneka Tunggal Ika*. The principle of diversity is not influenced by the shape of the state, whether it is a unitary state or a federal state. The RIS 1950 became the most crucial period in the field of Indonesian constitutional politics. This was a consequence of the Round Table Conference (KMB).³⁴ The RIS which ended on August 17, 1950, brought a victory for the republicans against the federal. Clearly, the state totem has started long before Indonesia declaring its independence. According to the researchers, the links of the totem with RIS is just a coincidence in the history of the Indonesian constitution. It was a coincidence and did not affect the shape of the Indonesian state at that time. This is because the idea of the totem had been discussed before the birth of the Indonesian state.

The consequence of the Garuda totem, holding the shield of Pancasila and setting its feet on the diversity of Indonesia, are indicating an inseparable bondage for the king of the country and the king of the region during 2019-nCoV which befell the worldwide, particularly Indonesia.³⁵ In addition, the National emblem, Garuda Pancasila, is not just an ordinary image. It has a meaning that is coming from Indonesian cultures. It has a sacred value (holy) that must be protected and maintained its dignity by everyone who claims to be the citizens of Indonesia. This is to signify an ethical sense of nationalism.³⁶ This includes the President and Regional Heads who have ideally positioned themselves as kings of the state and kings of regions when the 2019-nCoV outbreak hit the nation. This must be resolved immediately. The strengthening of the Garuda totem in national law is written in Law no. 24 of 2009 on the Language Flag, State Emblem, and the National Anthem. In Article 65, the right and the obligation to carry out the maintenance, safeguarding, and use of the State Flag, Indonesian Language, state emblem, and the National Anthem are basically for the honor and sovereignty of the nation and state.³⁷ Whatever policies actions taken by the President as the king of

³² Turiman Turiman. "Menelusuri "Jejak" Lambang Negara Republik Indonesia Berdasarkan Analisis Sejarah Hukum". *Jurnal Hukum & Pembangunan* 44.1 (2014): page 123, 121-169.

³³ Turiman Turiman, *Menelusuri...*, *Ibid*, hlm 131. Turiman Turiman. "Analisis Semiotika Hukum Terhadap Lambang Negara Republik Indonesia." *Jurnal Hukum & Pembangunan* 43.3 (2013): page 316, 313-346.

³⁴ Haryono Rinardi. "Dari RIS Menjadi Negara RI: Perubahan Bentuk Negara Indonesia Pada Tahun 1950." *MOZAIK: Jurnal Humaniora* 12.2 (2012): page 181, 181-192. Agil Burhan Satia, Cicik Nike Ramayani, Hesti Nuraini. "Sejarah Ketatanegaraan Pasca Proklamasi Kemerdekaan 17 Agustus 1945 Sampai 5 Juli 1959 di Indonesia." *Jurnal Mimbar Yustitia* 3.2 (2019): page 100, 89-104.

³⁵ The words of the king of the state and the king of the region in writing showed in the era of the 2019-nCoV epidemic, the President and Regional Heads played a major role in it. Even though, they seemed to be putting aside the political triad. Basically, their roles in an emergency situation must be implemented. In other words, any form of step will be appropriately used depending on the situation. It is a fact that Indonesia adheres to the distribution of power rather than the separation of powers. Then compared to Efi Yulistiowati, Endah Pujiastuti, Tri Mulyani. "Penerapan Konsep Trias Politica Dalam Sistem Pemerintahan Republik Indonesia: Studi Komparatif Atas Undang-Undang Tahun 1945 Sebelum dan Sesudah Amandement." *Jurnal Dinamika Sosial Budaya* 18. 2 (2016): hlm 330, 328-338. Haposan Siallagan. "Problematic on Sparation of Power Theory Implementation." *Jurnal Dinamika Hukum* 15.3 (2015): page 327, 321-330.

³⁶ Mohammad Fazrin Hangkiho. "Sanksi Terhadap Penghinaan Lambang Negara Menurut UU No.24 Tahun 2009 tentang Bendera, Bahasa dan Lambang Negara Serta Lagu Kebangsaan." *Jurnal Lex Privatum* V.1 (2017): hlm 40, 39-47.

³⁷ lihat juga Pasal 1 ayat (3) UU No. 24 Tahun 2009 tentang Bendera, Bahasa, dan Lambang Negara, serta Lagu Kebangsaan, (Lembaran Negara Republik Indonesia Tahun 2009 Nomor 109, Tambahan Lembaran Negara

the state and the head of the region as the king of the region, the epidemic, cannot necessarily be blamed. This is a manifestation of constitutional law politics.³⁸ Although some people regret the submission of their own representatives to the government, this cannot be avoided.³⁹ This is due to Indonesia adheres to a division of power rather than a separation of powers. If it adheres to a separation of powers there is a possibility that the president and regional heads will no longer be kings of the state or kings of the regions.

The policies made by the king of the country and the king of the region must in line with the Garuda totem. The common policy is the emergency condition requires immediate action. The king of the country issued Perpu No.1 of 2020 on State Financial Policy and Financial System Stability for Handling the Corona Virus Disease 2019 (Covid-19) and/or in the Context of Facing Threats that Endanger the National Economy and/or Financial System Stability. The constitutional basis used in the Perpu is Article 22 paragraph (1) of the 1945 Constitution, stating "In compulsory emergency situations, the President has the right to issue government regulations as a substitute of laws". People who disagree with the material stated the Perpu are the Indonesian Anti-Corruption Society (MAKI), the Mega Bintang Foundation 1997, LP3HI, KEMAKI, and LBH PEKA. They requested a judicial review to the Constitutional Court of the Republic of Indonesia (MK-RI).⁴⁰

The obstacles faced by the pleader is the Constitutional Court has the authority to examine the law but not a Perpu.⁴¹ In addition, the law has not been given a number.⁴² Referring to Denny Indrayana's and Jimly Asshiddiqie's opinions, the law numbering serves as an administrative requirement when arguing the validity of the 1945 Constitution. However, the validity lies in the rules under the 1945 Constitution currently. The numbering is basically an administrative requirement. The Garuda totem has the meaning that the country should maintain the legal order such as administrative order.⁴³ Thus, the 1945 Constitution must immediately be given a number so that it does not become problematic as in the tested law. In a pandemic situation, the DPR has issued the Perpu No. 1/2020 on May 13, 2020.⁴⁴ As of June 6, 2020, there were no signs of orderly administration regarding the numbering of the Perpu which had become law. This is what actually triggers unfavorable arguments for the current situation in Indonesia. To get rid of unfavorable arguments, it would be wise if the Perpu which has become law, be given a numbering immediately. In addition, the DPR can still pass the Perpu into law. This indicates Indonesia is actually not in a state of emergency.

Republik Indonesia 5035), menyatakan Lambang Negara Kesatuan Republik Indonesia yang selanjutnya disebut Lambang Negara adalah Garuda Pancasila dengan semboyan Bhinneka Tunggal Ika.

³⁸ Sarip Sarip. "Pemikiran The King...", *Op.Cit*, hlm 318.

³⁹ Budiman N.P.D. Sinaga. "Inkonsistensi Kedaulan Rakyat Dalam Undang-Undang Dasar Republik Indonesia Tahun 1945." *Kanun Jurnal Ilmu Hukum XV.59* (2013): hlm 31, 27-38.

⁴⁰ Fahriyadi Fahriyadi. "Ini Lima Alasan Perpu 1/2020 Harus Digugat ke Mahkamah Konstitusi." <https://nasional.kontan.co.id/news/ini-lima-alasan-perppu-no-12020-harus-digugat-ke-mahkamah-konstitusi>. Diakses 6 Juni 2020.

⁴¹ Lihat Pasal 24C ayat (1) UUD 1945 amandement tiga.

⁴² Fitria Chusna Farisa. "Artikel ini telah tayang di [Kompas.com](https://nasional.kompas.com) dengan judul "UU Penetapan Perppu 1/2020 Belum Diundangkan, MK Lanjutkan Pemeriksaan Uji Materi", <https://nasional.kompas.com/read/2020/05/14/14585221/uu-penetapan-perppu-1-2020-belum-diundangkan-mk-lanjutkan-pemeriksaan-uji>. Diakses 6 Juni 2020.

⁴³ Hukum online.com. "Pencantuman di Lembaran Negara Hanya Masalah Administrasi." <https://www.hukumonline.com/berita/baca/hol16108/pencantuman-di-lembaran-negara-hanya-masalah-administratif?page=3>. Diakses 6 Juni 2020.

⁴⁴ Anggara Wikan Prasetya. "Perpu Nomor 1 Tahun 2020 untuk Tangani Pandemi Covid-19 Resmi Menjadi UU." <https://nasional.kompas.com/read/2020/05/13/13550511/perppu-nomor-1-tahun-2020-untuk-tangani-pandemi-covid-19-resmi-jadi-uu?page=2>. Accessed on June 6, 2020.

These conditions cause all the good intentions from the government creating different perceptions in the community.⁴⁵ Likewise, the good intention from the people to straighten state policies seen as disobeying the rules. In the midst of 2019-CoV, these cases become valuable lessons and a test for the Garuda Pancasila totem with the slogan of diversity. The king of the country as the policymaker in an emergency situation certainly cannot be blamed. There are the needs to balance with the things done by people's representatives. The Garuda totem test in obtaining legality should not lead to an offense known as a constitutional offense. This may threaten the integrity of the state for the interests of certain groups.⁴⁶ Accordingly, in the drafting of the Perpu, there are elements that must be considered such as: (1) The existence of state hazards should be faced with extraordinary handling; (2) The existing rules cannot handle this; (3) done in good intentions; (4) Not valid forever or only temporarily.⁴⁷ In addition, the elements must also fulfill the following requirements: (1) The highest interest or existence of the state; (2) It is absolute and very necessary; (3) it only applies in an emergency situation; (4) DPR cannot conduct a trial.⁴⁸ The Perpu authorized by the DPR. This indicates the term emergency was no longer an emergency. The trial was only done to authorize the Perpu into law. This is very risky with unethical political contents, including the Perpu material review. State administrative offenses known as offenses that threaten the state are always motivated by political goals. The government of a country has its own definitions and limitations on the actions categorized as having political backgrounds and objectives. They even have different interpretations of 'good politics' among scholars, judges, and rulers of a country.⁴⁹ In practice and history, cases of lawlessness have often been found. These are not necessarily included in the category of violations of treason against the country or the country's security.⁵⁰ In Indonesia, the current situation between the people and the rulers actually leads to this situation.

Based on Garuda totem, Indonesian territory becomes an essential existence for the state. Even though, detailed regional problems mentioned in the 1945 Constitution. This is also confirmed in the Preamble to the 1945 Constitution stating "... ushering the Indonesian to the front gates of the independence of an independent, united, sovereign Indonesian state" and "which protects the entire Indonesian nation and all motherland". Then in the 1945 Constitution, it is regulated as in Chapter IX A on the State territory, in article 25 A mentioned the state is basically an archipelago country whose boundaries and rights are stipulated by law. This situation establishes the Garuda totem has an important role in unifying the territory of Indonesia. The king of the country ideally can protect the unitary state. Meanwhile, regional kings can use the totem according to their respective regions. They must not neglect the Garuda totem as the main totem of the Indonesian state. The community should see the problems caused by 2019-nCoV must be faced in unity. This means they should not be overly suspicious of the king of the country or the king of the region who form political polarization.⁵¹ This also applies to the people's representatives. They should not be too reckless in making decisions as in the Perpu which later became law. This leads to people's suspicion who then expressed their opinion excessively. the people's representatives are not being observant in seeing the kings of the state and regions using their power. Thus, it is natural for people to be suspicious and losing the trust of their

⁴⁵ Sarip Sarip. "The Manifestation of Indonesian Democracy; Between *Pancasila* State of Law and Islamic Democracy." *Jurnal Hukum Novelty* 9.2 (2018): page 193, 192-205.

⁴⁶ Sarip Sarip. "Memaknai Delik dan Delik Tata Negara." *De Lega Lata Jurnal Ilmu Hukum* 8.2 (2019): page 95-96, 189-210.

⁴⁷ Sarip Sarip. "Memaknai Delik..., *Ibid*, page 203.

⁴⁸ Sarip Sarip. "Memaknai Delik..., *Ibid*, page 203-204.

⁴⁹ Anshari Anshari. "Delik Terhadap Keamanan Negara (Makar) di Indonesia (Suatu Studi Analisis Normatif Pada Studi Kasus Sultan Hamid II)." *Jurnal Hukum & Pembangunan* 48.3 (2018): page 460, 457-505.

⁵⁰ Anshari Anshari. "Delik Terhadap Keamanan..., *Ibid*, page 461.

⁵¹ Abdul Gaffar Karim. "Mengelola Polarisasi Politik Dalam Sirkulasi Kekuasaan di Indonesia: Catatan Bagi Agenda Riset." *POLITIKA Jurnal Ilmu Politik* 10.2 (2019): page 223, 215-228.

representatives. This is a sign of the existence of Pancasila as a supporting ideology to overcome danger.⁵² As a country owning the Garuda totem, ideally, it should pay attention to policies in the nation's state.

CONCLUSION

Western countries that are considered rational have the same perspective of the totem as those of the eastern people. The community's magical belief does not differentiate from the religion embraced by Western society as a response to unknown thinking. The sacredness of the Garuda totem is inseparable from the qualities affecting the symbolic mindset. Putting aside western rational thinking, Garuda is a symbol of an organization known as the state. The Garuda totem is the highest totem in the country of Indonesia. However, it is losing its popularity if faced with a new totem called Covid-19. The good intentions from the government creating different perceptions in the community. Likewise, the good intention from the people to straighten state policies seen as disobeying the rules. These cases become valuable lessons for Indonesia and a test for the Garuda Pancasila totem with the slogan of diversity. The king of the country as the policymaker in an emergency situation certainly cannot be blamed. There are the needs to balance with the things done by people's representatives.

SUGGESTION

The struggle of the Garuda totem with the birth of the Covid-19 totem causing constitutional offenses or offenses that threaten the state. This is due to an unhealthy political background. Thus, it is suggested that the state should return the state policies to the value of spirit of the Indonesian nation. This is mandated in the Garuda Totem philosophically, sociologically, and practically.

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⁵² Siswanto Siswanto. "Transformasi Pancasila dan Identitas Keindonesiaan." *Jurnal Penelitian Politik* 14.1 (2017): hlm 59, 55-68. Rahmat, Diding, and Sarip Sarip. "Comparative A Model Islamic Constitution dalam Pembentukan Dual Yurisdiction Yudikatif Pasca Amandemen UUD 1945." *Volksgeist: Jurnal Ilmu Hukum dan Konstitusi* 2.2 (2019): 131-145.

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