



Indonesian police monitoring in relation to using firearms

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Abstract

Law Number 2 of 2002 pertaining to the Indonesian National Police declares that maintaining public order and security, law enforcement, protection, protection, and community service are among the functions of the state government. The mission of the National Police of the Republic of Indonesia is to achieve internal security, which encompasses maintaining public order and security, enforcing the law, providing protection, protection, and service to the community, and promoting public peace through defending human rights. The Police Law describes the police's duty in preserving security for the purpose of establishing public order, which includes overseeing the use of guns, as it is one of the procedures required to enforce legislative rules. The Regulation of the Head of the Indonesian National Police Number 18 of 2015 concerning Licensing, Supervision, and Control of Non-organic Firearms of the Republic of Indonesia National Police/Indonesian National Armed Forces Self-defense governs the licensing, supervision, and control of non-organic firearms by the Indonesian National Police. The normative juridical approach was utilized in the preparation of this study. This study tries to describe how the Indonesian National Police supervises the usage of guns. Based on research findings, the Police of the Republic of Indonesia supervises the use of weapons through a combination of preventative and punitive measures. This is evidenced by the establishment of Prepoll Number 1 of 2022 concerning the Licensing, Supervision, and Control of Standard Firearms for the Indonesian National Police, Non-Organic Firearms for the Indonesian National Police/Indonesian National Armed Forces, and Security Equipment Classified as Firearms, which are measures to prevent and enforce the improper use of weapons.

Keywords: Indonesian police, monitoring, using, firearms

Introduction

Legally, in Law Number 2 of 2002 pertaining to the Indonesian National Police, it is stated that the function of the police is one of the state government's functions in the areas of maintaining security and public order, law enforcement, protection, and community service. The mission of the National Police of the Republic of Indonesia is to achieve internal security, which encompasses maintaining public order and security, enforcing the law, providing protection, protection, and service to the community, and promoting public peace through defending human rights.

The Police Law describes the police's duty in preserving security for the purpose of establishing public order, which includes overseeing the use of guns, as it is one of the procedures required to enforce legislative rules. The Regulation of the Head of the Indonesian National Police Number 18 of 2015 concerning Licensing, Supervision, and Control of Non-organic Firearms of the Indonesian National Police/Indonesian National Armed Forces for the Interest of Self-Defense governs the licensing, supervision, and control of non-organic firearms by the Indonesian National Police. Civilians are permitted to own weapons (senpi) for self-defense. These firearms must be owned in accordance with the terms and conditions established by the Indonesian National Police (Polri). Civilians are not permitted to carry firearms unless absolutely necessary. In addition, private firearms may not be shown in public, let alone to intimidate others. If you wish to possess a firearm, you must go through a stringent police procedure. The procedure for possessing firearms is initially viewed from the perspective of their significance.

It is common knowledge that if people wish to acquire firearms, they must go through an official process or procedure from the police, including meeting medical standards, passing a psychological test, never having been convicted of a crime, and meeting age restrictions (minimum 21 years to 65 years). The candidate must be at least 21 years old, comply with administrative criteria, and be able to own the specified types of firearms. Hand-held revolver type 32 caliber 25 calibers, or caliber 22, or shoulder shotgun caliber 12 mm, and/or shoulder shotgun caliber 12 GA and caliber 22.

Research Method

This research was conducted using the Normative Juridical technique, which is a legal method involving the examination of secondary data or secondary literature ^[1], and research on legal principles, legal systematics, legal synchronization, legal history, and comparative law ^[2]. The form and content of library items have been compiled by earlier researchers and can be accessed regardless of time constraints ^[3].

Results and Discussions

The use of guns is conducted by authorized parties in the performance of their duties or pursuant to appropriate regulations' authorization. Initially, firearms were solely used for war, but later they were also employed for other purposes, such as one of the primary tools or instruments in defense development through the provision of complete armament for the armed forces of a nation, as a method to support the apparatus's duties. security in the maintenance of orders and security, orders ^[4].

Everyone has the fundamental right to defend himself and his property (self-defense) against threats from third parties. Article 9 paragraph 1 of Law Number 39 of 1999 concerning Human Rights stipulates that everyone has the right to life (HAM). Therefore, everyone has the right to employ various strategies and equipment for self-defense, including firearms ownership (possession/use) s. In accordance with the principle of the right to life and the defense of life, the Indonesian government allows individuals to possess weapons under specified conditions and procedures. These phrases and procedures are scattered throughout numerous statutes and rules.

The aforementioned arrangements are governed by Law Number 8 of 1948 concerning the Registration and Granting of Permits to Use Firearms, which stipulates that every person who owns and uses firearms who is not a member of the Indonesian National Armed Forces or the Republic of Indonesia Police must have a firearms license. Law Number 12 of 1951 pertaining to Provisional Special Punishment Regulations imposes the death penalty, life imprisonment, or a maximum of 20 years in prison on those who, without the right to enter Indonesia, make, receive, try to obtain, surrender or try to surrender, control, carry, have supplied with him or have in his possession, store, transport, hide, use, or remove a firearm, ammunition, or explosives from Indonesia. Government Regulation in Lieu of Law (later called Perpu) Number 20 of 1960 Regarding Licensing Authorities Granted According to Firearms, Ammunition, and Ammunition Laws. This Perpu oversees licensing provisions for firearms, explosives, and ammunition, which should be governed inside the Armed Forces themselves. As for those meant for private members of the Armed Forces, including areas of licensing authority such as those for the general public outside the Armed Forces, the Minister/Head of the State Police has jurisdiction. In conclusion, Law Number 2 of 2002 pertains to the Indonesian National Police (The Police Law). In the Police Law, it is stated that the police function is one of the state government's tasks in the areas of maintaining public order and security, law enforcement, protection, protection, and community service. The mission of the National Police of the Republic of Indonesia is to achieve internal security, which encompasses maintaining public order and security, enforcing the law, providing protection, protection, and service to the community, and promoting public peace through defending human rights.

The Police Law describes the police's duty in preserving security for the purpose of establishing public order, which includes overseeing the use of guns, as it is one of the procedures required to enforce legislative rules. The Regulation of the Head of the Indonesian National Police Number 18 of 2015 concerning Licensing, Supervision, and Control of Non-organic Firearms of the Indonesian National Police/Indonesian National Armed Forces for the Interest of Self-Defense governs the licensing, supervision, and control of non-organic firearms by the Indonesian National Police. The goal of regulating licensing, supervising, and managing non-organic firearms of the Indonesian National Police/TNI for self-defense is to serve as a guide for giving licenses, supervising, and controlling non-organic firearms of the Indonesian National Police/TNI for self-defense. And the achievement of an organized administration of permits, supervision, and control of non-organic firearms for self-defense by the Police/TNI.

Regarding licensing, Article 9 of Law Number 8 of 1948 states that "everyone who uses and owns a firearm who is not a member of the military or police must have a permit issued by the Head of the Indonesian National Police (Kapolri)". Thus, Article 9 of Law Number 8 of 1948 is the starting point for the citizen right to possess firearms in Indonesia. Civilians may possess firearms for self-defense, but they must comply with stringent terms and limitations.

According to the Decree of the Chief of Police number 82/II/2004 regarding the Handbook for Implementation and Control of Non-Organic Firearms for the TNI/Polri, the provisions for individuals or authorities who may be granted permission to possess and use firearms for self-defense are as follows:

1. Officials

- a. Minister/DPR/MPR RI
- b. Secretary General/Inspector General/Director General/Cabinet Secretary
- c. Governor/Deputy Governor/Sekwilda/Irwilprop/Provincial DPRD
- d. Mayor/Regent
- e. Government Agencies Group IV-B

2. Non-government persons

- a. Commissioner
- b. President commissioner
- c. Director/Principal Director
- d. Director of Finance

3. High ranks officials of police and military

- a. Senior Officer
- b. Middle Officer

4. Retired police and military

- a. Senior Officer
- b. Middle Officer

5. Professionals

- a. Senior Lawyer with the Skep of the Minister of Justice/Justice
- b. Practicing Doctor with the Skep of the Minister of Health or the Ministry of Health

Now referring to Article 13 paragraph (2) of the Republic of Indonesia National Police Regulation (Perpol) Number 1 of 2022 concerning the Licensing, Supervision, and Control of Standard Firearms of the Indonesian National Police, Non-organic Firearms of the Indonesian National Police/Indonesian National Army, and Security Equipment Classified as Firearms, firearms are employed for the following purposes:

1. Implementation of the duties of Polsus, PPNS, Satpam, and Satpol PP
2. Sports
3. Martial Arts

In accordance with Perpol Number 1 of 2022 concerning the Licensing, Supervision, and Control of Standard Firearms for the Indonesian National Police, Non-organic Firearms for the Indonesian National Police/Indonesian National Armed Forces, and Security Equipment Classified as Firearms, non-organic firearms may be used and possessed by any citizen who has been given selectively and who satisfies the requirements stated in this regulation. This Perpol also repeals the provisions of the 2012 Perkap

regulating the sporting use of weapons, the 2015 Perkap involving self-defense, and the 2017 Perkap regarding the performance of police duties. This is due to the fact that Perpol Number 1 of 2022 has entirely and unambiguously controlled the use of guns for police functions (PPNS, Satpol PP, Security Guard), sports, and self-defense.

Firearms can be used for self-defense against criminal activities, and it is known that the permit to carry a firearm is dependent on a background check:

1. A Special Licensing for Firearms (IKHSA) is issued in accordance with Article 15 of Law Number 2 of 2002 paragraph (2) letter e, which grants the Indonesian

National Police the ability to issue licenses and oversee firearms.

2. The Special Guns Permit (IKHSA) may only be used for self-defense and must be registered annually in line with Article 5 of Law Number 8 of 1948; if misused, legal action will be taken in accordance with the firearms laws.

In its development, however, instances of citizens using firearms illegally have been discovered. As an illustration, consider the cases below, which have been put in tabular format:

Table 1

No	Kasus	Sasaran	Lokasi	Tahun
1	Shooting	Team Commander (Dantim) Strategic Intelligence Agency (BAIS) TNI Pidie Region	Aceh, Indonesia	2021
2	Shooting	Panton Reu Regional Police Post	Aceh, Indonesia	2021
3	Robbery Using Firearms	Brilink Store Owner	Aceh, Indonesia	2021
4	Assembling Firearms	NA	Aceh, Indonesia	2021
5	Unlicensed Use of Firearms	Cigarette Box Car Driver	Aceh, Indonesia	2020

Source: Aceh Regional Police

The meaning of firearms can be seen in the Presidential Instruction of the Republic of Indonesia Number 9 of 1976, which states "that firearms are one of the tools for carrying out the principal tasks of the armed forces in the field of defense and security, while for government agencies outside the armed forces, firearms are a special tool whose use is regulated by the provisions of Presidential Instruction Number 9 of 1976, which instructs ministers (heads of government) on the use of firearms.

Thus, it has been expressly stipulated that firearms are only intended for the armed forces in the defense and security sector, in this case, the TNI and Polri, whereas the use of firearms by government agencies outside the defense and security sector is governed by Presidential Instruction Number 9 of 1976, which instructed the ministers (leaders of government and non-government institutions) to assist defense and security in achieving their task objectives.

The distribution of firearms is nevertheless permissible, in accordance with statutory regulations. However, with specific provisions and the installation of weapon user monitoring. As stated previously, firearms are used in practice to commit crimes, making the role of the state in regulating and controlling firearms essential necessary. The state is actively and successfully present in society to protect its inhabitants from a variety of verbal and nonverbal threats.

Article 5 paragraph 1 of the Police Law declares that "the police is a state organization charged with maintaining public order and security, upholding the law, and providing protection, protection, and service to the community within the context of maintaining domestic security."

The use of guns is governed by Police Law, which needs state supervision. According to Maringan, supervision is the process through which a leader seeks information on the results of subordinates' implementation of predefined plans, commands, objectives, and policies. Supervision is the process of deciding what must be attained, i.e. standards, what must be done beginning with planning, implementing, assessing implementation, and if required making adjustments, so that implementation is in line with plans, i.e. in compliance with standards.

Mc. Farland in Handyaningrat defines supervision (control) as the process by which a leader determines whether the results of his subordinates' labor are in conformity with the predetermined plans, directives, objectives, or policies ^[5]. Based on the perspectives of the aforementioned experts, it can be inferred that the purpose of supervision is to avoid or cure errors, irregularities, discrepancies, and fraud that are inconsistent with the authority's predetermined objectives ^[6]. supervision is defined as determining what has been carried out, which entails reviewing work performance and, if necessary, executing remedial actions so that work outcomes are consistent with the set plan ^[7]. According to Admosudirdjo, supervision is the sum of all activities that compare or measure what is being or has been implemented against preset criteria, norms, or plans ^[8]. Supervision is a sort of inspection or control from a superior party to a subordinate party. Supervision is the final stage of the management function in management science. From a managerial perspective, supervision entails observing the implementation of all organizational unit activities being inspected to ensure that all work being carried out is in accordance with plans and regulations or an effort so that work can be carried out in accordance with a predetermined plan and supervision can minimize the emergence of obstacles while obstacles that have occurred can be immediately identified so that corrective action can then be taken.

Conclusion

Based on the preceding explanation, the Indonesian National Police's monitoring of the use of guns is preventative and punitive. Perpol Number 1 of 2022 concerning Licensing, Supervision, and Control of Standard Firearms for the Indonesian National Police, Non-Organic Firearms for the Indonesian National Police/Indonesian National Armed Forces, and Security Equipment Classified as Firearms, which prohibits and enforces the improper use of weapons, demonstrates this. Then, Perpol Number 1 of 2022 has comprehensively controlled the use of guns for police duties (PPNS, Satpol PP, Security Guard), sports, and self-defense without distinction. Thus, enhancing the

Indonesian National Police's ability to supervise and enforce the usage of firearms.

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