

HISTORY AND LAW ENFORCEMENT REGULATIONS OF THE CRIMINAL ACT OF DEFAMATION AGAINST THE STATE SYMBOL

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Abstract

The history of the Indonesian national symbol, Garuda, has been known to the people of the archipelago since the fifth century during the Tarumanegara Kingdom, whose king, Purnawarman, embraced the Hinduism of the Vishnu sect and since then the Garuda symbol has been known in the archipelago. On January 10, 1950, the government of the Republic of Indonesia Serikat (RIS) at that time formed a technical committee called the State Symbol Committee chaired by Mohammad Yamin. which finally the symbol proposed by Sultan Hamid II was Garuda because he was inspired by the majesty of the mythological bird and hoped that Indonesia could also become a strong country. The regulation of law enforcement for criminal acts of desecration of the Garuda national symbol is carried out through criminal liability by fulfilling the elements and applying criminal sanctions for criminal acts of desecration of the national symbol as stipulated in Article 68 of Law Number 24 of 2009 concerning the Flag, Language, and State Symbol, and the National Anthem, where the perpetrators are subject to a maximum imprisonment of 5 (five) years or a maximum fine of Rp. 500,000,000.00 (five hundred million rupiah).

Keywords: Garuda, state emblem, blasphemy

INTRODUCTION

Indonesia is a unitary state in the form of a republic which contains various components, starting from its people consisting of various tribes, a very diverse culture from Sabang to Merauke, and abundant natural

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resources. In its history, Indonesia declared its independence on August 17, 1945 (Sunarto, 1998). After previously Indonesia succeeded in reaping the results of struggle and sacrifice for tens or even hundreds of years. With this, the history of the Indonesian nation's struggle for independence has proven to the world that the Indonesian nation is a nation of fighters who have a strong attitude and determination to defend and sacrifice for the independence and freedom of their nation from colonial invaders and Japanese military occupation. A country that has become independent certainly requires a characteristic or characteristic for its nation to explain its identity in accordance with the culture, religion, language, ideals, and goals of the country itself. Therefore, Indonesia has a national identity which is essentially the embodiment of cultural values that grow and develop in various aspects of a nation's life with different characteristics between that nation and other nations. This national identity is then manifested in the form of a national symbol/emblem, which according to the provisions of Article 1 number 2 of Law Number 24 of 2009 concerning the Flag, Language, and National Emblem, as well as the National Anthem, that the National Emblem of Indonesia is the Garuda Pancasila with the motto *Bhinneka Tunggal Ika*. In line with that, according to the provisions of Article 46 of Law Number 24 of 2009 concerning the Flag, Language, and National Emblem, as well as the National Anthem, that the National Emblem of the Unitary State of the Republic of Indonesia is in the form of the Garuda Pancasila whose head is turned straight to the right, a shield in the form of a heart hung with a chain on the Garuda's neck, and the motto *Bhinneka Tunggal Ika* which means "Different But Still One", written on the ribbon gripped by the Garuda. The Garuda is used as a national symbol after being merged with the noble values called Pancasila which is the Ideology and Foundation of the State. From there was born the name Garuda Pancasila which was agreed as the embodiment of the Pancasila ideology which was completed in 1950.

In Indonesia, along with the development of the times, social dynamics and universal world influences, upholding the noble values of Garuda Pancasila as the national identity of the Indonesian nation, does not always run as it should. Along the way there are irresponsible individuals who directly or indirectly, intentionally or unintentionally have insulted or blasphemed and degraded the symbol of the Indonesian nation. Such actions can threaten the unity and unity of the Indonesian nation which has long been fostered, maintained and desired by the Indonesian nation since long ago (Hangkiho,

2017). There are at least four cases of insulting the national symbol that have been reported to the Police:

1. Sahat S. Gurning (27), took a photo with a pose kicking the Garuda painted on the wall on the side of Jalan Paritohan in Pintupohan Maranti District, Tobasa Regency. After that, his photo was uploaded to his Facebook account on January 11, 2014. Tobasa Police Chief AKBP Jidin Siagian explained that currently Sahat's status has been determined as a suspect and is being held at the Tobasa Police RTP for further investigation. He is suspected of multiple articles, namely Article 154a of the Criminal Code and Article 57 of Law Number 24 of 2009 concerning the Flag, Language and National Emblem, and the National Anthem.
2. Ippho Santosa, uploaded a photo of him and other young people posing and sitting on the statue of the Revolutionary Hero at the Letda Anumerta Sudjono monument, Simalungun Regency, North Sumatra, and it has been widely circulated on social media since Saturday, May 7, 2016. In the photo uploaded to his Twitter account, he is sitting on the head of the Garuda statue, with their feet stepping on the hero statue with the background of the Bhineka Tunggal Ika statue. As a result, he was arrested by the police and questioned at the Simalungun District Police, North Sumatra, as stated by the Head of Public Relations of the National Police Headquarters, Brigadier General Boy Rafli Amar at the National Police Headquarters, on Monday, May 9, 2016. He confirmed the authenticity of the photo circulating in cyberspace based on the results of an examination by an IT expert.

Based on the four cases above, researchers can conclude that the first and second cases are true and can be said to be suspected of desecrating Garuda as the State Symbol, and basically the perpetrators are subject to Article 154a of the Criminal Code (KUHP) and Article 57 of Law Number 24 of 2009 concerning the Flag, Language, and State Symbol, as well as the National Anthem. The two articles are as follows:

1. Article 154a (KUHP), namely:
"Anyone who desecrates the national flag of the Republic of Indonesia and the State Symbol of the Republic of Indonesia, shall be subject to a maximum imprisonment of four years or a maximum fine of forty-five thousand rupiah". Regarding this article, R. Soesilo explained that "desecrating" is an act that is done intentionally to insult (R. Soesilo, 1991).
2. Article 57 of Law Number 24 of 2009 concerning the Flag, Language, and State Symbol, as well as the National Anthem, namely:

"Everyone is prohibited from:

- a. crossing out, writing on, drawing on, or damaging the State Emblem with the intention of tarnishing, insulting, or degrading the honor of the State Emblem;
- b. using the State Emblem that is damaged and does not match the shape, color, and size comparison;
- c. making a symbol for an individual, political party, association, organization and/or company that is the same as or resembles the State Emblem; and
- d. using the State Emblem for purposes other than those regulated in this Law".

From the forms of prohibitions on the state emblem as stipulated in Article 57 of Law Number 24 of 2009 concerning the Flag, Language, and State Emblem, as well as the National Anthem above, the criminal elements can be seen, namely:

1. every person;
2. crossing out, writing on, drawing on, or damaging the state emblem;
3. with the intention of tarnishing, insulting, or degrading the honor of the state emblem.

The criminal threat for those who violate the provisions above is regulated in Article 68 of Law Number 24 of 2009 concerning the Flag, Language, and National Emblem, as well as the National Anthem, namely:

"Anyone who crosses out, writes, draws, or damages the State Emblem with the intention of tarnishing, insulting, or degrading the honor of the State Emblem as referred to in Article 57 letter a, shall be punished with imprisonment for a maximum of 5 (five) years or a maximum fine of Rp500,000,000.00 (five hundred million rupiah)".

Based on the description above, it is necessary to analyze the history of the Garuda state emblem in Indonesia and law enforcement against perpetrators of criminal acts of desecration of the state emblem. The formulation of the problem in this study is as follows: first, what is the history of the Indonesian state emblem? and second, how is the regulation of law enforcement for criminal acts of desecration of the state emblem?

RESEARCH METHOD

This type of research is normative legal research. The approaches used in this study are: the legislative approach, the conceptual approach, and the case approach. The types and sources of legal materials are obtained from

secondary data, collected through literature studies, analyzed qualitatively, with the technique of drawing conclusions using deductive thinking logic.

RESULT AND DISCUSSION

Definition and History of the Indonesian National Emblem

The Indonesian government has made regulations regarding the national symbol contained in Law Number 24 of 2009 concerning the Flag, Language, and National Symbol, as well as the National Anthem. The law emphasizes that the flag, language, national symbol, and national anthem are a means of unification, identity, and manifestation of the nation's existence which is a symbol of the sovereignty and honor of the state as mandated in the 1945 Constitution of the Republic of Indonesia (UUD 1945), is a manifestation of culture rooted in the history of the nation's struggle, unity in cultural diversity, and equality in realizing the ideals of the nation and the Unitary State of the Republic of Indonesia. The definition of the National Symbol is regulated in Article 1 paragraph 3 of Law Number 24 of 2009 concerning the Flag, Language, and National Symbol, as well as the National Anthem, namely: "The Symbol of the Unitary Republic of Indonesia hereinafter referred to as the National Symbol is the Garuda Pancasila with the motto *Bhinneka Tunggal Ika*". The use of the national emblem is regulated in the 1945 Constitution Article 36A and Law Number 24 of 2009 concerning the Flag, Language, and National Emblem, as well as the National Anthem (State Institution 2009 Number 109, TLN 5035). Previously, the national emblem was regulated in the RIS Constitution, the 1950 Provisional Constitution, and Government

Regulation Number 43 of 1958 concerning the Use of the National Emblem. The Indonesian national emblem is in the form of a Garuda bird whose head is turned to the right (from the Garuda's perspective), a shield shaped like a heart hanging by a chain on the Garuda's neck, and the motto *Bhinneka Tunggal Ika* which means "Different but still one" written on a ribbon gripped by the Garuda. This symbol was designed by Sultan Hamid II of Pontianak, which was then refined by President Soekarno, and its use was officially inaugurated as the first state symbol at the Cabinet Meeting of the Republic of Indonesia on February 11, 1950. The use of the Garuda Pancasila state symbol is regulated in Government Regulation Number 43 of 1958 concerning the Use of the State Symbol (R. Soesilo, 1991).

The history of the selection of Garuda as the symbol of the Indonesian state cannot be separated from the story of the Garuda bird which symbolizes virtue, knowledge, strength, courage, loyalty, and discipline. As the vehicle of

Vishnu, Garuda also has the nature of a maintainer and guardian of the order of the universe. In Balinese tradition, Garuda is glorified as the "Lord of all flying creatures" and the "Great King of the birds", depicted as a creature with the head, beak, wings, and claws of an eagle, but with the body and arms of a human. Usually depicted in fine and intricate carvings with bright golden colors, depicted in the position as Vishnu's vehicle, or in a battle scene against the Dragon (Santoso, 2013).

According to Bung Hatta in the book "Bung Hatta Answers" to implement the Cabinet Meeting Decision, Minister Priyono held a competition to design the national emblem. Then two best national emblem designs were selected, namely the work of Sultan Hamid II and the work of M Yamin. In the next process, the design accepted by the government and the DPR was Sultan Hamid II's design. M. Yamin's work was rejected because it included sunlight that showed Japanese influence. After the design was selected, intensive dialogue between the designers (Sultan Hamid II), President of the RIS Soekarno and Prime Minister Mohammad Hatta, continued to be carried out for the purpose of perfecting the design. The three of them agreed to replace the ribbon held by the Garuda, which was originally a red and white ribbon, to a white ribbon by adding the motto "Bhineka Tunggal Ika". On February 8, 1950, the design of the national emblem made by the Minister of State of the RIS, Sultan Hamid II, was submitted to President Soekarno. The design of the national emblem received input from the Masyumi Party to be reconsidered, because there were objections to the image of the Garuda bird with human hands and shoulders holding a shield and was considered too mythological.

Soekarno continued to improve the shape of the Garuda Pancasila. On March 20, 1950, Soekarno ordered the court painter, Dullah, to repaint the design; after previously being improved, including the addition of a "crest" on the head of the Garuda Pancasila, and changing the position of the claws that grip the ribbon from behind the ribbon to in front of the ribbon, upon input from President Soekarno. It is believed that the reason Soekarno added the crest was because the bald head of the Garuda was considered too similar to the Bald Eagle, the United States emblem. For the last time, Sultan Hamid II completed the refinement of the final shape of the national emblem, namely by increasing the scale of the size and color scheme of the national emblem. This last design of the Garuda Pancasila was made into a large statue of gold-plated bronze which is stored in the Independence Room of the National Monument as a reference, designated as the national emblem of the Republic of Indonesia, and its design has not changed until now (Santoso, 2013).

Regulations on Law Enforcement of Criminal Acts of Desecration of the State Emblem

The definition of the crime of desecrating the national symbol can be traced from several articles in several laws and regulations. In these articles, the qualifications of acts that are prohibited from being carried out (objective elements) have been formulated. Thus, if someone commits such an act, they can be charged with committing the crime of desecrating the national symbol because they have fulfilled the objective elements. These articles are:

1. Article 154a of the Criminal Code, which reads:

"Anyone who desecrates the national flag of the Republic of Indonesia and the national symbol of the Republic of Indonesia shall be subject to a maximum imprisonment of four years or a maximum fine of forty-five thousand rupiah." The act prohibited by law in Article 154a is desecrating, in the Explanation chapter of this article it is explained that the meaning of the word desecrating is an act carried out intentionally to insult (R.Soesilo, 1991).
2. Article 57 of Law Number 24 of 2009 concerning the Flag, Language, and National Emblem, as well as the National Anthem, reads:

"Everyone is prohibited from:

 - a. Scribble, write, draw, or damage the National Emblem with the intention of tarnishing, insulting or degrading the honor of the National Emblem;
 - b. Using the National Emblem that is damaged and does not match the shape, color, and size comparison;
 - c. Creating a symbol for an individual, political party, association, organization and/or company that is the same as or resembles the National Emblem; and
 - d. Using the National Emblem for purposes other than those regulated in this Law."
 3. Article 68 of Law Number 24 of 2009 concerning the Flag, Language, and National Emblem, as well as the National Anthem, reads:

"Anyone who crosses out, writes on, draws on, or damages the National Emblem with the intention of tarnishing, insulting, or degrading the honor of the National Emblem, as referred to in Article 57 letter a, shall be punished with imprisonment for a maximum of 5 (five) years or a maximum fine of Rp. 500,000,000.00 (five hundred million rupiah)."
 4. Article 69 of Law Number 24 of 2009 concerning the Flag, Language, and National Emblem, as well as the National Anthem, reads:

"Anyone who:

- a. Intentionally uses the National Emblem that is damaged or does not match the shape, color, and size ratio shall be punished with imprisonment for a maximum of 1 (one) year or a maximum fine of Rp. 100,000,000.00 (one hundred million rupiah) shall be punished with imprisonment for a maximum of 1 (one) year or a maximum fine of Rp. 100,000,000.00 (one hundred million rupiah)
 - b. Creating a symbol for an individual, political party, association, organization and/or company that is the same as or resembles the State Emblem; or
 - c. Intentionally using the State Emblem for purposes other than those regulated in this law.”
5. Article 15 of Government Regulation Number 43 of 1958 concerning the Use of the State Emblem, reads:
- a. Anyone who violates the provisions referred to in Articles 12 and 13 shall be punished with imprisonment for a maximum of three months or a maximum fine of five hundred rupiah.
 - b. The acts referred to in paragraph 1 of this article are considered violations.”
6. Article 12 of Government Regulation Number 43 of 1958 concerning the Use of the State Emblem, reads:
- a. Without prejudice to the provisions in the Government Regulation concerning the Banner and Official Flag, it is prohibited to use the State Emblem in conflict with this Government Regulation.
 - b. It is prohibited to place letters, sentences, numbers, images or other signs on the State Emblem.
 - c. It is prohibited to use the State Emblem as jewelry, trademark, trade advertisement or political propaganda in any way.”
7. Article 13 of Government Regulation Number 43 of 1958 concerning the Use of the State Emblem, prohibits the emblem for individuals, associations, private organizations or companies from being the same or essentially resembling the State Emblem.

Based on the identification of the objective elements of the seven articles that describe the criminal act of insulting (defaming) the state symbol, it can be understood that the definition of the criminal act of insulting the state symbol is if someone commits the following acts:

- 1. Defiling (contained in Article 154a of the Criminal Code).
- 2. Crossing out, writing, drawing, or damaging, tarnishing, insulting or degrading honor (contained in Articles 57, 68 and 69 of Law Number 24 of

2009 concerning the Flag, Language, and State Symbol, as well as the National Anthem).

3. Using the State Symbol that is damaged or does not match the shape, color, and size comparison; or making a symbol for an individual, political party, association, organization and/or company that is the same as or resembles the State Symbol (contained in Article 69 of Law Number 24 of 2009 concerning the Flag, Language, and State Symbol, as well as the National Anthem).
4. Putting letters, sentences, numbers, pictures or other signs.
5. Using the State Emblem for the symbol for individuals, associations, individual organizations or companies must not be the same or essentially resemble the State Emblem (contained in Article 13 of Government Regulation Number 43 of 1958 concerning the Use of the State Emblem).

According to Van Hammel (quoted by Sudarto, 1986), criminal law enforcement is an effort to translate and realize the desires of criminal law into reality. Criminal law enforcement is the entire basis and rules adopted by the state in its obligation to enforce the law, namely by prohibiting what is contrary to the law (*on recht*) and imposing misery (suffering) on those who violate the prohibition.

From Van Hammel's statement, criminal law enforcement is oriented towards punishment as a repressive effort in enforcing criminal law for perpetrators of criminal acts of defamation against state institutions which are carried out through criminal responsibility and the application of criminal sanctions.

As the researcher stated again that the criminal act and the threat of criminal sanctions for defamation of the state emblem are regulated in Article 154 of the Criminal Code and Article 57 in conjunction with. Article 68 of Law Number 24 of 2009 concerning the Flag, Language, and National Emblem, as well as the National Anthem.

According to the provisions of the Criminal Code, Article 154a states:

"Anyone who desecrates the national flag of the Republic of Indonesia and the national emblem of the Republic of Indonesia, shall be subject to a maximum imprisonment of four years or a maximum fine of forty-five thousand rupiah".

Then, according to Law Number 24 of 2009 concerning the Flag, Language, and National Emblem, as well as the National Anthem, Article 57 states:

"Everyone is prohibited from:

1. crossing out, writing, drawing, or damaging the National Emblem with the intention of tarnishing, insulting, or degrading the honor of the National Emblem;
2. using the National Emblem that is damaged and does not match the shape, color, and size comparison;
3. creating a symbol for an individual, political party, association, organization and/or company that is the same as or resembles the National Emblem; and
4. using the National Emblem for purposes other than those regulated in this Law".

The criminal threat for someone who violates the provisions of Article 57 of Law Number 24 of 2009 concerning the Flag, Language, and National Emblem, as well as the National Anthem above, is regulated in Article 68 of Law Number 24 of 2009 concerning the Flag, Language, and National Emblem, as well as the National Anthem, which states:

"Any person who crosses out, writes, draws, or damages the State Emblem with the intention of tarnishing, insulting, or degrading the honor of the State Emblem as referred to in Article 57 letter a, shall be punished with imprisonment for a maximum of 5 (five) years or a maximum fine of Rp. 500,000,000.00 (five hundred million rupiah)".

Based on the provisions above, there are 2 (two) laws and regulations that regulate sanctions against criminal acts of insulting the state emblem, namely the Criminal Code and Law Number 24 of 2009 concerning the Flag, Language, and National Emblem, as well as the National Anthem. Regarding this, in Article 103 of the Criminal Procedure Code (KUHAP), criminal acts may be applied to acts that are determined as criminal according to law, general regulations or ordinances unless the law determines otherwise. In this case, there is a principle of *lex specialis derogat legi generalis* which means that special rules override general rules.

The general rule in this discussion means general legislation, namely the Criminal Code and all legislation that changes and adds to the Criminal Code, while the special rule is special criminal legislation that includes all legislation outside the Criminal Code and its complementary legislation, both criminal legislation and legislation with criminal sanctions (Van Hammel quoted by Sudarto, 1986), This means that Law Number 24 of 2009 concerning the Flag, Language, and National Emblem, as well as the National Anthem. is a special rule that is categorized as legislation outside the Criminal Code that has criminal sanctions. According to the principle of *lex specialis derogat legi generalis*, this means that the law can override Article 154a of the Criminal

Code. After it is clear that Law Number 24 of 2009 concerning the Flag, Language, and National Emblem, as well as the National Anthem can override Article 154a of the Criminal Code, perpetrators of criminal acts of desecration of the state symbol can be held criminally responsible according to Law Number 24 of 2009 concerning the Flag, Language, and National Emblem, as well as the National Anthem, if they have fulfilled the elements of the criminal act of desecration of the state symbol. The perpetrator can be found guilty or have criminal responsibility for the acts regulated by law, so that they can be punished. From the forms of prohibitions against the state symbol referred to above, the criminal elements can be determined, namely:

1. every person;
2. crossing out, writing, drawing, or damaging the state symbol; and
3. with the intention of desecrating, insulting, or degrading the honor of the state symbol.

Therefore, in order to be punished with Article 57 in conjunction with Article 68 of Law Number 24 of 2009 concerning the Flag, Language, and National Emblem, as well as the National Anthem, the person must fulfill all the elements of the crime, especially "with the intention" or intentionally insulting the state symbol and the elements of the crime must be proven.

As an example of a case, we can see in the case of Zaskia Gotik. Polda Metro Jaya investigators have found allegations of a crime related to Zaskia Gotik's actions which are considered to insult the symbol of the fifth principle of Pancasila. The alleged crime is in the form of a violation of Article 57 in conjunction with Article 68 of Law Number 24 of 2009 concerning the Flag, Language, and National Emblem, as well as the National Anthem. Zaskia was accused of insulting the state symbol when she participated in a quiz show to answer questions broadcast on a television station. She said that the date of Indonesian Independence is August 32 and the symbol of the fifth principle is a "nungging" duck. The police should not forget the main principles of criminal law when examining this case. Although Zaskia Gotik's actions fulfill the elements of a crime, it does not necessarily mean that she deserves to be punished. Because, investigators must be able to prove the existence of evil intent (*mens rea*) shown by Zaskia when committing the act (Laksamana, 2016). Furthermore, in criminal law, not all acts that meet the elements of a crime must be sanctioned. There are two main considerations. First, whether it was done against the law. Second, whether the person can be blamed. In this case, once again the context must be seen to be able to assess whether Zaskia Gotik broke the law and can be blamed or not. Because, what Zaskia did

was nothing more than entertainment. Criminal law must continue to uphold the principle of *ultimum remedium*. This means that criminal sanctions must be used as the ultimate weapon in resolving a case.

This is what according to the researcher caused Zaskia Gotik's status to be terminated from the investigation (SP3). This is different from the suspect status assigned to the perpetrators of the alleged crime of desecrating the state symbol, namely Sahat S. Gurning and Rizieq Syiehab. Sahat S. Gurning certainly deserves to be named a suspect because his post insulting Garuda Pancasila on social media was clearly admitted to the investigator as a form of disappointment with the government. This means that he did have a conscious "intention" to insult Garuda Pancasila, even though in fact he was later declared free after his status was upgraded to defendant. However, regarding the allegations against Rizieq Syiehab, the researcher assessed that he did have an "intention" to insult. The problem is that what he insulted in the context of this research was Pancasila, not Garuda Pancasila as the state symbol.

Explicitly, the forms of criminal sanctions are listed in Article 10 of the Criminal Code. These forms of criminal sanctions are distinguished between principal and additional penalties. Below are the forms of criminal sanctions, both those included in principal and additional penalties, namely:

1. Principal Penalties:
 - a. Death penalty;
 - b. Imprisonment;
 - c. Detention;
 - d. Cover-up penalty; and
 - e. Fines.
2. Additional Penalties:
 - a. Revocation of certain rights;
 - b. Confiscation of certain goods; and
 - c. Announcement of the Judge's decision.

Based on the forms of criminal sanctions, then based on Article 68 of Law Number 24 of 2009 concerning the Flag, Language, and National Emblem, as well as the National Anthem in particular, if the perpetrator has fulfilled the elements of criminal responsibility for the crime of desecration of the state symbol, the perpetrator is threatened and can be subject to a maximum imprisonment of 5 (five) years or a maximum fine of Rp500,000,000.00 (five hundred million rupiah).

CONCLUSION

From the analysis in the discussion chapter in this thesis research, the researcher draws the following conclusions:

1. The history of the Indonesian national symbol, Garuda, has been known to the people of the archipelago since the fifth century. The 5th century was the heyday of the Tarumanegara Kingdom whose king, Purnawarman, embraced the Hindu religion of the Vishnu sect. Since then, the Garuda symbol has become known in the archipelago. On January 10, 1950, the government of the Republic of Indonesia Serikat (RIS) at that time formed a technical committee called the State Symbol Committee chaired by Mohammad Yamin. The members were Ki Hajar Dewantara, MA Pellaupessy, Mohammad Natsir, and RM Ng Purbatjaraka. This technical committee was under the coordination of Sultan Hamid II. The committee succeeded in proposing two designs for the state symbol. At that time, Sultan Hamid II proposed a state symbol in the form of a Garuda bird holding a shield with the symbol of the five principles of Pancasila resembling the figure of Garuda in Hinduism. Meanwhile, Moh Yamin proposed a symbol with the element of the rising sun, but it was rejected because it resembled the Japanese flag. Finally, the symbol proposed by Sultan Hamid II was accepted by the government with several changes, one of which was the addition of a motto. Sultan Hamid II chose Garuda because he was inspired by the greatness of the mythological bird and hoped that Indonesia could also become a strong country.
2. Regulation of law enforcement for criminal acts of desecration of the state symbol Garuda, implemented through criminal responsibility by fulfilling the elements and applying criminal sanctions for criminal acts of desecration of the state symbol as stipulated in Article 68 of Law Number 24 of 2009 concerning the Flag, Language, and State Symbol, and National Anthem, where the perpetrator is threatened with imprisonment for a maximum of 5 (five) years or a maximum fine of Rp500,000,000.00 (five hundred million rupiah).

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