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Legal Formulation of the Use of Non-Organic Firearms of the TNI/Polri by Civilians for the Purpose of Self-Defense

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Abstract: The possession and use of non-organic firearms of the TNI/Polri by civilians in Indonesia for the purpose of self-defense is a complex and multidimensional legal issue. On the one hand, the right to self-defense is recognized in the national legal system as part of human rights; But on the other hand, the misuse of firearms by civilians also has the potential to threaten public security and order. This study aims to examine how the legal arrangements regarding the use of non-organic firearms by civilians for self-defense purposes, how to apply to handle their abuse, and how should the ideal law enforcement formulation be for the use of such firearms. This study uses normative and empirical juridical methods with legal, conceptual, and comparative approaches, and is equipped with field data through interviews with law enforcement officials and firearms owners. The results of the study show that existing legal arrangements, such as Emergency Law Number 12 of 1951 and Police Chief Regulation Number 1 of 2022, have not been able to answer the challenges of implementation and supervision effectively. Weaknesses were found in the licensing process, the lack of post-permit supervision, and the absence of a psychological evaluation system and periodic audits of the use of weapons. Compared to other countries such as Japan, Singapore, and Australia, Indonesia lags behind in digitalization, data integration, and technology-based law enforcement. Therefore, a new legal formulation that is more adaptive, comprehensive, and oriented towards legal protection that is balanced between civil rights and public safety is needed.

Keywords: Non-Organic Firearms, Martial Arts, Civil, Legal Formulations

INTRODUCTION

Indonesia has upheld the principle of the rule of law since the birth of the 1945 Constitution, which places the law as the main instrument for regulating and enforcing justice in society. Within this framework, the formulation of regulations on the ownership and use of non-organic firearms of the TNI/POLRI by civilians is very important in order to guarantee the right to self-defense while maintaining public safety. Social change and the development of information technology demand laws that are adaptive, measurable, and responsive to real dynamics in the field. Nur Solikin emphasized that the function of law sociologically must read the context of social change and the needs of modern society (Solikin, 2019).

The normative framework in Indonesia has been formed through Emergency Law No. 12 of 1951 and Government Regulation No. 20 of 1960, then refined with various provisions of the National Police, including (Regulation of the National Police of the Republic of Indonesia Number 1 of 2022 concerning Licensing, Supervision and Control of Standard Firearms of the National Police of the Republic of Indonesia, Non-Organic Firearms of the National Police of the Republic of Indonesia/Indonesian National Army. This regulation regulates the procedure for background verification of applicants, technical training standards, and the obligation to store it safely in a certified safe. However, implementation on the ground has not been entirely up to expectations: lengthy and bureaucratic procedures often encourage potential owners to seek out black market alternatives, creating security loopholes and potential criminality.

Official data on the number of licensed and illegal firearms is still fragmented in various agencies, so policy is not yet completely evidence-based (*evidencebased policy*). Rahman and Tomayahu highlighted the problem of weak data integration between institutions and the lack of use of big data analytics for early detection of anomalies in permit distribution (Rahman & Tomayahu, 2020). Without an integrated information system that connects licensing data with the population base, efforts to prevent armed crime are hampered and slow.

Right to self-defense (*Self-defense*) is recognized as a human right guaranteed in Law No. 39/1999 on Human Rights and regulated in the Criminal Code through the concept of *severe weather* and *Force majeure*. However, the absence of an operational definition of "real threat" leads to a highly subjective interpretation, both among permit holders and law enforcement officials. Megantara suggests establishing objective criteria, such as visual evidence or witness reports, so that emergency situations can be empirically proven before the use of firearms is allowed (Megantara, 2021).

The case in Demak on September 20, 2024 shows the real consequences of lax regulations at the implementation level. A licensed businessman shot the tires of someone else's Pajero car with an official Glock pistol just because of a trivial problem in traffic (Detiknews, 2024). Despite being charged with vandalism and disorderly conduct, the incident raised public doubts about the psychological verification mechanism and technical readiness prior to the issuance of permits.

Learning from abroad can be a reference. Australia after Port Arthur tragedy enacted National *Firearms Agreement* which prohibits semiautomatic rifles, applies a period of *Coolingoff*, and safe storage obligations, as a result, the rate of armed crime decreased significantly (R. Chapman, 2016). While in Singapore, *Arms and Explosives Act* tightening almost all aspects of civilian gun ownership with severe penalties (Singapore Police Force, 2025). This approach confirms that the emphasis on preventing and controlling the distribution of weapons is effective in reducing the rate of violence.

At the national level, the Indonesian Association of Special Permit Holders for Self-Defense Firearms (Perikhsa) prepared an academic manuscript of the RPP for the Delegation of Authority and Implementation of Non-Organic Civil Martial Firearms Licensing of the TNI/POLRI which proposes the integration of independent institutions in verification, a grace period before the issuance of new weapons, as well as a scheduled digital storage audit (Perhimpunan Pemilik Izin Khusus Senjata Api Bela Diri Indonesia (Perikhsa), 2023). This model is expected to close administrative loopholes and add a layer of accountability.

In addition, Syabilal Ali et al. noted the problematic licensing of munitions for civilians in a national positive legal perspective, highlighting that there is no technical certainty regarding the maximum permissible caliber limits, ammunition governance, and post-use procedures (S. Ali & dkk., 2024). Without clear technical details, officials often face dilemmas in enforcement, while permit applicants do not have adequate guidelines.

Information technology plays an important role: *big data* and risk analytics platforms need to be adopted to provide early *warning* when a surge in permit applications is detected in

conflict-prone areas. Thus, interventions can be carried out more proactively, either in the form of reviews, retraining, or temporary suspension of permits.

The ultimate goal of these regulations is to find a balance between the civil right to self-defense and the collective interest in public safety. The legal formulation produced through this research is expected to be responsive, integrate adaptive international practices with Indonesia's socio-cultural characteristics, and utilize technological advances for transparency and accountability of law enforcement.

Based on this background, the purpose of this study is to comprehensively analyze and evaluate the legal arrangements related to the use of non-organic firearms by the TNI/POLRI by civilians for the benefit of self-defense in the Indonesian legal system, as well as to examine how their practice is applied in the field, especially in the context of handling the abuse of permits or unlawful uses. In addition, this study aims to formulate an ideal and proportionate formulation of law enforcement, which is not only able to provide legal protection for citizens who legally hold weapons in self-defense, but also ensures public order and prevents abuses that can endanger public safety. With a normative and empirical approach, this research is expected to be able to make an academic and practical contribution in the process of national law reform that is adaptive to social dynamics and civil security needs.

METHOD

The research method used in this study is a normative-empirical approach, which is an approach that combines normative and empirical legal research simultaneously. The normative approach is used to examine law as a system of norms, by examining laws and regulations, legal doctrines, and court decisions related to the regulation of the use of non-organic firearms by civilians. Meanwhile, the empirical approach places the law within the framework of social behavior, i.e. observing the implementation of legal norms in practice by relevant legal subjects, such as law enforcement officials, gun license holders, and licensing regulators. This approach is in line with the view of Satjipto Rahardjo who states that the study of law should not only look at legal texts, but also observe the reality of law in society (Rahardjo, 2009). The data collection technique is carried out through in-depth interviews as primary data and document studies as secondary data, which includes primary, secondary, and tertiary legal materials. This combination of juridical-normative and empirical methods was chosen to achieve a comprehensive understanding of the effectiveness and challenges of firearms regulation by civilians in Indonesia (Narbuko & Achmadi, 2016).

In terms of approach, this study uses a legislative approach (*Statute approach*) to examine positive legal norms, conceptual approaches (*conceptual approach*) to explore relevant legal theories and doctrines, as well as comparative approaches (*Comparative Approach*) to analyze the legal systems of other countries such as Japan, Singapore, and Australia. These approaches allow researchers to study law integrally in terms of texts, concepts, and practices in the field (Diantha, 2016). In terms of data analysis, this study uses qualitative analytical descriptive analysis techniques, which aim to describe and interpret legal conditions and provide an in-depth explanation of the results of interviews and document studies (Z. Ali, 2016). As explained by Peter Mahmud Marzuki, normative legal research methods need to be complemented by an understanding of how law works in social reality, so that policy formulation or legal recommendations can be based on theoretically and empirically valid data (Marzuki, 2019).

RESULT AND DISCUSSION

Regulation of the Use of Non-Organic Firearms of the TNI/POLRI by Civilians for the Purpose of Self-Defense

Advances in science and technology have had a major impact on the social structure and crime patterns in Indonesia. This phenomenon drives the need for criminal law reform,

especially in the context of the regulation of non-organic firearms by civil society. Rapid social change requires the legal system to adapt responsively to new forms of crime, including those involving firearms, both legally and illegally (Qamar, 2016).

The increasing number of illegal firearms ownership, coupled with weak oversight, makes this issue very crucial in the context of law and public order. This situation triggers the need to tighten regulations and improve procedures and costs in the firearms licensing process. If not controlled, the circulation of firearms in the community has the potential to pose a threat to national security (Suwanda & Suda, 2021).

From a criminological point of view, crime is the product of the interaction between an individual and his or her social environment. When access to firearms becomes too easy and cheap, the probability of using these tools in criminal acts increases. Dwidja Priyatno stated that firearms in civil society, if not legally and morally controlled, will accelerate the transformation of individuals into criminals due to the increase in destructive capabilities in an instant (Priyatno, 2019).

Law enforcement on illegal firearms ownership is not only repressive but must also be preventive and educational. The public needs to understand that firearms are not a symbol of power, but a heavy legal responsibility. Failure to understand legal limits can lead to serious criminal consequences, especially if there is a violation of the principles of proportionality and legality in their use (Megantara, 2021).

The use of firearms by civilians in Indonesia has been strictly regulated through various regulations. One of them is the National Police Regulation of the Republic of Indonesia Number 1 of 2022, which regulates the licensing and supervision of non-organic firearms. This regulation emphasizes that only certain individuals, with certain backgrounds and qualified psychological and administrative qualifications, may be granted permission to possess firearms. It also emphasizes that self-defense with firearms is not absolute, and can only be done if it meets the elements of very urgent needs and is defensive, not offensive.

Article 49 of the Criminal Code states that a forced defense (*noodweer*) must meet the conditions for an unlawful attack and a commensurate reaction. This means that, although the right to self-defense is recognized, its use with firearms must be subject to the principle of proportionality. If not, then the self-defense can actually turn into a criminal act.

In terms of legal philosophy, the utilitarianist approach developed by Jeremy Bentham and John Stuart Mill can be used to explain why gun regulation should take into account the greatest benefit to society at large. Bentham stated that laws should be made to create as much happiness as possible for as many people as possible (Bentham, 1823). In this context, restricting firearm ownership is a form of protection against the broader public interest.

The right to self-defense is recognized as part of human rights, as stated in Article 28G paragraph (1) of the 1945 Constitution. However, as affirmed in Article 28J, these rights must be limited for the sake of public order and the protection of the human rights of others. Therefore, the state has an obligation to regulate and limit the use of firearms in order to maintain national security.

Research by Susilo et al. shows that the use of firearms by members of the National Police in on-the-spot shootings often raises legal polemics, because it is difficult to prove whether the action is really in the context of self-defense or is a form of abuse of authority (Susilo & rekan, 2023). The same can happen to civilians, when claims of self-defense are not supported by objective facts and tend to be used to justify acts of violence.

Another problem is the gap in the implementation of supervision. The results of interviews with National Police officers show that the process of monitoring legal firearms is still mostly carried out manually, not supported by a *real-time* and integrated digital system. This leads to difficulties in detecting violations or abuses that occur after a permit is issued.

According to Soerjono Soekanto, the effectiveness of law enforcement is greatly influenced by the factors of legal structure, legal substance, and legal culture (Soekanto, 2007).

Inefficient legal structures, outdated legal substances, and a permissive culture of society toward firearms are major obstacles to the implementation of the ideal regulation. Therefore, legal education for the community is very important, so that firearms are no longer considered a symbol of power, but as a tool with high legal risks.

One of the solutions that can be offered is the use of technology in surveillance systems, such as the application of weapon identification microchips, GPS-based tracking systems, and data integration with national criminal records. Countries like Australia have implemented this kind of system to significantly reduce the rate of gun abuse (Smith, 2020).

Implementation of Handling the Abuse of the Use of Non-Organic Firearms by the TNI/POLRI by Civilians for the Benefit of Self-Defense

The implementation of handling the abuse of the use of non-organic firearms by the TNI/POLRI by civilians for the sake of self-defense is a crucial issue in the Indonesian criminal law system that requires serious attention from various aspects. In the development of modern law, the existence of law is not just a normative tool, but must also be able to respond to social complexity as well as technological and political developments in security. This is important because the use of firearms by civilians touches two opposite poles: on the one hand as a right to self-defense, but on the other hand as a potential threat to public safety (Junwaldi et al., 2023).

Advances in science and technology have affected crime patterns in Indonesia. Crime is no longer conventional, but rather involves high-tech tools including non-organic firearms. The use of this weapon by civilians, although it has been regulated in Emergency Law Number 12 of 1951 and its implementing regulations such as the National Police Chief's Regulation Number 1 of 2022, is in fact still widely abused. This shows that there is a gap between the legal text and its implementation in the field.

According to Max Weber, effective law can only be realized if it is run by a rational and efficient bureaucracy, supported by a professional and impartial structure (Weber, 1978). However, in Indonesia, the implementation of surveillance and law enforcement of civilian firearms still faces major challenges, especially in terms of human resources and technological infrastructure. The National Police Baintelkam as the main supervisory institution still uses a manual system that is difficult to detect violations *real time*, as conveyed by AKBP Ferikson Tampubolon in a live interview.

Normatively, the misuse of firearms can be classified as a criminal act that meets the elements of material criminal law, such as unlawful acts, mistakes, and criminal liability (Prasetyo & Barkatullah, 2005). The cause of abuse can be intentional (*Dolus*), forgetfulness (*Guilt*), neglect of rights and obligations, to the influence of the social environment (Sianturi, 1986). One manifestation is when the legal owner of a gun lends or hands over his weapon to an unauthorized party. This action indicates the existence of intentions or negligence that can be subject to criminal liability.

The legal culture of the community is also a fundamental aspect that needs to be improved. Soerjono Soekanto emphasized that the effectiveness of the law is not only determined by written norms, but also by the values, perceptions, and legal awareness of the community (Soerjono Soekanto and Budi Sulistyowati, 2015). In Indonesian society, gun ownership is often considered a symbol of power and social status. This view is counterproductive to the law's goal of creating order and justice.

Friedman said that the legal system consists of three components: the substance of the law, the legal structure, and the culture of the law (Friedman, 1975). In terms of substance, the applicable rules such as the Emergency Law Number 12 of 1951 are obsolete and have not regulated the development of modern weapons such as rubber bullets and tear gas. In terms of structure, law enforcement officials often do not have adequate training and knowledge. This

was also revealed in an interview with Kompol Muharam Wibisono, who said that limited personnel and budgets are the main obstacles to optimal law enforcement.

In addition, abuse by civilians is also linked to weak post-permit oversight. One example is the use of firearms by a businessman in Demak in September 2024, who shot a car tire in a traffic incident using an officially licensed Glock (Detiknews, 2024). This action not only violates the principle of proportionality in the use of firearms, but also shows that the psychological assessment process and the ethics of use are not strong enough.

In the context of technology, the use of chip-based digital tracking systems, application-based weapon registration, and monitoring through AI-based surveillance cameras has been implemented in various developed countries. Indonesia can adopt a similar approach to improve the effectiveness of surveillance. However, as mentioned in interviews with law enforcement officials, the application of this technology requires training and infrastructure that is not even across Indonesia.

Community involvement is also important. Community-based surveillance programs or citizen forums, which allow the public to report potential abuses, are an effective strategy in patching the weaknesses of the state's surveillance system (Bloom & rekan, 2020). Continuous education, training, and certification activities for firearms owners must also be carried out, as conveyed by Bambang Soesatyo in an interview that periodic training and evaluation are the main prerequisites in maintaining armed civilian accountability.

The international dimension also aggravates the challenge. Illegal arms trade across borders is rampant through the black market and smuggling routes. In this case, cooperation with Interpol and the adoption of international regulations are crucial. The harmonization of national law with international standards in the form of a common protocol is an implementation of the theory of legal integration as developed by Philip Selznick (Weber, 1978).

Formulation of Law Enforcement on the Use of Non-Organic Firearms by the TNI/POLRI by Civilians for the Benefit of Self-Defense

The use of non-organic firearms by civilians in the context of self-defense is an issue that requires deep attention, both in terms of substantive, procedural, and philosophical laws. This problem touches on the crucial realm between the need for individual protection and the state's obligation to maintain public security. In that framework, legal reform is a necessity to answer social dynamics, crime, and current technological developments.

The concept of law as a tool of social engineering introduced by Roscoe Pound became an important foundation in the reform of the legal system (Pound, 1926). The law must not be static; It must be adaptive to the development of the times. Prof. Mochtar Kusumaatmadja emphasized that law is not only a reflection of social values, but must function actively in creating order and advancing society (Kusumaatmadja, 1995).

Legal thinking in the context of development has undergone significant evolution since Indonesia's independence. One of the most influential thoughts in the discourse of national legal development is the legal development theory put forward by Prof. Mochtar Kusumaatmadja. This theory emerged in response to Indonesia's urgent need to make law an instrument in regulating, directing, and encouraging social change in line with the national development process.

In Kusumaatmadja's view, law is no longer seen as a static and conservative normative structure, but as a means of social engineering (*Law as a tool of social engineering*) that are able to encourage the transformation of society. Therefore, the development of the legal system cannot be separated from the sociological context of Indonesian society which is plural, developing, and full of value dynamics (Kusumaatmadja, 1995). The law must be shaped and at the same time shaped by the society in which it is applied.

Kusumaatmadja stated, "the function of law in a developing society is not only to maintain order, but also to provide encouragement for change" (Kusumaatmadja, 1970). This statement affirms that law must play an active role in shaping the direction of change. In this case, the law plays a dual role as *Instrument of Control* and *Instrument of Change*. In line with that, Shidarta said that in the characteristics of Indonesian legal reasoning, law needs to open up a dialectical space with the dynamics of ongoing social reality (Shidarta, 2006).

Romli Atmasasmita in his study on the development of national law emphasized the importance of the direction of legal development that not only adapts the law to the development of society, but also directs society towards the development desired by constitutional values and the principles of universal justice (Atmasasmita, 2003). The law must not only passively adapt to changes in society, but must also actively create structures and norms that allow social transformation to take place within the corridor of law.

Thus, the reform of the law regarding firearms by civilians in the framework of martial arts should be interpreted as part of the national legal development strategy. The approach used should reflect a partiality towards law-abiding civil society, without neglecting the collective security aspect. In this context, the law becomes a bridge between the fundamental right to self-defense and the state's obligation to ensure public safety.

The Urgency of Legal Formalization of the Use of Non-Organic Firearms

Legal regulation of firearms by civil society in Indonesia has been in place since the early days of independence. One of the earliest regulations is Law Number 8 of 1948 concerning the Registration and Granting of Firearms Licenses, which broadly aims to regulate that every citizen who owns a firearm must register and obtain a permit from the government. This law was born in the context of the post-independence national security situation, where firearms are widespread in the hands of former combatants or the general public.

However, Law 8/1948 proved inadequate in regulating the complexity of firearms ownership in the modern era. The birth of Emergency Law Number 12 of 1951 is a form of the government's response to the high number of security violations due to illegal firearms ownership. However, this law tends to be repressive and does not clearly distinguish between administrative violations and serious criminal violations. This has an impact on rigid law enforcement and has the potential to criminalize people who actually have good faith.

As a step to modernize regulations, the National Police of the Republic of Indonesia Regulation Number 1 of 2022 was issued to regulate more technically the procedures for licensing, supervising, and controlling firearms by civilians. This regulation is a breakthrough because it begins to contain standards for psychological evaluation, training on the use of firearms, and a system of supervision of the use and storage of weapons.

However, empirical evaluation shows that the substance of Perpol 1/2022 still leaves many problems. An interview with Kompol Muharam Wibisono revealed that the verification procedure for prospective gun owners is still carried out manually in many Regional Police, making it vulnerable to errors and manipulation. In addition, AKBP Ferikson Tampubolon said that there is no *real-time tracking system* and the lack of integration between agencies, including with the Population and Civil Registration Office and the Ministry of Health, resulting in weak control over users who are no longer eligible to have a permit.

Another criticism comes from academics and legal practitioners, as conveyed by Siagian in his study, that Perpol 1/2022 still uses a legalistic-formal approach and does not touch on sociological aspects and human rights principles in limiting and providing legal protection for legitimate civilians (Siagian, 2024b).

Furthermore, the implementation of supervision is also hit by a lack of infrastructure. A report from the Journal of Security Policy states that most regions do not have digital devices to store and access firearms databases, so monitoring of gun ownership and use is very limited (Hidayat & Nugroho, 2022).

This situation is exacerbated by the lack of a comprehensive update to the Constitution regulating firearms. In other words, Perpol only acts as a derivative rule that does not have juridical legitimacy equivalent to the law. This makes it difficult to harmonize between regulations, as well as opens up space for inconsistencies between one region and another (Setiawan & Ningsih, 2022).

Therefore, the revision of Law 12/1951 and the drafting of a new comprehensive law are urgent needs. The law should include a weapons classification system, electronic licensing arrangements, storage audits, proportionate sanctions, and legal protections for civilians acting in lawful martial arts. Not only that, the law must also provide space for periodic evaluations of permit owners to ensure psychological stability and compliance with applicable rules.

Comparison of the Law on the Use of Non-Organic Firearms in Other Countries with Indonesia

The reformulation of firearms control laws in Indonesia cannot be separated from best practices in other countries that have succeeded in reducing the rate of gun crime through strict legal and governance systems. Comparative studies of countries such as Japan, Singapore, and Australia show that their success depends not solely on prohibitions or permits, but also on gun owners' enforcement, surveillance, and education.

Japan: Zero Tolerance and a Culture of Law-Abiding. Japan is known as the country with the lowest gun crime rate in the world. This cannot be separated from the very strict regulation of firearms as stipulated in Act No. 6 of 1958 concerning the control of the ownership of firearms and sharp weapons. Permits are only granted for air rifles and hunting rifles, even after going through a long series of training, psychological tests, interviews with family and neighbors, and home storage inspections (Alleman, 2000).

According to a report from the National Police Agency of Japan, the rate of gun crime has been steadily declining over the past two decades, with an average of <0.03 incidents per 100,000 population (National Police Agency of Japan, 2023). In addition to regulation, a strong legal culture and integrity of law enforcement officials are the main factors that support the success of this system. Simkin even called the Japanese system a "model of zero gun crime" (Simkin, 2021).

Singapore: Integrated Regulation and Strict Supervision. Singapore implements a gun ownership policy with the principle of *Zero tolerance*, where any violation of the provisions of the possession or use of firearms can be subject to severe criminal sanctions up to the death penalty. The system used involves various institutions in an integrated manner, starting from a thorough background check (*Background check*), periodic checks by police officers, to strict supervision of storage facilities (Singapore Police Force, 2025).

According to the Singapore Police Force, the permit application process is carried out electronically and integrated with the national identity system. Actions such as delayed permit renewal or non-standard storage immediately get a warning, fine, or revocation of the permit (Singapore Police Force, 2025).

Australia: Post-Tragedy Reformulation and Buyback Program. The Port Arthur tragedy in 1996 prompted Australia to implement a national arms policy (*National Firearms Agreement*). The program introduced an integrated registration system, a ban on semi-automatic weapons, a firearm buyback program (*Gun Buyback*), and mandatory training for gun owners (D. Chapman et al., 2019). The results of this policy are quite significant: a study published in *The Lancet Public Health* recorded a decrease in gun violence by more than 40% within a decade (World Health Organization, 2021).

Australia also implements an integration system between police databases, health records, and courts. If there is a criminal record, mental disorder, or domestic violence, then the owner will automatically lose the right of permission. This system is similar to the

recommendations for legal reformulation in Indonesia through a mechanism *National Background Check* that is not optimal (Siagian, 2024a).

Implications for Indonesia. From these three countries, lessons learned by Indonesia include legal certainty and *zero tolerance* for administrative violations; integration of electronic systems between licensing agencies, law enforcement, and supervisors; a culture of law enforcement strengthened through education and training; periodic psychological evaluations and periodic arms storage audits; *gun tracing system* and the use of technology such as RFID (Radio Frequency Identification).

In an interview with AKBP Ferikson, he admitted that the biggest obstacle in Indonesia does not lie in the substance of the law, but in the weak system and supervision. Meanwhile, Kompol Muharam added that many violations originate from the ignorance of gun owners to changes in regulations or the lack of education on gun ownership ethics.

Stages of Formulation of Laws and Regulations Related to the Use of Non-Organic Firearms

An analysis of the effectiveness of the law in the context of civil gun control should include three important stages in the legal cycle: formulation, application, and execution. These three are interrelated and determine the success of the legal system as a whole.

Formulation. Legal formulation concerns the process of forming ideal legal norms. In the context of firearms, there is an urgent need to revise Emergency Law No. 12 of 1951 because it is no longer relevant to the current development of weapon types, crime methods, and social structures. The law does not regulate in detail the mechanism for civil permits, classification of weapons based on the level of danger, and post-licensing administrative supervision.

According to Soesatyo, the revision of this law must include clear boundaries between administrative violations, minor violations, and serious violations, and be accompanied by a multi-level sanction scheme so that it can be enforced fairly and not arbitrarily (Soesatyo, 2024).

There is also a need for an update in terms of legal terminology. For example, the term "forced defense" in Article 49 of the Criminal Code needs to be harmonized with the modern context of the use of firearms, so as not to have multiple interpretations in practice.

Application. The application stage includes the implementation of the law by the apparatus and the implementation of norms in administrative practice. At this stage, various weaknesses were found, especially in the process of verifying potential gun owners. The study by Kusnadi et al. noted that the psychological verification process is still formal and often not based on standard measurement instruments (Kusnadi et al., 2022).

The results of the interview with AKBP Ferikson and Kompol Muharam also showed that the evaluation system was only carried out once during the initial permit application, without a *periodic post-licensing review* system. This is in contrast to practices in Australia or Japan that require annual check-ups.

In addition, the training process for gun owners in Indonesia is still limited to basic shooting tests, without any material on the law on the use of weapons, the principle of proportionality, and the code of ethics for firearms ownership. Regulations such as the Shooting Training and Certification Guidelines (Perbakin, 2022) have not become a national obligation and have not been used as a prerequisite for the renewal of permits (Persatuan Menembak Indonesia (Perbakin), 2022).

Execution. This stage is a real test of the capabilities of the law enforcement system. In the context of firearms, execution means surveillance, enforcement of violations, and audits of the owner and use of weapons.

The main weakness in Indonesia is the absence of a technology-based audit system such as gun-tracing system, RFID (Radio Frequency Identification) tagging, or biometric lock. Data

from *Journal of Criminology & Peace* states that more than 60% of violations of the use of firearms by civilians go undetected due to lack of reporting and weak inspection systems (Siagian, 2024a).

On the other hand, public complaints about the abuse of permit holders are also minimal because the public considers gun owners as "powerful" or "influential" people. This causes the effectiveness of social supervision to be low.

As a solution, a technological approach should be prioritized. Japan and Singapore have used digital sensors to track when and where weapons are removed from storage. Indonesia can adopt such a system if there is political will and budget support.

CONCLUSION

The legal regulation of the use of non-organic firearms by civilians for self-defense purposes in Indonesia still requires comprehensive improvement from a conceptual, normative, and practical perspective. Studies of the criminal law and criminology aspects indicate that although the right to self-defense is guaranteed in positive law, its implementation often poses problems due to the unclear limits on the legality of the use of firearms by civilians. This is exacerbated by the weak legal awareness of the public, the lack of education for gun owners, and the indecisiveness in the separation between administrative violations and criminal acts. The existing licensing system is still not able to answer the need for legal certainty and proportional protection for legal firearms owners.

From the point of view of legal development and international comparison, the need for legal reformulation is becoming increasingly urgent. Countries such as Japan, Singapore, and Australia have proven that a rigorous, digitally integrated, and psychologically-based and social-based licensing and surveillance system can significantly reduce the number of armed crimes. Indonesia can learn from this practice by revising existing regulations, strengthening surveillance technology, implementing legal and ethical training for gun owners, and establishing periodic audit systems. Legal reform based on development law theory and a holistically studied normative-empirical approach will be an important foundation in formulating fair, proportionate, and effective firearms regulation, while ensuring the protection of civil rights without neglecting public safety.

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