

The Role of Psychology in the Prevention of Weapons

Abuse

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Abstract

Firearms abuse can take many forms, including the use of firearms in committing crimes, excessive use of force, and failure to report the use of firearms in official duties. Our research is research using the literature study method. The results of research revealed that the existence of criminal law is interpreted as part of the overall law that applies to a country, which provides knowledge and basic rules. The conclusion from the research results shows that the existence of criminal law is interpreted as part of the overall law that applies in a country. Thus, criminal law functions as a tool to enforce rules and provide justice in society by establishing consequences for violations of the law.

Keywords: Firearms, Abuse, Criminal, Law

Introduction

The misuse of firearms in law enforcement in Indonesia is a serious problem that has been the subject of various studies and discussions. According to a study published in the Journal of Law and Human Rights, the misuse of firearms by police officers is a serious problem that requires attention and action. Firearms abuse can take many forms, including the use of firearms in committing crimes, excessive use of force, and failure to report the use of firearms in official duties (Nuryadin et al., n.d.). First, the use of firearms by police officers in committing crimes is a very worrying thing. Several cases have been reported in which officers who are supposed to be on duty to protect the public instead use their firearms for personal gain or to commit crimes. This not only damages public trust in police institutions, but also damages the image of law enforcement as a whole. Second, the excessive use of force by police officers is also a form of frequent misuse of

firearms. Sometimes, in situations that should have been resolved by non-violent means, police officers use their firearms without due consideration, resulting in unnecessary injury or even death. This raises serious questions about the training and supervision of police officers, as well as the need for the implementation of more careful measures in situations that require the use of firearms. Finally, failure to report the use of firearms in official duties is also a concern for concern. Inaccurate or incomplete reporting can lead to non-transparency in law enforcement and hinder the accountability process (Erdianto et al., 2016).

Issues related to the misuse of firearms in law enforcement in Indonesia are very complex and include various aspects that need to be considered in depth. One of the main issues is the lack of accountability and transparency in the use of firearms by police officers. This has led to cases where police officers use firearms for personal gain or to solve personal problems, rather than for legitimate law enforcement purposes. This shakes public trust in law enforcement institutions and raises doubts about the fairness of police actions. In addition, another problem is the lack of adequate training and supervision of the use of firearms by police officers. Lack of adequate training can result in officers' ignorance in using firearms appropriately, both in emergency and non-emergency situations (Manuhutu et al., 2023). As a result, there is a risk of accidents resulting in unnecessary injuries or even deaths. In addition, the lack of effective supervision can encourage inappropriate behavior by police officers in the use of firearms, such as excessive use of force or abuse of authority. No less important is the problem of irregularities in the investigation and prosecution mechanism of cases of misuse of firearms by police officers. Weaknesses in the legal system and law enforcement have led to many cases of misuse of firearms by police officers not being followed up firmly and fairly. This not only undermines the integrity of the legal system, but also destroys public trust in justice (Rustanto & Pettanase, 2022).

The importance of studying the issues and phenomena of firearm abuse in law enforcement in Indonesia lies in several aspects that are very important to understand in depth. First, understanding the root causes and consequences of misuse of firearms by police officers can aid in the development of effective strategies for preventing and addressing such incidents. It can also help in the formulation of policies and regulations to increase accountability and transparency of law enforcement agencies (Hidayat et al., n.d.). With a deep understanding of the factors that influence police officers' behavior in the use of firearms, authorities can design more effective training, stricter standard operating procedures, and stronger surveillance systems. Thus, it can be hoped that the misuse of firearms can be minimized or even prevented altogether, so that public trust in law enforcement institutions can be restored. Second, studying the misuse of firearms in law enforcement can provide insight into broader issues regarding gun control and the role of law enforcement agencies in maintaining public safety. By analyzing patterns and trends in the use of firearms by police officers, researchers and policymakers can identify areas where changes need to be made to improve the effectiveness of law enforcement and strengthen public protection from gun crime. Additionally, understanding the misuse of firearms in law enforcement can aid in the development of community-based initiatives to promote responsible ownership and use of firearms. This could include counseling and education campaigns on gun safety, training on safe procedures for storing and using firearms, and the promotion of alternatives to resolving non-violent conflicts. Overall, the importance of studying the issue and phenomenon of gun abuse in law enforcement in Indonesia lies not only in understanding the problem itself, but also in the ability to take concrete steps to prevent it and improve the security and well-being of society as a whole (Pantas, n.d.).

The problem of the phenomenon of misuse of firearms in law enforcement in Indonesia involves several key issues that need to be carefully considered. One of

the main issues is the lack of accountability and transparency in the use of firearms by police officers, which can result in cases where police officers use firearms for personal gain or to resolve personal matters, rather than for legitimate law enforcement purposes. This lack of accountability can also trigger irresponsible behavior from police officers, questioning the professionalism and integrity of law enforcement institutions. In addition, another problem is the lack of adequate training and supervision of the use of firearms by police officers. Lack of adequate training can result in a lack of understanding of officers' proper rules and procedures in using firearms, increasing the risk of accidents or excessive use of force (Maf'ula, 2020). In addition, less strict supervision can allow unethical or unlawful behavior of police officers in the use of firearms, tarnishing the image of law enforcement in the eyes of the public. Equally important is the lack of an effective mechanism to investigate and prosecute cases of misuse of firearms by police officers. Weaknesses in the legal system and law enforcement can lead to many cases of misuse of firearms by police officers not being handled firmly and fairly, leading to distrust of the justice system and lowering public trust in the police. To address these issues, concrete measures are needed such as increased training and supervision of the use of firearms by police officers, improvements in accountability and transparency mechanisms, and increased capacity of the legal system to investigate and prosecute violations of the law. Only with comprehensive and sustained efforts can the misuse of firearms in law enforcement in Indonesia be suppressed and public trust can be restored (Yulianti & Slamet, n.d.).

The goal in studying the phenomenon of firearm abuse in the police sector in Indonesia is to increase understanding of the problems that occur and develop solutions to prevent unwanted incidents from occurring. Understanding the phenomenon of gun abuse in the police sector in Indonesia is important because it can be the basis for making effective and insightful changes. By researching

these issues, we can identify the factors that lead to the misuse of firearms and develop strategies to prevent unwanted events from occurring. Research on the misuse of firearms in the police sector in Indonesia can be the basis for developing effective politics and strategies to prevent untoward incidents. By researching these issues, we can identify the factors that lead to the misuse of firearms and develop strategies to prevent unwanted events from occurring. By understanding this problem, we can develop effective politics and strategies to prevent unwanted events from happening (Halim, 2019). Research on the misuse of firearms in the police sector in Indonesia can also be the basis for developing effective and insightful change. By researching these issues, we can identify the factors that lead to the misuse of firearms and develop strategies to prevent unwanted events from occurring. By understanding these issues, we can develop effective and insightful change. Research on the misuse of firearms in the police sector in Indonesia can also help in the development of effective politics and strategies to prevent the occurrence of untoward incidents (Utama & Nelson, 2022). By researching these issues, we can identify the factors that lead to the misuse of firearms and develop strategies to prevent unwanted events from occurring. By understanding these issues, we can develop effective politics and strategies to prevent unwanted events from happening.

Literature Review

No	Year	Heading	Author's name	Issues raised	Theories used	Result
1.	2021	PERTANGGUNG JAWABAN HUKUM TERHADAP PENYALAHGUNAAN	Puguh Budi Prabow	Knowing how the legal responsibility imposed for	Hans Kelsen's Theory of Law. 2.	Criminal law is defined as part of the overall law that applies to a country,

		<p>SENJATAAPI OLEH OKNUM ANGGOTA POLRI (Studi Di Kasus Polda Metro Jaya)</p>		<p>the misuse of firearms is the basis for the heaviest punishment and the lightest punishment imposed on members of the National Police for the misuse of firearms.</p>	<p>Jakarta: Constitution Press, 2012.</p>	<p>which provides knowledge and basic rules in the following areas:</p> <ol style="list-style-type: none"> 1. It is forbidden to carry out these acts, as well as the application of certain threats or criminal sanctions against people who are proven to have violated the Law 1. Determining when and under what conditions a person will be punished
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						<p>or convicted of committing a criminal act of intimidation.</p> <p>2. Determine what means can be used to sanction anyone suspected of violating the rules.</p> <p>Criminal law does not establish its own legal norms, but it already exists among other criminal norms and sanctions.</p> <p>maintained to ensure compliance with other standards such as: Strengthen religious norms and morals.</p>
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						<p>For acts that have nothing to do with sanctions in the form of threats or certain punishments against goods, anyone who violates this prohibition, we call it a criminal act or a crime, but strictly in some respects it is detrimental to the community. Something that is not in line with or hinders the realization of good and fair public relations.</p>
2.	2019	TINJAUAN HUKUM PENYALAHGUNAAN SENJATA API OLEH ANGGOTA POLRI	Harum Mulia Putra	Efforts to supervise and handle POLRI officers involved in	Darmawan, M. Kemal, Teori Kriminologi, Universitas Terbuka,	The legal basis for the ownership of firearms in the article is regulated in Law Number. Registration and

				<p>the misuse of firearms will be subject to legal sanctions.</p>	<p>Tangerang Selatan, Cetakan ketujuh, Januari 2017.</p>	<p>issuance of permits came into effect in August 1948.</p> <p>The application of human rights principles and standards in the implementation of the functions of the National Police of the Republic of Indonesia is regulated by Perkap No. 8 of 2009, and the use of violence in the Republic of Indonesia is regulated by Perkap No. 1 Year 2009.</p> <p>The misuse of firearms occurs when firearms are not used in accordance with</p>
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						<p>their designation or designation.</p> <p>As explained in Article 9 of the National Police Chief's Regulation Number 8 of 2009 states: Paying attention to the principles of legality, fairness and proportionality.</p>
3.	2019	TINDAK PIDANA PENYALAHGUNAAN SENJATA API (Suatu Penelitian di Wilayah Hukum Kepolisian Militer Aceh)	Farras Halim, Mahfud	Efforts used to overcome criminal acts are in the form of preventive, curative, repressive, and rehabilitative efforts.	Principles of Criminal Law Practice Theory, Sinar Grafika, Jakarta, 2009, p. 105.	Countermeasures against the crime of misuse of firearms are carried out through the application of various actions, including preventive, therapeutic, suppressive, and rehabilitative measures as already mentioned.

						<p>Prevention activities carried out by POMDAM IM will focus on public information activities that explain various things related to firearms.</p> <p>The Loksemawe Police in collaboration with POMDAM IM will invite ballistics experts to socialize the ownership of firearms to the public and prevent the occurrence of criminal acts of misuse of firearms in the future.</p>
4.	2019	The psychology of guns: risk, fear, and	Joseph M. Pierre		Wallace LN (2015) Responding	More than a decade later, that argument is iterated in this

		<p>motivated reasoning</p>			<p>to violence with guns: mass shootings and gun acquisition. Soc Sci J 52:156–167</p>	<p>series on “What Guns Mean”. In this essay, it is further argued that persisting debates about the effectiveness of DGU and gun control legislation are at their heart trumped by shared concerns about personal safety, victimization, and mass shootings within a larger culture of fear, with polarized opinions about how to best mitigate those fears that are determined by the symbolic, cultural, and personal meanings of guns and gun ownership.</p>
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5.	2023	The Legal Liability for Criminal Acts Misuse of Firearms for Civil Society	Ganung Alif Mahatva Pratama		Weli Wahyudi, Application of Elements of the Crime Act of Possessing Controlling Having Stocks of Firearms or Storing Firearms Without Permission, Swara Justisia, Volume 6, Issue 3, (2022)	The misuse of firearms in Indonesia is regulated in several positive laws (regulations) or related to that. These positive laws include the 1945 Constitution of the Unitary State of the Republic of Indonesia; Law of the Republic of Indonesia Number 8 of 1981 concerning criminal procedural law; Law of the Republic of Indonesia Number 8 of 1948 concerning registration and granting of permits to use firearms; Emergency Act No. 12 of 1951 concerning the use
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						<p>of firearms; Presidential Instruction of the Republic of Indonesia Number 9 of 1976 concerning firearms; Decree of the Minister of Defense and Security No. KEP- 27/XII/1977 concerning policy demands to increase the supervision and control of firearms; Law of the Republic of Indonesia Number 2 of 2002 concerning the State Police of the Republic of Indonesia</p>
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This research explores legal accountability for the misuse of firearms committed by certain members of the National Police of the Republic of Indonesia in the Metro Jaya Police. Through qualitative normative legal research methods, it is known that sanctions for these violations are categorized into three main areas:

police professional code of ethics, police discipline regulations, and criminal sanctions. The sanctions are based on certain rules such as the National Police Chief's Regulation Number 14 of 2011, Government Regulation Number 2 of 2003, and the Criminal Code. The severity of the punishment is determined based on an examination conducted by the Preliminary Examination List Unit for Disciplinary Violations (DP3P) to ensure that there are criminal acts and violations of the police professional code of ethics. If these two elements are present, then the individual will face ethical and criminal consequences, while violation of the code of ethics alone will result in disciplinary action or ethics-related sanctions.

This study aims to explain the legal responsibility and basis of the various levels of punishment imposed on members of the National Police of the Republic of Indonesia who abuse firearms. The findings of this study highlight the importance of upholding the professional code of ethics, complying with police discipline regulations, and complying with the Criminal Code to ensure accountability and maintain integrity in the police. This analysis underscores the importance of a thorough examination by the DP3P to determine the appropriate action based on the nature of the violation, whether it is an ethical violation, a criminal act, or a combination of both. This process ensures that individuals are held accountable for their actions and face the necessary consequences in accordance with the established regulations and legal framework.

The legal framework surrounding the misuse of firearms by members of the National Police of the Republic of Indonesia is very important in maintaining law and order in the police. By enforcing professional codes of ethics, disciplinary regulations, and criminal sanctions, authorities can enforce accountability and prevent deviant behavior among police personnel. This research emphasizes the need for a comprehensive approach to addressing violations, taking into account ethical standards and legal provisions to ensure a fair process. Through a systematic evaluation of each case conducted by the DP3P, appropriate steps can

be taken to effectively address violations and uphold the integrity of the police. This study is a valuable resource to understand the legal implications of the misuse of firearms and the mechanisms that exist to enforce accountability and discipline within the National Police of the Republic of Indonesia.

Harum Mulia Putra from the Faculty of Law, University of Borneo Tarakan discussed in this journal about legal reviews related to the misuse of firearms by members of the National Police. The police in Indonesia have two powers, namely in the government and in the legal field, which results in three police functions. The function of government includes service and public order, while the legal function includes law enforcement. In carrying out their duties, police members must be professional. The misuse of firearms by members of the National Police is considered to be against the applicable laws and regulations, so permits to own and use firearms must go through strict and detailed procedures.

The research method used in this study is Normative Juridical, which is a legal research method based on applicable legal norms. The results of the study show the importance of special training and exams related to the use of violence and firearms by members of the National Police. The government and authorities must ensure that police members are equipped with adequate expertise and ability to use violence and firearms.

In the introduction of this journal, it is stated that the essence of the function of the police is as a law enforcement officer who protects Human Rights (HAM). Although many operational actions of the National Police violate human rights, in the context of carrying out their duties, these actions are considered legitimate. Case studies involving directly in the Police Institution are also a concern in the legal review conducted by Harum Mulia Putra.

This study discusses the crime of misuse of firearms in the jurisdiction of the Aceh Military Police. Research was conducted to explain the causes of these crimes, as well as obstacles and efforts to overcome them. Data were obtained through

literature research for secondary data and field research through interviews with respondents. The causes of criminal acts of misuse of firearms in Lhokseumawe City include the intentionality of the owner of the firearm and the neglect of rights and obligations. Obstacles in overcoming these crimes include a lack of cooperation between the police and the TNI.

Efforts used to overcome the crime of misuse of firearms include preventive, curative, repressive, and rehabilitative. It is recommended to emphasize more law enforcement efforts and strengthen cooperation between the Police and the TNI-AD in Lhokseumawe City. Emergency Law Number 12 of 1951 concerning Firearms regulates penalties for violations related to firearms. Research at the Lhokseumawe Police showed that there was a criminal act of misuse of firearms by TNI personnel.

The research method used is an empirical juridical method with a focus on the crime of misuse of firearms. Data was obtained through field research. The factors that cause the occurrence of criminal acts of misuse of firearms include unlawful acts to protect the community. The concept of the Criminal Code explains a criminal act as an act that is prohibited by law and can be punished.

This study provides an overview of the crime of misuse of firearms and efforts to overcome them in Lhokseumawe City. Good cooperation between the police and the TNI is needed to deal with this problem effectively. Preventive, curative, repressive, and rehabilitative efforts need to be increased to reduce the number of crimes related to firearms. Strong legal awareness and law enforcement are also key in tackling this problem.

Research Methods

This research is a qualitative research using the literature review method. The investigation delves into legal responsibility for the misuse of firearms committed by some members of the National Police of the Republic of Indonesia. This concept

is approached through literature studies, especially the analysis of incidents related to the use of firearms. Procedures for identification and cataloguing of legal materials. These legal sources include primary legal sources, namely legal regulations, and secondary legal sources, especially literature and academic legal works. Tertiary legal sources consisting of: Legal Dictionary.

Results and Discussion

The results of research conducted by Puguh Budi Prabowo (2021) revealed that the existence of criminal law is interpreted as part of the overall law that applies to a country, which provides knowledge and basic rules in the following areas: It is forbidden to commit these acts, as well as the application of certain threats or criminal sanctions against people who are proven to violate the Law to determine when and under what conditions a person will be punished or convicted of committing the crime of intimidation. Determine what means can be used to sanction anyone suspected of violating the rules.

Criminal law does not establish its own legal norms, but it already exists among other criminal norms and sanctions. maintained to ensure compliance with other standards such as:

Strengthen religious norms and morals.

For acts that have nothing to do with sanctions in the form of threats or certain punishments against goods, anyone who violates this prohibition, we call it a criminal act or a crime, but strictly in some respects it is detrimental to the community. Something that is not in line with or hinders the realization of good and fair public relations.

In the research that has been carried out, Harum Mulia Putra (2019) The legal basis for gun ownership in the article is regulated in Law Number. Registration and issuance of permits came into effect in August 1948. The application of human rights principles and standards in the implementation of the functions of the

National Police of the Republic of Indonesia is regulated by Perkap No. 8 of 2009, and the use of violence in the State of Indonesia is regulated by Perkap No. 1 of 2009. The misuse of firearms occurs when firearms are not used in accordance with their designation or designation. As explained in Article 9 of the National Police Chief's Regulation Number 8 of 2009 states: Paying attention to the principles of legality, fairness and proportionality.

In the research that has been carried out by Farras Halim, Mahfud (2019) The prevention of criminal acts of misuse of firearms is carried out through the application of various actions, including preventive, therapeutic, suppressive, and rehabilitative actions as already mentioned. Prevention activities carried out by POMDAM IM will focus on public information activities that explain various things related to firearms. The Loksemawe Police in collaboration with POMDAM IM will invite ballistics experts to socialize firearm ownership to the public and prevent the occurrence of criminal acts of misuse of firearms in the future.

The results of research conducted by Joseph M. Pierre (2019) More than a decade later, the argument is packaged in this series on "what is the use". In this essay, it is further argued that the enduring debate about the effectiveness of DGU legislation and gun control is at the heart of those defeated by shared concerns about safety, victimization, and mass shootings in a larger culture of fear, with polarized opinions on how to best mitigate fear determined by symbolic, cultural, and personal meanings about gun and gun ownership.

In research that has been carried out by Ganung Alif Mahatva Pratama (2023), the misuse of firearms in Indonesia is regulated in several positive laws (regulations) or related to it. This positive law includes the Constitution of the Unitary State of the Republic of Indonesia; Law of the Republic of Indonesia Number 8 of 1981 concerning Criminal Procedural Law; Law of the Republic of Indonesia Number 8 of 1948 concerning the registration and granting of permits to use firearms; Emergency Law No. 12 of 1951 on the use of firearms; Instruction of the President

of the Republic of Indonesia Number 9 of 1976 concerning Firearms; Decree of the Minister of Defense and Security No. KEP-27/XII/1977 on policy demands to improve firearm surveillance and control; Law of the Republic of Indonesia Number 2 of 2002 concerning the Police.

According to Law Number 8 of 1948 concerning the Registration and Granting of Permits for the Use of Firearms, for civilians who want to own firearms, they are required to obtain a permit from the National Police of the Republic of Indonesia (Polri), as regulated in Article 9, which emphasizes that people who are not members of the army or police, who own and use firearms must have a permit to use firearms according to the example set by the head of the state police. The granting and supervision of firearms, explosives, and sharp weapons is part of the authority of the National Police in order to carry out its main duties in the form of maintaining public security and order, enforcing the law and providing protection, protection, and services to the community. Furthermore, through the Decree of the National Police Chief No. Pol: Skep/82/II/2004 dated February 16, 2004 which is contained in the Instruction Manual for the Supervision and Control of Non-Organic Firearms of the TNI/POLRI, the Chief of the Indonesian Police (Kapolri) allows civilians to control firearms.

Furthermore, Article 4 of Law Number 2 of 2002 also emphasizes that the National Police of the Republic of Indonesia aims to realize domestic security which includes the maintenance of public security and order, order, and the enforcement of the law, the implementation of protection, protection, and services for the community, and the development of community peace by upholding human rights (Nugraha, 2018).

The implementation of police functions is the implementation of the profession, meaning that in carrying out duties as a member of the National Police, using his professional abilities, especially expertise in the technical field of the police. In carrying out their duties as servants of the law, the police always respect the law

and human rights. Therefore, in carrying out their profession, every police officer is subject to the professional code of ethics as the basis of Mora (Said, 2012).

The behavior of the Police that often receives criticism is related to the use of violence in the performance of duties. The National Police in carrying out their duties and functions has a very special authority called discretion, it is stated in Article 18 paragraph (1) of Law Number 2 of 2002 concerning the National Police of the Republic of Indonesia which reads that for the public interest of the State Police of the Republic of Indonesia in carrying out their duties and authorities can act with their own judgment, so that every member of the National Police can screen cases (Djatkika, 2017).

In recent years, it has been impressed and felt that so many police officers abuse the use of firearms, it has been proven by several cases that can be seen in print or electronic media, this can result in a bad impact on society. For this reason, it is necessary to have a stricter system of procedures for the possession of firearms when given to police duties. The Indonesian Police recorded 152 cases of firearm abuse in three years, namely from 2009 to 2011. This number is only part of the total 463 cases of crimes using firearms during that period. Not all of them are legal firearms, some are illegal. Nowadays, there are many violations in the police, especially violations or negligence in the field of firearm abuse. This situation is very regrettable where the misuse of firearms today is carried out by the National Police officers themselves who are supposed to protect the community. The act of misuse of firearms by members of the police is caused by not following the standards, mechanisms and stages in their use, because shooting/using firearms which is the last stage, in many conditions, the police in carrying out their duties are often inappropriate in the field after police members are threatened to become victims of shooting by criminals. The National Police regulates the mechanism and standards for the use of force in police actions through the Regulation of the National Police Chief (Perkap) No. 1/2009 which divides 6 stages

of the use of force, namely: (1) force that has a deterrent/preventive impact, (2) verbal orders, (3) soft empty-handed control, (4) hard empty-handed control, (5) blunt weapon or chemical weapon control, and (6) control using firearms, which means that police action is taken by considering logically the situation and conditions of the threat or resistance of the perpetrator of crime against the officer or the danger to the community (Widodo, 2018).

In fact, it is known that members of the Police before being given firearms must meet various kinds of certain conditions, as stipulated in Article 6 paragraph (1) of the Regulation of the Chief of the National Police of the Republic of Indonesia Number 4 of 2007 concerning Procedures for Psychological Examination for Prospective Organic Firearms Holders of the National Police of the Republic of Indonesia and Non-Organic Firearms of the National Army of the Republic of Indonesia/National Police of the Republic of Indonesia, namely the method used to reveal aspects of Psychology as referred to in Article 3 paragraph (1) are: 1. Psychological test; Interview; 3. Observation; and 4. Documentation. However, there are also members of the National Police who behave deviantly, thus violating the Police Code of Ethics, disciplinary regulations and even violating the provisions of criminal law. Criminal acts committed by each Member of the National Police will be processed in accordance with the provisions of the applicable criminal law. That is, it is processed and submitted within the scope of the general judiciary. This is in accordance with the provisions stipulated in article 7 paragraph (4) of the TAP MPR NO. VII/MPR/2000 concerning the role of the Indonesia National Army and the role of the National Police of the Republic of Indonesia as follows: "Members of the National Police of the Republic of Indonesia are subject to the power of the general judiciary".

The application of criminal law is used to actualize the law to the apparatus that synergizes with what the community expects has not run as expected. Law enforcement officials often experience problems, both internal (the apparatus

itself) and external (community factors) that lead to ineffectiveness of law enforcement.

The application of criminal sanctions against members of the National Police who commit the misuse of firearms that result in the death of members of the public based on the laws and regulations applicable to members of the National Police is legally processed through a trial process in court and based on the judge's legal considerations juridically and non-juridically so that the judge decides that the defendant Markus Manuhutu alias Max alias Maku is legally and convincingly proven guilty of committing a criminal act because of his negligence caused the death of another person in accordance with Article 359 of the Criminal Code and imposed a prison sentence on the defendant with a prison sentence of 2 (two) years and 6 (six) months.

Firearms, in a general sense as interpreted by the General Dictionary of the Indonesian Language, are, "all weapons that use gunpowder such as rifles, pistols and so on (Poerwadarminta, 2012: 917). The law also provides its understanding of what is meant by firearms. In article 1 paragraph (2) of Law No.12/Drt/1951 concerning Firearms and Explosives, it is stated that, what is meant by the definition of firearms and munitions includes all goods as described in article 1 paragraph 1 of the Firearms Regulation (vuurwapenregeling: in, -uit, doorvoer en los -sing) 1936 (Stbl.1937 No.170), which has been amended by the Ordonnantie of May 30, 1939 (Stbl.No.278), but not included in that sense weapons that clearly have the purpose of being an ancient item or a magical item (Waardigheid brand) and not a weapon that remains unusable or made in such a way that it cannot be used (Hamzah, 2012: 253)

The factor that causes the use of Airsoft Gun firearms is because buying Airsoft guns can be obtained through online media which makes the abuse of the use of Airsoft guns rampant lately. Regarding the ownership of airsoft guns, there is no official container that accommodates the owner. In addition, there are no

technical rules related to the ownership and use of airsoft guns. If there are clear rules, such as a ban on carrying airsoft guns everywhere, enforcement can be taken. In an effort to prevent gun crimes, the police must immediately hold a special raid on firearms.

Several things that are factors causing the occurrence of criminal acts of misuse of firearms are caused by the following things:

1). Intentionality of the owner of a firearm

Intentionality or *dolus* is part of the elements of error, in addition to forgetfulness or *culpa* in the elements of criminal acts. Regarding the criminal act of misuse of firearms, the act of "handing over" from the owner of the firearm to the perpetrator of firearm abuse, gives an interpretation that the act of "handing over" is indeed intentional from the owner of the firearm.

2). Waiver of rights and obligations

Apathy or indifference to the law is also the main cause of various types of criminal acts, such as the crime of misuse of firearms. The fulfillment of proportional rights and obligations will give birth to a balance in the life of the state and society in order to realize justice as a legal goal.

3). Social environment

The social environment or residential environment is also one of the factors causing the occurrence of criminal acts of misuse of firearms. The poor social environment that is a place to live to interact with each other also adds to other factors, related to the factors that cause the occurrence of criminal acts of misuse of firearms.

4). Lack of obedience or legal awareness of the obligations of firearms owners

For sports purposes, to store firearms in Perbakin's warehouse when not in use. Even though there are legal rules that regulate Air Soft Guns, in practice there are still cases of abuse of the obligation of Air Soft Gun owners not to keep them, so it is very vulnerable to the misuse of Air Soft Guns in various crimes. This is of

course related to the regulation of the procedure for the use of sports firearms of the Air Soft Gun type and the supervision carried out by the police both in terms of circulation and use of Air Soft Gun.

In other words, currently there are no rules that strictly regulate the misuse of Airsoft Guns. However, the Airsoft Gun is clearly mentioned in another regulation, namely the Regulation of the Chief of the National Police of the Republic of Indonesia Number 8 of 2012 concerning the Supervision and Control of Firearms for the Purpose of Sports (Perkapolri No.8 of 2012) as one of the types of sports firearms article 4 paragraph (1) of the National Police Regulation No.8 of 2012. Although this regulation does not contain criminal sanctions in it, there are legal provisions related to Airsoft Guns, namely:

A. Airsoft guns are only used for the purpose of shooting reactions in accordance with Article 4 paragraph (4) of the National Police Regulation No.8 of 2012.

B. Airsoft Gun is only used at the location of matches and exercises article 5 paragraph (3) of Perkapolri No.8 of 2012.

C. The requirements to be able to own and/or use an Airsoft Gun for sports purposes are as follows (article 13 paragraph (1) of the National Police Regulation No.8 of 2012.

1) Have a card of a member of a shooting club under the auspices of Perbakin.

2) Minimum age of 15 (fifteen) years and maximum 65 (sixty-five) years.

3) Physical and spiritual health as evidenced by a certificate from a doctor and psychology and

4) Have shooting skills as evidenced by a certificate issued by the Perbakin Provincial Government.

D. Must have a permit for its possession and use from the police chief u.p. Dirintelkam with a copy of the local Police Chief, equipped with the requirements of Article 20 paragraph (2) of the National Police Chief No.8 of 2012.

E. The permit to use it is valid for 1 (one) year from the date of issuance and can be extended every year article 29 paragraph (9) of the National Police Chief No.8 of 2012.

Firearms are police equipment that is inseparable from the official functions of everyday life, firearms are understood as devices that fire one or more bullets propelled at high speed by gases produced from the combustion of gunpowder. This rapid burning is technically known as deflation. Early weapons used black powder as fuel, but modern weapons use smokeless powder, propellant, or other propellants. Using a round barrel to give a rotating effect to the projectile and improve ballistic stability. Weapon also means any device, which can be operated, damaged, designed, modified, or lightly modified, that is assembled to produce gas when a projectile is ignited. Devices and accessories designed or intended to be connected to this device may be considered flammable.

The use of firearms against police officers is indeed related to the provisions of the law on law and prosecution procedures. Misconceptions about the use of weapons tend to lead to abuses of the right to use firearms and human rights violations, and the image of the police is not going to change in the future. Worse in public. There are two types of misuse of firearms by security forces: misuse of firearms while on duty and misuse of firearms while not on duty. Misuse of firearms to accomplish tasks such as chasing criminals and civilians who are not on target during training. Using firearms in the air to disturb or harm the public. The use of firearms to commit crimes such as theft and extortion (Irsan, 2015).

Misuse of firearms by members of the National Police is a form of criminal offense that can be threatened with dismissal based on article 11, which stipulates that members of the National Police must be dismissed in the following matters:

- a) If you commit a crime.
- b) committing a crime.
- c) Or quit the job.

Mashal said that criminal acts are acts or omissions that are prohibited by law to protect the community, and can be punished based on applicable legal procedures. The concept of the Criminal Code defines a criminal act as the act of doing or not doing something that is declared by laws and regulations to be prohibited and threatened with a criminal offense.

Indrianto Seno Aji said that a criminal act is the act of a person who is threatened with a crime, his act is unlawful, there is a mistake and the perpetrator can be held accountable for his actions.

The formulation of "using" in Article 1 paragraph (1) of the Law on Firearms, can at least be related to cases of criminal acts of misuse of firearms that occurred in the jurisdiction of the Lhokseumawe Police. The dangerous thing about the misuse of firearms is the negligence or even intentionality of the owner of the firearm so that the weapon he owns falls into the hands of another person who is not entitled and is used to commit a criminal act.

"Schuld", a term in Netherlands that refers to the term "error". Offense is one of the five elements of a criminal act according to the concept contained in the Criminal Code. In addition to the element of error, there are other elements of criminal acts known in the concept of material criminal law, such as the existence of perpetrators, deeds, consequences of actions, and unlawful nature.

The social environment or residential environment is also one of the factors that cause the occurrence of criminal acts of misuse of firearms. The poor social environment that is a place to live to interact with each other also adds to other factors, related to the factors that cause the occurrence of criminal acts of misuse of firearms.

Preventive efforts are efforts to prevent the occurrence of a criminal act. Curative efforts are broadly the same as repressive efforts, namely efforts to counter or handle a criminal act, in order to reduce the number of certain criminal acts. Meanwhile, rehabilitative efforts are an effort to recover from a criminal act, both

for the perpetrator and the victim of the crime. Rehabilitative here can be in the form of restoration of rights, restoration of good name, or other restoration.

Countermeasures against the crime of misuse of firearms are carried out by implementing several efforts which include preventive, curative, repressive, and rehabilitative efforts as previously mentioned. The preventive efforts that will be carried out by POMDAM IM focus on socializations that will explain various things related to firearms. The socialization of firearm ownership is planned to be carried out by the Lhokseumawe Police in coordination with POMDAM IM and also invited ballistics experts, as a form of concern to prevent the practice of criminal acts of misuse of firearms like this in the future.

Apathy or indifference to the law is also the main cause of various types of criminal acts, such as the crime of misuse of firearms. The fulfillment of proportional rights and obligations will give birth to a balance in the life of the state and society in order to realize justice as a legal goal.

Every crime must be followed by a crime, it must not be not, without bargaining. A person gets a criminal offense because he commits a crime. There are no consequences arising from the imposition of criminal penalties, no matter whether the community may be harmed. Retaliation as a reason to convict a crime. Criminal imposition is basically the suffering of the criminal is justified because the criminal has caused suffering to others. According to Hegel, crime is a logical necessity as a consequence of crime. The absolute theory (retributive theory), views that punishment is retribution for the mistakes that have been committed, so it is action-oriented and lies in the crime itself. Punishment is given because the perpetrator must receive the sanction for his mistake. According to this theory, the basis of punishment must be sought from the crime itself, since the crime has caused suffering to others, in return the perpetrator must be given suffering.

Conclusion

The conclusion from the research results shows that the existence of criminal law is interpreted as part of the overall law that applies in a country. Criminal law provides basic knowledge and rules in several important areas: prohibitions on carrying out certain actions, as well as the application of criminal threats or sanctions against people who are proven to have violated the law. In addition, criminal law determines when and under what conditions a person will be punished or found guilty for their acts of intimidation. Thus, criminal law functions as a tool to enforce rules and provide justice in society by establishing consequences for violations of the law.

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