

## ABSTRACT

This research concerns the Emergency Law in Indonesia. Objective of this research is to study and analyze self-defense of state and balance of human rights in emergency condition. In Indonesia, emergency situation is regulated in Undang-undang No. 23 Prp. Tahun 1959 about emergency condition having source in Article 12 of Constitution 1945.

As a normative research, this research employed the legal material from primary and secondary sources. The primary legal material includes laws concerning the emergency condition. And the secondary legal material deals with paper, textbook, law journals, research by other writers, magazines relevant to the subject matter to be studied.

The results show that Emergency Law in Indonesia is highly repressive in nature, taking an emphasize on militarism aspect in order to be more accomodative in coping with the emergency condition. This allows for violation of human rights. In globalization era, provisions in Emergency Law can not be exercised easily, especially regarding the human rights. Therefore, as legal product of democracy state the Emergency Law can disregards the human rights, namely civil and political rights only, excluding rights upon life, freedom, and private property since human rights is absolute in nature, can not be violated by the state, even in emergency situation.

### Key words:

- Emergency Law
- Democratic system