

## Use Of Firearms By Police Forces In The Perspective Of Legal Sociology: A Study On Violence Control And Human Rights

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### Abstract

*The use of firearms by police officers is a complex issue that intersects the necessity of maintaining public security with the obligation to uphold human rights. This study explores the legal and sociological perspectives on the use of force, particularly firearms, by law enforcement officers in controlling violence and addressing human rights concerns. The analysis employs a literature review method, examining various legal frameworks, academic studies, and case studies. The findings reveal that while regulations such as Chief of Police Regulation No. 1 of 2009 provide a legal foundation, implementation in the field often deviates from the principles of proportionality and human rights respect. This highlights the need for comprehensive reforms in policy, monitoring, and training to ensure that law enforcement actions align with justice and human rights standards. This study underscores the importance of integrating sociological insights into the legal framework to achieve balanced law enforcement practices.*

**Keywords :** Firearms; Sociology of law; Human rights; Violence control; Police regulation.

### A. Introduction

The use of firearms by the police has become one of the most controversial issues in law enforcement practices in various countries, including Indonesia. As a tool designed to provide protection and ensure safety, firearms have the potential to become legitimate instruments of force. However, reality shows that firearms can also be used disproportionately and pose a serious risk to human rights.<sup>1</sup> Cases of misuse of firearms by police officers often provoke public anger and tarnish the image of the police institution, which is supposed to be the protector of the community. The main issue that will be studied in this study is how police officers use firearms in the context of legal sociology, as well as the extent to which human rights principles are applied in practice, in the perspective of legal sociology, this issue is not only related to regulations that regulate the use of firearms, but also involves various social, cultural, and structural aspects that affect the behavior of

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<sup>1</sup> Shinta Azzahra Sudrajat, 'Human Rights (HAM) as a Form of Political Policy in the Implementation of Protection', *Journal of Religion and Social-Humanities*, 1.1 (2022), 17–28.

police officers. The sociology of law as a discipline offers a holistic perspective to understand how law works in society and how social norms affect the implementation of law. With this approach, we can analyze not only the actions of the police officers, but also the community's response to these actions.<sup>2</sup>

As law enforcement agents, police officers are in a unique position. They are required to maintain public safety on the one hand, but on the other hand, they must also comply with legal and ethical restrictions. When using firearms, the decisions made by police officers are often under very short time pressure, which can increase the risk of violations. In this situation, clear training and guidelines are essential to ensure that any action complies with the principles of proportionality, legality, and urgency. However, in many cases, the training received by police officers is often insufficient to deal with the complexity of the situation on the ground. In addition, factors such as social pressure, lack of supervision, and a culture of impunity can also affect the decision-making of the authorities. From a legal sociology perspective, this shows that the use of firearms by the police is not only an individual issue, but also a manifestation of broader social dynamics. In other words, the behavior of the apparatus cannot be separated from the institutional and social context that surrounds it.<sup>3</sup>

This problem becomes even more complex when it is associated with the diversity of values and norms in society. In a pluralistic society like Indonesia, perceptions of police actions can vary widely. On the one hand, there are people who support the decisive action of the police, especially in the face of the threat of serious crime. However, on the other hand, there are groups of people who feel that the use of violence, including firearms, is often excessive and violates human rights. These differences reflect the importance of understanding this issue in a specific social and cultural context. In the international arena, the use of firearms by the police is also a major concern for organizations such as the United Nations (UN) and Amnesty International. Both organizations emphasized the importance of integrating human rights principles into police policies and practices. One of the important relevant documents is the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials issued by the United Nations.<sup>4</sup>

This document confirms that the use of firearms is only allowed in extreme circumstances, for example to protect life, and must be accompanied by full accountability. However, even though international standards already exist, their implementation at the national level often faces various obstacles. In Indonesia, for example, supervision of the use of firearms by police officers is still considered weak. There are many cases where the authorities are not held accountable for their actions, which ultimately creates a culture of

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<sup>2</sup> Hilmi Ardani Nasution and Hilmi Ardani, 'Kirpan Sikh: Between the Right to Freedom of Religion and National Law in Indonesia', *Journal of Human Rights*, 12.3 (2021), 449.

<sup>3</sup> Rocky Marbun, 'Instrumental Communication Based on Relationship Trichotomy: The Interpretive Authority of Investigators in Designating a Person as a Suspect', *Journal of Criminal Law and Criminology*, 2.1 (2021), 20–33.

<sup>4</sup> Muhamad Ilham, 'Accountability for the Implementation of Shooting Orders on the Spot by the National Police of the Republic of Indonesia', *Journal Law of Deli Sumatra*, 1.1 (2021).

impunity. This not only harms the victim, but also reduces public trust in the police institution. Thus, a more systematic approach is needed to ensure that human rights principles are truly integrated into policing practices.<sup>5</sup>

This research aims to answer several fundamental questions: how is the use of firearms by the police understood in the perspective of legal sociology? What are the factors that influence the decision of police officers to use firearms? And to what extent are human rights principles applied in practice? By combining theoretical analysis and empirical data, the research is expected to provide new insights that are not only relevant for academics, but also for policymakers and society at large. This research also aims to provide recommendations that can improve the professionalism and accountability of police institutions, so that the use of firearms can be carried out more responsibly and fairly. Through a sociology of legal approach, this research offers a unique perspective to understand the relationship between violence, law, and human rights. In this context, this research not only contributes to academic discussion, but also provides a solid basis for the development of more equitable and humane policies. With this hope, this research is expected to be the first step towards greater reform in policing practices in Indonesia and around the world.<sup>6</sup>

The research conducted by his <sup>7</sup> thesis entitled "Supervision and Control of Ownership of Air Soft Guns Without Permits Based on the Regulation of the National Police Chief Number 8 of 2012 concerning Firearms Reviewed from Human Rights" focuses on the supervision and control of the ownership of unlicensed airsoft guns. The study found that despite routine surveillance by the Directorate of Security Intelligence every three months, the distribution of airsoft guns through online media and storage in unregistered warehouses is a major obstacle. This constraint shows that stricter control efforts are needed to ensure that the possession of such weapons complies with applicable regulations, without violating human rights principles.<sup>8</sup>

<sup>9</sup>, through his research entitled "The Effectiveness of the Use of Firearms by Prison Guards in the Control of Security Disturbances in the Kerobokan Class IIA Correctional Institution," examined the effectiveness of procedures for the use of firearms by prison guards. The study highlights the importance of clear procedures, such as pre-shooting warnings and routine technical training, to minimize the risk of human rights violations. In addition, this study shows that the effectiveness of the use of firearms is greatly influenced

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<sup>5</sup> S Rosalin and Usman Usman, 'Restorative Justice Approach in Domestic Violence Crime Resolution From a Legal Utility Perspective', *PAMPAS: Journal Of Criminal Law*, 4.2 (2023), 174–83.

<sup>6</sup> Gerald Gary Moniharapon, Juanrico Alfaromona Sumarezs Titahelu, and Elias Z Leasa, 'Criminal Sanctions for Intentional Misuse of Firearms by Members of the National Police of the Republic of Indonesia', *TATOHI: Journal of Legal Sciences*, 1.7 (2021), 679–90.

<sup>7</sup> Sri Pamungkas Catur, 'Supervision and Control of Ownership of Air Soft Guns Without a Permit Based on Police Chief Regulation Number 8 of 2012 concerning Firearms Reviewed from Human Rights' (Undaris, 2023).

<sup>8</sup> Inspiration.

<sup>9</sup> Devi Ni Putu Irma Liana, 'The Effectiveness of the Use of Firearms by Prison Wardens in the Control of Security Disturbances in Class II Kerobokan Correctional Institutions' (MAHASARASWATI UNIVERSITY DENPASAR, 2022).

by the training and education provided to the warden, which is the basis for making informed decisions in the field.<sup>10</sup>

In relation to the study "Police Use of Firearms in the Perspective of Legal Sociology: A Study on Violence Control and Human Rights," the findings of both studies are highly relevant. Sri Pamungkas highlighted the importance of strict surveillance of weapons in civil society, while Devi Ni Putu Irma Liana emphasized the need for clear procedures and training in the use of firearms. These two findings provide a useful perspective for examining how policing, as a law enforcement institution, can manage the use of firearms responsibly, not only through regulation but also by considering broader social and structural factors. The perspective of legal sociology offers a holistic approach to understanding these dynamics within the framework of violence control and the protection of human rights.

## B. Methodology

This research method uses a literature review approach to critically analyze various relevant sources related to the use of firearms by the police from the perspective of legal sociology. Analysis was carried out on books, journal articles, theses, laws and regulations, and previous research reports, by reviewing previous research gaps and novelties produced, such as theoretical, methodological, or contextual perspectives that have not been discussed. Data is collected through primary legal sources, such as laws and official documents, as well as secondary legal materials, including international organization reports and case studies. This approach explores differences in policies, the implementation of regulations, and their impact on violence control and human rights protection. Thus, this study offers a novelty contribution in the form of a comprehensive analysis and policy recommendations oriented towards fairness and effectiveness in policing practice, which has significant implications for the improvement of regulation and law enforcement<sup>11</sup>.

## C. Results and Discussion

The analysis conducted using the literature review method of a number of previous studies shows the importance of critical evaluation of the use of firearms by the police, especially in relation to violence control and the protection of human rights. Amanda Eugenia Soeliongan's (2020) research<sup>12</sup> highlights the hard-to-detect threat of bioterrorism and its impact on human rights, underlining the urgency of specific regulations to protect people's basic rights. This concept is relevant to the use of firearms

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<sup>10</sup> Rayner Parengkuan, Debby Antouw, and Fonnyke Pongkorung, 'Law Enforcement by the Indonesian National Police Against the Abuse of Illegal Possession of Firearms', *Lex Crimen*, 11.4 (2022).

<sup>11</sup> **Tatang Hidayat, Endis Firdaus, and Momod Abdul Somad, 'TYLER'S CURRICULUM DEVELOPMENT MODEL AND ITS IMPLICATIONS IN THE LEARNING OF ISLAMIC RELIGIOUS EDUCATION IN SCHOOLS', ITS Journal of Science and Arts, 53.1 (2019), 1689-99.**

<sup>12</sup> Amanda Eugenia Soeliongan, 'The Urgency of Bioterrorism Regulation in Indonesia in a Human Rights Perspective', *Journal of Human Rights*, 11.2 (2020), 169 <<https://doi.org/10.30641/ham.2020.11.169-184>>.

by the police, which from a legal sociology perspective requires strict and transparent regulations to regulate when, how, and under what conditions the use of such weapons can be justified. Without an adequate legal framework, the actions of the police force risk exceeding the limit, which can lead to human rights violations. This perspective shows that regulation is not only a legal tool, but also an instrument to ensure that police actions are always within the corridor of law and social justice.

Research by Ganung Alif Mahatva Pratama (2023)<sup>13</sup> shows weaknesses in the implementation of Emergency Law No. 12 of 1951 related to the abuse of firearms, both by civil society and state officials. The findings show that verdicts that are too light against perpetrators often do not provide a deterrent effect, so cases of firearms abuse continue to recur. In the context of the police, this is a serious concern, because without firm and proportionate sanctions, the authority of the authorities to use firearms can be misinterpreted as impunity. From the perspective of legal sociology, this kind of action can also undermine the legitimacy of law enforcement institutions in the eyes of the public. Therefore, reform steps are needed in the form of regulatory adjustments that are more relevant to the sociological needs and situations of modern society, including ensuring that law enforcement reflects substantive justice, not just procedural justice.

Doni Prasetyawan's research (2024)<sup>14</sup> highlights the need to reconstruct law enforcement against the crime of firearms abuse, especially in the POLDA area of Central Java. This study shows that the juridical-empirical approach used in the research can identify gaps between existing legal policies and practices in the field. In the case of the use of firearms by the authorities, this reconstruction becomes very important to ensure that any police action is not only effective in controlling violent situations but also respects human rights in its entirety. This approach requires ongoing training for officers to understand the social context and impact of their actions. In addition, stricter oversight of the use of force is also an important step to create accountability in law enforcement.

Cahya Alifia Febriyanti (2024)<sup>15</sup> in her research on the National Police Chief's Regulation No. 1 of 2009 provides an in-depth view of the principle of proportionality in the use of force by the police. This principle, which emphasizes on the balance between the situation and the force used, aims to prevent the excessive use of force. However, the study also found that the regulations have limitations in addressing challenges on the ground, such as a lack of guidance specific to specific situations or inadequate training for officers. In relation to the sociology of law, the implementation of this principle of proportionality also requires a deep understanding of the social dynamics of society, so that the actions of the authorities are not only seen as coercion of the law, but also as an effort to maintain

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<sup>13</sup> Ganung Alif Mahatva Pratama, 'LEGAL CERTAINTY OF EMERGENCY LAW NUMBER 12 OF 1951 IN IMPLEMENTING PUNISHMENT FOR FIREARM ABUSE PERPETRATORS (Case Study No.920/Pid.Sus/2019/PN Smg)', 920, 2023, 1-23.

<sup>14</sup> Prasetyawan Doni, 'FIREARMS IN CIVIL SOCIETY (Case Study in the Central Java POLDA Area)', 2023.

<sup>15</sup> Cahya Alifia Febriyanti, 'The Use of Police Force Is Linked to the Reasons for Criminal Abolition Study of the Regulation of the National Police Chief No. 1 of 2009 concerning the Use of Force in Police Actions', 2.5 (2024), 680-700.



social harmony. Revisions to regulations, including the integration of human rights principles, are an important step to improve police professionalism in handling cases involving violence.

The research of M. Alfi Syahri Subakti and Diki Zukriadi (2024)<sup>16</sup> provides additional perspectives related to the issue of firearms ownership by civil society. They highlight that weak oversight of gun ownership can threaten public safety and undermine social stability. In this context, the role of the police as the main controller of security is very important. However, as with the use of firearms by officers, surveillance of civilian firearms also requires a balanced approach between strict law enforcement and respect for individual rights. The sociology approach of law in this regard can help explain how firearms regulation can be designed to minimize the risk of social conflict, without ignoring the security needs of individuals.

Siti Nursyafin et al. (2024)<sup>17</sup> in their study identified a conflict of norms between Perkap No. 1 of 2009 and international human rights principles. This conflict shows that existing regulations do not fully accommodate international standards, which can pose a dilemma for police officers in carrying out their duties. For example, the use of excessive force when securing crowds or demonstrations often leads to human rights violations. The study recommends the need for revisions to existing regulations and intensive training for officials to integrate human rights principles into their actions. This not only increases public trust in the police institution but also ensures that the actions of the officers are always in accordance with universal human values.

This study highlights the relationship between the use of firearms by the police and the principles of violence control and the protection of human rights (HAM) from a legal sociology perspective. The results show that while the police have the authority to use firearms to maintain security and order, implementation on the ground often faces challenges in ensuring that such actions do not violate human rights. In this context, the perspective of legal sociology serves as a framework for understanding how regulation, training, and supervision affect the practices of the authorities in situations involving violence.

The study revealed that regulations, such as the National Police Chief's Regulation No. 1 of 2009, aim to provide guidelines for proportionality in the use of force. However, limitations in its application in the field are often a source of conflict, both legally and socially. Regulations that are not fully in line with international standards and lack of thorough training for officials lead to the emergence of the risk of abuse of authority. This not only hurts human rights principles, but also damages public trust in the police institution. In the perspective of legal sociology, this inequality can be understood as a result of the lack of integration between legal norms and social dynamics in society.

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<sup>16</sup> M Alfi Syahri and Subakti Diki, 'Legal Certainty of Firearms Ownership for Civil Society in the Context of the Preliminary Legal State (Rechtsstaat)', 128–37.

<sup>17</sup> Siti Nursyafin, Mirza Satria Buana, and Muhammad Ali Imran, 'Arrangement of Security of Gathering Activities and the Use of Police Force of the Republic of Indonesia (Reviewed from the Perspective of Human Rights Law)', 2.1 (2024), 107–23.

The link between violent control and human rights lies in how firearms are used in certain situations. Research shows that in certain conditions, such as mass security or handling of high crime, the authorities often face a dilemma in balancing repressive actions with human rights principles. The perspective of legal sociology underscores that any action involving the use of force by the state must consider its impact on social harmony and the legitimacy of the law. Therefore, it is important for police regulations and policies to focus not only on technical procedures, but also on a deep understanding of the social context surrounding such actions.

The study also found that the abuse of firearms by civil society and law enforcement is a serious problem that threatens social stability and public safety. In this regard, weak oversight of firearms ownership and use indicates an urgent need to reconstruct regulation and law enforcement. Policy revisions oriented towards substantive justice, as well as training that emphasizes the principles of proportionality and respect for human rights, are crucial steps to address this problem.

From the point of view of legal sociology, the use of firearms by the police reflects the interaction between formal law, social values, and the reality of practice on the ground. Violence control and respect for human rights can only be achieved if existing regulations are able to adapt to evolving social dynamics, supported by strict supervision and professionalism of the authorities. Thus, regulatory reform, strengthening training, and accountability-based oversight are key elements to create fair law enforcement and respect for human rights.

#### **D. Conclusions and Suggestions**

Based on the results of the research and discussion, it can be concluded that the issue of the use of firearms by the police involves a balance between public safety and respect for human rights. Different from previous research that tends to focus on formal legal aspects or evaluation of specific cases, this research offers novelty through interdisciplinary analysis with a legal sociology perspective. This perspective provides a deeper understanding of the interactions between legal norms, social dynamics, and realities on the ground that influence the practice of use of force by the authorities. The results of the study show that although regulations such as the National Police Chief's Regulation No. 1 of 2009 provide important guidelines, their implementation in the field still faces various obstacles, such as lack of consistency in implementation, lack of human rights-based training, and weak monitoring and sanctioning mechanisms for violations. Compared to previous studies, this study reveals how social structures and cultural patterns in the police environment also influence the abuse of force, including the use of firearms. This research has important significance in supporting the development of more effective and equitable policies. Implications include recommendations for substantive justice-based policy reforms, strengthening the surveillance system, and improving the professionalism training of officials focusing on the principles of proportionality and respect for human rights. With this approach, the use of

firearms can be better managed, support the legitimacy of the authorities, and build public trust in the legal system.



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