

Civilian Ownership and Use of Firearms in Indonesia: A Juridical and Human Rights Analysis

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Abstract

This study explores the legal mechanisms that govern civilian firearm ownership and utilization within Indonesia, examined from both juridical and human rights perspectives. The primary aim of this investigation is to analyze the statutory framework controlling civilian gun possession, evaluate the implementation of existing regulations, and identify challenges in firearm surveillance and regulation. The research adopts a normative legal methodology incorporating statutory analysis and comparative examination approaches. Results indicate that Indonesia implements highly restrictive measures regarding civilian firearm ownership through an extensive licensing framework, as outlined in National Police Regulation Number 1 of 2022. The investigation also identified significant gaps between comprehensive regulatory provisions and practical enforcement, especially concerning the oversight of unauthorized weapon distribution. The study concludes that enhanced inter-agency monitoring systems and collaborative frameworks are essential to achieve balance between personal security entitlements and collective public protection.

Keywords: Civilian Firearms, Licensing Regulations, Human Rights.



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INTRODUCTION

Civilian firearm ownership is a complex and multidimensional issue, situated at the intersection of national security, public order, and individual rights (Mukhtar, 2024). In the international context, approaches to regulating civilian firearms vary significantly, ranging from permissive models such as that applied in the United States to prohibitive models adopted by countries like Japan and Singapore. These variations reflect philosophical differences regarding the balance between individual liberty and public safety, influenced by each country's historical, cultural, and socio-political context (Mulkan & Wulandari, 2022).

The complexity of firearm ownership is further heightened in the era of globalization, which is marked by increased mobility of people, goods, and information across national borders. This phenomenon presents new challenges in controlling the illegal arms trade, the transfer of weapons technology, and harmonizing international standards in firearm regulation (Sasela et al., 2023). International organizations such as the United Nations Office on Drugs and Crime (UNODC) and Small Arms Survey consistently report that the illegal firearms trade has become one of the most profitable forms of transnational crime, with estimated trade values reaching between USD 1 to 3 billion annually (UNODC, 2023).

Indonesia, as an archipelagic nation with a vast and complex territory, faces unique challenges in implementing effective firearm control. Indonesia's strategic geographical position with more than 17,000 islands and a coastline stretching over 81,000 kilometers creates significant vulnerability to the infiltration of illegal firearms through smuggling routes that are difficult to monitor (Ali et al., 2024). This situation is further exacerbated by Indonesia's proximity to conflict-prone regions in Southeast Asia and weak border controls in several remote areas, which allow the flow of illegal firearms from regional conflicts.

The phenomenon that becomes the focus of this research is the implementation of the civilian firearm licensing system in Indonesia, which is regulated under Regulation of the Indonesian National Police Number 1 of 2022. This study analyzes the national regulatory framework applicable throughout Indonesia, with a specific focus on practical implementation in regions with high levels of conflict or security vulnerability. The research problem addressed in this study lies in the significant gap between *das sein* (the reality of implementation) and *das sollen* (the ideal of regulation) within the civilian firearm control system in Indonesia.

Identifiable social symptoms include the increasing cases of gun-related violence in domestic conflicts, the use of firearms in criminal acts, and the circulation of illegal firearms among the public. Data from Statistics Indonesia (2022) shows that criminal offenses involving firearms increased by 15% between 2019 and 2022, with the highest concentration of cases occurring in border regions and post-conflict areas. Meanwhile, the Small Arms Survey (2023) estimates that the number of illegal firearms circulating in Indonesia exceeds 500,000 units far surpassing the number of legally registered firearms.

The crucial impacts of this issue include the disruption of national security stability, the heightened risk of communal conflict escalation, and the erosion of public trust in the effectiveness of the national security system. In the long term, weak firearm control could threaten the democratization process and economic development, as investment and growth require a safe and stable environment. The research problem is supported by quantitative data in the form of firearm-related crime statistics, and qualitative data through analysis of firearm regulation violations that have been adjudicated in court.

This research is important as it contributes to a better understanding of the effectiveness of Indonesia's firearm regulatory system within the context of contemporary security challenges. The urgency of the study lies in the need for a comprehensive evaluation of the current legal framework to identify its weaknesses and propose systemic improvements. The implications of this study include policy recommendations aimed at strengthening firearm control, which can contribute to enhanced national security and the protection of human rights.

A review of the literature shows that scholarly research on civilian firearm regulation in Indonesia remains limited, particularly studies that analyze the implementation of the most recent regulatory framework. Previous research conducted by (Subakti, 2024) focused on the legal certainty of firearm ownership within the rule of law but did not examine in detail the practical implementation and oversight challenges. Meanwhile, the study by (Viola & Zulfiko, 2025) addressed the legal framework on firearm misuse, but emphasized the criminal aspects rather than preventive measures.

The similarity between this study and previous research lies in the use of a normative juridical approach and a focus on the analysis of firearm regulations. However, a fundamental

distinction is found in the scope of analysis, which includes a human rights perspective and a comparative view of international regulatory systems. The analytical gap addressed by this research is the absence of a comprehensive study on the effectiveness of the implementation of Indonesian National Police Regulation No. 1 of 2022 and its impact on balancing individual rights and public security. The novelty of this research lies in its integrative approach that combines legal analysis with a human rights perspective and international comparison.

Based on this background, the research questions formulated are: 1. How is the legal framework governing civilian ownership and use of firearms in Indonesia evaluated from both juridical and human rights perspectives? 2. What are the challenges in implementing civilian firearm regulations in Indonesia, and what solutions can be recommended to enhance the effectiveness of firearm control?

RESEARCH METHODS

This study employs a normative juridical method aimed at analyzing the legal framework governing civilian firearm ownership in Indonesia and its implementation from a human rights perspective. The choice of a normative juridical method is based on the nature of the research problem, which requires in-depth analysis of legal norms, implementation gaps, and evaluation of the effectiveness of existing regulations in balancing individual rights and public security.

The research applies two main approaches: the statutory (statute) approach and the comparative legal approach. The statutory approach is used to comprehensively analyze the entire regulatory framework governing the ownership and use of civilian firearms within Indonesia's legal system, with particular emphasis on Emergency Law No. 12 of 1951 and Indonesian National Police Regulation No. 1 of 2022. The comparative legal approach is applied to examine firearm regulation practices in various countries with different legal systems and socio-political contexts, in order to gain broader perspectives on alternative approaches in firearm policy formulation (K. N. R. Indonesia, 2022)

The research scope covers regulation implementation throughout Indonesia, with specific attention to regions characterized by complex security conditions, such as border areas, post-conflict regions, and areas with high firearm-related crime rates. This geographical focus is based on the assumption that challenges in regulation implementation are more observable in areas with heightened security concerns. The research was conducted over a six-month period to allow for thorough analysis of various aspects of regulation and its practical enforcement.

Primary data sources include relevant firearm legislation, court decisions on firearm regulation violations, and official reports from the Indonesian National Police regarding legal firearm ownership statistics and responses to illegal firearms cases. Secondary data sources consist of academic literature, scientific journals, previous research findings, reports from international organizations such as the Small Arms Survey and UNODC, as well as publications from government and non-government institutions related to security and human rights issues.

Data collection techniques were conducted through library research by analyzing legal documents, regulations, and relevant academic literature. This process also involved the analysis of crime statistics reports and firearm ownership data from various official sources. Data collection further included a review of best practices in firearm regulation from other countries for the purpose of comparative analysis. The documents sought included technical implementation regulations, standard operating procedures (SOPs) for licensing, and policy

evaluations conducted by relevant institutions. The importance of this documentation lies in its ability to provide a comprehensive overview of the gap between formal regulation and practical implementation.

The data analysis technique employed a qualitative approach using descriptive-analytical methods, which included the stages of inventorying positive law, systematizing and classifying legal materials, interpreting legal norms through grammatical and systematic interpretation, and evaluating legal effectiveness based on relevant theories and concepts. The analysis process also incorporated a comparative analysis to examine Indonesia's regulatory system in contrast with international best practices, with the aim of identifying weaknesses and potential improvements within the existing system.

RESULTS AND DISCUSSION

Results

Legal Framework for Civilian Firearm Ownership in Indonesia

The Indonesian government enforces a highly strict and comprehensive regulatory system concerning the ownership and use of firearms by civilians. The primary legal foundation governing this matter is Emergency Law No. 12 of 1951, which amends the *Ordonnantietijdelijke Bijzondere Strafbepalingen* and explicitly stipulates criminal sanctions for any individual found in possession of a firearm without official authorization from the relevant authorities. To strengthen the implementation of this law, the government has issued a number of technical regulations, the most recent of which is the Regulation of the National Police of the Republic of Indonesia (Perpol) No. 1 of 2022, which specifically governs the licensing, supervision, and control of firearms in Indonesia (Peraturan Kepala Kepolisian Negara Republik Indonesia (Perkap) Nomor 18 Tahun 2015 Mengatur Tentang Perizinan, Pengawasan, Dan Pengendalian Senjata Api Nonorganik Kepolisian Negara Republik Indonesia/Tentara Nasional Indonesia (Polri/TNI) Untuk Kepentingan, 2015).

The regulation of civilian firearm ownership in Indonesia is implemented through a rigid licensing system based on highly detailed and comprehensive criteria. Access to firearm ownership for the general public is restricted to specific groups who have clear necessity or professional ties to firearm usage. Individuals eligible to apply for firearm licenses include certain levels of government officials, officially registered competitive shooting athletes, and business professionals or entrepreneurs who can demonstrate a genuine and significant threat to their personal safety. The licensing procedure involves background checks, psychological assessments, verification of necessity, and mandatory firearms operation training for license applicants (Viola & Zulfiko, 2025).

The category of firearms permitted for civilian ownership is also limited to specific types, namely non-organic firearms of the Indonesian Armed Forces/National Police, with strict caliber limitations. Civilian ownership is further regulated in terms of quantity, allowing eligible individuals to possess a maximum of two firearms, comprising one handgun and one long-barreled firearm (Sasela et al., 2023).

Implementation and Challenges in Firearm Regulation Enforcement

The implementation of firearm regulations in Indonesia faces multiple challenges. Although the formal regulatory framework is highly stringent, in practice, there remain substantial gaps in supervision and law enforcement (Wala, 2024). One of the main challenges

is the circulation of illegal firearms, which remains difficult to control, particularly in border regions and conflict-prone areas. According to the Small Arms Survey (2023), it is estimated that over 500,000 illegal firearms are in circulation across Indonesia far exceeding the number of legally registered firearms (Small Arms Survey, 2024)

Another challenge in implementing firearm regulations lies in the limited institutional capacity and resources for effective oversight. The Indonesian National Police (Polri), as the authority responsible for licensing and monitoring firearms, faces serious obstacles in conducting continuous monitoring of firearms already licensed. Additionally, the lack of a fully integrated national firearm data system hampers the ability to trace the transfer and use of licensed weapons (Facharain & Hayati, 2024).

Law enforcement related to violations of firearm ownership regulations also encounters significant difficulties in evidence gathering and legal proceedings. In the case of Tombokan (2018), the application of Emergency Law No. 12 of 1951 in a fatal shooting incident revealed the complexities involved in proving elements of intent and establishing causal links between illegal firearm possession and the criminal act committed (Tombokan, 2018).

Discussion

Civilian Firearm Ownership from a Human Rights Perspective

The discourse surrounding civilian ownership of firearms cannot be separated from the framework of human rights (Budi et al., 2025). In this context, two conflicting dimensions of human rights emerge: the right to personal security and the right to public safety. Proponents of civilian firearm ownership often invoke the argument of the right to self-defense, which is regarded as a fundamental human right. However, this argument must be balanced with considerations of the potential human rights violations that may arise from the misuse of firearms particularly the right to life and the security of others (Undang-Undang Dasar Negara Republik Indonesia Tahun 1945, 1945).

The complexity of this issue becomes even more apparent when analyzing how these rights interact in the dynamics of everyday social life. The right to self-defense, philosophically rooted in John Locke's concept of natural rights, presumes that every individual possesses the moral authority to protect themselves from external threats (Little, 2021). Yet, in a modern and complex society, the realization of this right through firearm ownership creates a significant security paradox.

This paradox is manifested in a phenomenon known as the domestic security dilemma, where an individual's attempt to enhance personal security through firearm possession paradoxically leads to a decrease in collective societal safety. This phenomenon illustrates that the discourse on firearm ownership involves not only legal and political considerations but also deep psychological and sociological dimensions.

The Human Rights Research Report in 2023 categorized firearm violence as a human rights crisis, emphasizing that states have a positive obligation to protect their citizens from gun violence through effective regulation (Research, 2023). This is in line with the principles of the Arms Trade Treaty (ATT) issued by the United Nations Office for Disarmament Affairs in 2014, which underscores the importance of regulating international arms trade to prevent violations of human rights and international humanitarian law ((UNODA), 2014).

This categorization indicates a paradigm shift in understanding gun violence from an individual problem to a systemic approach that considers its structural impacts on society. This approach recognizes that firearm violence is not merely an issue of individual criminality but a phenomenon deeply linked to social inequality, economic marginalization, and institutional failure to provide adequate protection for citizens. In Indonesia, the approach to civilian gun ownership leans more toward safeguarding public security than recognizing the individual right to bear arms (Ali et al., 2024). This is reflected in the regulatory framework, which restricts firearm ownership to specific groups for specific needs. This method may be seen as a realization of the obligation to protect in the context of the human rights framework, wherein state apparatuses take preventive actions to avoid human rights violations by non-state actors (HAM), 2024b).

Indonesia's policy choice to adopt a restrictive approach is closely tied to its unique historical and sociocultural context (Syarifah et al., 2024). Indonesia's experience with armed conflict in various regions from the revolutionary era to regional separatist conflicts has shaped a collective awareness of the dangers of civilian firearm proliferation. Additionally, Indonesia's diverse and conflict-prone social structure necessitates an approach that prioritizes social stability over individual freedom in gun ownership.

The implementation of the state's duty to protect in this context also reflects the application of the precautionary principle, whereby the state takes preventive measures to avoid potential future risks. This principle acknowledges that in situations of uncertainty regarding the effects of a policy, priority must be given to the protection of broader public interests.

However, this restrictive approach also raises questions about the balance between state authority and individual freedom. Critics argue that overly stringent limitations may foster excessive public dependence on state protection, while the state's ability to provide such protection is not always optimal particularly in remote or conflict-affected areas.

Comparative Firearm Regulation: Global Approaches

The regulation of civilian firearm ownership varies significantly across countries, reflecting differences in social, political, and historical contexts. Broadly speaking, approaches to firearm regulation can be categorized into three main models: the permissive model, the restrictive model, and the prohibitive model ((UNODC), 2023).

The United States represents the permissive model, where firearm ownership is considered a constitutional right protected by the Second Amendment of the U.S. Constitution. This policy has led to high levels of civilian gun ownership. According to the Violence Policy Center in 2012, approximately 300 million firearms were owned by civilians in the United States, with a ratio of 89 firearms per 100 people (Who Owns the Guns? Gun Ownership in America, 2012). However, this permissive model is also associated with high rates of gun-related violence. Human Rights Research (2023) reported that the United States has a significantly higher firearm-related mortality rate compared to other developed nations (Research, 2023).

The U.S. permissive model cannot be understood in isolation from the historical context of the country's founding. The Second Amendment, ratified in 1791, was born out of America's colonial experience, where civilian militias were deemed necessary for defense against both external threats and internal tyranny (McLeod & Jones, 2025). This historical interpretation has

evolved into the doctrine of constitutional originalism, which views gun ownership as a fundamental right that should not be curtailed by the government. However, the consequences of this permissive model are evident in alarming firearm violence statistics. Recurrent mass shootings, high suicide rates involving firearms, and domestic violence with firearms illustrate that the freedom to own guns comes with significant social costs.

In contrast, countries such as Japan, Singapore, and several European nations implement the restrictive model, which allows civilian ownership of firearms under strict regulations for specific purposes such as sport shooting or hunting, with comprehensive licensing procedures. Australia is a notable example of successful restrictive model implementation. Following the 1996 Port Arthur massacre, the country underwent comprehensive firearm law reform. A study by Chapman et al. found that these reforms significantly reduced gun-related deaths and eliminated mass shooting incidents for over a decade (Chapman et al., 2015).

Australia's reform, known as the National Firearms Agreement (NFA), has become a reference model for many countries in implementing effective firearm control (Ramchand & Saunders, 2018). The mandatory buyback program, a key component of this reform, successfully reduced the number of civilian-owned firearms by 20% in a short period. More importantly, the program demonstrated that strong political will can overcome resistance from pro-gun interest groups.

Australia's success also lies in its holistic approach, which focuses not only on ownership regulation but also on a comprehensive system of registration, licensing, and training. The point-based licensing system ensures that only individuals with legitimate needs and who meet strict safety criteria are granted firearm ownership rights.

Japan's restrictive model represents the extreme end of the regulatory spectrum, where civilian gun ownership is virtually prohibited except for very specific purposes such as participation in international-level sport shooting (Yamane, 2022). This approach has resulted in an almost zero rate of firearm-related violence, while also reflecting Japan's cultural context, which emphasizes social harmony and a high level of trust in state authority. Indonesia tends to adopt a restrictive model, approaching the prohibitive, with strict limitations on who may own firearms and what types of firearms are permitted. This approach reflects a strong prioritization of public security and mirrors Indonesia's unique socio-political context, which differs significantly from that of Western countries. However, Indonesia's primary challenge lies in the implementation and enforcement of these regulations, particularly in controlling the circulation of illegal firearms.

Indonesia tends to adopt a restrictive, near-prohibitive model of firearm regulation, characterized by strict limitations on who may possess firearms and what types are permitted. This approach reflects a strong emphasis on public security and is shaped by Indonesia's distinct socio-political context, which differs from that of Western countries. However, the main challenge lies in the implementation and enforcement of these regulations, particularly in controlling the circulation of illegal firearms. The distinctiveness of Indonesia's model lies in its integration of national security considerations with public safety concerns. As an archipelagic country with vast and complex border areas, Indonesia faces unique challenges in managing the flow of illicit firearms. Proximity to conflict zones in Southeast Asia and weak border control in certain regions create vulnerabilities to illegal firearm infiltration.

Indonesia's model also reflects a legacy of historical experiences with political violence and ethnic conflict. The 1965–1966 tragedy, the conflict in East Timor, the May 1998 riots, and various communal conflicts during the reform era have collectively shaped public awareness of the dangers of firearm proliferation among civilians (Ricky, 2023). These experiences have forged a strong political consensus on the necessity of strict control over civilian firearm ownership.

Challenges and Policy Recommendations

Based on the analysis of existing regulations and their implementation, several key challenges emerge in the governance of civilian firearm ownership in Indonesia. First, there is a significant gap between the formally strict regulations and their practical implementation, particularly in monitoring and preventing the circulation of illegal firearms. Second, there are limitations in institutional capacity and resources needed for effective and sustainable oversight. Third, inter-agency coordination remains suboptimal in managing firearm-related issues, including licensing, supervision, and law enforcement (HAM), 2024a).

This implementation gap manifests in various forms. First, inconsistencies in licensing standards across regions have created opportunities for forum shopping by applicants. Second, weak monitoring and evaluation mechanisms for licensed firearm holders allow for misuse or unauthorized transfer of firearms without official oversight. Third, the lack of integrated information systems among relevant agencies involved in firearm regulation and supervision further hampers accountability and transparency.

This phenomenon of implementation gap is also closely tied to a classic problem in Indonesian public administration: fragmented authority and weak horizontal coordination among institutions. In the context of firearms regulation, this is evident in overlapping authorities between the National Police (Polri), the Indonesian National Armed Forces (TNI), and other agencies in various aspects of firearms governance. Capacity limitations are not only quantitative such as insufficient human and financial resources but also qualitative, particularly the lack of personnel specialization. Addressing firearm-related issues requires specific expertise across multiple domains, including ballistics, forensic investigation, and intelligence analysis. These limitations often result in suboptimal responses to cases involving illegal firearms. In addition, limitations in technological infrastructure pose significant challenges. The absence of a nationally integrated firearms database hinders the tracking and monitoring of licensed firearms. This stands in contrast to best practices in developed countries, where advanced firearm tracking systems have been implemented as a standard for regulatory effectiveness and accountability.

To overcome these challenges, several policy recommendations may be considered. First, strengthening the national integrated firearms information and database system to facilitate the tracking and monitoring of legally owned firearms. Second, enhancing the capacity and resources allocated to oversight and law enforcement, including specialized training for police officers in dealing with firearm-related issues. Third, reinforcing international cooperation in combating the illicit trade in firearms, particularly in border areas (Jonesti & Saeri, 2016).

The development of an integrated information system must encompass several core components. First, a national database containing comprehensive information on every legally owned firearm, including technical specifications, ownership history, and current status.

Second, a real-time tracking system that enables monitoring of firearm movements across regions. Third, a secure and efficient interface that facilitates information sharing among relevant agencies.

Implementing such a system requires substantial investment in information technology infrastructure and human resources. However, the long-term benefits particularly enhanced oversight and the prevention of firearm misuse will far outweigh the initial costs. Capacity-building efforts must emphasize not only quantity but also the quality of personnel assigned to firearm-related tasks. Training programs should incorporate technical aspects (e.g., ballistics, forensics), legal frameworks (e.g., regulatory structures), and managerial components (e.g., coordination and planning) (Sirait & Abdillah, 2025). Additionally, a clearly defined career pathway for personnel specializing in firearm regulation should be established.

Professionalization efforts must also include the development of clear and measurable standard operating procedures for all aspects of firearm management. These procedures should be regularly updated in accordance with evolving international best practices and field-based learning.

Moreover, public education campaigns on the dangers of firearms and the legal consequences of illegal possession are necessary. Such awareness initiatives can foster social norms that support compliance with firearm regulations. The implementation of gun buyback programs, which have proven effective in several countries, should also be considered as a means to reduce the number of illegal firearms circulating within communities (V. O. A. Indonesia, 2015).

CONCLUSION

The legal framework governing civilian ownership and use of firearms in Indonesia reflects a strategy that prioritizes public safety through strict limitations on firearm possession. The applicable legal basis, particularly the Indonesian National Police Regulation Number 1 of 2022, provides a comprehensive foundation for structuring licensing, control, and oversight systems. However, the implementation of this regulation continues to face several challenges, especially in monitoring the distribution of unauthorized firearms and fostering inter-agency cooperation.

From a human rights perspective, Indonesia's approach to firearm regulation can be seen as a manifestation of the state's obligation to protect its citizens from the potential harm of gun violence. This approach aligns with global trends in firearm regulation that increasingly emphasize the need to balance individual rights with public security.

To enhance the effectiveness of firearm regulation in Indonesia, it is necessary to strengthen oversight mechanisms, improve the capacity of law enforcement personnel, and promote better coordination among institutions. Furthermore, a comprehensive approach that includes preventive measures such as public education and illegal firearm reduction programs must be developed. In this way, Indonesia can achieve an optimal balance between safeguarding individual security rights and protecting broader public safety.

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