

# Convergence of Criminal Law Instruments in the Misuse of Firearms by Police Officers: A Review of the Criminal Code, the Police Law, and the Human Rights Law

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**Abstract :** The misuse of firearms by members of the Indonesian National Police is a complex legal issue that has a direct impact on the guarantee of human rights, especially the right to life. This article aims to examine the convergence of criminal law instruments governing the use of firearms by members of the Indonesian National Police, as well as evaluating the criminal and disciplinary liability system in the context of such abuse of authority. This research uses a normative juridical method with a legislative approach and case studies. The results of the study show that although normative arrangements related to the use of firearms are available through the Criminal Code, Law No. 2 of 2002, and a number of Perkapolri, the implementation is still weak, especially in the aspects of supervision and accountability. There is a discrepancy between norms and practices, as well as a tendency for non-transparent internal settlements. This condition shows that substantive legal convergence has not been realized. Therefore, it is necessary to reformulate the accountability system that includes harmonizing regulations, strengthening independent oversight institutions, and integrating human rights principles in the entire law enforcement process. Thus, the Indonesian legal system can guarantee justice and prevent impunity among law enforcement officials.

**Keywords:** Misuse of Firearms, Police, Criminal Liability, Criminal Law, Human Rights

## I. INTRODUCTION

The concept of a state based on law, namely the state stands above the law and guarantees a sense of justice to its citizens. <sup>1</sup>To realize a state based on law, according to Soerjono Soekanto as quoted by Eddy OS Hiariej, there are at least five influencing factors, first, the law itself, both in the substantial sense of a statutory regulation and formal law to enforce material law, second is the professionalism of law enforcement officers, third is adequate facilities and infrastructure, fourth is public perception of the

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<sup>1</sup>Jimly Asshiddiqie, Towards a Democratic Legal State, Secretariat General and Registrar of the Constitutional Court, Jakarta, 2008. p. 33.



law, and fifth is the legal culture itself. <sup>2</sup>In other words, it can be said that these five factors are factors that influence law enforcement in Indonesia.

According to Satjipto Raharjo, law enforcement is an effort to realize the ideas of legal certainty, social benefit, and justice. The process of realizing these three ideas is the essence of law enforcement. Law enforcement can also be defined as the implementation of the law by law enforcement officers and all individuals with interests and authorities, according to applicable legal regulations.<sup>3</sup>

Meanwhile, specifically in terms of criminal law enforcement, according to Soedarto, criminal law enforcement is an effort to translate and realize the desires of criminal law into reality, namely criminal law according to Van Hammel is the entire basis and rules adopted by the state in its obligation to enforce the law, namely by prohibiting what is contrary to the law ( *on recht* ) and imposing suffering on those who violate the prohibition.<sup>4</sup>

Thus, law enforcement is a system that involves a harmonization between values and rules and real human behavior. These rules then become guidelines or benchmarks for behavior or actions that are considered appropriate or proper, behavior or attitudes that aim to create, maintain and defend peace.<sup>5</sup>

The police force is an institution with universal characteristics that can be traced back to its history, both as a function and as an organ. Initially, the police were established alongside the community to maintain a system of compliance (conformity) among community members to the agreements between community members themselves against the possibility of conflicting interests, behavioral deviations, and criminal behavior within the community. The police were established as a formal institution agreed to act as protectors and guardians of public order and security, or what is known as the *Sicherheitspolitizei* function. The presence of the police as an armed civilian organization is intended to provide an enforcing effect . One of the efforts made by the police in enforcing the law is to arrest suspects, but must comply with the applicable rules of the game as stated in Regulation of the Chief of the Republic of Indonesia National Police Number 1 of 2009 concerning the Use of Force in Police Actions. Any member of the National Police who violates official regulations will be subject to disciplinary sanctions. Article 9 of Government Regulation Number 23 of 2003 lists the forms of disciplinary sanctions for the National Police. The procedures for using firearms are clearly regulated in the Regulation of the Head of the Republic of Indonesia National Police Number 8 of 2009 and also in Law Number 2 of 2002.<sup>6</sup>

In carrying out its functions, the Indonesian National Police (Polri) is authorized to use firearms. These firearms are used to protect citizens, themselves, and fellow Polri members from potential threats from criminals.

Firearms can also be defined as any device, whether installed or not, operable or incomplete, designed or modified, or which can be easily modified to discharge a

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<sup>2</sup>Eddy OS Hiariej, "Quo Vadis of the Indonesian Police? A Critical Review of the Draft Law on the Indonesian Police", Jurnal Mimbar Hukum, Faculty of Law, UGM Vol X, 1999. p.1.

<sup>3</sup>Satjipto Raharjo, Law and Society, Latest Edition, Angkasa, Bandung, 1980. P. 15.

<sup>4</sup>Sudarto, Law and Criminal Law, Alumni, Bandung, 1986. p. 60

<sup>5</sup>Helmy J Sapulette, Law Enforcement Against Police Officers Who Misuse Firearms. Pattimura University Faculty of Law Library.

<sup>6</sup> Adriano Y. Klaran, et al. LAW ENFORCEMENT AGAINST POLICE OFFICERS WHO NEGLECT IN STORING FIREWEAPONS RESULTING IN MISUSE BY OTHERS (Case Study of Police Report: LP-A/87/XII/HUK.12.10/2018 DATE 17 December 2018). Petitem Law Journal Volume 1 Issue 1, November 2023. Pg. 418-419.

projectile due to the development of gas resulting from the ignition of flammable materials within the device, and including additional equipment designed or intended to be installed on such a device.

Presidential Instruction of the Republic of Indonesia Number 9 of 1976 which states:

"Firearms are one of the tools to carry out the main tasks of the armed forces in the field of defense and security, while for government agencies outside the armed forces, firearms are special tools whose use is regulated through the provisions of Presidential Instruction Number 9 of 1976, which instructs ministers (heads of government and non-government institutions) to assist defense and security in order to achieve the targets of their duties."

Provisions regarding the limited authority to use firearms are regulated in Article 47 of the Chief of Police Regulation No. 8 of 2009 concerning the Implementation of Human Rights Principles and Standards in the Implementation of Duties of the Republic of Indonesia National Police (hereinafter referred to as Chief of Police Regulation 8/2009), as well as in Article 8 paragraph (1) of Chief of Police Regulation No. 1 of 2009 concerning the Use of Force in Police Actions (hereinafter referred to as Chief of Police Regulation 1/2009), each of which reads:

#### Article 47

1. Firearms may only be used if they are truly intended to protect human life.
2. Officers may only use firearms for:
  - a. In case of facing extraordinary circumstances;
  - b. Defending oneself from the threat of death and/or serious injury;
  - c. Defending others against the threat of death and/or serious injury;
  - d. Preventing serious crimes or crimes that threaten people's lives;
  - e. Detaining, preventing or stopping someone who is or is about to carry out an action that is very dangerous to life; and
  - f. Handling life-threatening situations, where softer measures are insufficient.

#### Article 8

- a. The actions of criminals or suspects can immediately cause serious injury or death to members of the Indonesian National Police or the public;
- b. The police officers have no other reasonable and sensible alternative to stop the actions/deeds of the perpetrator or suspect;
- c. Police officers are preventing the escape of criminals or suspects who pose an immediate threat to the lives of police officers or the public.

Based on these provisions, it appears that police use firearms only when there is a threat to life. However, in reality, some police officers misuse their firearms, both on and off duty.

When firearms abuse occurs among Indonesian National Police (Polri) personnel, several policies are adopted by the National Police leadership, starting with a reactive policy that mandates that all weapons loaned to all personnel in the field be immediately withdrawn and stored. This is followed by an inspection of administrative requirements, such as the validity of firearms permits, a re-examination of mental health, and an examination of the family issues of the personnel involved. In addition to reactive policies implemented after firearms abuse, alternative policies can be implemented, including

proactive policies to prevent and mitigate firearms abuse.<sup>7</sup>

This aligns with the procedural design of the criminal justice system outlined in the Criminal Procedure Code (hereinafter referred to as the Criminal Procedure Code). Whether an individual will proceed through the criminal justice system is largely determined by the police. Whether an individual's actions become a specific crime and are resolved through prosecution in court and sentencing in a correctional facility depends largely on the implementation of the duties, authority, and responsibilities of the National Police as investigators and invigilators.<sup>8</sup>

Several factors cause bad behavior, such as, internal personal factors of the member himself or caused by external factors of the member. From the internal personal factors are very much determined by the knowledge, experience and psychological factors of the member concerned. Meanwhile, from the external factors of the member, usually caused by supervisory factors, environment, and leadership policies, as well as the situations and conditions faced by the member. So that the individual's behavior is determined by his attitude *in* facing certain situations. Even though it is known that members of the Police before being given a firearm must fulfill various specific conditions, as regulated in Article 6 paragraph (1) of the Regulation of the Chief of the Republic of Indonesia Police Number 4 of 2007 concerning Procedures for Psychological Examination for Candidates for Holders of Organic Firearms of the Republic of Indonesia National Police and Non-Organic Indonesian Army/Republic of Indonesia National Police, namely the method used to reveal the Psychological aspects as referred to in Article 3 paragraph 1 are:

- a. Psychological test;
- b. Interview;
- c. Observation; and
- d. Documentation.

Then, in the form of legal responsibility for members of the Indonesian National Police who misuse firearms, a person is said to be able to be held responsible for their actions if there is:<sup>9</sup>

- a. The ability to distinguish between good and bad actions; what is lawful and what is unlawful.
- b. The ability to determine one's will according to the realization of the good and bad of the action.

The above description clearly demonstrates that the misuse of firearms by police officers constitutes a criminal offense because it violates applicable regulations and causes public unrest. It is shocking that law enforcement officers, armed to protect the public, would instead use firearms for irresponsible personal gain, thus leading to criminal activity.

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<sup>7</sup> Ibid. p. 419

<sup>8</sup> Muladi, Democratization, Human Rights and Legal Reform in Indonesia, The Habibie Center, Jakarta, 2002, p. 182.

<sup>9</sup> Roeslan Saleh, Thoughts on Criminal Responsibility, Ghalia Indonesia, Vol. 2, 1982, pp. 75-76.

## II. RESEARCH METHODS

The author uses the normative juridical legal research method, which is a study of legal principles in legislation, jurisprudence, and doctrine, conducted qualitatively.<sup>10</sup> The normative juridical approach is an approach carried out based on primary legal materials by examining theories, concepts, legal principles, and laws and regulations related to this research. This approach is also known as a literature approach, namely by studying books, laws and other documents related to this research.

The case approach *is* carried out by examining cases related to the issue at hand which have become court decisions which have permanent legal force.

In the approaches used in the normative legal writing method, it is a writing method based on an analysis of several legal principles and legal theories, as well as relevant laws and regulations related to the problem in the legal research writing. This normative legal research is a procedure and method of scientific research to find the truth based on the logic of legal science from a normative perspective.<sup>11</sup>

### Research Approach

The author uses the Statute Approach, a research method that prioritizes legal materials in the form of statutory regulations as the basic reference material in conducting research. This approach is used to obtain analytical descriptions of statutory regulations related to the problems (legal issues) raised in this study. The law must reflect the idea behind it, namely justice. Then, the case approach *is* carried out by reviewing cases related to the issue at hand that have become court decisions that have permanent legal force.

### Types and Sources of Legal Materials

The sources of legal materials used are primary legal materials in the form of laws and secondary legal materials in the form of books or literature. **Primary legal materials include:** Law Number 2 of 2002 concerning the Indonesian National Police, Government Regulation of the Republic of Indonesia Number 2 of 2003 concerning Discipline of Indonesian National Police Members, Chief of Police Regulation Number 8 of 2009 concerning Implementation of Human Rights Principles and Standards in the Implementation of Duties of the Indonesian National Police, Chief of Police Regulation Number 1 of 2009 concerning Use of Force in Police Actions, Government Regulation Number 1 of 2003 concerning Dismissal of Indonesian National Police Members. **Secondary legal materials:** Literature, scientific books, scientific journals, seminar results and others. **Tertiary legal materials:** legal dictionaries, encyclopedias and others.

## III. DISCUSSION

### Convergence of Legal Instruments to Regulate the Use of Firearms by Police Members

Based on the provisions of applicable laws and regulations, the Indonesian National Police (Polri) is mandated as a state instrument with three main functions: maintaining public security and order (*kamtibmas*), enforcing the law, and providing protection, assistance, and services to the community. These three functions do not stand

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<sup>10</sup>Munir Fuady, *Research Methods: Theoretical and Conceptual Approach* (Depok: PT. RajaGrafindo Persada, 2018), p. 20.

<sup>11</sup> Peter Mahmud Marzuki, *Legal Research* (Jakarta: Prenada Media Group, 2016), p. 136-158.

alone or have a hierarchical priority, but rather constitute an integral, interdependent and complementary whole. In practice, the task of protecting and assisting the community is often realized through law enforcement actions, which must remain within the corridor of the principles of maintaining *kamtibmas* as stipulated in Law Number 2 of 2002 concerning the Indonesian National Police. Within the framework of national legal policy, the existence of the Polri as a law enforcer with coercive authority must be balanced by strengthening oversight and accountability mechanisms, both internally through the Propam Division and externally through the National Police Commission (Kompolnas) and other independent institutions. This is important to prevent excesses of power that deviate from the principles of the rule of law (*rechtsstaat*) and to ensure that all police actions always remain within legally justified limits.<sup>12</sup>

The use of firearms by police officers in carrying out law enforcement duties is an action that falls within a highly sensitive area of authority and is prone to abuse. Therefore, its regulation requires a comprehensive, integrated, and precautionary legal approach. In the context of the Indonesian legal system, these regulations are spread across various legal instruments, ranging from the Criminal Code (KUHP), Law No. 2 of 2002 concerning the Indonesian National Police, to the Chief of Police Regulation (Perkap) as a form of internal technical regulation. Convergence or integration of these various norms is crucial to prevent legal vacuums or overlapping norms that could be exploited to justify abuse of authority by police officers.<sup>13</sup>

In cases of firearms misuse by Polri members, institutional leaders often respond with reactive policies, such as temporarily withdrawing firearms loaned to field personnel and conducting administrative evaluations, including checking the validity of their firearms permits. These measures are generally followed by an assessment of the personnel's psychological condition, including a review of potential mental disorders or family issues that could affect the member's emotional stability. However, in addition to a reactive approach, proactive policies and preemptive measures are also essential to prevent recurrence of firearms misuse. This prevention includes ongoing training, strict selection, and oversight of personnel's suitability for firearms handling. This reality demonstrates the complexity of Polri's task in maintaining a balance between law enforcement and its role as protectors and servants of the public. This situation is exacerbated by social dynamics that influence the quality of law enforcement. In line with Soerjono Soekanto's view, the success of law enforcement is not solely determined by legal structures, but also by human factors, namely individuals who fulfill specific social roles and occupy various positions that can influence how they carry out their institutional functions.<sup>14</sup>

The Criminal Code (KUHP) strictly limits the use of violence by state officials, and if such actions exceed the limits of authority, they can be categorized as criminal acts, whether in the form of assault (Article 351 of the Criminal Code), murder (Articles 338 and 340 of the Criminal Code), or assault resulting in death (Article 359 of the Criminal Code). However, the Criminal Code, as a codification of criminal law, is general in nature and does not specifically regulate the technical operations of law enforcement officers. Therefore, the existence of the Police Law and its implementing regulations is important to provide more detailed and specific limitations and standard operating procedures for

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<sup>12</sup>Bambang Waluyo., *Victimology of Victim and Witness Protection*, Sinar Grafika, Jakarta, 2011, page 1.

<sup>13</sup>Chairuddin Ismail, *Civil Police and the New Paradigm of the Indonesian National Police* (Collection of Lecture Materials), PT Merlyn Lestari, Jakarta, 2009., page 152.

<sup>14</sup> Soerjono Soekanto and Mustafa Abdullah., *Sociology of Law in Society*, CV Raja Wali, Jakarta, 1987, pp. 20-21.

the use of firearms.

Law No. 2 of 2002 provides the normative basis for the duties and authorities of the Indonesian National Police, including regarding the use of force, both physical and armed. However, this law also does not provide sufficient technical detail, thus giving rise to the need for more operational regulations. This is where the National Police Chief Regulation comes in as a complementary instrument designed to fill the technical gap while ensuring that the implementation of the National Police's duties remains within the law and human rights corridors. National Police Chief Regulation No. 1 of 2009 and National Police Chief Regulation No. 8 of 2009, for example, explicitly regulate the conditions and stages of the use of force, including the use of firearms, from verbal warnings to the use of lethal force as a last *resort*.<sup>15</sup>

Although regulations have been drafted normatively, the facts on the ground show serious deviations in their implementation. Cases of firearms misuse by police officers continue to emerge, both in the context of arrests of suspects resulting in death, the use of weapons outside of duty for personal gain, and the excessive use of force during demonstrations and crowd dispersals. This demonstrates that despite the existence of intertwined legal regulations, in practice there are still gaps in oversight and accountability that allow for abuse.

The convergence of legal instruments in this context does not simply mean the existence of various regulations, but rather the alignment and harmony between norms that complement each other and strengthen the principles of legality and accountability. However, this convergence appears to be formal and not yet substantive. Many regulations lack robust oversight mechanisms, both institutionally and through public participation. Yet, modern legal systems require *checks and balances* to prevent the use of substantial power by institutions like the police from developing into repressive and uncontrolled forms of coercive power. Internal regulations such as the Chief of Police Regulation (Perkap) are often considered *lex specialis*, but in judicial practice they are not always used as the primary reference in determining the criminal responsibility of Polri members. This creates ambiguity in the application of the law and opens up room for free interpretation, which is detrimental to the principle of legal certainty (*rechtzekerheid*). Furthermore, the tendency to resolve firearms abuse cases through internal police channels without public accountability demonstrates the weak implementation of the principles of transparency and legal accountability as emphasized in the principles of the rule of law.

Strengthening the convergence of legal instruments should not only emphasize normative and structural aspects, but should also be directed at reforming the substance of the law, improving institutional culture, and strengthening oversight involving independent institutions and civil society. Harmonization between legal instruments must be ensured not to stop at the formal level, but to be realized in the form of a law enforcement system oriented towards substantive justice and respect for human rights.

### **Criminal and Disciplinary Responsibility for Misuse of Firearms by Police Members**

Police officers who fire firearms in violation of procedures and commit a criminal act with a firearm, especially murder, will face two penalties: criminal penalties and ethical

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<sup>15</sup> Sadjijono., *Understanding Police Law*, Laksbang Pressindo Publisher Yogyakarta, 2010, page 201.

sanctions.<sup>16</sup>

Law Number 8 of 1981 concerning Criminal Procedure Code (KUHAP) provides a clear legal basis regarding the role and position of the Republic of Indonesia National Police in the criminal justice system. Within this framework, the Indonesian National Police plays a primary role in the investigation and inquiry stages, while also having a coordinating and supervisory function over investigators from among certain Civil Servants who have received special authority based on the law. As stated in Article 1 number (1) of the Criminal Procedure Code, an investigator is an official from the Indonesian National Police or an official from another agency who is explicitly given authority by statutory provisions to conduct investigations. This provision affirms the existence of the Indonesian National Police as a central pillar in the criminal law enforcement process, with the authority to carry out legal actions such as examinations, searches, arrests, and confiscations as part of efforts to uncover criminal acts legally and professionally.<sup>17</sup>

Legal accountability is a fundamental pillar of a modern rule of law system. In the context of firearms misuse by members of the Indonesian National Police (Polri), accountability is not only criminal but also administrative and ethical-disciplinary. This is in line with the characteristics of the Polri as a law enforcement apparatus that is not only subject to general criminal law, but also to the institutional internal legal system, as stipulated in Law No. 2 of 2002, Government Regulation No. 2 of 2003 concerning Discipline of Polri Members, and a number of other regulations of the Chief of Police. Therefore, the accountability system for firearms misuse by Polri members should be viewed from an integrated legal approach that guarantees substantive justice while protecting human rights.<sup>18</sup>

In the realm of criminal law, the misuse of firearms by members of the Indonesian National Police (Polri) can be classified as a crime if it meets the elements of unlawfulness and there is a fault (*schuld*) for which personal responsibility can be established. The use of firearms that results in serious injury or death without justification and valid excuse can be prosecuted under Article 351 (assault), Article 359 (negligence resulting in death), and Article 338 of the Indonesian Criminal Code (murder). In criminal justice practice, many members of the Indonesian National Police (Polri) have been tried and convicted for the unlawful use of firearms. However, the effectiveness of legal proceedings against police officers often faces serious obstacles, especially when internal processes do not provide sufficient space for independent external oversight.<sup>19</sup>

In addition to criminal mechanisms, members of the Indonesian National Police (Polri) who misuse firearms must also be subject to disciplinary accountability. Government Regulation No. 2 of 2003 and its derivative regulations have provided a normative framework regarding the types of violations, forms of sanctions, and disciplinary enforcement procedures. This is where the classic problem of dualism of accountability arises: should Polri members be subject to internal disciplinary sanctions

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<sup>16</sup>Hendra, et al. ACCOUNTABILITY FOR MISUSE OF FIREWEAPONS BY POLICE MEMBERS IN THE PERFORMANCE OF DUTIES (Case Study in the Jurisdiction of the West Sumatra Regional Police). UJSJ: Unes Journal of Swara Justisia. Volume 2, Issue 4, January 2019. P. 397

<sup>17</sup>Philicia Manuhutu, et al. Implementation of Criminal Sanctions Against Police Members Who Commit Firearms Misuse. SANISA: Journal of Law Student Creativity. Volume 3, Number 1, April 2023: Page 8

<sup>18</sup> Parker Thomas and Carter David, *Police Deviance (translated as Police Deviance)*, Cipta Manunggal. Jakarta, 1999, p. 57.

<sup>19</sup> Josias Simon Runturambi and Atin Sri Pujiastuti, *Firearms and Criminal Action Handling*, Yayasan Pustaka Obor Indonesia, Jakarta, 2015, p. 1.



or should they be brought to the general criminal realm? In some cases, there is an institutional tendency to resolve cases through ethical or disciplinary mechanisms alone, without bringing the case to court, even though there are clear criminal elements. Such practices not only violate the principle of *equality before the law* but also set a precedent of impunity in law enforcement in Indonesia.

This situation strongly contradicts the spirit of security sector reform, which positions the Indonesian National Police (Polri) as a civilian institution accountable to the public and subject to the principles of the rule of law. The closed-door internal handling, minimal accountability, and the absence of independent oversight bodies in the investigation process of serious violations have reinforced the public perception of the weak commitment of the Indonesian National Police (Polri) to upholding the principle of transparent accountability. However, under the principles of a modern rule of law, the accountability of law enforcement agencies is measured not only by the existence of sanction mechanisms but also by the transparency of the process, public participation, and access to justice for victims.

On the other hand, the law enforcement approach in this context must also consider human rights principles. Article 28I of the 1945 Constitution of the Republic of Indonesia affirms that the right to life is a non-derogable right. Therefore, any use of lethal force by the state must be based on the principles of legality, necessity, and proportionality. International instruments such as *the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials* (1990) have become global standards that also need to be internalized in national law. Unfortunately, in practice, violations of these principles still frequently occur, demonstrating the weak integration between human rights norms and the legal accountability system in Indonesia.

Publicly disclosed cases of firearms abuse often provoke strong public reaction, demonstrating the repressive nature of state officials, which is at odds with their primary duty as protectors of the public. Cases such as mysterious shootings (petrus), excessive force used to disperse demonstrations, or shooting suspects without resistance are clear evidence that the firearms control system is not functioning optimally. In this context, legal accountability should not be merely reactive but should also be an instrument for transforming the legal culture within the Indonesian National Police (Polri).

Enforcing accountability also requires an independent oversight body with effective authority. The National Police Commission (Kopolnas) and the Indonesian Ombudsman need to be institutionally strengthened so that they function not only as policy observers but also have the power to intervene in resolving serious violations by law enforcement. In countries with established democracies, this external oversight function is crucial in ensuring accountability and public trust in law enforcement institutions.

Therefore, the reformulation of the accountability system for firearms misuse by Polri members must encompass three main aspects: (1) harmonization between general criminal law and internal institutional law, (2) strengthening oversight mechanisms and public involvement, and (3) internalization of human rights values in the entire law enforcement process. Without reconstruction in these three aspects, the accountability system will only be a meaningless administrative procedure that does not address the root of the problem.

Finally, it's important to emphasize that the law serves not only as a means of control, but also as an instrument of protection, both for the public and for the police themselves. Therefore, a fair, transparent legal accountability system that upholds human rights is essential for the creation of a professional, modern, and publicly trusted police

force. Without this, the law will simply serve as a mask of legitimacy for coercive power free from control and correction.

#### IV. CONCLUSION

The use of firearms by members of the Indonesian National Police is a highly sensitive and strategic legal action, as it directly impacts the most fundamental human right, namely the right to life. Therefore, such action must be subject to strict legal principles and comprehensively regulated through the convergence of various criminal law instruments, police administration, and human rights law. Based on the normative study conducted, it can be concluded that the legal framework in Indonesia has actually provided sufficient normative limitations and guidelines through the Criminal Code, Law No. 2 of 2002 concerning the Police, and various Regulations of the Chief of Police, particularly Regulation No. 1 of 2009 and Regulation No. 8 of 2009. However, empirical facts show that implementation in the field is still far from ideal.

The convergence of existing legal instruments has not yet been fully realized substantively. There is a disharmony between written norms and implementation in the field, which tends to lack oversight and accountability. Many cases of firearms misuse by police officers are not responded to firmly through criminal proceedings, but are instead resolved through non-transparent internal disciplinary mechanisms. This creates a sense of impunity and undermines the principles of the rule of law, including equality before the law.

Legal accountability for firearms misuse by members of the Indonesian National Police (Polri) should not be merely symbolic or administrative, but must be enforced within a criminal law framework that upholds the principles of legality, justice, and human rights protection. Police officers found to have used weapons unlawfully must be subject to dual sanctions, both criminal and ethical-disciplinary, in a proportionate and transparent manner. Strengthening a firm legal accountability system will also serve as a preventative measure to prevent the abuse of coercive power by state officials.

The main weakness in the existing system lies in the weakness of oversight mechanisms, both internal and external. The role of institutions such as the Propam Division, the National Police Commission (Kopolnas), and the Indonesian Ombudsman must be strengthened institutionally and given substantive authority to oversee firearms use and prosecute violations. In this regard, strengthening the principles of transparency, public accountability, and civil society involvement are essential prerequisites for driving institutional reform within the National Police.

Thus, to realize a professional, modern, and trustworthy Indonesian National Police (Polri), systemic reform is needed, including: (1) legal harmonization between general criminal norms and internal police regulations; (2) strengthening the oversight and accountability system; and (3) internalizing human rights values in all police duties. Without these steps, existing legal provisions will only be empty formal norms and will not be able to provide real legal protection for the community.

In closing, it is important to emphasize that the presence of firearms in the hands of law enforcement officers is not a symbol of absolute power, but rather a legal mandate that must be accounted for ethically, legally, and constitutionally. A healthy state based on the rule of law is one capable of controlling the actions of its own law enforcement officers. Therefore, the integrity of the legal system and substantive justice can only be achieved if all acts of abuse of authority—including the misuse of firearms—are processed through fair, open, and impartial legal mechanisms.

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