

## Legal Policy on Non-Organic Firearms Ownership for Civilians in Indonesia: Saad Al-Dzari'ah Perspective

Sausan Apriati Rasyid<sup>1</sup>

<sup>1</sup>Fakultas Syariah dan Ilmu Hukum Islam, IAIN Parepare, Indonesia, E-mail: sausanapriatirasyid@iainpare.ac.id

### Abstrak

Penelitian ini bertujuan untuk lebih mengetahui dan memahami bagaimana prosedur dari kepemilikan senjata api non organik bagi warga sipil biar terciptanya kebijakan hukum yang berlaku di Indonesia. Beberapa hal penulis telah sampaikan mengenai aturan yang di berlakukan dan bagaimana kaitannya dengan hukum islam yang mengkaitkannya dengan teori Sadd Al-Dzari'ah yang mana teori ini masih cukup baru untuk dikaitkan dengan judul yang penulis sampaikan. Pendekatan yang dilakukan dalam penelitian ini adalah yuridis normatif yang menggunakan kepustakaan atau studi dokumen, yang dikelola melalui sumber data sekunder yang berupa bahan hukum primer, bahan hukum sekunder dan bahan hukum tersier yang jenis penelitiannya adalah hukum normatif. Hasil penelitian menyimpulkan bahwa aspek hukum kepemilikan senjata api yang di dasarkan pada pengertian senjata api, munisi dan bahan peledak sesuai yang tercantum dalam Peraturan Kepolisian Nomor 1 Tahun 2022 mengenai klasifikasi senjata dan bagaimana prosedur izin yang harus dipenuhi bagi calon pemilik senjata api non organik untuk Polisi khusus, PPPNS, Satuan Polisi Pamong Praja, Satuan Pengamanan atau kepentingan untuk bela diri. Mengacu pada teori Sadd Al-Dzariah, Dzari'ah sebagai salah satu dalil dalam menetapkan hukum meskipun diperselisihkan penggunaannya. Bahwa terdapat kemaslahatan dari kepemilikan dan penggunaan senjata api tetapi apabila penggunaan tidak sesuai dengan ketantuan dapat menimbulkan kemafasadatan bagi pemilik, lalu bentuk ideal kepemilikan senjata api, berdasarkan pada teori tujuan hukum memberikan kepastian, keadilan dan kemanfaatan bagi kemasalahatan manusia menjelaskan mengenai kerangka hukum dan kebijakan penegakan hukum yang ideal.

**Kata Kunci:** Kebijakan Hukum, Senjata Api, Warga Sipil, Saad Al-Dzari'ah

### Abstract

This study aims to better know and understand how the procedure of owning non-organic firearms for civilians to create legal policies that apply in Indonesia. Some things the author has said about the rules applied and how they relate to Islamic law related to the theory of Sadd Al-Dzari'ah which is still new enough to be associated with the title the author conveys. The approach taken in this study is normative juridical using literature or document studies, which are managed through secondary data sources in the form of primary legal materials, secondary legal materials, and tertiary legal materials whose type of research is normative law. The results of the study concluded that the legal aspects of firearm ownership based on the investigation of firearms, munitions, and explosives as stated in Police Regulation Number 1 of 2022 regarding the classification of weapons and how the permit procedures must be met for prospective owners of non-organic firearms for special police, PPPNS, Civil Service Police Units, Security Forces or interests for self-defense. Referring to the theory of Sadd Al-Dzariah, Dzari'ah is one of the postulates in establishing the law despite disputed use. There are benefits from the ownership and use of firearms but if the use does not follow the requirements and can cause stability for the owner, then the ideal form of ownership of firearms, based on the theory of the purpose

*of law provides certainty, justice and benefit for human problems explains the ideal legal framework and law enforcement policy.*

**Keywords:** *Legal Policy, Firearms, Civilians, Saad al-dzari'ah*

---

## 1. Introduction

The fundamental purpose of the law is to create balance, harmony, and social order. It is believed that by establishing certain social norms, human interests will be protected (Fadillah et al., 2024). Law has the purpose of protecting human interests. The law has a purpose that must be fulfilled. Because the law provides legal security guarantees in addition to functioning as a guideline in matters of safety, and tranquility. Over the next few decades, the legal system increasingly focused on progress and ensuring people's welfare.

The Indonesian state is theoretically a state of law based on its constitution. Following the guidelines in the 1945 Constitution. Paragraph 1 and paragraph 3 state that all aspects of national life are regulated by state law (Pradana et al., 2023). If the problems faced by society become too complex to handle, then this will be a problem in itself. One problem is that civilians own guns, which are often misused by their owners (Ihsan, n.d.). The use and possession of weapons by civilians is a controversial issue because gun ownership, especially if misused, can cause social unrest (Fitriyanti & Rabbani, 2024).

A person authorized to carry out his duties or authorized under applicable regulations is a person who uses firearms. Weapons were originally only used for warfare, but later used for other purposes as well. For example, weapons are one of the main instruments or instruments to enhance defense capabilities by giving a country's armed forces access to complete weapons facilities. weapons, or ways to maintain its operation. The task of the security forces is to enforce law and order, maintain security, and enforce the law by established procedures. Sports and martial arts are the cornerstone in carrying out the duties of special security forces/police and service facilities.

The use of firearms by the police is regulated by several authorities, as outlined in the Regulation of the Chief of Police (Perkapri) Number 1 of 2009 concerning the use of violence in police operations. One of the points contained in the regulation is that the use of force must be based on the principles of necessity, proportionality, general obligation, and reasonableness. Furthermore, firearms serve as a tool in self-protection efforts, including self-defense (Ramaddaani, 2024). which is a form of security and also part of the legal protection process (Yazhalina & Anggalana, 2024).

Many problems arise in society in different numbers and forms, making it difficult for law enforcement officials to carry out their duties by the law. If the problems faced by society become too complex to solve on their own, then this is also a problem. One of them relates to how the availability of firearms in the community affects the problem of crime. The process by which civilians can own firearms is quite strict.

Gun ownership is subject to strict regulations. There are rules governing the process of ownership and prerequisites for gun ownership in the police and TNI. In civil society, legal ownership of weapons also follows certain protocols. Law Number 8 of 1948 concerning the Registration and Licensing of Firearms regulates this process. Law Number 8 of 1948 Article 5 paragraph (1) mandates that every firearm owned by a non-political person must be registered with the local sheriff. Article 9 of Law Number 8 November 1948 states that every civilian or individual who owns and uses firearms must have a license to own firearms

whose format is determined by the Chief of the State Police. The Resident Sheriff or designated person issues this firearm license (Triadi & Maharani, 2024).

National Police Regulation Number 82 of 2004 regulates the possession of firearms by civilians. This law restricts the right of civilians to own firearms. Under the regulation, civil society groups allowed to own firearms are CEOs, ministers, government officials, large business owners, commissioners, lawyers, and doctors. Civilians must pass a mental health examination to obtain a firearm. Prospective gun owners must have three or more years of shooting experience. To own a weapon, prospective owners must also apply for an official permit from the office or agency in charge of it. Annual renewals are also required for gun licenses.

National Police Regulation Number 82 of 2004 regulates the possession of firearms by civilians. This law restricts the right of civilians to own firearms. Under the regulation, civil society groups allowed to own firearms are CEOs, ministers, government officials, large business owners, commissioners, lawyers, and doctors. Civilians must pass a mental health examination to obtain a firearm. Prospective gun owners must have three or more years of shooting experience. To own a weapon, prospective owners must also apply for an official permit from the office or agency in charge of it. Annual renewals are also required for gun licenses.

The National Police of the Republic of Indonesia has issued Regulation Number 1 of 2022 which regulates the licensing, supervision, and control as well as standards for firearms, non-firearm biological equipment for the National Police and the Indonesian National Army, and security equipment. categorized as weapons. Firearms held by persons not affiliated with the TNI or Polri must be subject to permits, guidelines, and processes as referred to in Article 13 paragraph 2. Non-biological firearms related to the TNI or Polri as referred to in paragraph 1 may be used for any purpose. Carry out the duties of the Security Unit (Satpam), Civil Service Police Unit (Satpol PP), Special Police (Polsus), Civil Servant Investigators (PPNS), Sports, and Self-Defense.

Legal possession of firearms requires special procedures for their use in civil society. Perkap No. 1 of 2022 regulates the process. Perkap Number 1 of 2022, which regulates the licensing, supervision, and control of biological equipment and non-weapon security of the National Police of the Republic of Indonesia/Indonesian National Army which is classified as firearms, allows civilians to own them. Firearms. Every citizen is allowed to own and use non-biological weapons and other items belonging to the TNI/Polri; It is only allowed to be used for self-defense and is only given to those who meet the requirements. Defend yourself from real threats from outside. endangering the safety of people, things, and honor.

Nevertheless, during the inspection procedure of the scene, it was seen that the owner had abused his property rights and misused them inappropriately. Only law enforcement officers, in this case police, are allowed to carry firearms. Pro- or anti-gun control sentiment in civil society often arises when members of the public who are victims of violent armed crime misuse firearms. Many advocate arming those who are more likely to become victims of crime because of their wealth or status, while others support tougher law enforcement (L. Ansori, 2018) against criminals who carry guns. According to available data, in 2022 there was the highest number of cases of misuse of firearms. Over the past five years, there has been a gradual increase in violations, culminating in 45 cases of misuse of firearms and ammunition in 2022 (Wibowo & Jamaludin, 2024).

Cannons and flamethrowers, as well as air and pressure guns of any caliber, signal weapons, imitation firearms such as alarm or sound weapons, and other useful objects, are all considered firearms under Emergency Law Number 12 of 1951. to intimidate or threaten. Law no. 8 of 1948 article 5 paragraph (1) states that "firearms in the hands of persons who are not members of the Army or Police must be registered by the Chief of Police Resident (or Chief of Police of Special Regions, in this case called the Chief of Police Resident only) or a person appointed by him." That is, the elements that do not have rights are those who

own firearms. It is considered a crime if these requirements are not met. If the definition of the right to carry a weapon contains the phrase "granting permission and possessing firearms, explosives, and sharp weapons" contained in Law Number 2 of 2002 concerning the Police, then only people have the right to use firearms. is the police. Not all civilians have the right to bear arms (Herman et al., 2024).

Any part of criticism (Pakpahan, 2021), or carelessness, is used as a tool for violence, assault, beatings, and murder. Civilians are indeed allowed to own firearms by pocketing a license from the police, regarding the possession of firearms. In the case of the foregoing, good regulations are regulated. For example, Perikhsa, or individual owners who have special permission for martial fire. The purpose of perikhsa is to assist members in gaining authority and carrying out their duties as members of martial arts weapons permits, which serve as tactical tools for the police in providing advice, training, mediation, and advocacy services (Wijaya, 2015). Under the Regulation of the Minister of Law and Human Rights Number 3 of 2016 concerning Procedures for Submitting Applications for Agency Ratification and Approval of Changes to the Association's Bylaws, Perikhsa was established as a legal entity association (Pikahulan et al., 2022).

Islamic law governs not only what human conduct has been done, but also what has not been done. This does not mean that Islamic law tends to restrict human freedom. However, one of the objectives of Islamic law is to obtain benefits and avoid evil (mafsadah) (Gati & Hafid, 2024). If an act that is canceled is suspected of causing harm (mafsadah), then the things that cause the act are haram. This method of law is called sadd al-dzari'ah. Conversely, if someone has a strong suspicion that an action is a means of occurrence of other good deeds, then the action that becomes that means has been ordered (M. A. Z. Ansori & Solehudin, 2024).

Gun ownership can be a very dangerous tool if misused by irresponsible parties. is a criminal offense that violates positive law. This act is also a violation of Islamic law and ethics. The circulation of firearms will certainly cause unrest in the community because firearms are very dangerous. The use of firearms is legal meaning licensed, such as firearms belonging to members of the National Police, TNI, government agencies, and the general public. But there are also illegal ones, which are unlicensed, violate the law, and risk being used for criminal purposes (Barda Nawawi Arief, 2018). The legal use of firearms in reality cannot avoid various problems. In addition to officers who misuse weapons, there are also gun permit holders who violate regulations, for example for committing criminal acts.

There are separate regulations on civil society's right to own weapons. Law enforcement against criminal acts is an effort to ensure security, law order, and legal protection in the era of modernization and globalization. Maintain harmony, balance, and harmony between civil ethics based on real values in an ethical society. Therefore, based on the background of the problem, researchers are interested and will study scientifically with the title "Legal Policy on Non-Organic Firearms Ownership for Civilians in Indonesia: Saad Al-Dzari'ah's Perspective".

## 2. Method

This type of research is called normative law (Adesandra & Marshanda, 2022) and is carried out by examining the provisions of laws and regulations as well as theoretical concepts and approaches. Normative legal research is one branch of legal research that views law as a normative framework. The normative system in question includes agreements, statutory provisions, principles, standards, and doctrines (doctrines). The main objective of normative research in legal systems is to find the meaning or foundation of law. The prescriptive legal research method is literature research conducted through the examination of literature documents or secondary data. This research was conducted to collect documents in the form of

theories, concepts, legal principles, and legal regulations related to the topic. The data sources used in this study are secondary data in the form of primary legal materials, secondary legal materials, and tertiary legal materials (Soerjono & Mamudji, 2006). All data including primary and secondary data (primary legal documents, secondary and tertiary legal documents) will be processed and analyzed according to descriptive and qualitative methods, especially describing the relationship between research results and applicable legal regulations, to explain the problems to be solved in a conclusion, and studied as a whole.

### 3. Legal Aspects of Firearm Ownership in Indonesia

#### 3.1. Firearms, Ammunition, and Explosives

Weapons are tools used for war or war (kris, rifles, etc.). The type of weapon is the type of weapon used to fight or fight (keris, bedil, and others). The types of weapons are sharp weapons and shooting weapons (air weapons, small arms, pistols, and others). A is for sharp weapons and shooting weapons (air guns, small arms, shotguns, etc.) Slash weapons are weapons that have the properties of sharp objects such as knives, swords, or machetes. A shooting weapon (pistol) is a long-range weapon designed to use a firing tube (gun barrel) to launch projectiles that are usually solid but can also be thrown. pressurized liquids (e.g. water guns, paint guns, or pressure washers), gases, for example. firearms and plasma, including large-caliber guns also known as cannons, while firearms are electric shocks and sprays (Aldwin Rahadian Megantara, 2021).

A rifle is a weapon that uses gunpowder (shotgun, pistol, etc.). Meanwhile, Indonesia's positive law has many provisions governing the definition of firearms. for example, as stipulated in Article 1 paragraph (3) of the Regulation of the Minister of Defense of the Republic of Indonesia Number 3.34 of 2014 concerning Guidelines for the Use of Firearms within the Ministry of Defense and State. TNI Army and Article 1 Paragraph 1 of the Regulation (Permenhan) of the Minister of Defense Number 7 of 2010 concerning Guidelines for Licensing, Supervision and Control of Firearms. Military weapons standards other than the Ministry of State Defense and the Indonesian National Armed Forces define weapons as tools or objects made of metal or fiber, used to launch projectiles/artillery shells towards the desired target. want, after the bullet explodes. Whereas in Article 1 paragraph 1 parts A and B of the Firearms (Vuurwapenregeling: in-, uit-, windowvoer en loss) Act 1936 (stbl. 1937 N0.170, amended by decree of 30 May 1939 (stbl. n ° 278).

The Big Dictionary Indonesian states "ammunition: all components of a firearm (e.g. gunpowder, bullets, etc." In Part 1 paragraph 1 of Part A and Part B of the Firearms Act of 1936 it is stated that in that Act or its underlying regulations, it is stated that. "*Parts of ammunition, such as shell casings, bullets, bullet casings, and bullet casings, as well as bullets used to remove gases that are harmful to health or gases that affect the normal state of the body*".

Regarding the definition of explosives, it is stated in Article 1 paragraph 3 of Law No. 12 / Drt / 1951 "What we mean by explosives is explosives, including all explosive objects, according to the meaning of the decree of September 8, 1893 (stbl. 234), later amended by decree of 9 May 1931 (stbl. no. 168), all gunpowder, bomb incendiary, mines (mijnem), hand grenades and generally all explosives, whether simple electrostatic chemicals (enkevoudige chemische ver binden) or mixed explosives (explosieveb mengsels) or synthetic explosives (inleidende explosieven), both used to detonate other explosives but do not fall under the definition of ammunition (Setiyawan et al., 2022).

Possession of weapons for self-defense, this rule refers to civilians who are obliged to own non-organic weapons. In the regulation, people who want to own non-organic weapons or the like must meet the requirements. 24 years old, with a birth certificate. Certificates, other personal certificates in the form of identity cards, and SKCK. In addition, it must have a certificate of physical and spiritual health from a doctor

of the Indonesian National Police, pass the interview questionnaire of the Directorate General of Intelligence and Security of the National Police, and become a very important tool. Pass a psychometric test and get a certificate of shooting ability issued by the State Police Academy (SPN) or the State Police Education Center (Pusdik).

Daily, there are often several cases of negligent ownership of firearms that are licensed to neglect to keep their firearms so that they are used by others who do not have permission to be misused. If it causes others injury or death. Article 356 of the Penal Code "Whoever through his fault (negligence) causes another person to die, shall be punished with imprisonment for not more than five years or imprisonment for not more than one year.

According to article 1 number 19 of Law No. 30 of 2014 concerning Government Administration Jo. Article 175 of Law No. 11 of 2020 concerning Job Creation, a permit is a government administrative decision containing a form of approval for the application of community members by the provisions of laws and regulations. According to article 39 paragraph (2) of Law No. 30 of 2014 concerning Government Administration Jo. Article 175 of Law No. 11 of 2020 concerning Job Creation, Decisions of Government Agencies and/or Officials are in the form of permits if: first, approval is issued before the activity is carried out. Second, the activities to be carried out are activities that require special attention and/or meet the provisions of the law.

### **3.2. Use of Firearms in Forcing Conditions**

Article 49 (1) "Whoever is compelled to do an act in defence. For there is an attack or threat of attack when it is unlawful, against oneself or others: against the honor of decency or property or others, it is not punishable." (2) "An overreaching forced defense, directly caused by a great shock of soul due to the attack or the threat of the attack, is not criminalized.

Article 9 of Law No. 8 of 1948 stipulates "every person not a member of the Army or Police who owns and uses firearms must have a license to use firearms according to the example set by the Chief of Police of the State". However, in Article 13 of the law, "a license to use a firearm (including a temporary permit) may be revoked by the party entitled to give it if the firearm is misused and the firearm can be confiscated."

The elements of abuse, namely negligence, are used as threats of violence, molestation, fights, and murder. Regarding the misuse of firearm ownership where civilians are allowed to own firearms by pocketing a license from the police. Regarding the rules in terms of abuse, it is better to regulate. For example, Perikhsa or the owner of a special permit for martial arts firearms. The purpose of the company is to assist members in obtaining rights and carrying out their obligations as holders of martial arts firearm ownership permits that have a function as strategic partners of the police in providing counseling, training, coaching, advocacy, and approach. Perikhsa is a legal entity established based on the Regulation of the Minister of Law and Human Rights No. 3 of 2016 concerning Procedures for Submitting Applications for Legal Entity Endorsement and Approval of Amendments to the Association's Articles of Association.

In terms of abuse and what form of violation can be punished, for example, if one of the members of Perikhsa experiences an emergency that conducts self-defense from attacks or threats of crime from others. Because so far this action is only regulated in Article 49 of the Criminal Code, but regarding the regulation of abuse of ownership for violations of Perikhsa, it has not been regulated in the relevant laws and regulations and still causes confusion. Then there is Government Regulation instead of Law (Perppu) No. 20 of 1960 concerning Licensing Authority Given Under the Law on Firearms which the provisions are general considering that Perikhsa is a legal entity.

Likewise, in Perkap No. 1 of 2022, the terms and procedures as well as the delegation of authority for firearms licensing are currently strictly regulated in Perkap No. 1 of 2022. However, these provisions have not been able to meet the juridical criteria based on the provisions of administrative law in Law No. 30 of 2014 in Article 17 concerning the Prohibition of Abuse of Authority in Paragraph (2), namely: The prohibition of abuse of authority as referred to in paragraph 1 includes:

- a) Prohibition of exceeding authority;
- b) Prohibition of mixing authorities; and/or
- c) Prohibition of arbitrary acts.

The above provisions have not regulated specific provisions regarding procedures for use and mechanisms for ethical enforcement and supervision for Perikhsa, as well as the technicalities of when a person can use his firearm, and what the stages of use are, such as being pointed at gunpoint, pointed, or fired upwards as a warning, until now no one has regulated the order. So it often causes confusion, multi-interpretation, and even misinterpretation from various parties both from the side of firearm permit owners and from the police.

#### **4. The Benefit and Welfare of Possession and Use of Firearms from the Perspective of Saad Al-Dzari'ah**

Malikiya scholars such as Al-Qarafi argue that al-dzariah is a form of action that is not haram, but it is believed that by doing this action, a person will not fall into haram deeds (Budahu, 2023). The use of firearms has certain restrictions to related matters such as: The interests of security, peace and order in Indonesian sea transportation and aviation, both government and non-government; Ensure the security of national projects that are important in the face of disruption or threats that may jeopardize project security; and Carry out operational functions of security force agents in the field (other than those on duty in the office or staff.). A person who carelessly or lawfully discharges a firearm or uses a firearm in a public place in a way that endangers another person resulting in death or serious injury is an offense of misuse of firearms.

According to the perspective of *sadd, al-dzariah* is one of the actions done by someone who initially has benefits but results in losses (Telussa et al., 2021). One form of dzai'ah is selling weapons to enemies for crime/crime or for war. resulting in negligence in using weapons, buying and selling weapons, renting weapons, not maintaining weapons and using weapons to relieve emotions, thus harming others. This is in line with the increase and prevalence of crime around us, shootings by foreigners, terrorist shootings in some public places and crimes followed by threats, even killing people with guns.

The emergence of misuse of firearms has negative consequences, especially in the form of injury or death, so that psychiatric problems become very important for anyone who carries them, both civilian and military. According to dzariah (the path or al-wasilah is the link that connects something positive and negative), that is, people who carry weapons or sharp weapons without permission and for no apparent reason are strictly forbidden, because it can make people think badly of us and harm those around us ( Monalu, 2023). The Qur'an also teaches that every human being has no right to harm others through his actions; We as human beings must take care of each other. But in Islam, it is permissible and natural for people to carry sharp weapons to protect themselves from criminal attacks because the situation is urgent and needs to protect themselves.

In line with the concept of *sadd al-dzariah* in maintaining life so that the community avoids all forms of things that can cause losses (M. A. Z. Ansori & Solehudin, 2024) from the loss of life due to the criminal use of firearms. this is in accordance with the decree of Allah Almighty in surah Al-Baqarah verse 195 which

means "and do not allow yourselves to perish with your own hands". This is also confirmed by the hadith of Prophet Muhammad (PBUH) as follows; "Do not hurt (yourself) and do not hurt (others) (narrations by Ahmad, Malik, Ibn Majah and al-Daraqutni).

The prohibition on the misuse and possession of firearms is based on the verses of the Qur'an and Hadith as well as the fihiyyah approach (Aksamawanti, 2019) to guarantee the five basic human needs contained in the maqasid sharia, namely maintaining religion, soul, reason, maintaining offspring, and property so that they can be reserved in accordance with the demands of shari'a'.

In life, whether we realize it or not, the consequences of using firearms always threaten personal safety or life. Therefore, efforts are made to minimize the risk of misuse of firearms. one of them is by drafting regulations related to the use of firearms on which Sadd Al Dzariah is based, especially to prevent other prohibited acts. To keep the child, especially in cases of rape, the use of weapons is allowed. And this situation is one of the emergency conditions in the provisions of the Chief of Police and the concept of sadd al dzari'ah.

## 5. Conclusion

The use of firearms in the perspective of sadd al-dzari'ah is that the issue of prohibition and non-prohibition of an act is not only measured by the formal form of an act but also by looking at the consequences of that act. There are elements of sadd al-dzari'ah, namely the existence of an element of purpose in which the use of firearms is used for police officers, unsru intent and consequential elements, namely possession of firearms, with the intent to injure, to resist, to commit crimes, as well as firearms used as tools for self-harm such as suicide and firearms that are traded both legally and illegally. The application of policies in the possession of firearms is only intended for and only authorizes the National Police / TNI and prohibits civilians from possessing or owning firearms. In legal policy, which provides implications related to the regulation of firearm ownership which makes a sense of security guaranteed because there is no clear regulation, of course, if there is a clear regulation, it will determine whether the regulation includes giving the right to the public to own and use firearms and use firearms for safety and protection. Because basically Indonesia does not allow the possession of firearms, the National Police and the Military are the two institutions that are allowed to own and control firearms, civilian firearms are only allowed for sports purposes because of the lack of supervision. So it distinguishes certain classifications in using firearms is that firearms are only intended and used for defense purposes and controlled by the government, Polri and TNI, with this classification the government will be easier to regulate and use firearms. So there is a need for stronger and stricter policies such as by making efforts to determine policies from every problem that sets Pre-emptive, preventive and repressive policies. And the ideal form in the perspective of Sadd Al-Dzari'ah that safeguards religion, soul, reason, preserves posterity and property.

## References

- Adesandra, & Marshanda, A. (2022). Refleksi Konstitusi Terhadap Peranan Lembaga Perwakilan dalam Bingkai Negara Demokrasi Indonesia (Perspektif Ilmu Negara). *JURNAL SULTAN: Riset Hukum Tata Negara*, 1(1), 27–36.
- Aksamawanti, A. (2019). Gharar: Hakikat dan Pengaruhnya Terhadap Akad. *Syariat: Jurnal Studi Al-Qur'an Dan Hukum*, 5(01), 43–56.
- Aldwin Rahadian Megantara, S. (2021). *Aspek Hukum Atas Senjata Api Bela Diri*. Deepublish.

- Ansori, L. (2018). Reformasi Penegakan Hukum Perspektif Hukum Progresif. *Jurnal Yuridis*, 4(2), 148–163.
- Ansori, M. A. Z., & Solehudin, E. (2024). Analysis of the Syar'u Man Qablana Theory and its Application in Sharia Financial Institutions. *Al-Afkar, Journal For Islamic Studies*, 7(1), 590–607.
- Barda Nawawi Arief, S. H. (2018). *Masalah penegakan hukum dan kebijakan hukum pidana dalam penanggulangan kejahatan*. Prenada Media.
- Budahu, M. A. S. I. (2023). Kerangka Penyusunan Produk Hukum Daerah Berbasis Pada Kekhususan Dan Keberagaman Daerah: Framework for Preparing Regional Legal Products Based on Regional Specificity and Diversity. *Jurnal Media Hukum*, 11(2), 74–86.
- Fadillah, R., Nabila, G., Fazriah, D., & Nurasri, I. Y. (2024). Semangat Dan Kontribusi Hans Kelsen Dalam Pengembangan Ilmu Hukum. *Das Sollen: Jurnal Kajian Kontemporer Hukum Dan Masyarakat*, 2(01).
- Fitriyanti, R., & Rabbani, R. S. (2024). Dampak Perdagangan Senjata Ilegal Terhadap Perempuan Dan Anak-Anak Di Nigeria. *Sciential: Journal of Social Sciences and International Relations*, 1(1), 41–54.
- Gati, M. I., & Hafid, A. (2024). Indonesia's Diplomatic Contribution to the Israel-Palestine Conflict Since 1948. *JURNAL SULTAN: Riset Hukum Tata Negara*, 2(2), 1–9.
- Herman, H., Asba, P., & Saputra, I. R. (2024). Pembelaan Diri Terhadap Pelaku Kejahatan: Telaah Yuridis Terkini atas Diskresi Kepolisian. *Jurnal Litigasi Amsir*, 11(2), 118–127.
- Ihsan, A. B. (n.d.). *Peran Komnas HAM RI Dalam Mencegah Pelanggaran HAM Oleh Aparat Keamanan (POLRI) Terhadap Masyarakat Tahun 2020-2022*.
- Monalu, T. J. (2023). Kedudukan Yuridis Penerbitan Sertifikat Tanah Ke Sistem Elektronik Sebagai Jaminan Keamanan. *LEX PRIVATUM*, 11(2).
- Pakpahan, G. K. (2021). Membangun Solidaritas Kemanusiaan: Kritik Nabi Amos Terhadap Praktik Pelanggaran Hak Asasi Manusia. *Manna Rafflesia*, 7(2), 441–466.
- Pikahulan, R. M., Andini, O. G., & Pradana, S. A. (2022). Konsekuensi Hukum Pelaksanaan Merger Pada Bank Syariah Badan Usaha Milik Negara (BUMN). *Tanjungpura Law Journal*, 6(2), 179–194.
- Pradana, S. A., Achmad, D., & Rosita, R. (2023). Depresiasi Makna Konkuren dalam Undang-Undang Pemerintahan Daerah Terhadap Daerah Kepulauan. *Al-Adalah: Jurnal Hukum Dan Politik Islam*, 8(1), 29–43.
- Ramaddaani, I. (2024). Analisis Yuridis Penyalahgunaan Kepemilikan Senjata Api Terhadap Pelaku Kasus Perampokan Di Tengah Masyarakat. *El-Dusturie*, 2(2).
- Setiyawan, A. R., Chandra, T. Y., & Mau, H. A. (2022). Penggunaan Senjata Api Oleh Petugas Imigrasi dalam Rangka Penegakan Hukum Keimigrasian. *Syntax Idea*, 4(11), 1558–1571.
- Soerjono, S., & Mamudji, S. (2006). *Penelitian Hukum Normatif*. Jakarta: Raja Grafindo Persada.
- Telussa, E. S., Picauly, J. H., Sahetapy, F. E., Wattimena, J. V., & Lissay, E. F. (2021). Pemanfaatan Tanah Ulayat Masyarakat Adat di Maluku dalam Kegiatan Investasi. *Jurnal Sains, Sosial Dan Humaniora (Jssh)*, 1(2), 89–97.
- Triadi, I., & Maharani, N. (2024). Tinjauan Yuridis Penembakan Tentara Nasional Indonesia Dalam Keadaan Tidak Darurat Menurut Hukum Indonesia. *Doktrin: Jurnal Dunia Ilmu Hukum Dan Politik*, 2(1), 300–313.
- Wibowo, D. A., & Jamaludin, A. (2024). Membangun Sistem Keamanan Biologis: Kajian Regulasi Pencegahan Senjata Biologis Di Indonesia. *Res Nullius Law Journal*, 6(1), 1–13.
- Wijaya, M. H. (2015). Karakteristik konsep negara hukum pancasila. *Jurnal Advokasi*, 5(2).
- Yazhalina, S. R., & Anggalana, A. (2024). Pertanggungjawaban Pidana Pelaku Kepemilikan Bahan Peledak Yang Digunakan Untuk Menangkap Ikan (Studi Putusan Nomor: 427/Pid. Sus/2023/PN TJK). *Pagaruyuang Law Journal*, 7(2), 279–288.