



JLPH:
**Journal of Law, Politic
and Humanities**

E-ISSN: 2962-2816
P-ISSN: 2747-1985

<https://dinastires.org/JLPH> dinasti.info@gmail.com +62 811 7404 455

DOI: <https://doi.org/10.38035/jlph.v5i5>
<https://creativecommons.org/licenses/by/4.0/>

The Role of the National Police in the Misuse of Civilian Weapons Among Civilians

Bimo Rizky Dwilaksono¹, Yuliana Yuli Wahyuningsih².

¹Faculty of Law, Universitas Pembangunan Nasional “Veteran” Jakarta, Indonesia, dwilaksonobimorizky@gmail.com.

²Faculty of Law, Universitas Pembangunan Nasional “Veteran” Jakarta, Indonesia, yuli@upnvj.ac.id.

Corresponding Author: dwilaksonobimorizky@gmail.com¹

Abstract: One of the crimes that disturbs the community is crime by using firearms to carry out criminal acts. Recently, this type of crime has been rampant, especially in 2025, where the National Police provided data on 66 cases that occurred at the beginning of this year. On the other hand, the use of weapons is also legalized through licensing procedures. However, this legalization actually creates a situation like a double-edged knife. This is shown by the case of police officer Ferdy Sambo who used his weapon to carry out his murder. Then the case of an ASN in Palembang who used his weapon and he got it illegally. From this, the problem formulations raised from these problems are: 1) how are the mechanisms and requirements for firearms ownership by civilians in terms of Indonesian positive law; and 2) how is the role of the National Police in tackling the misuse of firearms by civilians in terms of firearms ownership procedures. The research method is normative juridical with a statutory, case, and conceptual approach. The results of this study found that the mechanism of ownership and use of firearms is regulated in Chief of Police’s Regulation No. 1/2022 which regulates the mechanism and parties entitled to obtain permission to use weapons. Then, the role of the police starts from providing preventive and repressive legal protection to the community. Preventive protection can be provided from counseling and socialization. Repressive protection can be done by carrying out strong law enforcement against firearms users who cross the line and without going through the licensing process first.

Keyword: Indonesian National Police, Role, Firearms, Misuse, Civil Society.

INTRODUCTION

One of the crimes that has disturbed society is the use of firearms (Bernady, 2022). There are many types of crime, such as murder, serious maltreatment, aggravated theft, threatening, kidnapping, and so on (Wahyudi & others, 2022). All of these types of crimes have been regulated in the Indonesian Criminal Code. Crimes that occur in society are a violation of positive law, namely criminal law. Crimes and offenses regulated in the Criminal Code can be seen as objective criminal law, namely a criminal offense classified according to the provisions

of the law itself and can also be seen as subjective criminal law, namely the provisions in the law regarding the right of the authorities to apply the law.

The widespread distribution of sharp weapons and firearms among civilians is a global phenomenon (Runturambi, 2017). Unorganized supervision of the ownership of sharp weapons, both legal and illegal owned by the general public, police officers, is one of the causes of the emergence of crimes with the misuse of firearms in Indonesia.

The victims of these crimes are mostly civilians. Indonesia is a state of law, as stated in Article 1 paragraph (3) of the 1945 Constitution of the Republic of Indonesia (Simamora, 2014). The guarantee of equality for everyone before the law is one of the key elements of a state of law in accordance with these articles (Thamariska et al., 2023). Therefore, everyone is entitled to equality before the law as well as recognition, guarantees, protection, and fair legal certainty (Ridwan et al., n.d.).

The development of the times at this time is progressing very rapidly, not only in the world of industrial engineering and trade but also in the world of law (Rifqi, 2020). The development of the times is also followed by the development of crime rates where the development of crime rates is influenced by the circulation of illegal sharp weapons.

Sharp weapons can basically be owned by civilians but through a fairly long process (Arvendo et al., 2022). Due to the level of crime following the evolution of the times, ranging from crimes using modern technology to crimes using firearms. Normatively, Indonesia is actually a country that is quite strict in implementing the rules of sharp weapon ownership for civilians.

There are a number of legal bases that regulate this, starting from the law level, namely Emergency Law No. 12 of 1951, Law No. 8 of 1948 and Perpu No. 20 of 1960. The rest are regulations issued by the Police, such as Chief of Police Decree No. Skep/244/II/1999 and Chief of Police Decree No. 82/2004 on the Implementation of Supervision and Control of Non-Organic Weapons (Wahyudi et al., 2024). Based on the 2004 decree, the requirements to obtain a firearm are relatively easy. In theory, civilians can obtain firearms, but only after going through a protracted process. The long and drawn-out process is of course to avoid misuse of firearms by civilians.

Law can achieve its goals if it can balance between legal certainty and justice, or harmony, between general or objective certainty and the specific application of justice which is subjective (Chroust, 1944; Haldemann, 2005; Muslih, 2017; Syafrida & Hartati, 2020). One of the legal problems is that crimes that are very troubling to society are crimes using firearms. The use of firearms as a tool to commit crimes often occurs in people's lives, more precisely the misuse of firearms (Arsad, 2022). The focus is on criminals and often criminals use firearms as part of their arsenal to protect themselves (Arvendo et al., 2022; Ilma & Rochmani, 2023). Usually, crimes involving the use of weapons are followed by other offenses. It is therefore difficult to bring together cases involving crimes such as murder, assault, robbery and other offenses that include the use of firearms.

As the primary guardians of public peace and order, the police are one of the state institutions that represent the civil authority of the government (Manuhutu et al., 2023). The police are responsible for maintaining the order and security of government and society, enforcing the law, and preventing, screening, and investigating criminal activities under criminal and civil law.

The integrity of each member of the Police is highly upheld as one of the state's legal apparatus. However, some police officers have taken actions that have resulted in certain members of the public having their rights violated and reacting negatively to the police (Hasibuan, 2023).

The police have their own regulations regarding the main duties of the police, namely based on the provisions as stipulated in Article 13 of Law No. 2 of 2002, police duties include maintaining public security and order, enforcing the law, and providing protection, protection

and services to the community. The main tasks of the police are to enforce the law and protect the public welfare. It is true that the police have two main responsibilities which are to protect society and prevent crime. Hence, the Police are referred to as the living law.

Gun ownership has now shifted to a lifestyle (Arifah et al., 2022). On the other hand, the rise of firearm ownership must also be seen from the aspect of public safety and with the increase in crimes using firearms (Jaya & Seregig, 2024), in 2010 NATIONAL POLICE withdrew firearms owned by a person or organization other than law enforcement officers. Actually in 2007, Chief of Police Sutanto issued a policy that gun ownership is illegal.

Illegal firearms are weapons that are not legally circulating among civilians, weapons that are not licensed, or weapons that have expired their licenses (Munandar et al., 2018). The withdrawal is to anticipate the incidence of misuse of firearms. In addition, the NATIONAL POLICE movement also aims to reduce the ownership of firearms by civilians, due to the large number of misuse of firearms by the community. Although there have been preventive efforts by requiring prospective owners to take a psychological test first before obtaining a firearm ownership permit. But still, when a person's emotional state is peaking and he feels he has the power to use a weapon, it is inevitable that someone will act recklessly which makes him misuse firearms.

The increase in firearm ownership by civilians is actually triggered by the reduced sense of security that most people currently feel. Therefore, they think that owning a firearm can protect themselves.

However, this is not accompanied by good and mature provision. The terms and mechanisms of firearm ownership licenses for civilians issued by NATIONAL POLICE are strict with the first requirement being a recommendation from the local police (Munandar et al., 2018). The types of professions that can obtain firearm ownership licenses are finance directors, directors, members of the DPR/DPRD, MPR, regents, mayors, and government officials of at least class 4B. Especially for lawyers and doctors, they must attach a health letter, permission from the Indonesian shooting association (Perbakin), and from the Minister of Law and Human Rights. Likewise, the professions of artists and journalists are professions that own firearms, but are only equipped with rubber bullets or what can be called class B.

However, civilian gun ownership procedures in Indonesia have become a double-edged sword. Ownership of weapons becomes an arena for the authorities to cover up mistakes, to the misuse of weapons for security but instead becomes a violation of the law.

As has happened in the case of Ferdy Sambo who has used his weapon outside his authority as a police officer in terms of the use of firearms. Although in the end Sambo was not punished by the provisions of the law regarding the ownership of firearms, this is an important note in evaluating the ownership of firearms, especially to those who are clearly authorized by law, but in the end also misuse firearms.

Then another case regarding the use and possession of firearms is the case of an ASN in Palembang who owns a firearm. In this case, the suspect was arrested on July 10, 2024 after being proven and found to have 4 firearms which were suspected to be the suspect's collection along with ammunition. His possession of firearms was not based on an ownership permit. Thus, the ASN is threatened with a 20-year sentence for this alleged firearm possession case.

In addition, the number of crimes involving firearms is increasing, the Police will then closely monitor the distribution of firearms in the neighborhood (Setiyawan et al., 2022). Cases of illegal use of firearms in early 2025 amounted to 66 cases with West Java as the largest contributor.

It is inevitable that the following years will continue to grow over time (Pusiknas Bareskrim Polri, 2025). The purpose of this research is to study the conditions and procedures for the ownership of firearms by civilians, how the phenomenon of misuse of firearms ownership is rife in civilians and the steps taken by the National Police to prevent the misuse of these firearms.

In the research that will be conducted by the author, there are some similarities and differences with the studies that have been done before, including research conducted by Laurensius with the title “Penegakkan Hukum Terhadap Pelaku Tindak Pidana Yang Menggunakan Senjata Api Illegal Oleh Masyarakat Sipil di Kalimantan Barat Berdasarkan UU No 12 Tahun 1951”(LAURENSIUS & others, 2016).

The research has concluded that the factors that cause people to own firearms are because people do not feel self-satisfied, lack of supervision by the police, difficulty in obtaining firearms licenses etc. Law enforcement against Perpetrators of Illegal Firearms Ownership by Civil Society in West Kalimantan has been carried out in accordance with current legal procedures in Indonesia by applying Emergency Law No. 12 of 1951 in accordance with article 1 paragraph (1) and has been given a sentence to the perpetrator to provide a deterrent effect for illegal firearms owners.

The second research was conducted by Alfadhilla with the title “Penegakan Hukum oleh Kepolisian Terhadap penyalahgunaan Tindak Pidana Senjata Api Bagi Masyarakat Sipil di Wilayah Hukum Kepolisian Resort Kota Pekanbaru” (Alfadhilla et al., 2016). This study has the conclusion that law enforcement by the Pekanbaru Police against criminal acts of misuse of firearms carried out by repressive measures, namely investigations, investigations, arrests and also carried out with preventive measures, namely with strict firearms ownership permit systems and procedures, patrols and raids. The obstacles faced by the Pekanbaru Police in carrying out law enforcement against the criminal offense of misuse of firearms for the community.

Then the last research was conducted by Suroso with the title “Peran Kepolisian dalam Penangana penyalahgunaan Tindak Pidana Senjata Api Airsoft Gun di Wilayah Kepolisian Polres Metro Jakarta Barat” (Suroso, 2020). This research has concluded that the regulation of the use of firearms is regulated in Law Number 8 of 1948 concerning Registration and Granting Permits for the Use of Firearms. In addition, the policy of using firearms for sports purposes has also been regulated in KaNational Police Regulation No. 8 of 2012 concerning Supervision and Control of Firearms for Sports Purposes. The widespread use of firearms in reality can start from just appearing stylish, pretentious, to action to threaten and even kill.

From the three studies above, this research has similarities and differences with these three studies. The similarity between this research and the three studies above is the similarity in the focus of discussion on firearms with a criminal law approach and the criminalization of a person for the use and ownership of firearms.

Then, the difference between this research and the three studies above is that the focus of this research is not only on the procedures and administration of gun ownership, but also the criminal approach and the institutional role of the National Police in tackling the use of firearms in civil society in Indonesia. This is important because of the rampant use of firearms in civilians without a permit issued by the National Police as the authorized institution. Therefore, the problem is important to be researched, especially the National Police which is the entrance to the management of firearms ownership permits in Indonesia.

Based on the above background, the author draws several problem formulations for research discussion as follows: 1) how are the mechanisms and requirements for firearms ownership by civilians in terms of Indonesian positive law; and 2) how is the role played by the National Police in tackling the misuse of firearms by civilians in terms of firearms ownership procedures.

METHOD

The research method used in this research is normative juridical research. This research uses this research method. Normative juridical research is conducted based on primary legal materials by examining theories, concepts, legal principles and laws and regulations related to this research (Marzuki, 2017).

The problem approach used in normative legal research is a statutory approach (Statue Approach) which is carried out by examining the laws or rules of law that are related to the legal issues being studied. In addition, a case approach is also used in approaching the problem of this research (Soekanto, 2003).

Where the case approach in this normative juridical research focuses more on further analysis and examines a legal case and also phenomena in the community that occur. The approach can be combined so that in a normative legal research it is possible to use two or more appropriate approaches.

RESULTS AND DISCUSSION

Mechanisms and Conditions of Firearms Ownership by Civil Society in Review of Positive Law in Indonesia.

Indonesia is a state of law that has logical consequences in terms of management and interaction between society and the state (Waliden et al., 2022). Procedures and administration become special requirements and characteristics in a state of law that imply several things so as to create order and security in society (Zaini, 2018). The characteristics of a state of law, one of which is government based on law, become the estuary in administrative management (Kurniawan & Solihin, 2021). In this case, it includes the regulation of firearms ownership.

The rule of law referred to in Article 1 paragraph (3) of the 1945 Constitution of the Republic of Indonesia implies that all things, whether government actions or things that will be applied to the community, must be based on law (Mahmud, 2020). The relationship between the state and the law is important in maintaining order in society.

The foundation of the rule of law is strongly correlated with the guarantee of legal protection against government power. The principles of law are closely related to legal guarantees for the community over government power, namely: a) the principles of legality, procedure and substance; b) protection of human rights; c) division of powers in the field of government, including functional and territorial decentralization and supervision by the courts (Kurniawan & Solihin, 2021).

All of these aspects are carried out in terms of protecting the human rights of citizens and creating a foundation for the rule of law (Taufik et al., 2023). These processes and procedures were created to provide direction and steps in interacting with the state. However, it still maintains human and civil rights through legislation (Ferricha, 2016). Thus, the interaction between the state and citizens creates a relationship that is not a power relationship, but also a mutually reinforcing relationship between the holder of sovereignty (i.e. the people) and the holder of authority (i.e. the government).

Gun ownership in Indonesia is an administrative process. However, possession of firearms in Indonesia by civilians without a license is a criminal offense. The government has long relied on Emergency Law No. 12/1951 on Firearms (hereafter Emergency Law No. 12/1951) to control the possession of firearms by civilians (Pemerintah Republik Indonesia, 1951).

Based on this law, any person who enters Indonesia without having the right to make, receive, try, obtain, hand over, control, carry, have supplies on him or in his possession, store, transport, hide, use, or remove from Indonesia any firearms, ammunition, or even explosives shall be punished with death penalty or life imprisonment, with a maximum imprisonment of 20 (twenty) years (Pemerintah Republik Indonesia, 1951). From the provisions read above, it is clear that the possession and use of firearms in positive law in Indonesia is included in criminal offenses that are also punishable.

The context of a criminal offense requires punishment for the perpetrator (Solin et al., 2024). In practical terms and implementation, there is no room for someone who tries to own or even just play with weapons.

This is because the government considers that the ownership of weapons by the public is dangerous for the security and stability of the country (Ramaddaani, 2023). On the other hand, those who violate and are eventually punished will carry out criminal responsibility for their actions which are considered bad and tarnish public order (Dudy & Ashady, 2024).

Nowadays, however, owning and obtaining a gun ownership license is not difficult. Before receiving a license, they must follow very strict rules from the National Police regarding gun ownership. The regulation is stipulated in National Police Chief Regulation No. 1/2022 on Licensing, Supervision, and Control of Standard Weapons of the Indonesian National Police, Non-Organic Weapons of the Indonesian National Police/National Army, and Security Equipment Classified as Firearms (hereinafter referred to as Chief of Police's Regulation No. 1/2022). The Chief of Police's Regulation comprehensively regulates the regulation of firearms to the procedures for firearm ownership, even for civilians who are granted a license (Kepolisian Republik Indonesia, 2022).

The provision on the use of firearms, while on the other hand prohibited, is permitted by law in Law No. 8/1948 on Revoking the State Defense Council Regulation No. 14 and Establishing Regulations on the Registration and Granting of Permits for the Use of Firearms (hereinafter Law No. 8/1948).

The provisions of the law allow the use and ownership of firearms by civilians, but must be licensed by the Chief of Police (Pemerintah Republik Indonesia, 1948). This is stated in Article 9 paragraph (1) of Law No. 8/1948 which reads that "Every person who is not a member of the Army or Police who owns and uses firearms must have a firearms license according to the example set by the Chief of the National Police" (Pemerintah Republik Indonesia, 1948). This article believes that civilian ownership of firearms must first be registered and accepted by the Chief of the National Police. Thus, on the basis of Law No. 8/1948, the use and ownership of weapons in Indonesia is legally permitted by first obtaining a written permit from the police.

Then, technical procedures regarding the management of firearms ownership are regulated in Chief of Police's Regulation No. 1/2022 which regulates holistically and comprehensively regarding procedures, entitled parties, to the authorities in issuing permits to procedures for use and loss of permits. In addition, the use of firearms by civilians must be based on the use of self-defense and not for just any use.

In terms of parties who are entitled to own and/or use Non-Organic National Police / TNI Firearms for Self-Defense Purposes are regulated in Article 81 of Chief of Police's Regulation No. 1/2022, which consists of: "a) Indonesian citizen with KTP and KK; b) at least 24 (twenty-four) years old as evidenced by a birth certificate or birth certificate; c) physically and mentally healthy as evidenced by a certificate from a National Police doctor; d) psychologically healthy; e) have skills in the use of firearms as evidenced by a shooting certificate from the Police; f) pass an interview on understanding related to PUU on Firearms and fill out an application questionnaire; g) have a business license or company establishment deed for entrepreneurs; h) for members of the National Police, TNI, civil servants or BUMN employees who will apply for ownership of live ammunition firearms at least class IV.

a or the rank of Kompol, Major TNI or equivalent is proven by a letter of appointment; i) for members of the National Police, TNI, civil servants or BUMN employees who will apply for ownership of rubber bullet firearms at the lowest level of class III. a or the rank of Police Inspector, TNI Lieutenant or equivalent is proven by a letter of appointment; j) for members of the National Police, TNI, civil servants or BUMN employees who will apply for ownership of gas bullet firearms at the lowest level of class II. a or the rank of Police Brigadier, TNI Sergeant, or equivalent as evidenced by a Rank Appointment Letter and its equivalent; k) for members of the legislature, state high institutions or regional heads must have a decree or letter of appointment; l) have a decree, letter of appointment or recommendation from the authorized agency for workers in the professional field; m) not undergoing legal proceedings or

imprisonment; n. not committing a criminal offense related to the use of firearms; and a statement of ability not to misuse Non-Organic National Police / TNI Firearms. All of these requirements are cumulative and adjusted to the needs of the applicant who will apply for the use and use of firearms in accordance with the type being requested as well.

When these conditions are met, the application for possession and use of weapons can be used. However, it is clear that this ownership is individual and special. This means that gun ownership permits cannot be group or collective, but must be individual and special only to the person who applies and is accepted by the local police (provincial level).

This is clearly stated in Article 82 paragraph (1) of Chief of Police's Regulation No. 1/2022 which reads that "Non-organic National Police/TNI firearms can be owned and used individually by every Indonesian citizen who is given effectively to those who meet the requirements as referred to in Article 81".

Then, the use of firearms to parties granted permission is only used to protect themselves from external threats that can endanger the safety of their lives, property and honor. The context of this use is regulated in Article 82 paragraph (2) of Chief of Police's Regulation No. 1/2022 which reads that "Non-Organic National Police / TNI Firearms as referred to in paragraph (1) are used to protect themselves from external threats that can endanger the safety of their lives, property and honor". Thus, firearms permits are only for individuals who meet the requirements as referred to in Article 81 and are used only to protect themselves in relation to the safety of their lives, property and honor.

The context of non-organic firearms for martial arts purposes can be obtained from 3 (three) ways, namely a) import from abroad; b) purchase from within the country; or c) grant. The context of point a can be obtained from importers who meet the requirements and get recommendations as an importer of firearms from the Head of the Police Security Intelligence Agency (Kepolisian Republik Indonesia, 2022).

Then the acquisition of firearms from point b can be made from domestic purchases obtained from manufacturers or business entities that have received a recommendation or certificate from the Head of the National Police Security Intelligence Agency. The last one is obtained from a grant in which the recipient of the weapon grant must attach a Grant statement letter and Pass Book. These three things are regulated with the aim of suppressing and providing a basis for the legality of obtaining firearms in Indonesia, especially in this case regulated by the National Police as an authorized party that can oversee the flow of distribution and production of firearms itself based on Law No. 8/1948 and Emergency Law No. 12/1951.

From the overall explanation above, the ownership and use of weapons in Indonesia is something that is actually not prohibited by Indonesian legislation. The emergence of Law No. 8/1948 gave fresh air to parties who actually needed firearms, besides the TNI and National Police, which aimed to protect themselves and their property from external threats. Not a few non-police state officials and entrepreneurs as well as other civilian positions mentioned in Article 81 of Chief of Police's Regulation No. 1/2022 really need firearms where the profession or work has a threat in carrying it out.

On the other hand, the existence of the prohibition on the use of weapons in Emergency Law No. 12/1951 is a restriction on the use of firearms to people who own firearms illegally without going through the licensing process from the authorized agency, namely the National Police.

This criminal provision is manifested to reduce cases of illegal possession of firearms. The criminal punishment framework stipulated in Emergency Law No. 12/1951 is also severe and can provide a deterrent effect to violators. This also aims to provide accountability to the perpetrators so that they do not commit criminal acts again. Thus, the procedures that have been prepared must be followed by someone who actually needs a firearm in order to be able to avoid the criminal threats of Emergency Law No. 12/1951 when using or possessing firearms in public.

The Role of the National Police in Overcoming the Misuse of Firearms by Civilians in View of the Firearms Ownership Procedure

The Indonesian National Police is an institution that is directly regulated in the basic law as a protector and guardian of public order as stipulated in Article 30 paragraph (4) of the 1945 Constitution of the Republic of Indonesia which reads that “The Indonesian National Police as a state instrument that maintains security and public order is tasked with protecting, protecting, serving the community, and enforcing the law” (Pemerintah Republik Indonesia, 1945).

From the arrangement of the article, it can be understood that the role and position of the National Police is very central in maintaining public security and order and is mentioned in detail in the article, as well as protecting, protecting, serving the community and enforcing the law (Sugiri, 2023). Thus, National Police is an institution that provides a sense of security and has a law enforcement function, especially when talking about regulations that are in its realm such as the regulation of firearms.

Authority is an important thing in governance. Authority is obtained from 3 (three) things, namely by attribution, by delegation, and by mandate. The acquisition of authority by attribution is obtained from the arrangements mentioned in the basic law and the law itself (Fauzan, 2022).

The attribution feature also gives the nuance of direct regulation to an institution so that it tends to be independent and superior because it is regulated in higher laws and regulations. Then, the acquisition of authority by delegation is found from the arrangements mentioned in government regulations or presidential regulations (Flambonita & others, 2022). This is usually done by the President in the administration of government to an institution that is in the realm of executive power or granting authority to non-structural institutions (Gandara, 2020). Finally, the acquisition of authority by mandate is carried out at the level of employment and is the implementation of tasks. The entire arrangement regarding this authority is regulated in Law No. 30 of 2014 concerning Government Administration in addition to the doctrine regarding this authority itself (Kosasih et al., 2017).

The Indonesian National Police (Kepolisian Republik Indonesia) has the authority to protect through the 1945 Constitution, which is then interpreted in Law No. 8/1948 in terms of firearms regulation as the acquisition of authority by attribution as well (Tamam, 2024). This attributional authority gives National Police full authority and independence in the management of the ownership and use of firearms in the Unitary State of the Republic of Indonesia (Sinaga, 2018). Then, with National Police obtaining the attribution authority, institutionally National Police is also responsible for the circulation and law enforcement on the use of firearms that are found illegally or not through a process regulated by National Police as the authorized institution. Thus, the acquisition of attribution authority to National Police in terms of firearms gives National Police a very central role in suppressing and supervising the flow of distribution and use of firearms in Indonesia, both preventive and repressive.

The institutional role of National Police in the supervision and issuance of firearms licenses in Indonesia has a very broad and strategic scope in maintaining security and public order. National Police is the only state institution that has full authority in granting permits for the ownership and use of firearms, both for self-defense, sports, and collection purposes (Agusetiawan & others, 2025).

The licensing procedure is carried out through a strict verification process, including background checks, psychological tests, and training in the safe use of weapons. With a structured bureaucratic system, National Police ensures that only legally and morally qualified individuals or institutions can legally access firearms. In addition, National Police also monitors the circulation of firearms through periodic data collection and audits of gun owners and users. This mechanism reflects a systematic effort to prevent the misuse of weapons that could endanger the public (Sineri, 2023). This oversight also includes cross-sector cooperation with

relevant agencies, such as the Ministry of Defense and Customs, to tackle the smuggling of illegal firearm (Ulhaq & others, 2025). As such, National Police's supervision and license issuance functions are the main foundation in legally and responsibly controlling firearms in Indonesia.

In the law enforcement aspect, the National Police carries out preventive legal protection to prevent criminal acts involving firearms. Preventive and repressive legal protection was initially only used in the aspect of state administrative law as found by Philipus M. Hadjon (Almaida & Imanullah, 2021; Hadjon, 1987; Istiqomah, 2022; Muin, 2015; Rani & Wirasila, 2015; Sadiawati et al., 2023; Zahara & Arianto, 2021).

However, gradually this theory was used in all aspects of law, especially with regard to government behavior towards its citizens in providing legal protection (Sadiawati et al., 2023). Then, this protection is realized in the form of routine patrols, education to the public about the dangers of misuse of weapons, and legal counseling regarding the criminal consequences stipulated in the legislation. National Police also intensifies public campaigns to increase legal awareness and strengthen a culture of compliance with firearms regulations. In addition, National Police works with educational institutions and community leaders to instill anti-violence values from an early age.

This preventive effort aims to reduce the crime rate and create a safe and conducive social environment (Asri, 2018). The police are also developing intelligence technology to map potential threats related to illegal gun ownership. With a data-driven approach, the National Police can carry out prevention more effectively and measurably. This preventive legal protection does not only involve direct police action, but also includes the development of an early detection system through coordination between institutions that cooperate with the National Police regarding the enforcement of criminal law on illegal firearms use in Indonesia.

On the other hand, repressive legal protection is carried out by the Police through firm action against perpetrators of firearms crimes, both those committed individually and by organized networks (Rafika et al., 2022). This law enforcement includes the process of investigation, arrest, confiscation of evidence, and submission of cases to the prosecutor's office for trial.

The police utilize forensic laboratories to identify the origin of weapons and links to other crimes. In many cases, misused firearms often come from illegal channels, so National Police also dismantles cross-regional arms smuggling networks. Silent operations and in-depth investigations are important instruments in suppressing the circulation of illegal weapons in the community. In addition, the Police also provide legal protection to victims of armed crime and witness assistance to ensure justice can be upheld as a whole. This repressive action is also carried out as a form of deterrent effect on the perpetrators and a strong warning to the public not to misuse firearms. Therefore, the role of the National Police in repressive legal protection is a vital aspect in the national strategy to tackle gun abuse in Indonesia.

CONCLUSION

Indonesia as a state of law regulates all aspects of community life, including firearms ownership, on the basis of strict legality to ensure order and legal protection. Ownership of firearms by civilians is classified as a criminal offense under Emergency Law No. 12 of 1951, which threatens violators with severe punishment, but on the other hand, Law No. 8 of 1948 opens up opportunities for legal ownership through written permission from the Chief of Police. The technical and administrative arrangements for this license are detailed in Chief of Police's

Regulation No. 1 Year 2022, which sets out cumulative requirements for individual applicants, including aspects of age, health, skills, and legal and professional status. Permits are only granted on an individual basis and are used exclusively for self-defense purposes. The mechanism for acquiring weapons is regulated through imports, domestic purchases, or grants, with strict supervision from the National Police as the main authority. Thus, Indonesian law

does not necessarily prohibit the ownership of weapons, but establishes strict and selective procedures to ensure that weapons are only owned by legitimate and responsible parties, and prevent misuse that could threaten public order and security.

The Indonesian National Police (National Police) has a constitutional position as a law enforcement institution tasked with maintaining public security and order, including in the supervision and licensing of the use of firearms, as guaranteed in Article 30 paragraph (4) of the 1945 Constitution. National Police's authority in this regard is obtained by attribution, which is directly from the constitution and laws, thus providing full legitimacy and independence in regulating the ownership and use of firearms in Indonesia.

Through strict licensing procedures and a structured monitoring system, National Police is at the forefront of ensuring that firearms are only owned by those who are legally and morally fit. In addition, National Police carries out preventive legal protection with an educative approach and early detection to prevent misuse of weapons, as well as repressive through strict action against violations of the law related to the ownership and use of illegal firearms.

The police also synergize with various agencies and communities to form a legal culture that is aware and compliant with regulations, while using intelligence technology in threat mitigation efforts. The legal protection carried out reflects the state's responsibility to protect citizens and uphold the rule of law. Therefore, the institutional role of the National Police is not only administrative, but also strategic and integral in realizing national security through supervision.

REFERENCE

- Agusetiawan, & others. (2025). FORMULASI PERATURAN PERUNDANGAN PENYALAHGUNAAN KEPEMILIKAN DAN PENGGUNAAN SENJATA API. Penerbit Widina.
- Alfadhilla, A., Erdianto, E., & Diana, L. (2016). Penegakan Hukum oleh Kepolisian terhadap Penyalahgunaan Tindak Pidana Senjata Api Bagi Masyarakat Sipil di Wilayah Hukum Kepolisian Resor Kota Pekanbaru. Riau University.
- Almaida, Z., & Imanullah, M. N. (2021). Perlindungan hukum preventif dan represif bagi pengguna uang elektronik dalam melakukan transaksi tol nontunai. *Privat Law*, 9(1), 218–226.
- Arifah, Z. D., Mofea, S., Alam, D., & Pratama, R. (2022). ANALISIS YURIDIS TINDAK PIDANA SENJATA API ILEGAL YANG DITUKARKAN DENGAN NARKOTIKA JENIS SABU DITINJAU PUTUSAN NOMOR 2305/PID. SUS. 2018/PN. TNG. *Lex Veritatis*, 1(01), 77–84.
- Arsad, A. N. (2022). Faktor Kriminogen Penyalahgunaan Senjata Tajam Di Muka Umum. *Journal Justiciabellen*, 2(01).
- Arvendo, A., Seregig, I. K., & others. (2022). Penegakan Hukum Terhadap Pelaku Tindak Pidana Tanpa Hak Menyimpan Dan Mempergunakan Senjata Api Rakitan Secara Ilegal (Studi Putusan Nomor: 420/Pid. Sus/2022/PN. Tjk). *Jurnal Kewarganegaraan*, 6(4), 7023–7031.
- Asri, D. P. B. (2018). Perlindungan hukum preventif terhadap ekspresi budaya tradisional di Daerah Istimewa Yogyakarta berdasarkan undang-undang nomor 28 tahun 2014 tentang hak cipta. *JIPRO: Journal of Intellectual Property*, 13–23.
- Bernady, W. D. (2022). Tinjauan Yuridis Tentang Tindak Pidana Penguasaan Senjata Api Secara Illegal. Universitas Islam Kalimantan MAB.
- Chroust, A.-H. (1944). The philosophy of law of Gustav Radbruch. *The Philosophical Review*, 53(1), 23–45.
- Dudy, A. A., & Ashady, S. (2024). Sistem Pertanggungjawaban Pidana Aparat Kepolisian Dalam Penggunaan Senjata Api Yang Mengakibatkan Peluru Nyasar Dalam Menjalankan Tugas. *Jurnal Risalah Kenotariatan*, 5(1), 147–156.

- Fauzan, M. (2022). Perluasan Kewenangan Hakim dalam Pengekskusiian Putusan Peradilan Tata Usaha Negara dan Relevansinya dengan Sila Ke-5 Pancasila. In Eksistensi Nilai-Nilai Pancasila di Era Digital Society 5.0 Melalui Semangat Bela Negara. Idemedia Pustaka Utama.
- Ferricha, D. (2016). Membangun Masyarakat Sipil Kritis: Upaya Perlindungan Hukum Terhadap Hak Asasi Manusia (HAM). Jurnal Supremasi, 1.
- Flambonita, S., & others. (2022). SINKRONISASI PENGATURAN KEWENANGAN PEMERINTAH DAN PEMERINTAH DAERAH DALAM PENYELENGGARAAN KEHUTANAN DI DAERAH (Studi Penerapan Pasal 14 Undang-Undang Nomor 23 Tahun 2014 tentang Pemerintahan Daerah Juncto Pasal 66 Undang-Undang Nomor 41 Tahun 1999 tentang. Lex LATA, 2(2).
- Gandara, M. (2020). Kewenangan Atribusi, Delegasi dan Mandat. Khazanah Hukum, 2(3), 92–99. <https://doi.org/https://doi.org/10.15575/kh.v2i3.8187>
- Hadjon, P. M. (1987). Perlindungan hukum bagi rakyat di Indonesia: sebuah studi tentang prinsip-prinsipnya, penanganannya oleh pengadilan dalam lingkungan peradilan umum dan pembentukan peradilan administrasi negara. Bina Ilmu.
- Haldemann, F. (2005). Gustav Radbruch vs. Hans Kelsen: A Debate on Nazi Law. Ratio Juris, 18(2), 162–178.
- Hasibuan, E. S. (2023). Analisis Penggunaan Senjata Api di Tubuh Polri: Peraturan, Penyimpangan, dan Perubahan. Jurnal Hukum Sasana, 9(2), 315–326.
- Ilma, S. A. Z., & Rochmani, R. (2023). Upaya Kepolisian Dalam Mencegah Adanya Tindak Pidana Penyalahgunaan Senjata Tajam (Studi Pada Polres Tegal). UNES Law Review, 6(1), 416–425.
- Istiqomah, K. (2022). Perlindungan Hukum Terhadap Kekerasan Seksual Penyandang Disabilitas. UNIVERSITAS BOSOWA.
- Jaya, F. A., & Seregig, I. K. (2024). Pertanggungjawaban Pidana Terhadap Pelaku Tindak Pidana Yang Memiliki Senjata Api Tanpa Izin (Studi Putusan No 607/Pid. Sus/2023/PN Tjk). Jurnal Pro Justitia (JPJ), 5(2).
- Kepolisian Republik Indonesia. (2022). Peraturan Kapolri Nomor 1 Tahun 2022 tentang Perizinan, Pengawasan, dan Pengendalian Senjata Apil Standar Kepolisian Negara Republik Indonesia, Senjata Non Organik Kepolisian Republik Indonesia/Tentara Nasional Indonesia, dan Peralatan Keamanan yang Digol. Kepolisian Republik Indonesia.
- Kosasih, A., Kenedi, J., & Mahdi, I. (2017). Dinamika Hukum Administrasi Indonesia (Menenal Konstruksi Baru Hukum Administrasi Pasca Terbitnya Undang-Undang Nomor 30 Tahun 2014 tentang Administrasi Pemerintahan). Vanda, Bengkulu.
- Kurniawan, B., & Solihin, H. R. A. (2021). Hukum Administrasi Negara (Kepatuhan Pejabat, Tata Usaha Negara Menjalankan Putusan Pengadilan Tata Usaha Negara Berdasarkan Asas-Asas Pemerintahan yang Baik). In Rechtvinding (Vol. 53, Issue 9). Klik Media.
- LAURENSIUS, S. H. A., & others. (2016). Penegakan Hukum Terhadap Pelaku Tindak Pidana Yang Menggunakan Senjata Api Illegal Oleh Masyarakat Sipil Dikalimantan Barat Berdasarkan Undang-undang Darurat Nomor 12 Tahun 1951. Jurnal Nestor Magister Hukum, 1(1), 209583.
- Mahmud, A. (2020). Urgensi Penegakan Hukum Progresif Untuk Mengembalikan Kerugian Negara Dalam Tindak Pidana Korupsi. Masalah-Masalah Hukum, 49(3), 256–271.
- Manuhutu, P., Alfons, S. S., & Latumaerissa, D. (2023). Penerapan Sanksi Pidana Terhadap Anggota Polri Yang Melakukan Penyalahgunaan Senjata Api. SANISA: Jurnal Kreativitas Mahasiswa Hukum, 3(1), 1–13.
- Marzuki, P. M. (2017). Penelitian Hukum: Edisi Revisi. Prenada Media.
- Muin, F. (2015). Perlindungan Hukum Terhadap Tenaga Kerja Indonesia (Tinjauan Terhadap UU Nomor 39 Tahun 2004 Tentang Penempatan dan Perlindungan Tenaga Kerja Indonesia). Jurnal Cita Hukum, 3(1), 95257.

- Munandar, E., Suhaimi, S., & Adli, M. (2018). Penanggulangan Tindak Pidana Kepemilikan Dan Penggunaan Senjata Api Tanpa Izin Dalam Sistem Peradilan Pidana. *Syiah Kuala Law Journal*, 2(3), 338–353.
- Muslih, M. (2017). Negara Hukum Indonesia Dalam Perspektif Teori Hukum Gustav Radbruch (Tiga Nilai Dasar Hukum). *Legalitas: Jurnal Hukum*, 4(1), 130–152. <http://dx.doi.org/10.33087/legalitas.v4i1.117>
- Pemerintah Republik Indonesia. (1945). Undang-Undang Dasar Negara Republik Indonesia tahun 1945. Pemerintah Republik Indonesia.
- Pemerintah Republik Indonesia. (1948). Undang-Undang Nomor 8 Tahun 1948 tentang Mencabut Peraturan Dewan Pertahanan Negara Nomor 14 dan Menetapkan Peraturan tentang pendaftaran dan Pemberian Idzin Pemakaian Senjata Api. Pemerintah Republik Indonesia.
- Pemerintah Republik Indonesia. (1951). Undang-Undang Darurat Nomor 12 Tahun 1951 tentang Senjata Api. Pemerintah Republik Indonesia.
- Pusiknas Bareskrim Polri. (2025). Kasus Senjata Api di Awal Tahun 2025. Pusiknas Bareskrim Polri. [https://pusiknas.polri.go.id/detail_artikel/kasus_senjata_api_di_awal_tahun_2025#:~:text=Polri akan terus memberantas kejahatan,%2C Responsibilitas%2C Transparansi Berkeadilan\).&text=0 0,-Infografis](https://pusiknas.polri.go.id/detail_artikel/kasus_senjata_api_di_awal_tahun_2025#:~:text=Polri akan terus memberantas kejahatan,%2C Responsibilitas%2C Transparansi Berkeadilan).&text=0 0,-Infografis)
- Ramaddaani, I. (2023). Analisis Yuridis Penyalahgunaan Kepemilikan Senjata Api Terhadap Pelaku Kasus Perampokan Di Tengah Masyarakat. *El-Dusturie*, 2(2).
- Rani, A., & Wirasila, A. A. N. (2015). Perlindungan Hukum Terhadap Konsumen Akibat Persaingan Curang. *Kertha Semaya: Journal Ilmu Hukum*, 4(1), 383–387.
- Ridwan, R., Citrawan, A. L., Jaya, B. P. M., Ahdad, A., Hernata, I. G., & Muyassaroh, M. (n.d.). PENERAPAN PRINSIP PERSAMAAN DI DEPAN HUKUM DALAM PENANGANGAN PERKARA TINDAK PIDANA KORUPSI DI PENGADILAN NEGERI SERANG. *Masalah-Masalah Hukum*, 51(2), 171–178.
- Rifqi, M. J. (2020). Perkembangan dan Pemanfaatan Teknologi Informasi Pengadilan Agama. *Jurnal Al-Qadau: Peradilan Dan Hukum Keluarga Islam*, 7(1), 70–82.
- Runturambi, A. J. S. (2017). Penggunaan Senjata Api Menghadapi Tindak Kriminal: Tiga Variasi Pertimbangan dan Keputusan Memilih. *Jurnal Ilmu Kepolisian*, 11(1), 10.
- Sadiawati, D., Dirkareshza, R., & Fauzan, M. (2023). Rekonstruksi Perlindungan Hukum Terhadap Korban Investasi Bodong: Studi Komparasi Indonesia dan Amerika. *Halu Oleo Law Review*, 7(2), 149–166.
- Setiyawan, A. R., Chandra, T. Y., & Mau, H. A. (2022). Penggunaan senjata api oleh petugas imigrasi dalam rangka penegakan hukum keimigrasian. *Syntax Idea*, 4(11), 1558–1571.
- Simamora, J. (2014). Tafsir Makna Negara Hukum dalam Perspektif Undang-Undang Dasar Negara Republik Indonesia Tahun 1945. *Jurnal Dinamika Hukum*, 14(3), 547–561.
- Sinaga, F. A. (2018). LEGALITAS PENUNJUKAN PEJABAT POLRI MENJADI PELAKSANA TUGAS GUBERNUR PADA MASA KAMPANYE PEMILIHAN KEPALA DAERAH. *Jurnal Legislasi Indonesia*.
- Sineri, T. A. N. (2023). Pengawasan Keimigrasian Dalam Meminimalisir Kejahatan Transnasional Terhadap Wilayah Perbatasan Tradisional Skouw. *Ancaman Kejahatan Transnasional*, 132.
- Soekanto, S. dan S. M. (2003). Penelitian Hukum Normatif, Suatu Tujuan Singkat. Raja Grafindo Persada.
- Solin, R. F., Hafisah, H., & Siregar, R. S. (2024). Pelaksanaan Restorative Justice di Kejaksaan Negeri Dairi dalam Perspektif Hukum Islam. *Al Qalam: Jurnal Ilmiah Keagamaan Dan Kemasyarakatan*, 18(6), 4156–4167.
- Sugiri, S. (2023). PEMAHAMAN KEDUDUKAN DAN FUNGSI POLRI DALAM STRUKTUR ORGANISASI SISTEM KENEGARAANPEMAHAMAN

- KEDUDUKAN DAN FUNGSI POLRI DALAM STRUKTUR ORGANISASI SISTEM KENEGARAAN. *Jurnal Ilmu Kepolisian*, 17(3), 21.
- Suroso, S. (2020). PERAN KEPOLISIAN DALAM PENANGANAN PENYALAHGUNAAN TINDAK PIDANA SENJATA API AIRSOFT GUN DI WILAYAH KEPOLISIAN POLRES METRO JAKARTA BARAT. *Jurnal JURISTIC*, 2(02), 202–216.
- Syafrida, S., & Hartati, R. (2020). Mewujudkan Perlindungan Hukum Dan Jaminan Kepastian Hak Konsumen Muslim Terhadap Produk Halal (Suatu Kajian Ajaran Gustav Radbruch). *JHR (Jurnal Hukum Replik)*, 7(1), 38–54.
- Tamam, M. K. (2024). Analisis Yuridis Tentang Kewenangan Diskresi oleh Kepolisian. *PROSIDING SEMINAR NASIONAL PENDIDIKAN, BAHASA, SASTRA, SENI, DAN BUDAYA*, 3(2), 295–311.
- Taufik, Z. A., Amalia, A. R., & Nirmala, A. Z. (2023). PENITENSIER DALAM PERSPEKTIF HAK ASASI MANUSIA. *JURNAL RECTUM: Tinjauan Yuridis Penanganan Tindak Pidana*, 5(1), 1210–1222.
- Thamariska, N., Suzanalisa, S., & Sarbaini, S. (2023). Penerapan Asas Persamaan Dihadapan Hukum (Equality Before The Law) Terhadap Pelaku Tindak Pidana Umum Suku Anak Dalam (SAD) di Wilayah Hukum Polres Sarolangun. *Legalitas: Jurnal Hukum*, 15(1), 110–123.
- tur Rafika, A., Iriyanto, E., & Nugroho, F. M. (2022). Perlindungan Hukum Pidana Terhadap Transaksi Yang Mempunyai Tujuan Pembayaran Menggunakan Mata Uang Rupiah Di Indonesia. *Journal of Economic and Business Law Review*, 2(2), 145–168.
- Ulhaq, Z., & others. (2025). Implementasi Pengawasan Dan Penindakan Kantor Wilayah Direktorat Jenderal Bea Dan Cukai Aceh Terhadap Barang Ilegal. *UIN Ar-Raniry Fakultas Syariah dan Hukum*.
- Wahyudi, W., Madjid, N. V., & others. (2024). Penerapan Unsur Tindak Pidana Perbuatan Memiliki Menguasai Mempunyai Persediaan Padanya atau Menyimpan Senjata Api Tanpa Izin. *Ekasakti Legal Science Journal*, 1(1), 32–38.
- Wahyudi, W., & others. (2022). Penerapan Unsur Tindak Pidana Perbuatan Memiliki Menguasai Mempunyai Persediaan Padanya atau Menyimpan Senjata Api Tanpa Izin. *Unes Journal of Swara Justisia*, 6(3), 259–267.
- Waliden, I. A. S., Maulida, S. F., & Rachmatulloh, M. A. (2022). Tinjauan Asas Equality Before the Law terhadap Penegakan Hukum di Indonesia. *Verfassung: Jurnal Hukum Tata Negara*, 1(2), 123–142.
- Zahara, Z., & Arianto, E. (2021). Legal Protection of Adopted Children Based on Law Number 23 of 2002 concerning Child Protection: Perlindungan Hukum Terhadap Anak Angkat Berdasarkan Undang Undang Nomor 23 Tahun 2002 Tentang Perlindungan Anak. *Jurnal Analisis Hukum*, 2(2), 48–53.
- Zaini, A. (2018). Demokrasi: Pemerintah oleh Rakyat dan Mayoritas. *Al-Ahkam*. <https://doi.org/10.37035/ajh.v14i2.1485>.