

**REGULATION OF FIREARM OWNERSHIP FOR CIVILIANS IN INDONESIA BASED ON THE PRINCIPLE OF SELF-DEFENSE IN THE LEGAL PROTECTION SYSTEM (STUDY OF THE REPUBLIC OF INDONESIA LAW NUMBER 8 OF 1948 ON THE REGULATION OF THE INDONESIAN NATIONAL POLICE CHIEF NUMBER 82 OF 2004)**

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**Abstract:** The need for legal protection for every human being is an undeniable matter. It is crucial to ensure that every citizen feels safe, and one of the efforts made by individuals to achieve this sense of security is by owning firearms. In the prevailing laws and regulations, civilians are allowed to possess firearms (firearms) as self-defense tools to protect themselves. In Indonesia, the law of self-defense is regulated in the Criminal Code (KUHP) Article 49. The following is an excerpt from Article 49 KUHP: "Any person who, due to necessity, takes necessary action to defend themselves, others, or their property from an attack that threatens lives, endangers themselves, others, or their property, shall not be punished." This article states that a person cannot be punished if they take necessary action to defend themselves, others, or their property from an attack that threatens lives or endangers themselves, others, or their property, but the action must be forced and necessary in the situation they face. The possession of firearms must comply with the requirements and provisions set by the Indonesian National Police (Polri). According to Perkap No. 82 of 2004, civilian individuals who wish to own firearms are limited to certain groups, such as CEOs, ministers, government officials, major entrepreneurs, commissioners, lawyers, and doctors. This consideration takes into account the urgency and risks that these professional holders may face. The regulation also states that firearm ownership cannot be granted to just anyone. Those who want to apply for a firearm ownership permit must have shooting skills. Prospective firearm owners are required to have shooting skills for a minimum of three years. Additionally, they must fulfill various requirements, including psychotest and medical tests.

*Keywords: Firearm Ownership Regulation, Civilians, Legal Protection Efforts.*

## **I. INTRODUCTION**

Law, as a protector of public interests, has imposed severe sanctions on violators. However, it cannot be denied that the ownership and use of firearms have become a necessity for individuals with their own motives in their daily lives. A crisis of confidence in law enforcement has led to a shift in views towards a law that is no longer capable of providing social defense. As a result, people are starting to adopt the paradigm of self-defense, using firearms for personal protection. Self-defense is an action to protect oneself, which is both a right and a duty granted by the law to every individual to preserve their own safety, including the safety of life, property, and dignity. Essentially, self-defense is an instinctual right for everyone to protect themselves, others, their property, and dignity from wrongful acts by others intending to cause harm or damage against the law. Firearms serve as tools for self-defense and martial arts, requiring the owner to have special permits. Acquiring such permits is not a casual matter. It involves meeting various requirements, including undergoing a series of tests, such as administrative, physical and mental health, and marksmanship skills. In civil society, certain professions or occupations require heightened security measures due to the higher risks or threats they face compared to others. Examples include healthcare workers, bank employees, lawyers, and various other professions. Therefore, individuals in these professions often seek protection through security services or may even possess self-defense tools such as firearms. In Indonesia's legal system, civilians have the right to possess or own firearms. This permission is granted based on the profession, usage, and need for self-defense tools. It is because certain professions carry a high risk of becoming victims of crime.

Firearms are one of mankind's creations that have continued to evolve over thousands of years. The utility of firearms has also developed alongside human civilization, adapting to the changing times. Initially, firearms

were used for warfare, but with the advancement of time and security threats, firearms have become a practical solution for self-defense. Feeling secure is not solely achieved through legal measures, so individuals may feel the need to safeguard themselves from any imminent danger. Firearms and ammunition, in a positive sense, serve as tools for self-defense, preserving national sovereignty, and upholding the law. Firearms have been utilized by law enforcement agencies, particularly the police, in carrying out their functions. The usage of firearms by the police is governed by specific authorities outlined in the National Police Chief Regulation (Perkap) No. 1 of 2009 concerning the Use of Force in Police Actions. One of the points stated in this regulation is that the use of force must be based on principles of necessity, proportionality, general duty, and reasonableness. Furthermore, firearms serve as tools in efforts to protect oneself, including self-defense, which is a form of security and is also part of the legal protection process.

The law of self-defense refers to an individual's right to use force or other necessary actions to protect themselves from real threats or dangers. The concept of self-defense is recognized in many legal systems worldwide as an important principle to safeguard the life, safety, and integrity of individuals. According to Laurences Aulina in her article (2020), self-defense is one of the rights and obligations granted by the law to every person to preserve their safety, including their life, property, and dignity. Furthermore, the concept of legal protection aims to provide protection to human rights that have been violated by others. This protection is granted to society so that they can enjoy all the rights provided by the law. According to Satjipto Rahardjo (2000), legal protection is a universal concept of the rule of law. Basically, legal protection consists of two forms: preventive legal protection and repressive legal protection. Preventive legal protection focuses on prevention, which is significant for government actions based on freedom of action. By allowing civilians to possess firearms, the state is granting its citizens the right to protect themselves as a preventive measure and preparedness against potential threats. However, the state, through the police, still closely monitors firearm ownership, and its possession requires passing a series of tests and qualifications according to the procedures established by the law. Based on Kapolri Decree No. 82 of 2004 concerning the Implementation of Supervision and Control of Non-Organic Weapons, legal protection for citizens, owners, and users of firearms who already have permits is conducted by the Indonesian National Police. In addition, Article 28D of the 1945 Constitution states that "everyone has the right to recognition, guarantees, protection, and legal certainty in a fair manner and equal treatment before the law." Furthermore, Article 28H, paragraph (4) of the 1945 Constitution, states that "everyone has the right to personal property, and such property rights cannot be taken arbitrarily by anyone." The shift in the function of firearm ownership is not just about how the tool can protect national security but also individual security. The change in the benefits of possessing such tools is closely related to the principle of protection in order to create a sense of security. Legal protection for the use and ownership of firearms is an answer to safeguard personal safety, family, honor, dignity, and possessions under one's control, as well as the right to security and protection from threats and fears that may infringe on fundamental rights. Therefore, firearm ownership and usage are seen as one of the solutions.

Other reasons for civilians to possess and use firearms can be observed in relation to the mechanism of obtaining permits, which is due to the demands of duty and responsibility. The purpose of firearm ownership, according to current regulations, is for self-defense. Allowing civilians to possess firearms can actually be seen as a failure of the state to guarantee the security of its citizens, as per the assumption of the author. The state is expected to intervene when threats and security disturbances spread systematically across the entire territory of a country. Therefore, allowing firearm ownership is a part of personal protection of one's rights within a country. It shows that the state fully assumes the responsibility of security by enabling its citizens to possess firearms and similar tools to be used responsibly.

However, firearm ownership is not exempt from the laws established by the Indonesian government, so the laws governing firearm ownership are considered based on the level of urgency for such possession. Regardless, the value of urgency becomes the benchmark for whether or not someone is allowed to possess a firearm. This benchmark consists of the conditions that civilians must fulfill in firearm ownership because such ownership must have a legal basis in a country. The term "rule of law" often translates to "rechtstaats." Indonesia itself is a rule of law, as stated in Article 1 Paragraph (3) of the 1945 Constitution, which means that all authority and actions of state instruments and aspects of life within society must be based on the law (Abdul Aziz Hakim, 2011). In the 1945 Constitution of the Republic of Indonesia, in the fourth paragraph, it is stated that the goal of the Indonesian State is to protect the entire Indonesian nation and all Indonesian bloodlines, advance the welfare of the public, enhance the intellectual life of the nation, and participate in implementing world order. According to Aristotle, the concept of a rule of law state is a state that stands above the law, guaranteeing justice to its citizens. According to Aristotle, a good state is one that is governed

by a constitution and ruled by the law. There are three elements of a constitutional government: firstly, the government is carried out for the public interest; secondly, the government is carried out according to laws based on general provisions, not arbitrary laws that bypass conventions and constitutions; thirdly, a constitutional government means a government implemented according to the will of the people, not through coercion or pressure carried out by the ruling government.

Perpol 1 of 2022 concerning Firearms regulates the Licensing, Supervision, and Control of POLRI Standard Firearms, Non-Organic Firearms of POLRI/TNI, and Security Equipment classified as Firearms. Perpol 1 of 2022 concerning Firearms also replaces the Regulation of the Chief of the Indonesian National Police No. 8 of 2012 concerning the Licensing, Supervision, and Control of Non-Organic Firearms of the Indonesian National Police/Indonesian National Army for Sports Purposes. Regulation of the Chief of the Indonesian National Police No. 18 of 2015 concerning the Licensing, Supervision, and Control of Non-Organic Firearms of the Indonesian National Police/Indonesian National Army for Self-Defense Purposes, and Regulation of the Chief of the Indonesian National Police No. 11 of 2017 concerning the Licensing, Supervision, and Control of Non-Organic Firearms of the Indonesian National Police/Indonesian National Army and Security Equipment classified as Firearms for Other Police Functions. In Presidential Instruction No. 9 of 1976, firearms are defined as one of the tools used to carry out the main tasks in the field of defense and security. Meanwhile, in Emergency Law No. 12 of 1951, firearms refer to cannons and flame throwers, including air and pressure guns, regardless of their caliber, signal pistols, imitation firearms such as alarm pistols or sound pistols, and other objects that can be used to threaten or intimidate.

The restrictions on permits and firearm ownership in Indonesia are due to the historical experiences of Indonesia. Since the War of Independence, the use of firearms has resulted in many negative impacts. In Indonesia, the use of firearms is regulated by Law No. 8 of 1948 concerning the Registration and Granting of Permits for the Use of Firearms and Emergency Law No. 12 of 1951 concerning Amendments to "Temporary Ordinances on Special Criminal Provisions." Meanwhile, the procedures for firearm ownership are governed by the Regulation of the Chief of the Indonesian National Police (Perkap) No. 82 of 2004 concerning Guidelines for the Security, Supervision, and Control of Non-Organic Firearms of the TNI/POLRI. In this regulation, five categories of individuals or officials are allowed to possess firearms, namely government officials, private officials, TNI/Polri officials, and retired TNI/Polri personnel. The requirements for firearm ownership include having the ability or skill to shoot at least class III, as evidenced by a certificate issued by a shooting training institution authorized by the Police, having the ability to care for, store, and secure the firearm to prevent misuse, and fulfilling psychological and medical conditions. Law No. 2 of 2002 stipulates that the police have the authority to grant permits and supervise firearms, explosives, and sharp weapons. This means that civilians can own firearms and sharp weapons after obtaining permission from the police. The licensing and registration process is also regulated in Article 5 of Law No. 8 of 1948 concerning the Repeal of State Defense Council Regulation No. 14 and the Establishment of Regulations on the Registration and Granting of Permits for the Use of Firearms ("Law 8/1948"). Firearms in the hands of individuals who are not members of the Army or Police must be registered by the Chief of the Regional Police (or the Chief of the Special Regional Police), or a person appointed by them, according to Article 9 of Law 8/1948. Every individual who possesses and uses firearms must have a permit letter for the use of firearms according to the specified model issued by the Chief of the Indonesian National Police. Each firearm must have its own permit letter. In this regard, the authority to issue the permit letter for the use of firearms lies with the Chief of the Regional Police or a person appointed by them.

## II. METHODE

The type of research method used in this writing is the normative legal research method. Normative legal research is a type of legal research that views law as a system of norms. The research approach employed in this study is the statutory approach. The statutory approach involves examining the relevant laws and regulations related to the research topic. In this study, the normative legal method is used to analyze and understand the existing legal norms system, while the statutory approach is utilized to focus on analyzing the relevant laws and regulations pertaining to the research topic.

### III. RESULT AND DISCUSSION

In the development of firearm ownership laws in Indonesia, it is not only the Indonesian Armed Forces (TNI) and the Police who are entitled to possess firearms, but also civilians. Civilians are also allowed to own firearms under certain conditions. However, obtaining a license for firearm ownership is tightly regulated by the Regulation of the Chief of the Indonesian National Police (Perkap) No. 82 of 2004. Referring to Perkap No. 82 of 2004, only certain groups of civilians are eligible to possess firearms, such as CEOs, ministers, government officials, major entrepreneurs, commissioners, lawyers, and doctors. This takes into consideration the urgency and potential risks associated with these professions. Those seeking permission to possess firearms must have strong reasons for doing so. One of the reasons for firearm ownership is self-defense to protect oneself. Regarding the law on carrying self-defense tools, it is generally regulated in Emergency Law 12/1951 concerning the possession and use of sharp weapons and firearms. Firearms are commonly used by TNI or police members. However, it is not impossible for civilians to possess and use firearms under certain provisions. Law No. 2/2002 stipulates that the police have the authority to grant permits and supervise firearms, explosives, and sharp weapons. Article 15 paragraph (2) of that law states: The Indonesian National Police is given the authority to grant permits and supervise firearms, explosives, and sharp weapons. Firearms and sharp weapons can be owned by civilians after obtaining permission from the police. Non-organic firearms can be owned and used individually by Indonesian citizens ("WNI") selectively for those who meet the requirements, with the purpose of protecting themselves from external threats that may endanger their lives, property, and dignity. Self-defense is one of the rights and obligations granted by the law to every person to safeguard their safety, including their life, property, and dignity. Essentially, self-defense is a right that is instinctive for every individual to defend themselves, others, their property, and their dignity from the wrongful actions of others intending to harm or cause damage against the law (Julaidin and Rangga Prayitno, 2020). In the Regulation of the Head of the National Counterterrorism Agency of the Republic of Indonesia No. Per-06/K.BNPT/11/2013 regarding the use of firearms by officials of the National Counterterrorism Agency, Article 1 paragraph 3 defines that Self-Defense is the effort made by officials of the National Counterterrorism Agency to protect themselves from potential threats that arise in the course of their duties.

The principle of self-defense is balance, which means that a person's defense or resistance to protect their dignity must be proportionate or equal to the attack from the criminal perpetrator. Based on the definition, civilians are individuals who are not members of the military and lead a civilian life. Civilians can also possess firearms and use them as a form of self-defense. The concept of self-defense and defense of others is also used in criminal law as a justification for the use of necessary and proportional force against unlawful attacks. Such behavior by civilians does not constitute direct participation in hostilities. In the Criminal Code, it is stated that a criminal act committed in self-defense or out of necessity cannot be punishable (Dumgair, 2016; Marselino, 2020; Tabaluyan, 2015). Self-defense is carried out by an individual who is in urgent or threatened circumstances concerning their safety or the safety of others. It is not only self-defense for personal safety but also defense of others if their safety is threatened, as well as protection of property and belongings. Essentially, everyone has the right to protect themselves and their property (self-defense) from threats by others. Every person also has the right to life as stated in Law Number 39 of 1999 concerning Human Rights. Therefore, everyone has the right to use various methods and tools to protect themselves, including possessing and using firearms. Self-defense is regulated by the law, as stated in Article 49 of the Criminal Code, which is divided into two categories: Self-defense (Noodweer) and Excessive Self-defense (Noodweer Excess). Article 49 paragraph (1) of the Criminal Code states: "No one shall be punished if they carry out an act of necessary defense for themselves or for others, their honor, decency, or property, or for others, due to a very imminent attack or threat of attack that is unlawful at that time." While Article 49 paragraph (2) of the Criminal Code states: "Excessive self-defense, directly caused by severe emotional distress due to the attack or threat of attack, shall not be punished."

In the Criminal Code, Article 1 Paragraph 1 mentions *Nullum Delictum Nulla Poena Sine Praevia Lege Poenali*, which means that no act can be punishable if there is no prior legal rule regulating it. Regarding the defense of necessity, the Criminal Code itself does not specify what constitutes a defense of necessity, nor does it state whether self-defense is an obligation and right possessed by an individual. The defense of necessity is a legal defense, which is a privilege to provide legal resistance. This resistance is allowed by law, not because the person under attack is defending themselves, but rather because the act of self-defense is a legal defense. When faced with an attack, a person has the right to protect themselves and others (Lamintang, P. A. F. 2014). Firearm ownership is also regulated in Article 306 of Law Number 1 of 2023 concerning the

Criminal Code (New Criminal Code), which categorizes such an act as a crime that endangers public security. In essence, the regulations in the new Criminal Code stipulate that unauthorized firearm possession, without valid legal justification, is classified as a criminal act that may result in criminal sanctions.

Some elements that must be fulfilled in self-defense efforts as a form of defending oneself are:

1. The attack and threat must be sudden and immediate (ongoing) with no significant time gap. This means that as soon as a person becomes aware of the attack, they should initiate the defense immediately.
2. The attack must be unlawful and directed towards the body, dignity, and property, whether it belongs to oneself or others.
3. The defense must aim to stop the attack and should be considered necessary and appropriate based on the principles of proportionality and subsidiarity. The defense should be balanced with the attack, and there should be no other way to protect oneself except by taking such defensive actions, which might otherwise be unlawful.

Extraordinary self-defense, actions that go beyond the limit of self-defense, is caused by severe emotional shock. Such actions are still considered unlawful, but the defendant is not punished because the shaken soul becomes a reason that eliminates the guilt of the defendant. Excessive self-defense becomes the basis for the forgiving reason that absolves the person's wrongdoing. The forgiving reason becomes a principle of legal protection when civilians legally use firearms to defend themselves against attacks and threats to their lives, making it a form of self-defense allowed by the law. Self-defense is a right and obligation guaranteed by the law to an individual to preserve and protect their life, including their physical safety, property, and honor. The use of firearms by civilians is a form of self-defense in an effort to protect themselves from all kinds of threats, which is supervised by the relevant authorities, particularly the police. Self-defense is based on the theory that a person has the right to protect themselves from physical violence and does not need to wait until they are actually injured to take action. Article 12 of the Universal Declaration of Human Rights states that "no one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, nor to attacks upon his honour and reputation." Everyone has the right to legal protection against such interference or attacks.

According to R. Soesilo in the book "Kitab Undang-Undang Hukum Pidana serta Komentar-Komentar Lengkap Pasal Demi Pasal," there are three conditions for emergency defense, namely:

1. The act carried out must be done out of necessity to protect oneself. The defense must be absolutely necessary, meaning there is no other way. There must be a certain balance between the defense carried out and the attack faced. It is not permissible to harm or injure others to defend trivial interests.
2. The defense must be carried out only to protect the interests mentioned in the article, namely one's own body, honor, and property or the body, honor, and property of others.
3. There must be an attack that infringes on rights and poses an immediate and imminent threat.

The conditions for self-defense; Here are the conditions for self-defense:

1. **Genuine and direct attack**  
Self-defense is allowed when there is a genuine and direct threat to life or physical harm. The attack must be objectively identifiable.
2. **Proportionality**  
The actions taken in self-defense must be proportionate to the received attack. This means that the actions must be in proportion to the threat faced. The use of violence beyond what is necessary to protect oneself may be considered unjustified.
3. **Absence of malicious intent**  
Self-defense must be carried out without any malicious intent or intention to harm or kill the attacker. The primary purpose of self-defense is to protect oneself or others from an attack, not to seek revenge or vent hatred.
4. **Lack of reasonable alternatives**  
Self-defense actions must be taken when there are no reasonable or possible alternatives to protect oneself or others from the attack. If there is a safer or more effective way to avoid the attack without using violence, then self-defense actions may not be considered valid.



The Indonesian Criminal Code (KUHP) regulates actions taken by individuals to defend themselves or their belongings from attacks against their rights. Emergency defense to protect oneself cannot be considered a violation of the presumption of innocence principle or an act of taking the law into one's own hands. Although there are regulations governing civilian firearm ownership, not every civilian is allowed to possess firearms. Only certain groups of civilians are permitted to own firearms, provided they meet specific criteria. Once all the requirements are met, the use of firearms is only allowed for self-defense purposes. Additionally, not every type of firearm is permitted for civilian ownership. The allowed firearms include sharp ammunition firearms, rubber bullet firearms, and blank cartridge firearms.

The main functions of self-defense law; The following are the main functions of self-defense law:

1. Protecting individual human rights  
Self-defense law recognizes and protects individual human rights to life, liberty, and personal security. By granting individuals the right to defend themselves, the law ensures that individuals can protect themselves from life-threatening or harmful attacks.
2. Promoting a sense of justice  
Self-defense law strengthens a sense of justice by granting individuals the right to respond to attacks directed at themselves or others. It helps maintain a balance between the individual's right to self-defense and the public interest in maintaining order and societal security.
3. Preventing abuse of power  
Self-defense law helps prevent the abuse of power by providing a clear legal framework for self-defense actions. By establishing boundaries and requirements that must be met in using self-defense actions, the law avoids the potential for abuse of power or unauthorized violence.
4. Reducing legal uncertainty  
Self-defense law provides clear legal guidance to individuals in emergency situations or threatening attacks. By setting forth the requirements for self-defense, the law helps reduce legal uncertainty and provides clear guidelines for individuals in protecting themselves or others.

As regulated in the Indonesian National Police Regulation Number 1 of 2022 (Regulation of the Indonesian National Police No. 1 of 2022), firearms are categorized into two types: the Police Standard Firearms, also known as Organic Firearms, and Non-Organic Firearms. Organic Firearms are intended for the purpose of maintaining public order and security, while Non-Organic Firearms are intended for sports, self-defense, and other police functions. The ownership and use of firearms by the general public or civilians cannot be separated from several factors, particularly security considerations. For some individuals, owning firearms is seen as a means of self-protection. There are several legal bases governing this matter, starting from the legislative level, such as the Emergency Law Number 12 of 1951 and Law Number 8 of 1948 concerning Firearms Registration and Licensing. Additionally, there are regulations issued by the Indonesian National Police, such as the Chief of Police (Kapolri) Decree Number 82 of 2004 concerning the Implementation of Supervision and Control of Non-Organic Firearms of the TNI/Police, and the Police Regulation (Perkap) No. Pol: 13/II/2006 concerning the Supervision and Control of Non-Organic Firearms of the TNI/Police for sports purposes.

The Chief of Police Decree Number 82 of 2004 on the Implementation of Supervision and Control of Non-Organic Firearms of the TNI/Police permits certain groups of civilians to own firearms, including:

1. Individuals, intended for firearm owners and holders with the purpose of self-defense or collecting.
2. Members of the Indonesian Shooting Association (Perbakin), intended for target shooting sports, recreation, and hunting purposes.
3. Members of Security Units and Special Police in government agencies/vital projects, intended to fulfill their duties for supervision in designated work areas.

Head of the Directorate of Security Intelligence in the Minister of Defense and Security/Commander of the Armed Forces Decree Number KEP/27/XII/1997 concerning policy guidelines to enhance the supervision and control of firearms as the implementation of the Presidential Instruction of the Republic of Indonesia Number 9 of 1976, permits to import, own, possess, and use firearms and/or ammunition for individuals may be granted for the following purposes (the following are explanations of firearm restrictions):

1. Restriction of firearms for personal defense
  - a. Permits to import, own, possess, and/or use firearms and/or ammunition for personal defense are limited to self-defense purposes to face imminent threats that pose real dangers to one's safety.

- b. The issuance of permits for personal firearms for self-defense is restricted to one firearm of non-standard types, models, and sizes/calibers used by the TNI/POLRI, with ammunition limited to one magazine/cylinder.
  - c. The Head of the Indonesian National Police shall establish necessary conditions and provisions to control these restrictions.
  - d. Permits for personal firearms for self-defense may be revoked or not renewed at any time if the reasons for such permits are no longer valid.
2. Restriction of firearms for sports
    - a. Permits to import, own, possess, and/or use firearms and/or ammunition for sports are limited to target shooting and/or hunting sports.
    - b. Firearms used for sports must be of specific types, models, and sizes/calibers specifically intended for such sports and not modified from other firearms.
    - c. Every sport shooter and/or hunter must be a member of a shooting and/or hunting sports association sanctioned by the Indonesian National Sports Committee.
  3. Restriction of firearms for collection
    - a. Permits to import, own, possess, firearms for collection purposes are limited to antique firearms or other firearms that hold special significance for the collector.
    - b. Collectible firearms must be rendered non-functional by removing the firing pin and main springs or other vital components.
    - c. The firing pins, main springs, or other vital components of the collectible firearms must be submitted to the issuing police authority.
    - d. Collectible firearms cannot be used for any purpose other than for collection purposes only.

In certain cases, specific government officials may be granted permission to possess and/or use firearms and ammunition of the standard type, model, and size used by the TNI/POLRI. The firearms in question are loaned from the Department of Defense and Security, obtained through personal applications from individuals with relevant interests to the Minister of Defense and Security/Commander of the Indonesian Armed Forces, based on a recommendation from the Head of the Indonesian National Police. Civilian individuals who intend to obtain permission for firearm ownership due to their job, duty, or position must obtain a firearm ownership permit. This permit must comply with the existing laws and regulations, and the authority to grant such firearm permits lies with the Indonesian National Police Chief (Kapolri) or an official appointed by the Kapolri. The legal basis for this authority is Law Number 8 of 1948 concerning Firearms Registration and Licensing, specifically Article 9 Paragraph (1).

Several regulations related to firearm ownership:

1. Republic of Indonesia Law Number 8 of 1948 concerning firearms, registration, and usage permits. Article 1. The term "firearms" in this law refers to: a. firearms and their components; b. flamethrowers and their components; c. gunpowder and its components, such as "cartridge cases," "percussion caps," and others. (source: [www.djpp.depkumham.go.id](http://www.djpp.depkumham.go.id), Directorate General of Legislation). Article 5.1. Firearms held by individuals who are not members of the Military or Police must be registered by the Head of the Regional Police (or Head of the Special Region Police subsequently referred to as the Head of the Regional Police) or their designated representative.
2. Indonesian National Police Regulation Number 1 of 2022 concerning licensing, supervision, and control of standard Indonesian National Police firearms, non-organic firearms of the Indonesian National Police/Indonesian National Army, and security equipment classified as firearms. Article 1, Paragraph 1. The Indonesian National Police or Polri is a state instrument responsible for maintaining public order and security, enforcing the law, and providing protection, security, and services to the public in order to preserve domestic security. Article 76. Firearm holders for sports purposes are prohibited from using or firing firearms outside of training, competition, and hunting locations. Article 81 outlines the requirements to own and/or use Non-Organic Indonesian National Police/Indonesian National Army firearms for self-defense purposes, which include being an Indonesian citizen of at least 24 years of age, being physically and mentally healthy, and meeting specific rank criteria for members of the Police, National Army, Civil Servants, or State-Owned Enterprise employees who wish to apply for firearm ownership permits.
3. Emergency Law of the Republic of Indonesia Number 12 of 1951 amending "ordonnantie tijdelijke bijzondere strafbepalingen" (stbl. 1948 no.17) and Law No. 8 of 1948.

4. Indonesian National Police Chief Regulation Number 18 of 2015 regulates firearm ownership and usage by civilians for self-defense purposes. According to Article 10, Paragraph 2 of Indonesian National Police Chief Regulation Number 18 of 2015, it is not clear when and under what circumstances civilians can exercise their right to use firearms for self-defense, as there is no further explanation on the specific conditions that genuinely endanger an individual's life, property, or honor.

The rules regarding firearm ownership permits are regulated in the Regulation of the Indonesian National Police (Perkap) Number 82 of 2004, and in this case, the police, specifically the police chief, have the authority to grant permits to civilians who meet the requirements for firearm ownership under the Republic of Indonesia Law Number 8 of 1948 on firearms registration and usage. Article 5.1 states that firearms held by individuals who are not members of the Army or Police must be registered by the Head of Residency Police (or the Head of Special Region Police, hereinafter referred to as the Head of Residency Police) or a person appointed by them. Article 6.1 mentions that the firearms referred to in Article 5 paragraph 1 must be registered at a designated location determined by the Head of Residency Police, following the example set by the Head of the National Police Headquarters. Every firearm to be registered under this provision must be taken to the registration location to be presented to the Head of Residency Police or the appointed person. Article 7.1 states that those who register their firearms receive a registration mark following the example set by the Head of the National Police Headquarters. Based on authority, it is often equated with the term "wewenang." In the context of Dutch legal terminology, the term "wewenang" is translated as "bevoegheid." When examined, there is a difference between the terms "kewenangan" (authority) and "wewenang" (bevoegheid) lies in their legal character. "Kewenangan" refers to formal power or power derived from the authority given by the law, while "wewenang" (bevoegheid) is just a specific "onderdeel" (part) of the authority. Regarding authority, there are different powers ("rechtsbevoegdheden") written in Article 18 paragraph (1) of the Law of the Indonesian National Police, which states: "For the public interest, the officials of the Indonesian National Police, in carrying out their duties and authority, can act according to their own judgment, including granting ownership permits to civilians based on their own assessment of suitability according to the authority and assessment of the police towards prospective firearm owners. Despite the procedural regulations on firearm ownership being governed by the law, the broad authority of the police in assessing firearm ownership for self-defense reasons allows for subjective judgments. In the author's assumption, it is necessary to have an assessment procedure from another party to be considered by the police in determining the suitability of firearm ownership.

Based on the explanation above, the procedure to obtain firearms is strictly evaluated from the urgency aspect (Munandar.Evan and Suhaim, 2018). The assessment of eligibility is not only based on the principle of self-defense but also on the objective urgency and based on evidence or proof of the existence of threats that may endanger the safety and life of the prospective firearm owner. The urgency mentioned in the regulations refers to factors that may endanger and threaten life, property, and honor. Additionally, referring to Indonesian National Police Regulation Number 82 of 2004 regarding who is allowed to possess firearms among civilians:

1. Civilian individuals who want to possess firearms are limited to specific groups such as directors, ministers, government officials, major entrepreneurs, commissioners, lawyers, and doctors.
2. Prospective firearm owners are required to have shooting skills for a minimum of three years. They will also undergo psychological and health tests.
3. Prospective firearm owners must obtain an official permit letter from the relevant agency or office responsible for firearm ownership.

Here are the official procedures for firearm ownership from the police:

1. Applicants must meet medical requirements. To purchase a firearm officially, the first requirement is to meet medical standards, which means being physically and mentally healthy. Additionally, there should be no physical disabilities that would impede the ability to use a firearm, and it is important to have normal vision.
2. Applicants must pass psychological tests.
3. Applicants must have no criminal record, which is verified through the "Surat Keterangan Kelakuan Baik" (Certificate of Good Conduct) from the police. Additionally, applicants must pass screening from the Directorate of Intelligence and Security of the Indonesian National Police.
4. Applicants must be between the ages of 21 and 65.
5. Applicants must meet administrative requirements.



6. Permissible types of firearms. The type of firearm granted to individuals who meet the requirements are as follows:
  - a. Handheld firearms such as revolvers in caliber 32, 25, or 22.
  - b. Shoulder-fired firearms such as shotguns in caliber 12 mm.
  - c. Shoulder-fired firearms in caliber 12 GA and 22. All requirements for civilians must be met in order to possess firearms. After obtaining a firearm ownership permit, it must be renewed annually.

Based on Article 10 paragraph (1) of the Regulation of the Indonesian National Police Chief Number 18 of 2015, which states: "Non-Organic Firearms of the Police/TNI and Objects Resembling Firearms can be owned and used individually by every citizen selectively based on meeting the requirements as referred to in Articles 8 and 9." It is also explained in Article 10 paragraph (2), which states: "Non-Organic Firearms of the Police/TNI and Objects Resembling Firearms as referred to in paragraph (1) are limited only for self-defense purposes to protect oneself from external threats that pose a genuine danger to life, property, and dignity." Surya Agus Wijaya, I Ketut (2019) explains that Article 28G of the 1945 Constitution of the Republic of Indonesia guarantees that everyone has the right to personal protection, protection of family, dignity, honor, and property under their control, as well as the right to security and protection from threats and fears to exercise or not exercise their fundamental rights. At the operational level, technical regulations regarding firearm ownership are also stipulated in the Regulation of the Indonesian National Police No. 18 of 2015. This means that firearm ownership for self-defense purposes is official and protected by legislation.

Based on the analysis of legislation related to firearm ownership, the author assumes that tightening the scrutiny and eligibility tests for firearm ownership would minimize illegal possession, especially if accompanied by strict law enforcement. The urgency of self-defense should not be assessed solely based on potential threats from various professions but should also consider a review and evaluation of the conflicts faced by prospective firearm owners. If possible, the police or even the National Security and Human Rights Agency (LPSK) could be involved, provided that the conflict has gone through a legal process or has been brought before a court. In cases where threats are identified and protection is needed, the primary action should be to provide personal protection and accompaniment by the police. The Police are responsible for enforcing the law and can offer protection, reassurance, and crime prevention in society. According to Rahardi, the Police function as a government institution responsible for maintaining public order and security (Rahardi in Sadjijono, 2010), as mandated in Article 4, which emphasizes achieving domestic security, including maintaining public order, upholding the law, providing protection, reassurance, and public service, and promoting social tranquility while respecting human rights. This approach, in the author's opinion, would minimize the widespread use of firearms by individuals under the guise of self-defense. Thus, the role of the police is crucial as an institution that provides protection and legal safeguards as the arm of the state for its citizens.

#### **IV. CONCLUSION**

Firearms, as regulated in Indonesia, are essentially allowed to be owned by civilians if permitted by legal reasons, such as self-defense. In the pursuit of self-protection and defense against various threats and attacks, self-defense is considered an instinctive action to safeguard oneself, others, their dignity, and property from unlawful acts of others intending to cause harm or damage. The permission for firearm ownership is issued by the police, subject to specific requirements. Civilian individuals are allowed to possess firearms (firearms permit) as a means of self-defense. However, firearm ownership must adhere to the conditions and regulations established by the Indonesian National Police (Polri). Civilians should not use firearms unless necessary. Additionally, privately owned firearms should not be displayed in public, especially to intimidate others. Not all civilians are eligible to obtain a permit to possess firearms; only certain groups such as CEOs, ministers, government officials, major entrepreneurs, commissioners, lawyers, and doctors are allowed. Furthermore, prospective firearm owners must have shooting skills for a minimum of three years. They will also be subjected to psychological and health tests to assess their ability to handle emotions and ensure that firearms are not used carelessly. The licensing and registration process is regulated in Article 5 of Law No. 8 of 1948 concerning the Revocation of State Defense Council Regulation No. 14 and the Establishment of Regulations on Firearms Registration and Licensing ("UU 8/1948"). Firearms held by individuals who are not members of the Army or Police must be registered by the Head of Residency Police (or the Head of Special Region Police, hereinafter referred to as the Head of Residency Police). This procedure for firearm

ownership is outlined in the Regulation of the Indonesian National Police Chief Number 82 of 2004 concerning Guidelines for Security, Supervision, and Control of Non-Organic Firearms of the TNI/POLRI. The regulation identifies five categories of individuals or officials allowed to possess firearms, namely government officials, private officials, TNI/Police officers, and retired TNI/Police personnel. The requirements for firearm ownership include having shooting skills of at least class III, proven by a certificate issued by a shooting training institution authorized by the Police. Owners must also possess the skills to care for, store, and secure firearms to prevent misuse, as well as meet psychological and medical requirements. Regarding the regulations on the use of firearms by civilians, it is stated in Article 10 Paragraph (2) of the Regulation of the Indonesian National Police Chief Number 18 of 2015 that firearms can only be used to protect oneself from external threats that pose a genuine danger to life, property, and dignity.

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