



Police Supervision of the Granting of Permits and the Use of Firearms

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ABSTRACT

Supervision and regulation on the use of firearms for members of the National Police has had special rules, especially firearms used by personnel. Supervision and use of firearms for members of the National Police into a theme that is considered serious, because it is closely related to acts of violence. Moreover, violence against oneself is reflected through the suicide of police members. This study uses normative research methods intended implementation of the use of firearms and supervision. Currently, we see that in 2024 there is news about a member of the National Police who committed suicide, namely Brigadier RAT who was found dead in an alpard car parked on Jl. Mampang Prapatan IV, South Jakarta. Based on Psychology Faculty, reza indragiri amriel explained that there is a problem of life, difficulties experienced for a long time at work can lead to suicidal thoughts. This study is limited in the scope of the police's point of view in the form of supervision and issuance of firearms permits for police personnel and is also related to the way leaders manage the workload of their personnel, organizational actions in dealing with the problem of personnel workload and protect their personnel from the risk of deviation in the use of firearms.

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INTRODUCTION

Firearms are tools that have the potential to have a major impact on public safety. Therefore, the regulation, supervision, and use of firearms is a major concern for various law enforcement agencies in various countries, including in Indonesia. In this context, the police play an important role in enforcing regulations related to firearms and ensuring their use based on applicable laws and procedures (Rahyana S, 2023).

The use of firearms is very influential for public safety, therefore it needs to be regulated in a regulation. Regulations related to firearms cover various aspects, from the procedure for licensing ownership, registration, to restrictions on the type and number of weapons that can be owned by certain individuals or groups. The main purpose of this regulation is to control the circulation of firearms so that they do not fall into the wrong hands, as well as minimize the potential for misuse and crime involving firearms (Mabes Polri,2023).

Regulation regarding firearms, the process of monitoring firearms involves various efforts, ranging from monitoring gun ownership licenses, monitoring illegal gun sales, to monitoring activities that have the potential to use firearms unlawfully. The police and other law enforcement agencies are responsible for conducting regular surveillance to ensure that firearms-related regulations are strictly adhered to by the public (Uma, 2021).

The use of firearms is certainly an interesting topic to study. On the one hand, the use of firearms on others by shooting is an act that violates human rights. But on the other hand, its use is allowed in the framework of law enforcement. This raises the pros and cons in the field against the use of firearms (Ariman Sitompul, 2021). The increasingly high crime-prone conditions, coupled with the circulation of homemade weapons that are easily accessible to civil society, make law enforcers such as the National Police have to take decisive action, because lives are at stake. Members of the National Police are required to quickly take care of using firearms, because if it is too late, the perpetrators of criminal acts can threaten the lives of anyone, including the lives of police members (Edi Saputtra Hasibuan,2024).

Firearms used by police members are a tool of violence that is used as an instrument of law enforcement or even deviant use. Personnel obtaining a carry permit can use their weapons while on duty for law enforcement purposes, such as countermeasures against criminals who provide resistance that threatens life safety, or incapacitate criminals for trying to run away in the process of arrest. The other side also shows that the police used their weapons incorrectly, one of the most concern is the weapon used to commit suicide. Gun ownership is linked to suicide. In the year 2024, the emergence of cases of Police suicide using firearms, these cases are evidence of the misuse of firearms, and the possibility of weak restraint in the use of firearms from personnel who do it.

One of the suicides of police members, namely april 2024, namely Brigadier RAT who ended his life by committing suicide by firing a gun at his head, at that time the personnel were found dead in a Toyota Alphard car parked on Jalan Mampang Prapatan IV, South Jakarta who was a member of the Manado police satlantas. The case is evidence of the misuse of firearms, and the possibility of weak supervision of the use of firearms from the personnel who did it (Kompas, 2024).

The problem of a very complicated workload can make the effort of the mind, and the process of feeling becomes increasingly heavy how it works. Inharmonious interaction, difficult financial conditions, deteriorating health lead thoughts and feelings into chaos (Ariman Sitompul,2023). Circumstances like this have become a reason for suicide, especially when there is no way out for the problems faced. The results of research conducted on subjects who attempted suicide get about the choice of suicide is a way out of the problem. People who consider the problem of job demands to be very heavy, their minds conclude that there is no strength to solve their job demands, judge suicide as a way out (Manuhutu,2023).

From the description above, the author is interested in researching the supervision of the National Police on the granting of permits for the use of firearms and whether the police who

committed suicide by shooting his own head is related to the workload that is more so that the growth of the will to commit suicide so that the results of this study can be used as preventive knowledge in psychoeducational activities about suicide, and the abuse of firearms in the police work environment.

METHODS

Research that is used is juridical normative, where research is done by tracing legal material through literature studies. This study is descriptive Analytical that is to analyze the data systematically, factual and accurate about the problem under study. With the nature of the research conducted is the nature of descriptive research analysis is to provide data as thorough as possible research on supervision and regulation of the use of firearms for members of the National Police. The data collection tools used, namely: primary, secondary and tertiary legal materials which are then analyzed by Qualitative Analysis and then presented descriptively, namely by explaining, outlining, and describing the problems and solutions related to the formulation of the problem made.

RESULTS AND DISCUSSION

Supervision of the Granting of Firearms Permits

The police is a law enforcement agency that serves to protect, and prevent crimes that occur in people's lives. The police carry out their duties and functions and provide services to the community to ensure security and public order are maintained. According to Rahardi, one of the tasks of the state government is to maintain security and public order through the use of the police (Cindy Destiani,2023).

The police held important positions in the government, hence the agency became part of the government. Bodies or equipment used to carry out police duties are called police organs. These tools are organized into tasks and stored in groups called organizations so that they can work together and achieve desired goals. The attitude of the government to the implementation of police functions determines its existence, growth and composition.

National Police Chief Regulation Number 6 of 2017 concerning organizational structure and work procedures, the highest police institution is referred to as the headquarters of the Indonesian National Police. The Indonesian National Police Headquarters has the following personnel structure (Haryadi Mukhtas, 2019):

1. Elements of leadership, consisting of the Chief of Police and Deputy Police;
2. Elements of supervisory and auxiliary leaders and services, consisting of:
 - a. Inspector General Of Supervision (Irwasum)
 - b. Assistant Chief of Police for operations (Asops)
 - c. Assistant Chief of Police for General Planning and Budget (Asrena)
 - d. Assistant Chief of Police for Human Resources (AsSDM)
 - e. Assistant Chief of Police for logistics (Aslog)
 - f. Professional and Security Division (Divpropam)
 - g. Legal Division (Divkum)
 - h. Public Relations Division (Divhumas)
 - i. Division Of International Relations (Divhubinter)
 - j. Division of Information and Communication Technology (div ICT)
 - k. Chief Of Police Expert Staff

1. Leadership Private Secretary (Spripim)
- m. General Secretariat (Setum)
- n. Service Headquarters (Yanma)
3. Implementing elements, it consists of:
 - a. Intelligence and Security Agency (Baintelkam)
 - b. Security Maintenance Agency (Baharkam)
 - c. Criminal and Investigation Agency (Bareskrim)
 - d. Traffic Corps (Korlantas)
 - e. Mobile Brigade Corps (Korbrimob)
 - f. Special Anti-Terror Detachment (Densus 88)
4. Supporting elements, consisting of
 - a. Institute of Education and training (Lemdiklat)
 - b. Research and Development Center (Puslitbang)
 - c. Financial Center (Puskeu)
 - d. Medical and Health Center (Pusdokkes)
 - e. Historical Center (Pusjarah)

The police are responsible for maintaining security and order, guaranteeing and maintaining the safety of the state, individuals, goods, and society, and ensuring that citizens and the public follow state regulations. These tasks are classified as preventive and the second as repressive. The National Police has the responsibility to handle everything that can threaten the security of the nation, state, or society (Hukum Online, 2023).

Article 14 paragraph (1) letter g of the Police Act stipulates that the police have the authority to investigate all criminal acts. Thus, the police have the authority to carry out the investigation of criminal acts that have previously been committed by the investigator. Based on this authority, the police initiate investigations and investigations of criminal acts after reports and complaints from the public about criminal acts, which involve various actions, but each action must be documented with the minutes. The minutes in question, including news about the examination of suspects, arrests, detentions, searches, and seizures, are then entered into the minutes of examination (BAP) and then submitted to the prosecutor's office. The end of the operation of the police subsystem signals the start of the prosecutor's subsystem (Edi Saputra Hasibuan, 2023). Supervision is the process or activity of observing, supervising, and controlling an activity, process, or circumstance to ensure that they conform to established standards, existing procedures, or desired objectives. This is often done to ensure efficiency, safety, regulatory compliance, or the achievement of specific goals. Supervision is very important because it aims to prevent deviation, waste, misappropriation, obstacles, and failure of the organization in achieving its goals and objectives.

The police institution has a significant drawback in performing its functions because the breadth of tasks assigned after the reform is not balanced by an adequate control system. This huge institution relies on control from its own colleagues inside. On the other hand, post-Reformation these institutions often emphasized discussions about strength and solidarity. As a result, the "sectoral ego" becomes a big problem when the reform mission with the basic framework of democratization, that is, the involvement or participation of society over public institutions, is confronted.

The function of internal oversight in the police force is to ensure that the police force operates transparently, accountably, and in accordance with established ethical and legal standards. Supervision is an important part of efforts to build public trust in police institutions and to ensure that the police can carry out their duties properly in support of Public Security and order.

In Article 1 Paragraph 2 of Law No.12 / Drt / 1951 on firearms and Explosives, what is meant by "firearms" and "ammunition" includes all items mentioned in Article 1 Paragraph 1 of the firearms regulation (vuurwapenregeling: in, -uit, doorvoer en los-sing) 1936 (Stbl.1937 No.170), which had been amended by the Ordonnantie of 30 May 1939 (Stbl.1937 No.278).23 Article 1 Paragraph 2 of Law No.12/Drt / 1951 only talks about the regulation of firearms, but does not explain what is meant by firearms (Fitri Wahyuni,2023).

In the police law, members of the police can have firearms to maintain stability and protect the public from crime, but the use of firearms must be carried out according to procedures and standards so as not to be misused by members of the police. Due to the large number of cases resulting from the misuse of firearms by members of the police, firearms are supposed to be used for other purposes than performing police duties.

The function of firearms for members of the police is listed in Article 8 paragraph (1), (2), and (3) of the regulation of the head of the Indonesian National Police No. 1 of 2009 on the use of force in police actions which states that:

1. The use of force with the control of firearms or other tools as meant in Article 7 Paragraph (2) letter d is carried out when:
 - a. The actions of a criminal or suspect can immediately cause serious injury or death to members of the National Police or the public.
 - b. Members of the National Police have no other reasonable and reasonable alternative to stop the actions / deeds of the perpetrators of the crime or the suspect.
 - c. Members of the National Police are preventing the escape of criminals or suspects who pose an immediate threat to the lives of members of the National Police or the public.
2. The use of force with firearms or other means as meant in Paragraph (1) is the last resort to stop the actions of the offender or suspect.
3. To stop the actions of criminals or suspects who are an immediate threat to the lives of members of the National Police or the public as referred to in Paragraph (1), the use of firearms control can be carried out with or without a warning or verbal order.

Emergency Law No. 12 of 1951 on amending the "Ordonantie Tijdelijke Bijzondere Straftbepalingen (Stbl. 1948 No.17)" as well as Law No. 8 of 1948 on registration and granting of permits for the use of firearms regulates the use of firearms in Indonesia. Article 1 of Law No. 8 of 1948 on registration and granting of permits. The use of firearms states that what is meant by firearms in this law is :

1. Firearms and their parts;
2. Flamethrower and its parts;
3. Gunpowder and its parts such as " patroonhulsen", " slaghoedjes " and others;
4. Explosives, including objects containing explosives such as hand grenades, bombs and others.

All firearms must be registered within 30 days from the entry into force of Law No. 8 of 1948 on the registration and granting of permits for the use of firearms. The head of the residency police (or the Special Region Police Chief, now called the residency Police Chief only) or his

appointee must register firearms owned by persons not members of the Army or police. Firearms owned by members of the armed forces are registered by the Minister of Defense, and firearms owned by the police are registered by the National Police Center.

The head of the State Police or the person indicated by him must provide a permit for the use of firearms to any individual who is not a member of the army or police. A license must be issued for each firearm. The head of the State Police or an appointed body is usually responsible for assessing the eligibility of potential firearm owners. This could include background checks, mental prowess, and the need to use firearms. After considering all the relevant factors, the head of the State Police then makes a decision on whether or not to grant a firearm possession permit to a potential applicant. This decision is usually based on safety considerations and potential risks related to the use of firearms.

In addition to the possession of weapons provided for in the rules of the TNI and Polri. Lawful possession of weapons by the general public is also subject to some restrictions. Law No. 8 of 1948 on the registration and granting of permits for the use of firearms regulates these procedures. In accordance with Law No. 8 of 1948 Article 5 Paragraph 1, firearm owners who are not members of the police or the TNI must register them with the resident Police Chief. A permit is also required for any person or civilian who owns and uses a handgun, in accordance with Article 9 of Law No. 8 of 1948.

Perpu No. 20 of 1960 changed who was allowed to grant a firearm possession permit. Article 1 PerNo. 20 of 1960 states that the Minister/Head of the State Police or an official authorized by him has the authority to issue and reject an application for a permit. Thus, the mention of this firearm ownership permit is no longer mentioned by The Resident Police Chief as stipulated in law No. 8 of 1960. In addition, the decree of the Chief of Police of the Republic of Indonesia No. Pol: Skep/82/II / 2004 sets out the requirements for permits for the possession of non-organic firearms owned by the community, known as special permits for firearms (IKSHA). Regulation of the Chief of Police No. 8 of 2012 on supervision and control of firearms for sports purposes, together with the manual for the implementation of supervision and control of firearms, which is regulated in 47 decree of the Chief of Police No. police: Skep/82/II/2004, regulates the process of licensing civilian firearms.

Misuse and Responsible Use of Firearms

A person must not use a firearm recklessly or violate applicable regulations. In accordance with the provisions of the Indonesian criminal law, a person who uses a firearm not in accordance with the regulations may result in a criminal penalty. Article 14 paragraph 3 and Article 14 paragraph 4 of Law No. 8 of 1948 on the granting of firearms permits mandates the unlawful misuse of firearms as a crime, and other offenses can be punished according to the criminal code in force in Indonesia. Police are responsible for protecting the public, and part of their duties as law enforcers that directly relate to the public is the use of firearms.

Illegal possession of weapons is considered misuse of firearms. Illegal weapons are used by criminals as a dangerous tool of crime. This is in line with the increase in crimes that occur around us, such as shootings by strangers, terror shootings in public places, and crimes followed by the threat of gun violence. An illegal firearm is a weapon that is illegally given to a layperson without the permission of an individual trained and experienced in a particular crime, who then asks for support to smooth out his plan.

Based on Article 14 of Law No. 8 of 1948 concerning the registration and granting of permits for the use of firearms states that unlawful misuse of firearms can be considered a crime punishable by Indonesian criminal law, as follows:

1. Who intentionally :
 - a. Does not fulfill the obligations specified in Article 2; or
 - b. After 16 days from the closing date;
 - c. Registration of possession of a firearm is not with the idzin letter mentioned in Article 9;
 - d. Violate the prohibition in Article 3 or article;
 - e. Sentenced to imprisonment for up to 4 (four) years or a fine of up to fifteen thousand rupiah and the firearm can be confiscated.
2. Whoever does not fulfill the obligations stipulated in Article 12 is sentenced to imprisonment for a period of 3 months or a fine of up to nine hundred rupiah and his firearm may be confiscated.
3. The Act contained in Paragraph 1 is considered a crime.
4. The Act contained in Paragraph 2 is considered a violation.

Article 1 Paragraph (1) of Emergency Law No. 12 of 1951 states that: anyone who, without the right to enter Indonesia, makes, receives, attempts to obtain, deliver or attempt to deliver, controls, carries, has supplies on him or has in his possession, stores, transports, hides, uses or removes from Indonesia any firearms, ammunition or explosives, shall be punished with the death penalty or life imprisonment or temporary imprisonment for a maximum of twenty years.

Bringing weapons, ammunition, or explosives into Indonesia, and making, receiving, attempting to obtain, deliver, or attempting to deliver them, including acts prohibited under that article. Other illegal acts include controlling, carrying, detaining, storing, transporting, concealing, using, or removing firearms from Indonesia. Such actions are prohibited because they are carried out without the permission of the government or certain privileges.

Elements of Article Article 1 Paragraph (1) of Emergency Law Number 12 of 1951, among others, as follows:

1. The first element is the element of whomever, this element includes the subject of law. Where whosoever is any person who is subject to the law and can be held accountable. Those who are responsible for their own or individual.
2. The second element is without rights, what is meant by this element is all actions that are carried out without being based on rights.
3. The third element is to enter Indonesia, make, receive, attempt to obtain, deliver or attempt to deliver, possess, carry, have supplies on it or have in its possession, store, transport, conceal, use, or remove from Indonesia any firearms, ammunition or explosives, this element is alternative. Where if the prohibited act is proven to be one of them, this element has been fulfilled.

Since the birth of Law Number 1 of 2023 concerning the Criminal Law Code, the regulation on firearms has also been included in the National Criminal Code/ new criminal code. Article 306 of the National Criminal Code states that: any person who without the right to enter into the territory of the Unitary State of the Republic of Indonesia, make, receive, attempt to obtain, deliver or attempt to deliver, control, Carry, have supplies, possess, store, transport, hide, use, or remove from the territory of the Unitary State of the Republic of Indonesia firearms,

ammunition, explosives, or other dangerous materials, tear gas, or rubber bullets, shall be punished with imprisonment for a maximum of 15 (fifteen) years.

Article 306 of the National Criminal Code is a modification of Article 1 Paragraph (1) of Emergency Law Number 12 of 1951. Based on Article 622 paragraph (1) letter c of Law Number 1 of 2023 concerning the Criminal Law Code, It is also stated that Article 1 and Article 2 of Emergency Law Number 12 of 1951 concerning amending the "Ordonnantie Tijdelijke Bgzondere Strafbepalingen" (Stbl. 1948 No. 17) revoked and declared invalid.

In addition to Article 306, Article 315 also states that, shall be punished with a maximum imprisonment of 6 (six) months or a maximum fine of Category II, Any person who:

1. Start a fire or open fire without reason with a firearm on a public road or on the edge of a public road, or in a place adjacent to buildings or items that may result in a fire hazard; or
2. Release the air balloon suspended from the burning material.

This article states that indiscriminately discharging / popping a weapon on a public road is an unlawful act if, along the edge of a highway, or near a building or other object that may pose a fire risk. Not only does it have to have an impact on the actual meaning of the word, but the ideas presented in the article also pose a potential fire hazard.

In Article 318 of Law Number 1 of 2023 concerning the Criminal Code, it states that: everyone who without the permission of the Competent Authority makes drugs for explosives, boosters, or bullet points for firearms, is punished with a fine of at most Category II. One of the crimes prohibited in Law Number 1 of 2023 concerning the Criminal Code is making explosives, mesio, or bullet points for firearms without rights or permits. In this case, making explosives, mesio or bullet eyes for firearms is punishable by a Category II Fine.

Any person without the permission of an authorized official is punished with a maximum imprisonment of 1 (one) year or a maximum fine of Category III according to Article 340 paragraph (1) of Law Number 1 of 2023, who commits the following acts:

1. Set traps, snares, or other tools to catch or kill wild animals in places where people pass, which may result in the occurrence of danger to people; or
2. Hunting or carrying firearms into state forests.

Hunting or carrying firearms into state forests is regulated in Law Number 1 of 2023, Article 340, Paragraph (1). Thus, according to Article 340 paragraph (1) of the Criminal Code, hunters with firearms can be charged with a maximum imprisonment of 1 (one) year or a maximum fine of Category III. Thus, the act of carrying a firearm without an authorized permit, either to the public or to hunt is a prohibited act.

The adaptation and socialization of criminal law began with Law Number 1 of 2023 on the Criminal Code, which took effect 3 years after the new criminal code was promulgated. Law Number 1 of 2023 on the new criminal law code is valid in 2026. Therefore, in the current period of 2024 to 2025 still use the old criminal code.

CONCLUSION

The supervision of the National Police on the granting of permits and the use of firearms circulating by the civilian community should be inherently attached to the institution that gives the permit, namely the National Police. However, this has not been expressly regulated in the existing regulations. It is recognized by the National Police that the system of monitoring the circulation and use of firearms by civil society has not been arranged in an integrated or centralized system to facilitate checking and monitoring. Ideally, the licensing system for firearms

ownership is integrated and centralized with other data, so that technical data on the characteristics (ballistics, caliber, year of production) of firearms along with the number of munitions can always be monitored. However, the supervision of members in law enforcement against unscrupulous members of the National Police through the application of criminal sanctions in the abuse of firearms through efforts to counter the abuse of firearms by members of the National Police are grouped into 2 groups, namely repressively and preventively. Repressively, the perpetrators of firearms abuse will be subject to action in the form of disciplinary sanctions and/or criminal sanctions as stipulated in the Criminal Code. So that the application of criminal sanctions against unscrupulous members of the National Police who abuse firearms based on legislation that applies to unscrupulous members of the National Police is processed legally through the trial process in court and based on legal considerations juridical and non-judicial judges.

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