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# **National Gun Law of Republic of Indonesia**

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# EXECUTIVE SUMMARY

This Issue Paper examines Indonesia's comprehensive firearms control law. Indonesia has one of the world's most restrictive civilian firearms systems, with approximately 0.03 firearms per 100 residents. This paper analyzes the legal framework from independence in 1945 to current regulations under Peraturan Kepolisian Number 1 of 2022 (Perpol 1/2022).

Unlike in nations where firearms rights may be constitutionally or culturally protected, Indonesia's approach to weapons control emerged from its struggle for independence and subsequent efforts to maintain national cohesion. Indonesia's firearms control reflects state-building priorities emphasizing collective security over individual rights.

The legal foundations rest on Law Number 8 of 1948 (registration and licensing) and Emergency Law Number 12 of 1951 (criminal penalties including death sentences for unauthorized possession) both remaining in force today.

*“Indonesia's firearms control reflects state-building priorities emphasizing collective security over individual rights.”*

This Issue Paper engages in doctrinal legal analysis of Indonesian firearms legislation. There is also statistical analysis of gun crime data from Indonesia's Central Statistics Agency (BPS) covering 2012-2021. Primary sources include constitutional provisions, statutory law, police regulations, and official crime statistics.

Indonesia's firearms regime operates through a restrictive “may-issue” permitting system administered by the National Police Intelligence Agency (Baintelkam Polri). Civilian ownership is limited to specific high-risk professions with demonstrated threats, sporting purposes through approved clubs, or highly regulated collecting. Gun-related crimes declined 80.7% from 2012-2021 (561 to 108 cases), though illegal firearms remain problematic with annual national police seizures of 500–700 illicit weapons, and more locally.

## NATIONAL GUN LAW OF REPUBLIC OF INDONESIA

The system has been highly effective in limiting legal ownership.

The information presented herein is based on publicly available legal texts and analyses of Indonesian law. It is not an official government statement and should not be relied upon for legal advice.

Spelling is consistent with the Indonesian version of English, which leans more to British spelling than to American.

# INTRODUCTION

In 1945, Indonesia declared its independence from over three centuries of Dutch colonial rule.<sup>1</sup> Unlike nations where the right to bear arms might be seen as an historical or constitutional liberty, Indonesia has forged a path of stringent state control over weaponry.<sup>2</sup> This approach was deeply embedded in its post-independence drive for national stability, unity, and a state monopoly on force, contrasting sharply with the historical precedents of countries like Colombia, where arms have sometimes played a foundational role in securing individual and collective defence rights.<sup>3</sup>

This paper provides an overview of the current laws that regulate the possession of weapons in Indonesia. Part I briefly traces Indonesian constitutional history and demonstrates how the weapon possession laws were shaped by the nation's historical trajectory. Part II outlines the relevant gun possession laws from Indonesia's legal framework, sorted historically from their inception to the most recent regulations. Part III summarizes the present laws that regulate weapons in Indonesia, detailing the system of permits and how the concept of self-defence is accommodated to a very limited degree within this strict framework. Part IV details Law Number 8 of 1948, and Part V does the same for Emergency Law Number 12 of 1951. Part VI concludes by summarizing the continuity of Indonesian statutes in attempting to secure a state monopoly of force.

Appendix A is a bibliography of key sources. Appendix B provides the full Indonesian texts and English translations of the 1948 and 1951 gun control laws, which are still in effect. Appendix C provides data about violent gun crime in modern Indonesia.

- 1 Siong, Han Bing, "The Indonesian Need of Arms after the Proclamation of Independence," *Bijdragen Tot de Taal-, Land- En Volkenkunde*, vol. 157, no. 4 (2001): 799–830. <http://www.jstor.org/stable/27865779>.
- 2 Christian, David & Rahman Amin, "Law Enforcement Against Perpetrators of Illegal Firearms Possession According to Emergency Law Number 12 of 1951; A Study in Banko District Court, Indonesia," *International Journal of Law and Society*, vol. 7 (2024): 118–125. DOI: 10.11648/j.ijls.20240703.14.
- 3 Shaw, Jonathan Edward, *Colombia's National Law of Firearms and Explosives*, Independence Institute Issue Paper no. 3-2011 (May 2011). <https://davekopel.org/2A/IP/colombias-national-law-of-firearms.pdf> (last visited Jun 27, 2025).

# BRIEF HISTORY OF RIGHT TO ARMS IN INDONESIAN CONSTITUTIONS

Indonesia's legal framework for arms control directly reflects historical experiences, particularly its struggle for independence and subsequent efforts to maintain national cohesion.

## PRE-INDEPENDENCE

During the Dutch colonial period, which began in 1602, the legal landscape in the Indonesian archipelago was primarily shaped by Dutch colonial law.<sup>4</sup> Unlike the Spanish colonial experience in Latin America, which, as seen in the 1542 Laws of the Indies, provided for the possession of “offensive and defensive arms” for conquistadores and settlers, the Dutch colonial administration in Indonesia generally maintained a tight grip on weapons. The indigenous population was largely disarmed, and the colonial government enforced a strong monopoly over military and policing functions.<sup>5</sup> This historical context meant that a civilian right to arms never developed as a recognized liberty for the populace. The focus was on maintaining colonial order and suppressing any armed resistance, thus laying a foundational understanding of weapons as instruments of state power rather than individual rights.<sup>6</sup>

## POST-INDEPENDENCE CONSTITUTIONS

Upon declaring independence on August 17, 1945, and ratifying its 1945 Constitution a day later, Indonesia embarked on a path of national consolidation amidst internal and external threats.<sup>7</sup> The new republic faced armed struggle against the Dutch, who

4 Siong, “The Indonesian Need of Arms.”

5 *Ibid.*, p. 807.

6 Nadjamuddin, Lukman; Amar Akbar Ali; Adrian Perkasa; Farida Wargadalem; & Wilman Lumangino, “Resisting Return to Dutch Colonial Rule: Political Upheaval after Japanese Surrender during the Independence Movement in Sulawesi, Indonesia,” *Histories*, vol. 2, no. 4 (2022): 426-438, p.427. DOI: 10.3390/histories2040030.

7 Santika, I Gusti; I Made Kartika; I Sujana; & Ni Dwindayani, “The Dynamic History of the Journey of Pancasila as the Foundation of the Indonesian State,” *Journal of Sustainable Development Science*, vol. 5 (2023): 25-32, p. 27. DOI: 10.46650/jsds.5.1.1432.25-32.

did not recognize the declaration of independence, and against internal rebellions. In this turbulent environment, the immediate priority was to establish a strong central government capable of maintaining security and order across the vast archipelago.<sup>8</sup> This necessity underscored the principle that the state, through its nascent military and police forces, must hold the sole legitimate authority over the possession and use of arms.

Early post-independence laws quickly solidified this approach. Law Number 8 of 1948 concerning the Registration and Licensing of Firearms was one of the first instruments to regulate civilian firearm ownership, mandating registration and police-issued licenses for any non-military or non-police individuals.<sup>9</sup> This law laid the groundwork for a highly controlled system, rather than affirming a broad right to bear arms.

A few years later came Emergency Law Number 12 of 1951 (often cited as UU Darurat No. 12 Tahun 1951).<sup>10</sup> This law reinforced the state's monopoly by imposing severe penalties—including the death penalty, life imprisonment, or up to twenty (20) years in prison—for unauthorized possession, import, manufacture, or use of firearms, ammunition, or explosives.<sup>11</sup> This law remains a cornerstone of Indonesia's strict gun control regime to this day, reflecting the nation's historical imperative to prevent civilian arms from contributing to instability or challenging state authority.

Subsequent political developments, including the Guided Democracy era under President Sukarno (1945–1966) and the New Order regime under President Suharto (1966–1998), further entrenched the centralized control of the state over all aspects of national life, including security and arms. The 1945 Constitution, even with its post-1998 amendments (Reformasi era), while emphasizing human rights and democratic principles, does not include a specific right to bear arms for self-defence for civilians. Instead, it outlines the state's responsibility for national defence and security, primarily through the Indonesian National Armed Forces (TNI) and the Indonesian National Police (Polri).<sup>12</sup> This absence reflects a consistent policy choice prioritizing collective security and state control of force over individual firearm ownership.

“Broad disarmament of civilians was seen as essential to separating guerrillas from support bases.”

Broad disarmament of civilians was seen as essential to separating guerrillas from support bases. With 17,000 islands and long, lightly-patrolled coastlines, Indonesia treats civilian gun proliferation as a multiplier for piracy and separatism. Additionally, Indonesia has traditional status objects—keris daggers in Java,

8 Sebastian, Leonard, *Domestic security priorities, “balance of interests” and Indonesia’s management of regional order* 1 (2006), p.176. DOI: 10.4324/9780203014813-12.

9 Indonesia, Undang-Undang Nomor 8 Tahun 1948 / Law 8 of 1948, Concerning the Registration and Granting of Firearm Use Permits, Lembaran Negara Republik Indonesia Tahun 1948 Nomor 17 (hereinafter Law 8 of 1948), Art. 5, ¶ (1), and Art. 9.

10 Indonesia, Undang-Undang Darurat Nomor 12 Tahun 1951 / Emergency Law 12 of 1951 Concerning the Amendment of “Ordonnantie Tijdelijke Bijzondere Strafbepalingen” (State Gazette 1948 No. 17) and Law 8 of 1948, Lembaran Negara Republik Indonesia Tahun 1951 Nomor 78 (hereinafter Emergency Law 12 of 1951), Introduction.

11 Emergency Law 12 of 1951, Art. 1, ¶ (1).

12 Indonesia, UUD Tahun 1945, / Indon. Const. §. XII, art. XXX cl. 1 and cl. 2.

parang in Kalimantan—and these reduce cultural demand for modern handguns.<sup>13</sup> Indonesia’s arms control philosophy shares core similarities with Malaysia, for both governments prioritize state authority rooted in post-colonial instability and ethnic conflict management. Malaysia’s Firearms Act (1960) imposes life imprisonment for illegal possession, the same as Indonesia’s Emergency Law 12/1951, reflecting a shared belief that civilian disarmament ensures multiethnic stability.<sup>14</sup> Both Indonesia and Malaysia fought protracted rural insurgencies in the 1940s–60s.

In contrast, Thailand demonstrates greater liberalism: civilians may own firearms for sport or self-defence with fewer bureaucratic hurdles.<sup>15</sup> The divergence stems from Thailand’s absence of large-scale anti-colonial warfare and its monarchy’s historical tolerance of citizen militias.

## CURRENT CONSTITUTIONAL PROVISIONS

The 1945 Constitution of the Republic of Indonesia, even after its comprehensive amendments during the Reformasi era (1999-2002), does not grant citizens a constitutional right to possess or carry firearms.<sup>16</sup> Instead, the Constitution establishes the framework for national defence and security, placing the responsibility squarely on the state.

- **Chapter XII, Article 30 (1) of the 1945 Constitution states:** “Every citizen has the right and obligation to participate in the defence and security of the state.”<sup>17</sup> The “right” “to participate in the defence” of the state has no practical meaning. For example, an Indonesian does not have a right to join the armed forces if the armed forces do not want him.
- **Article 30 (2) elaborates:** “The defence and security of the state shall be implemented through a universal defence and security system by placing the Indonesian National Armed Forces and the Indonesian National Police as the main components, and the people as supporting components.”<sup>18</sup>

These articles emphasize a collective duty for defence and security, led by state institutions, rather than an individual right to armed self-defence. The detailed regulation of firearm possession is therefore delegated to statutory laws and police regulations, which are designed to implement the constitutional principles of state control and public order.

13 The keris dagger in Java and the machete (parang) in Kalimantan are traditional sharp objects typically used for agriculture or gardening. If the item is old enough and is passed down through generations, it is categorized as an heirloom or ancient object. However, the classification does not preclude use in emergencies, such as when life is threatened. Thus, people in previous times did not consider handguns a necessity as they could still use their heirlooms or ancient objects for self-defence. Also, Indonesia does not consider knives as inherently dangerous, because they are a part of daily activities, such as cooking.

14 Law of Malaysia, Arms Act 1960, art. XIV cl. 2.

15 Law of Thailand, Firearms, Ammunition, Explosives, Fireworks, and the Equivalent of Firearms Act B.E. 2490 §. X cl. 1 (1947). This foundational law is supplemented by Amendments to the Act Controlling Firearms, Ammunition, Explosives, Fireworks and Imitation of Firearms, B.E. 2490 (2017).

16 Indonesia, UUD Tahun 1945, / Indon. Const. §. XII, art. XXX cl. 1 and cl. 2.

17 Indon. Const. §. XII, art. XXX cl. 1.

18 *Ibid.*, cl. 2.

# SUMMARY OF INDONESIAN ARMS AND SELF-DEFENCE LAWS

Laws in Indonesia are named according to their sequential number within a year and the year of their adoption. For instance, the first statute adopted in 2022 would be named Law 1 of 2022. Similarly, police regulations (Peraturan Kepolisian or Peraturan Kapolri) follow a numerical sequence within their issuing year. The following laws and regulations are the main legal instruments that deal with gun control in Indonesia. This Part II provides a brief summary of the current laws that an individual seeking to obtain a firearm would need to be familiar with.

## LEGITIMATE SELF-DEFENCE

While the possession and carrying of firearms by civilians for self-defence is severely restricted in Indonesia, the concept of self-defence is recognized within the Indonesian Criminal Code (Kitab Undang-Undang Hukum Pidana or KUHP). This provides context for the legitimate use of force, including potentially defensive actions, within the bounds of law. This consideration is particularly important in a country that prioritizes state security and where private firearm ownership is largely prohibited.

Article 49 of the Criminal Code outlines the principle of legitimate defence, stating:

- **Article 49 (1):** “Any person who commits an act of defence, necessary for his or another’s person or property against an immediate unlawful attack, shall not be punished.”<sup>19</sup>
- **Article 49 (2):** “Defence beyond the limits of necessity, if it is the immediate consequence of a strong emotional impulse caused by the attack, shall not be punished.”<sup>20</sup>

This article establishes key principles for self-defence:

1. **Necessity and Proportionality:** The defence must be “necessary” and “proportional” to the aggression. The force used to repel any threat must be balanced against the nature of the threat itself.<sup>21</sup>

19 Indonesia, Kitab Undang-Undang Hukum Pidana (KUHP), / Cod. Pen., Art. 49.1 (Indon.1945).

20 *Ibid.* Art. 49.2.

21 *Ibid.* Art. 49.1.

2. **Immediacy:** The threat must be “immediate” or “current.” The use of force cannot be classified as defence if the force is used after the threat has ended.<sup>22</sup>
3. **Against Unlawful Attack:** The defence must be a response to an “unlawful” attack.
4. **Emotional Impulse (Excessive Defence):** While typically self-defence must be proportional, the law offers a mitigating circumstance for “excessive defence” (noodweer exces) if it results from a strong emotional impulse caused by the attack, though this is a complex legal interpretation.

It is crucial to note that this recognition of self-defence in the Criminal Code pertains to the *legitimacy of an act of defence* in response to an attack, not a *right to carry a firearm for the possibility of self-defence*. The overarching strict firearms laws still govern whether one can possess the tools to engage in such defence.

## BACKGROUND AND SUMMARY OF THE ARMS LAW

Indonesia’s contemporary firearms control is predominantly governed by **Regulation of the National Police of the Republic of Indonesia Number 1 of 2022 (Perpol 1/2022)**.<sup>23</sup> This comprehensive regulation consolidates and replaces several earlier police regulations, including Peraturan Kapolri Number 8 of 2012, Peraturan Kapolri Number 18 of 2015, and Peraturan Kapolri Number 11 of 2017.<sup>24</sup> The consolidation aims to provide a unified framework for all aspects of firearm licensing, supervision, and control.

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Perpol 1/2022 meticulously categorizes firearms and security equipment and outlines detailed permitting systems for each. It covers the standard firearms used by the Indonesian National Police (Polri) and Indonesian National Armed Forces (TNI), “non-organic” firearms (those not standard issue), and certain security equipment classified as weapons.<sup>25</sup> The regulation defines a stringent permitting

system, controls for ammunition, and detailed regulations for individuals and entities involved in sports shooting and other authorized uses. Procedures for import, purchase, ownership, use, transport, storage, transfer, repair, and destruction of weapons are all set forth in this comprehensive regulation.<sup>26</sup>

<sup>22</sup> *Ibid.*

<sup>23</sup> Indonesia, Peraturan Kepolisian Negara Republik Indonesia Nomor 1 Tahun 2022 tentang Perizinan, Pengawasan dan Pengendalian Senjata Api Standar Kepolisian Negara Republik Indonesia, Senjata Api Non Organik Kepolisian Negara Republik Indonesia/Tentara Nasional Indonesia, dan Peralatan Keamanan yang Digolongkan Senjata Api, Lembaran Negara Republik Indonesia Tahun 2022 Nomor 139 (hereinafter Perpol 1/2022).

<sup>24</sup> Perpol 1/2022 / Regulation of the National Police of the Republic of Indonesia Number 1 of 2022, “Considering” section point C.

<sup>25</sup> *Ibid.*, Introduction. The short forms are based on the Bahasa language, which is the Indonesian word for the Indonesian language.

<sup>26</sup> *Ibid.*, General Provisions (Chapter I) and respective Chapters on Licensing (Chapters II, III, IV).

## TYPES OF WEAPONS AND SALE OF AMMUNITION

Under Perpol 1/2022, the types of weapons that an Indonesian civilian may possess or carry with a permit are extremely limited and categorized based on purpose. The core division is between firearms for organic state use (Polri/TNI) and non-organic firearms for specific authorized civilian or paramilitary uses, as well as various types of security equipment classified as weapons.<sup>27</sup>

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- **Non-Organic Firearms for Civilian Use (with permits):** These are primarily categorized for:
  - **Self-Defence:** Limited to specific calibres for handguns (only .22, .25, .30, and .32 inches) and long guns (.22, .32, and 12 gauge) using live, rubber, or gas bullets, for individuals in high-risk professions.
  - **Sporting Weapons:** Including air pistols, air rifles, and certain firearms for target shooting, practical shooting, and hunting, with specific calibers and types outlined (e.g., .22 long rifle for Free Pistol, 9x19mm for practical shooting, small to medium rifles for hunting).<sup>28</sup> These require membership in approved shooting or hunting clubs (Indonesia Shooting Association—*Perbakin*; or Indonesia Archery Association—*Perpani*).<sup>29</sup>
  - **Special Police Functions:** Firearms used by entities such as the Special Force Police (Polsus), Civil Investigator (PPNS), Security Guard (Satpam), and Municipal Police (Satpol PP) are also categorized, typically including rubber bullet firearms, gas bullet firearms, and some live ammunition firearms, depending on the specific function.<sup>30</sup>
- **Security Equipment Classified as Firearms:** This broad category includes items that are not traditional firearms but are regulated due to their potential for harm or misuse. These include: tranquilizer guns, signal weapons, gas weapons, pepper guns, replica weapons (e.g., airsoft guns and paintball markers), air guns, harpoons, gas spray weapons, crossbows, concrete nail guns, power loads, electric shock devices, and archery equipment.<sup>31</sup> Defensive carriage of devices such as gas weapons or pepper guns is permitted solely for self-

27 *Ibid.*, Art. 1.

28 *Ibid.*, Arts. 46–49.

29 *Ibid.*, Art. 51, ¶ (1) point a.

30 Special Force Police (Polsus) is a group of officers with police authority who typically have special authority in certain areas, such as railways, immigration, or quarantine. A Civil Investigator (PPNS) is a civil servant appointed and authorized to conduct investigations into specific crimes, outside of the general crimes typically handled by the police; the investigative authority is regulated by law regarding respective areas of responsibility. A Security Guard (Satpam) is a person whose job is to maintain security and order in a place. They are responsible for preventing crime, monitoring the area, and providing a sense of security in the environment where they work. Municipal Police (SatpolPP) is a task force of regional government apparatus in Indonesia whose duty is to maintain public order and public safety, as well as enforcing regional regulations such as preventing people from selling goods on sidewalk (street vendors).

31 A “powerload” is a stunning device used to immobilize animals before being slaughtered at a slaughterhouse. Perpol 1/2022, Art. 102, ¶ (1).

protection against specific, external threats to life, property, or personal honour and only after the applicant obtains a permit from Indonesia National Police.

Air guns and bows may be acquired for target shooting or regulated hunting, but only after (i) the organiser of the match or hunt submits an activity-permit dossier endorsed by the Indonesian National Police, (ii) the applicant presents an invitation or recommendation from a regional head, such as a governor, and (iii) the activities occur exclusively on ranges or hunting grounds, that the Indonesian National Police (Polri) have formally licensed.

- **Prohibited Weapons and Accessories:** Generally, any weapon possessed without proper authorization is illegal. This includes, but is not limited to, automatic firearms, military-grade weapons, homemade weapons, and any modifications not approved by authorities. The spirit of the law prohibits any weapon that is not the subject of a valid permit or that is deemed a threat to public order.
- **Sale of Ammunition:** The sale and acquisition of ammunition are under strict state control. Ammunition can only be purchased by authorized permit holders for their registered firearms, and often only from designated state-controlled entities or distributors. The type and quantity of ammunition are tightly regulated and specific to the permitted weapon, and the maximum quantity is limited to 50 ( fifty) rounds of ammunition.<sup>32</sup>

## PERMITTING SYSTEM

Indonesia’s permitting system is among the most restrictive globally, reflecting the state’s firm commitment to controlling firearms. Civilian firearm ownership is extremely low, limited to a minute fraction of the populace.<sup>33</sup> The system operates on a “may-issue”

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principle, meaning that permits are granted at the discretion of the National Police, rather than being an automatic right upon meeting basic criteria.

After a weapon is imported or legally sourced by an authorized entity (typically a state-appointed importer or distributor), it must go through a rigorous multi-stage permitting process for end-users. The permits are issued exclusively by the National Police (Polri), primarily through its Security Intelligence Agency (Baintelkam) at the national level and the Directorates of Security Intelligence at the

Regional Police (Polda) level.<sup>34</sup> The validity of such permits is national, not limited to

32 Perpol 1/2022, Art. 87. Ammunition can only be purchased by individuals holding authorized permits for their registered firearms, issued by the National Police Intelligence and Security Agency (Baintelkam Polri), and must be sourced exclusively from designated state-controlled entities or distributors. The type of ammunition is strictly specific to the permitted weapon. For instance, a permit for a 9mm handgun is required to purchase 9mm bullets—and the quantity is capped at a maximum of 50 rounds per permit holder.

33 Dwilaksono, Bimo & Yuliana Wahyuningsih, “The Role of the National Police in the Misuse of Civilian Weapons Among Civilians,” *Journal of Law, Politics and Humanities*, vol. 5 (2025): 3410–3422, p. 3413. DOI: 10.38035/jlph.v5i5.1928.

34 Perpol 1/2022, Arts. 13, ¶ (4); 53, ¶ (1); 84; 111, ¶ (1); 146, ¶ (1).

local municipalities or provinces, but usage may be restricted to specific locations or situations.

## PERMITS TO POSSESS AND CARRY PERSONAL WEAPONS

Under Perpol 1/2022, each authorized weapon must be the subject of at least one (1) permit.<sup>35</sup> The permits issued to Indonesian civilians are broadly for “ownership” (Kepemilikan) and “use” (Penggunaan), with various sub-categories depending on the weapon type and purpose.

- **Permits to Possess/Own Firearms:** To obtain a permit to possess a firearm (typically issued as a “Buku Pas” or Pass Book), an individual can only have a maximum of 2 (two) firearms for self-defence purposes, which can be of the same type and calibre or different types and calibres;<sup>36</sup> and they must complete extensive documentation and meet exceptionally stringent personal requirements.
  - **Citizenship and Age:** Must be an Indonesian citizen, typically aged between seventeen (17) and sixty-five (65) years for general categories (such as sports), or twenty (20) to fifty-eight (58) years for specific professional roles (*e.g.*, Polesus/PPNS/Satpam) or minimum age of twenty-four (24) years for self-defence firearms.<sup>37</sup>
  - **Clean Criminal Record:** Must have no criminal record, evidenced by a police record certificate (SKCK).<sup>38</sup>
  - **Medical and Psychological Fitness:** Mandatory comprehensive physical and mental health checks by Polri-appointed doctors and psychologists. These include assessing emotional stability and suitability for firearm ownership.<sup>39</sup>
  - **Shooting Proficiency:** Must demonstrate proven shooting skills. Beginners can obtain certification by attending shooting classes conducted by the Indonesian National Police (Polri) or Indonesian Shooting Association (Perbakin). A firearms license often requires a certificate from Polri or a recognized shooting organization (like Perbakin) indicating at least three (3) years of experience.<sup>40</sup>
  - **Professional/Urgency Requirements:** For defensive firearms, the law gives priority to applicants whose occupations demonstrably expose them to heightened threat—such as ministers, CEOs, high-risk lawyers/doctors, and other figures the National Police Intelligence and Security Agency (Baintelkam) deems vital and who have demonstrated a genuine, urgent, and credible need for self-defence due to a documented threat to their lives or property. Applicants outside these categories are not automatically

35 *Ibid.*, Arts. 9, ¶ (2); 56, ¶ (1); 86, ¶ (2).

36 Perpol 18/2015 / Regulation of the National Police of the Republic of Indonesia Number 18 of 2015, Art. 11.

37 Perpol 1/2022, Arts. 18, ¶ (1) point c; 51, ¶ (1) point b; 81, ¶ (1) point b.

38 *Ibid.*, Arts. 18, ¶ (1) point d; 51, ¶ (1) point d; 81, ¶ (1) point m.

39 *Ibid.*, Arts. 18, ¶ (1) point b; 51, ¶ (1) point c; 81, ¶ (1) points c and d.

40 *Ibid.*, Arts. 51, ¶ (1) point e; 81, ¶ (1) point e.

barred; if they can present verifiable evidence of a specific, credible danger—and satisfy the psychological, medical, marksmanship, and background criteria—licensing officers may consider approving the permit. General fear is insufficient.<sup>41</sup>

- **Permits to Carry Firearms:** While permits to “possess” a firearm allow keeping it at a specific location, permits to “carry” or “use” it outside of that location are even more restricted and require separate authorization. These permits often come in the form of a “Kartu Izin Penguasaan Pinjam Pakai” (Borrowed Use Possession Permit Card) or specific “Surat Izin Penggunaan” (Use Permit Letters). The need to carry a weapon for self-defence must be proven in each instance, often tied to a specific assignment or demonstrable threat outside the primary storage location.<sup>42</sup> For sporting arms, a hunter will need a permit for a specific hunting ground. A target shooter can only carry at licensed ranges.
- **Validity and Renewal:** Permits are not permanent. Ownership permits (Buku Pas) for self-defence firearms are valid for five (5) years but require annual re-registration with local police.<sup>43</sup> Use/carry permits are often valid for shorter periods (e.g., one (1) year or six (6) months depending on activity) and require renewal with re-evaluation of eligibility.<sup>44</sup>
- **Transport of Firearms:** For non-defence purposes (e.g., bringing a gun to a shooting range or moving it to another location for storage), permit holders must adhere to strict transport guidelines, often requiring specific transport permits, and may need to secure the firearm in a disassembled state or in separate cases to prevent immediate use.<sup>45</sup>
- **Government Monopoly on Sale:** The Indonesian government, through authorized entities and distributors, maintains a monopoly on the retail legal sale of firearms and ammunition.<sup>46</sup> An individual granted a permit would typically acquire the weapon through these channels. Upon permit expiration or revocation, the individual is required to return the weapon to the local police unit, unless it previously transferred to another person with the appropriate permits, or if there is a legal requirement to destroy the weapon.<sup>47</sup>
- **Transfer of Ownership:** With government permission, firearms may be transferred, such as through inheritance to a legal heir who meets all eligibility criteria, or granted to another qualified individual. Such transfers require a new permitting process.<sup>48</sup>

41 *Ibid.*, Art. 81, ¶ (1) points g-l, and Art. 82, ¶ (2).

42 *Ibid.*, Arts. 23, 24, 114, 115.

43 *Ibid.*, Arts. 31, ¶ (1); 69, ¶ (3); 94, ¶ (2).

44 *Ibid.*, Arts. 32, ¶ (1); 33; 69, ¶ (4) and (5); 94, ¶ (3); 123; 124, ¶ (1) and (2); 125; 156, ¶ (4).

45 *Ibid.*, Arts. 62, ¶ (4); 65, ¶ (3); 152, ¶ (1); 156, ¶ (6).

46 *Ibid.*, Arts. 53, ¶ (1); 54, ¶ (1); 79, ¶ (1) and (2); 146, ¶ (1); 148, ¶ (1); 151, ¶ (1); 154, ¶ (1); 161, ¶ (1) and (2); 179, ¶ (1).

47 *Ibid.*, Arts. 10, ¶ (2); 59, ¶ (3) point c; 80, ¶ (1) point c.

48 *Ibid.*, Arts. 25, 59, 89, 116, 161, 169.

## Sportsmen and Collectors

Indonesia's strict gun laws provide specific frameworks to accommodate sporting use of firearms or collecting within the overarching control paradigm.

- **Sportsmen:** To possess sporting weapons, individuals must be active members of approved shooting or archery clubs (Perbakin or Perpani).<sup>49</sup> Members can typically purchase ammunition from their clubs or authorized state sources for use at licensed firing ranges.<sup>50</sup> Participation in shooting sports is strictly confined to these authorized ranges or designated hunting areas, never in public spaces.<sup>51</sup>
- **Collectors:** Weapon collection is extremely limited and highly regulated. Collectors must adhere to stringent security measures, often requiring specialized storage (e.g., locked vaults) and ensuring that displayed weapons are rendered inoperable.<sup>52</sup> The acquisition of collectible weapons would typically go through a highly controlled import/purchase process, again emphasizing state oversight.

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49 *Ibid.*, Arts. 51, ¶ (1) point a; 142, ¶ (1) point a; 143, ¶ (1) point a; 144, ¶ (1) point a.

50 *Ibid.*, Art. 68, ¶ (2) point g.

51 *Ibid.*, Arts. 50, ¶ (1) and (2); 76; 137, ¶ (2).

52 *Ibid.*, Arts. 66, ¶ (4) and (5); 1809 of 1994, Art. 18.

# THE REALITIES OF THE PERMITTING SYSTEM

Although the requirements to obtain permits to possess and carry weapons in Indonesia appear straightforward in the legal texts, understanding the practical realities of how the system operates is crucial. The process is universally acknowledged to be highly bureaucratic, lengthy, and exceptionally difficult, making legal civilian firearm ownership extremely rare.

- **Bureaucratic Hurdles and Delays:** Applicants often face significant waiting periods and numerous administrative hurdles due to the multi-layered approval process involving various police departments (Resor/Sector/District, Regional, and National Headquarters’ Security Intelligence Agency). Each stage requires meticulous document verification, background checks, and stringent testing, which can cause considerable delays.<sup>53</sup>
- **Discretionary “May-Issue” System:** Unlike jurisdictions where permits are “shall-issue” (granted if criteria are met), Indonesia’s system is inherently “may-issue.” This means that even if an applicant theoretically meets all explicit requirements, the authorities retain significant discretion to deny a permit based on their assessment of “urgency” or perceived threat to public order, or simply without providing a specific reason.<sup>54</sup>
- **High Bar for “Need”:** The requirement to demonstrate a “genuine and urgent need” for self-defence is interpreted very narrowly. Authorities typically demand concrete proof of specific threats (e.g., documented assassination attempts, severe and persistent extortion threats with police reports) rather than general

53 *Ibid.*, Arts. 20, 21, 23, 24, 25, 26, 27, 28, 29, 53, 54, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 79, 84, 85, 86, 88, 89, 90, 91, 92, 93, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 166, 167, 168, 169, 170, 179.

54 Asmariah & Sukanto Kusnadi, “Regulation of Firearm Ownership for Civilians in Indonesia Based on the Principle of Self-defence in the Legal Protection System (Study of the Republic of Indonesia Law Number 8 of 1948 on the Regulation of the Indonesian National Police Chief Number 82 of 2004), *International Journal of Social, Policy and Law*, vol. 4, no. 3 (2023): 101–10, p. 102.

feelings of insecurity.<sup>55</sup> This extremely high bar limits self-defence permits to an absolute elite facing documented, severe risks.

- **Government Monopoly and Supply Control:** The government’s monopoly on the sale and distribution of firearms and ammunition means that supply is entirely controlled. This allows authorities to regulate not only who gets a permit but also what types of weapons are available and in what quantities. Issues such as stock availability or administrative “system down” notifications can further delay acquisition, even for approved applicants.
- **Low Civilian Ownership Rate:** As a result of these realities, the number of legally owned civilian firearms in Indonesia is extremely low. Indonesia’s population is approximately 279 million people, and the number of legally owned civilian firearms is estimated at around 82,000, equating to roughly 0.03 firearms per 100 people, fewer than 1 firearm per 300 residents.<sup>56</sup> This low rate is a testament to the effectiveness of the strict permitting system in limiting lawful proliferation.

## Suspension of Permits and Seizure of Weapons

Indonesia’s laws provide robust mechanisms for the temporary suspension, automatic expiration, revocation, and permanent seizure of weapon permits and the weapons themselves, ensuring continuous state control.

- **Temporary Suspension:** Government officials, particularly the police, have the authority to temporarily suspend the validity of weapon permits in special circumstances, such as during periods of heightened security, major public events, or political unrest.<sup>57</sup> During such suspensions, permit holders are required to surrender their weapons or leave them securely stored at home.
- **Expiration and Revocation:** Permits automatically expire upon the death of the holder.<sup>58</sup> Permits may also be revoked due to:
  - Use of the weapon without correct authorization.<sup>59</sup>
  - Deterioration or destruction of the weapon.<sup>60</sup>
  - Seizure of the weapon.<sup>61</sup>
  - A criminal conviction of the permit holder that results in incarceration or involves misuse of firearms.<sup>62</sup>
  - Failure to re-register annually or renew the permit.<sup>63</sup>

55 Perpol 1/2022, Art. 81, ¶ (1) point f; Art. 82, ¶ (2).

56 Aaron Karp, “Civilian Firearms Holdings, 2017,” *Small Arms Survey*. <https://www.smallarmssurvey.org/sites/default/files/resources/SAS-BP-Civilian-held-firearms-annexe.pdf> (last visited July 11, 2025).

57 Perpol 1/2022, Chapter V, part of Arts. 181–192.

58 *Ibid.*, Arts. 59, ¶ (3); 80, ¶ (1); 161, ¶ (4).

59 *Ibid.*, Arts. 79, ¶ (1); 99, ¶ (1); 100, ¶ (1) and (2); 101, ¶ (1).

60 *Ibid.*, Arts. 25, ¶ (1); 59, ¶ (1); 89, ¶ (1); 116, ¶ (1); 169, ¶ (1).

61 *Ibid.*, Arts. 25, ¶ (1); 59, ¶ (1); 89, ¶ (1); 116, ¶ (1); 169, ¶ (1).

62 *Ibid.*, Art. 99, ¶ (1) and (3).

63 *Ibid.*, Art. 31, ¶ (3); Art. 71, ¶ (3).

- **Seizure and Confiscation:** Grounds for the seizure of a weapon (temporary impoundment) and subsequent confiscation (permanent forfeiture to the state) are clearly outlined. These include:
- Carrying the weapon, ammunition, or accessories while under the influence of alcohol or illegal substances.<sup>64</sup>
  - Carrying without a valid permit or after the permit has expired.<sup>65</sup>
  - Carrying at political meetings, public demonstrations, or other restricted public events.<sup>66</sup>
  - Carrying weapons that have been altered in their physical characteristics or are homemade.<sup>67</sup>
  - Loan or transfer of the weapon to an unauthorized third party, except in cases of extreme emergency.<sup>68</sup>
  - At the discretion of the competent authority, if the weapon poses a risk to public order or security.<sup>69</sup>

When a firearm is seized or confiscated, the police authorities determine whether, given the facts of the particular situation, the weapon may be returned to the owner, whether a fine will be imposed, or whether the weapon will be permanently forfeited to the state, often leading to destruction.<sup>70</sup> This ongoing effort ensures that firearms outside state control are systematically removed from circulation.

Despite the rigorous permitting regime, illegal firearms remain a problem. Police data show regular seizures of home-made handguns, factory pistols smuggled from abroad, and air guns converted into lethal weapons. In August 2023, Polda Metro Jaya’s ballistic unit documented forty-four illicit firearms—twenty-four factory pistols, twelve cottage-industry revolvers, and eight converted air/air-soft guns—together with 1,138 rounds of ammunition.<sup>71</sup> In Lampung, a public destruction ceremony eliminated 566 confiscated craft-made revolvers, pistols, and rifles plus 295 rounds of illegal ammunition.<sup>72</sup> The Indonesia National Police annually conduct “Operasi Sikat” that focuses on village-built firearms in all regions. Seizures have plateaued at roughly 500–700 weapons per year,

64 *Ibid.*, Arts. 99, ¶ (1); 100, ¶ (2); 101, ¶ (1); 191, ¶ (1).

65 *Ibid.*, Arts. 99, ¶ (1); 100, ¶ (2); 101, ¶ (1).

66 *Ibid.*, Arts. 99, ¶ (1); 100, ¶ (2); 101, ¶ (1).

67 *Ibid.*, Arts. 14, ¶ (1); 40, ¶ (1); 102, ¶ (1).

68 *Ibid.*, Art. 101, ¶ (1). Extreme emergency is an immediate, severe threat to a permit holder’s life or to public safety. Under such circumstances, firearm may be used by an unauthorized individual if necessary to prevent life-threatening harm. For example, if during an armed robbery or terrorist incident and the permit holder were incapacitated, another person could pick up the gun and use it against the criminals.

69 *Ibid.*, Arts. 99, ¶ (1); 100, ¶ (2); 101, ¶ (1).

70 *Ibid.*, Arts. 99, ¶ (2); 101, ¶ (2).

71 “Indonesian Police Metro Jaya and Indonesian Army/TNI uncover illegal firearms distribution, confiscating 44 firearms,” *Tribatanews Polda Lampung* (Aug. 22, 2023). <https://tribatanews.lampung.polri.go.id/detail-post/polda-metro-tni-ad-bongkar-peredaran-senpi-ilegal-44-pucuk-senpi-disita> (last visited July 11, 2025).

72 “The Indonesian National Police Destroyed Hundreds of Illegal Homemade Firearms and Ammunition,” *Tribata News* (Aug. 31, 2023). <https://tribatanews.polri.go.id/blog/keamanan-6/pemusnahan-ratusan-senpi-rakitan-dan-amunisi-ilegal-oleh-polda-lampung-62944> (last visited July 11, 2025).

suggesting that supply of illicit firearms is continuously regenerated. Thus, illegal possession persists notwithstanding the deterrent effect of harsh statutes.<sup>73</sup>

## Criminal Liability for Violations

Under Indonesian law, unauthorized possession or activities related to weapons carry extremely severe criminal penalties, primarily governed by Emergency Law Number 12 of 1951. This law underscores the state's uncompromising stance on maintaining its monopoly on force.

- **Article 1 of Emergency Law Number 12 of 1951:** “Whosoever, without right, imports into Indonesia, manufactures, receives, attempts to obtain, surrenders or attempts to surrender, controls, carries, possesses, stores, transports, conceals, uses, or exports from Indonesia any firearm, munitions, or explosive material, shall be punished with death or life imprisonment or temporary imprisonment for a maximum of twenty (20) years.”<sup>74</sup>
- **Article 2 of Emergency Law Number 12 of 1951:** This article extends significant penalties (imprisonment for a maximum of ten (10) years) to those who, without right, import, manufacture, possess, or use bludgeons, stabbing weapons, or piercing weapons.<sup>75</sup>

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73 “The South Sumatra Regional Police Conducted an Operation to Control Illegal Firearms, Encouraging the Public to Hand Them Over Voluntarily,” *Tribata News* (June 15, 2025). <https://tribatanews.sumsel.polri.go.id/main/detail/8718/Polda-Sumsel-Gelar-Operasi-Penertiban-Senjata-Api-Illegal--Masyarakat-Diimbau-Serahkan-Secara-Sukarela> (last visited July 11, 2025.)

74 Emergency Law 12 of 1951, Art. 1, ¶ (1).

75 *Ibid.*, Art. 2, ¶ (1).

# DETAILED ANALYSIS OF LAW NUMBER 8 OF 1948: THE CORNERSTONE OF INDONESIAN ARMS CONTROL

## INTRODUCTION

Law Number 8 of 1948 concerning the Registration and Granting of Firearm Use Permits stands as one of the earliest and most pivotal legislative acts of the newly independent Republic of Indonesia.<sup>76</sup> Enacted just three (3) years after the Declaration of Independence, this law was not a mere administrative regulation; it was a fundamental declaration of state authority and a critical tool for consolidating power and establishing order in a nation still reeling from the throes of revolution and facing ongoing threats to its nascent sovereignty.<sup>77</sup> It laid the groundwork for Indonesia's enduring philosophy of strict state control over weapons, a philosophy that continues to define its approach to firearms today.

## EARLY PRACTICAL APPLICATION OF THE LAW

In 1948, Indonesia was a young republic embroiled in its National Revolution (1945–1949), a period of intense armed struggle against Dutch attempts to re-establish colonial rule following the Japanese invasion and occupation of 1942–45. Simultaneously, the nascent government contended with various internal challenges, including regional uprisings, banditry, and the presence of numerous armed groups that had emerged during the fight for independence.<sup>78</sup> In this chaotic environment, Law Number 8 of 1948 was put into practice to achieve several critical objectives:

- **Mandatory Registration of Civilian Firearms:** The law unequivocally mandated that all firearms in the hands of individuals who were not members of the official military (Tentara/TNI) or police (Polisi/Polri) had to be registered.<sup>79</sup> This was a sweeping requirement aimed at identifying and cataloguing weapons

76 Indonesia, Undang-Undang Nomor 8 Tahun 1948 / Law 8 of 1948, Concerning the Registration and Granting of Firearm Use Permits, Lembaran Negara Republik Indonesia Tahun 1948 Nomor 17 (hereinafter Law 8 of 1948).

77 Law 8 of 1948, Introduction. See also Asmariah, p. 103

78 Law 8 of 1948, Concerning section. See also Asmariah, p. 103.

79 Law 8 of 1948, Art. 5, ¶ (1). See also Asmariah, p. 107

that were widely dispersed throughout the population, often acquired during the revolutionary struggle. Article 2 stipulated a strict thirty-day (30) deadline for registration.<sup>80</sup>

- **Requirement for Police-Issued Permits:** Beyond mere registration, the law introduced a compulsory permit system. Article 9 explicitly stated that every civilian possessing and using a firearm must obtain a “firearm use permit” (surat idzin pemakaian senjata api) from the Head of the National Police (Kepala Kepolisian Negara) or a designated local police authority (Head of the Residency Police/Kapolda).<sup>81</sup> Each firearm required its own permit. Temporary permits were issued upon initial registration (Article 7) to bridge the gap until a formal permit decision was made.<sup>82</sup>
- **Prohibition of Unauthorized Transfers and Movement:** To prevent the illicit flow and concentration of weapons, the law imposed severe restrictions on their transfer. Article 3 prohibited the transfer of firearms to other hands without proper authorization (as outlined in Article 11).<sup>83</sup> Similarly, Article 4 restricted the movement of firearms from one location to another during the registration period, again unless specifically authorized (Article 12).<sup>84</sup>
- **State Ownership of Unlicensed Weapons:** A pivotal aspect of the law, articulated in Article 10, was the declaration that any firearm not possessing a valid permit after a sixteen-day (16) period from the close of registration would automatically become state property.<sup>85</sup> While compensation would be provided to the former owners (Article 10, paragraph (3)), this provision effectively asserted the state’s ultimate claim over all firearms.
- **Enforcement and Penalties:** The law was backed by clear penalties for non-compliance (Article 14).<sup>86</sup> Failure to register, possessing a weapon without a permit after the deadline, or violating transfer prohibitions could result in imprisonment for up to four (4) years, significant fines (up to fifteen thousand (15,000) rupiah), and the confiscation of the firearm.<sup>87</sup> Misdemeanours related to reporting obligations carried lesser, but still notable, penalties. Investigation powers were granted to police and designated officials to ensure strict adherence (Article 6).<sup>88</sup> In essence, Law Number 8 of 1948 immediately transformed the landscape of firearm possession in Indonesia, shifting it from a potentially anarchic, post-revolutionary reality to a tightly controlled system under the nascent state’s authority.

80 Law 8 of 1948, Art. 2

81 *Ibid.*, Art. 9. See also Asmariah, p. 107.

82 Law 8 of 1948., Art.7, ¶ (2).

83 *Ibid.*, Art. 3.

84 *Ibid.*, Concerning the Registration and Granting of Firearm Use Permits, Art. 4.

85 *Ibid.*, Art. 10, ¶ (2).

86 *Ibid.*, Art. 14.

87 *Ibid.*, Art. 14, ¶ (1).

88 *Ibid.*, Art. 6, ¶ (1).

## HISTORY OF THE LAW AS CRAFTED

Law Number 8 of 1948 was crafted during a tumultuous and existential period for the very new Republic of Indonesia, deeply intertwined with the Indonesian National Revolution (1945–1949).<sup>89</sup>

- **Declaration of Independence (1945) and the Revolutionary Aftermath:** Indonesia declared its independence on August 17, 1945, after three and a half centuries of Dutch colonial rule and three years of Japanese occupation during World War II.<sup>90</sup> The declaration, however, did not immediately secure full sovereignty. The Dutch, with Allied support, attempted to re-establish their colonial authority, leading to a fierce armed struggle.<sup>91</sup>
- **A Nation in Arms:** During the revolution, various armed groups, militias, and irregular forces emerged, alongside the nascent Indonesian National Army (Tentara Nasional Indonesia/TNI). Weapons were often locally produced, captured from colonial forces, or acquired through other informal means.<sup>92</sup> While essential for fighting the Dutch, the widespread and often unregulated proliferation of arms also posed a significant challenge for internal security and state building.<sup>93</sup>
- **Need for Centralized Authority:** The Provisional Constitution of 1945 (Undang-undang Dasar Sementara Republik Indonesia) laid the foundation for a unitary state. To effectively govern and defend its territory, the Republic needed to establish a clear monopoly on the legitimate use of force. This meant integrating or disarming non-state armed groups and regulating all weapons within its borders.<sup>94</sup>
- **Replacing Provisional Regulations:** The law explicitly states its purpose to “revoke State Defence Council Regulation No. 14.”<sup>95</sup> This was a prior, colonial-era regulations that was deemed insufficient or incompatible with the new national and sovereign context.<sup>96</sup> Law 8 of 1948 aimed to replace the regulation with a unified, nationwide legal framework for arms control under the Republic’s authority.

89 Law 8 of 1948, Concerning section.

90 *Ibid.*, Recalling section.

91 Poeze, Harry, Henk Schulte Nordholt, & Gioia Marini. “The Dutch Reoccupation and Decolonisation: 1945–1946,” in *Merdeka: The Struggle for Indonesian Independence and the Republic’s Precarious Rise, 1945–1950* (Amsterdam University Press, 2024): 131–52. p. 134. DOI: 10.2307/jj.19061282.8.

92 Julianto Ibrahim, “War logistics in revolutionary Central Java,” in Bambang Purwanto et al., *Revolutionary Worlds: Local Perspectives and Dynamics during the Indonesian Independence War, 1945–1949* (Amsterdam University Press, 2023): 157–177. p.158. DOI: 10.2307/jj.399493.10.

93 *Ibid.*

94 Asmariah, p. 104

95 Law 8 of 1948, Decides section.

96 Overheid, *Koloniaal Verslag Van 1915*. I. Nederlandsch (Oost)-indië, p.49. [https://repository.overheid.nl/frbr/sgd/19151916/0000335347/1/pdf/SGD\\_19151916\\_0002159.pdf](https://repository.overheid.nl/frbr/sgd/19151916/0000335347/1/pdf/SGD_19151916_0002159.pdf) (last visited July 11, 2025). The law explicitly states its purpose to “revoke State Defence Council Regulation No. 14,” a provisional measure rooted in the restrictive firearm laws of the Dutch colonial era. These colonial regulations, such as the *Vuurwapen Ordonnantie* (Firearms Ordinance) of 1908 (Ind. St. No. 1908 No. 492), enforced stringent controls over the possession, transport, and trade of firearms, gunpowder, and ammunition in regions such as Java and Madura, with amendments in 1914 (Ind. St. No. 526) and 1915 (Ind. St. No. 331). Similarly, the Resident of Menado issued an ordinance in 1914 (Jav. Ct. 1914 No. 67) regulating these items in his jurisdiction. Designed to disarm most Indonesians and consolidate colonial authority, the laws restricted access to all but authorized individuals, typically colonial officials or trusted elites.

- **Consolidating Security Apparatus:** The law reflects the early efforts to define the roles of the military and police in the newly independent state. By placing the authority for registration and permits with the National Police (Kepala Pusat Kepolisian Negara and Kepala Kepolisian Karesidenan), it underscored the civilian nature of law enforcement control over private arms, distinct from military defence functions.<sup>97</sup>
- **Context of Urgency:** The fact that this law was later directly amended and strengthened by “Emergency Law” Number 12 of 1951 (which intensified penalties) further highlights the persistent and urgent security concerns that drove the initial crafting of Law 8/1948.<sup>98</sup> The rapid promulgation of such laws demonstrated the government’s immediate need to assert control over the instruments of violence within its borders. Therefore, Law Number 8 of 1948 emerged directly from the crucible of Indonesia’s national revolution, designed to transition the nation from a period of armed struggle into a stable, sovereign state with a centralized security apparatus.

## RATIONALES FOR THE LAW

The rationale behind the strict formation of Law Number 8 of 1948, and indeed all subsequent Indonesian arms laws, is deeply rooted in the nation’s specific historical context and its foundational principles of state-building:

- **Asserting State Sovereignty and Monopoly of Force:**
  - **Post-Colonial Imperative:** After centuries of foreign domination and a revolutionary war, the newly independent Republic was fiercely protective of its sovereignty. It was believed that a key attribute of a sovereign state is an exclusive right to control armed forces and the instruments of violence. Unregulated civilian arms possession was perceived as a direct challenge to this nascent sovereignty.<sup>99</sup>
  - **Unified Command:** The law ensured that all firearms, regardless of their acquisition during the revolution, would ultimately come under the purview and control of the state, particularly the National Police. This was critical for establishing a unified command structure and preventing the fragmentation of power that could lead to further internal conflicts.<sup>100</sup>
- **Maintaining Public Order and Internal Security:**
  - **Preventing Anarchy:** The immediate post-independence period was volatile. Widespread, uncontrolled firearms could easily lead to increased banditry, vigilantism, private vendettas, and the rise of local warlords or unauthorized armed groups. Law 8/1948 was a proactive measure to prevent society from descending into anarchy.<sup>101</sup>

97 Law 8 of 1948, Art. 5, ¶ (1), and Art. 9, ¶ (3).

98 Emergency Law 12 of 1951, Concerning section.

99 Asmariah, p. 103.

100 *Ibid.*, p. 104.

101 *Ibid.*

- **Disarmament and Demobilization:** Implicitly, the law aimed to facilitate the gradual disarmament and demobilization of irregular forces and ordinary citizens who had acquired weapons during the revolution. By requiring registration and permits, and ultimately claiming ownership of unlicensed weapons, the state sought to systematically reduce the number of unauthorized firearms in civilian hands.<sup>102</sup>

➤ **Prioritizing Collective Security over Individual Armament:**

- **Distinct from Western Liberal Traditions:** Unlike countries such as the United States, where a “right to keep and bear arms” is rooted in historical fears of government overreach, the right of personal defence, and the need for a civilian militia, Indonesia’s historical narrative emphasized collective national defence led by the state.<sup>103</sup> The idea of individual citizens being armed for personal self-defence was secondary to, and often seen as potentially conflicting with, the larger goal of national unity and public order.<sup>104</sup>
- **State as Protector:** The rationale posits that the state, through its designated security forces (Polri and TNI), is primarily responsible for the safety and security of its citizens. Therefore, it is the state’s prerogative to control the tools necessary for this protection, rather than distributing them widely among individuals.<sup>105</sup>

➤ **Deterrence and Control:** The severe penalties outlined (and later intensified by Emergency Law 12 of 1951) served as strong deterrents.<sup>106</sup> The government signalled its firm resolve to enforce its monopoly on force and to punish any unauthorized possession or misuse of weapons. Heavy deterrence was deemed necessary given the challenging security landscape of the era.

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102 Lestari, Angelita; Muhadar; & Audyna Muin, “The Effectiveness of Law Number 12 Year 1951 Against the Use of Firearms in Makassar From the Sociology of Law Perspective,” *Awang Long Law Review*, vol. 5. (2022): 195–204, p. 196. DOI: 10.56301/awl.v5i1.550.

103 Asmariah, p.102

104 *Ibid.*

105 *Ibid.*

106 Emergency Law 12 of 1951, Art. 1, ¶ (1).

# DETAILED ANALYSS OF EMERGENCY LAW NUMBER 12 OF 1951: THE HARDENING OF ARMS CONTROL

## INTRODUCTION

Emergency Law Number 12 of 1951 marked a significant escalation in Indonesia's approach to firearm control, coming into force just two (2) years after the formal transfer of sovereignty from the Netherlands in 1949.<sup>107</sup> While Law Number 8 of 1948 laid the foundational administrative framework for gun registration and permitting, Emergency Law Number 12 of 1951 introduced draconian criminal penalties for unauthorized weapon possession and activities.<sup>108</sup> This law was a direct and forceful response to the persistent internal instability and armed rebellions that threatened the very fabric of the young Indonesian Republic, demonstrating the state's unwavering determination to establish and enforce its absolute monopoly on force.<sup>109</sup> Its "emergency" nature underscores the extreme urgency and dire circumstances that necessitated such severe legislative measures.<sup>110</sup>

## PRACTICAL APPLICATION OF THE LAW IN THAT ERA

In 1951, Indonesia, though officially independent, was far from stable. The practical application of Emergency Law Number 12 of 1951 was immediate, widespread, and designed to serve as a formidable deterrent against any form of armed dissent or criminal activity.<sup>111</sup>

- **Imposition of Severe Punishments:** The most striking practical application was the direct imposition of extremely harsh penalties.<sup>112</sup> The threat of the

107 *Ibid.*, Introduction.

108 *Ibid.*, Concerning section

109 Siong, p. 807.

110 Simanungkalit, Ridwan Harry & M. Ridwan Lubis, "Penerapan Undang - Undang Darurat Nomor 12 Tahun 1951 Tentang Kepemilikan Senjata Api Secara Ilegal: Putusan Nomor 2157 Pid.Sus 2017 PN. Mdn," *Demokrasi: Jurnal Riset Ilmu Hukum, Sosial Dan Politik*, vol. 1, no. 4 (2024): 227–45. <https://doi.org/10.62383/demokrasi.v1i4.532>; Implementation of Emergency Law Number 12 of 1951 Concerning Illegal Possession of Firearms: Decision Number 2157 Special Crime Code, 2017 Medan District Court.

111 Asmariah, p. 103.

112 Emergency Law 12 of 1951, Art. 1

**death penalty, life imprisonment, or temporary imprisonment of up to twenty (20) years** for unauthorized possession or activity related to firearms, munitions, or explosives (Article 1, paragraph (1)) immediately elevated the severity of such offenses.<sup>113</sup> This was a clear message that the state would tolerate no armed challenge to its authority.<sup>114</sup>

- **Expanded Scope of Prohibited Weapons:** The law also extended its reach beyond conventional firearms to include bludgeons, stabbing weapons, or piercing weapons (Article 2, paragraph (1)), albeit with slightly less severe, though still significant, penalties (imprisonment up to ten (10) years).<sup>115</sup> This broad definition aimed to disarm individuals of any weapon that could be used to inflict serious harm or sow disorder, unless it had a clear, legitimate, non-violent purpose (*e.g.*, agricultural tools, household items, heirlooms, antiques).<sup>116</sup>
- **Aggressive Enforcement and Confiscation:** The law empowered law enforcement officials (police and designated investigators) with strong rights to investigate and enter premises they deemed necessary for their duties (Article 6).<sup>117</sup> Critically, Article 5 explicitly allowed for the **confiscation of weapons and materials**, even if they did not belong to the accused, and mandated their **destruction** unless the Minister of Defence assigned them for state purposes.<sup>118</sup> This provided a legal basis for widespread raids, arrests, and the systematic removal of unauthorized weapons from circulation.<sup>119</sup>
- **Targeting of Criminality and Insurgency:** This law was actively used to crack down on various armed groups:
  - **Remnants of Revolutionary Fighters:** Individuals or groups who had fought for independence but had not integrated into the formal state military or police, and who still possessed arms, became targets for disarmament or prosecution.<sup>120</sup>
  - **Regional Rebellions:** Post-independence Indonesia faced several armed separatist movements (*e.g.*, Darul Islam/TII, Republic of South Maluku/RMS).<sup>121</sup> This law provided the legal terms to suppress these movements by criminalizing their armed components.<sup>122</sup>

113 *Ibid.*, Art. 1, ¶ (1).

114 Christian.

115 Emergency Law 12 of 1951, Art. 2, ¶ (1).

116 *Ibid.*, Art. 2, ¶ (2).

117 *Ibid.*, Art. 6, ¶ (2).

118 *Ibid.*, Art. 5.

119 Muggah, Robert & Eric Berman, “Thematic Review: The Operational Security Environment.” Humanitarianism Under Threat: The Humanitarian Impacts of Small Arms and Light Weapons,” *Small Arms Survey*, 2001, p. 47. <http://www.jstor.org/stable/resrep10736.10>.

120 Akiko Sugiyama. “Remembering and Forgetting Indonesia’s Madiun Affair: Personal Narratives, Political Transitions, and Historiography, 1948–2008,” *Indonesia*, no. 92 (2011): 19–41, p. 20. DOI: 10.5728/indonesia.92.0019.

121 Risman, Helda, Syamsul Ma’arif, Amarulla Octavian, & Jonni Mahroza, *Revisiting the Concept of Indonesia’s Main Island Defence in Crafting a Relevant Archipelagic Defense Strategy* (2023), p. 48. DOI: 10.5281/zenodo.7152439.

122 *Ibid.*

- **Organized Crime and Banditry:** Criminal elements operating with firearms or explosives, which had often flourished in the power vacuum or during wartime, were directly addressed with severe legal consequences.<sup>123</sup>
- **Corporate Accountability:** Unusually for its time, the law also extended criminal liability to legal entities (*badan hukum*) like companies or organizations (Article 4).<sup>124</sup> If an offense was committed by or under the authority of a legal entity, its management or local representatives could be prosecuted and punished. This was a sophisticated measure to prevent organizations from illicitly arming themselves or facilitating weapon-related crimes.<sup>125</sup>

In practical terms, Emergency Law Number 12 of 1951 transformed unauthorized weapon possession from a regulatory infraction into a grave criminal offense, punishable with the highest penalties available, signalling the state's uncompromising stance on controlling all instruments of force within its territory.

## HISTORY OF THE LAW

Emergency Law Number 12 of 1951 was crafted in a specific historical crucible of post-revolutionary instability, deeply marked by the transition from a federal to a unitary state and persistent internal armed challenges.<sup>126</sup>

- **Formal Independence but Persistent Instability (1949–1950):** While Indonesia achieved formal sovereignty from the Netherlands in December 1949, the path to a fully unified and stable nation was fraught. The Dutch-sponsored United States of Indonesia (RIS), a federal state, was quickly dissolved in August 1950 to return to a unitary Republic of Indonesia. This period of transition was not smooth.<sup>127</sup>
- **Ongoing Armed Rebellions:** The main driver for this emergency law was the continuation of various armed insurgencies and internal security threats:
  - **Darul Islam/Tentara Islam Indonesia (DI/TII):** This Islamist armed movement, led by Kartosuwiryo, declared an Islamic State of Indonesia and launched a rebellion, particularly strong in West Java. They posed a significant and enduring armed threat to the Republic.<sup>128</sup>
  - **Republic of South Maluku (RMS):** In April 1950, a separatist movement declared the independent Republic of South Maluku, leading to armed conflict with the Indonesian government.<sup>129</sup>

123 Christian, p. 121.

124 Emergency Law 12 of 1951, Art. 4.

125 *Ibid.*, Art. 4, ¶ (1).

126 Emergency Law 12 of 1951, Concerning section

127 John Ingleson, "Renegotiating the Postcolonial Workplace: Indonesian Dockworkers in 1950," *Indonesia*, no. 102 (2016): 31–56, p. 34. DOI: 10.5728/indonesia.102.0031.

128 Risman, p. 48.

129 *Ibid.*

- **APRA (Angkatan Perang Ratu Adil):** A militia led by Raymond Westerling that conducted a coup attempt in Bandung in January 1950, further highlighting the dangers of non-state armed groups.<sup>130</sup>
  - **Ex-military/Police Unrest:** The demobilization or integration of various armed units (including former colonial forces or diverse revolutionary militias) into the unified TNI and Polri was complex, leading to some discontent and the retention of arms by unauthorized individuals.<sup>131</sup>
- **Inadequacy of Existing Laws:** Law Number 8 of 1948, while establishing registration and licensing, primarily focused on administrative control and lighter penalties.<sup>132</sup> The government realized that these existing regulations were insufficient to deter large-scale armed rebellions or to effectively disarm and punish highly dangerous elements.<sup>133</sup> The preamble of Emergency Law 12/1951 explicitly states the need for “amendments” to previous regulations due to “urgent circumstances” for “government interests.”<sup>134</sup>
  - **Provisional Constitution Framework:** The law recalls articles from the then-current Provisional Constitution of the Republic of Indonesia (*e.g.*, Articles 96, 102, 142), which provided the legal basis for the President to issue emergency regulations in times of pressing need.<sup>135</sup> This highlights that the government perceived the threat as immediate and requiring swift, decisive legal action without the lengthy parliamentary process of ordinary legislation.
  - **Consolidation of Authority:** The crafting of this law was a political act to centralize power. By making the penalties so severe, the government aimed to remove any ambiguity about who held legitimate authority over weapons and to send a clear signal that armed challenges to the state would be met with the utmost force of law.<sup>136</sup> Thus, Emergency Law Number 12 of 1951 was a legislative response born out of the immediate post-revolutionary turmoil, designed to arm the state with the legal power necessary to quell internal armed threats and solidify its control over the nation.

130 Poeze, Harry, Henk Schulte Nordholt, & Gioia Marini, “Unity: 1950,” in *Merdeka: The Struggle for Indonesian Independence and the Republic’s Precarious Rise, 1945–1950* (Amsterdam University Press, 2024): 363–82, p. 368. DOI: 10.2307/jj.19061282.16.

131 Frakking, Roel & Taufiq Hanafi, “The Harsher They Act, the More Fuss There’ll Be: Dynamics of Violence in South Sulawesi, 1945–1950,” in *Revolutionary Worlds: Local Perspectives and Dynamics during the Indonesian Independence War, 1945–1949* (edited by Bambang Purwanto, Roel Frakking, Abdul Wahid, Gerry Van Klinken, Martijn Eickhoff, Yulianti, & Ireen Hoogenboom, Amsterdam University Press, 2023): 217–45, p. 243. DOI: 10.2307/jj.399493.13.

132 Lestari, p. 202

133 *Ibid.*

134 Emergency Law 12 of 1951, Concerning section.

135 *Ibid.*, Recalling section.

136 Christian, p. 121.

## RATIONALES OF THE LAW

The rationale behind the extremely punitive and comprehensive nature of Emergency Law Number 12 of 1951 is deeply rooted in the imperative to ensure the survival and stability of the young Indonesian Republic:

➤ **National Security and State Survival (Existential Threat):**

- **Quelling Insurgencies:** The primary rationale was to provide a robust legal framework to combat persistent armed rebellions and separatist movements. These insurgencies (like DI/TII and RMS) were not mere criminal activities; they were direct challenges to the state's territorial integrity and its very existence.<sup>137</sup> The law was designed to criminalize the armed component of these movements, allowing for severe punishment of those who wielded weapons against the state.<sup>138</sup>
- **Preventing Civil War:** By disarming the civilian population and severely punishing unauthorized armed groups, the government aimed to prevent the widespread internal conflicts from escalating into full-blown civil war, which would have shattered the fragile unity of the newly independent nation.<sup>139</sup>

➤ **Establishing Absolute State Monopoly on Force:**

- **Deterring Armed Opposition:** The introduction of death and life imprisonment penalties served as the ultimate deterrent.<sup>140</sup> It sent an unmistakable message: only the state's military and police forces were legitimate wielders of arms. Any unauthorized possession was an act of extreme defiance against the state.<sup>141</sup>
- **Centralizing Power:** The law reinforced the principle, established in Law 8/1948, that the state had the exclusive right to control weapons.<sup>142</sup> This was crucial for post-revolutionary state-building, as it aimed to ensure that all instruments of coercion were under central government command, preventing fragmented power centres from emerging.<sup>143</sup>

➤ **Ensuring Public Order and Citizen Safety:**

- **Controlling Post-War Proliferation:** The revolutionary period left many weapons in civilian hands.<sup>144</sup> This law aimed to systematically collect or criminalize these arms to reduce general lawlessness, banditry, and the potential for private disputes to escalate into armed confrontations.<sup>145</sup>
- **Preventing Misuse and Intimidation:** Beyond political threats, the law sought to protect ordinary citizens from armed crime and intimidation. By

137 Risman, p. 48

138 *Ibid.*

139 Lestari, p. 202.

140 Christian, p. 121.

141 *Ibid.*

142 Asmariah, p.103.

143 Christian, p. 121.

144 *Ibid.*

145 Asmariah, p. 103.

making all unauthorized possession a severe offense, it aimed to make the populace safer from armed individuals or groups not acting under state authority.<sup>146</sup>

► **Legitimizing State Action in an Emergency:**

- **Legal Basis for Drastic Measures:** The “Emergency Law” status provided the legal justification for implementing such drastic measures swiftly, bypassing normal legislative processes.<sup>147</sup> This reflected the government’s perception of an immediate and grave national crisis requiring an uncompromising legal response.<sup>148</sup>
- **Symbolic Power of Law:** Beyond practical enforcement, the law carried immense symbolic weight.<sup>149</sup> It projected an image of a strong, decisive state capable of imposing its will and restoring order, which was vital for its legitimacy and stability in the eyes of both its citizens and the international community.<sup>150</sup> In essence, Emergency Law Number 12 of 1951 was a legislative weapon forged in a time of national emergency. It was designed to decisively crush armed challenges to state authority, consolidate the government’s monopoly on force, and pave the way for a more secure and unified Indonesia by instilling severe legal consequences for anyone daring to possess or use weapons outside the strict control of the state.

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146 *Ibid.*

147 Lestari, p. 202.

148 *Ibid.*

149 Christian, p. 121.

150 *Ibid.*

# VI. LEGAL CONTINUITY OF LAWS OF 1948 AND 1951

Law 8 of 1948 supplies the foundational definitions of “firearm” and “permit” and has never been repealed by Parliament; later police regulations (Perpol 1 of 2022) implement rather than annul it. Consequently, Indonesia operates a layered regime in which Law 8 of 1948 authorises the permit/registration architecture, and Law 12 of 1951 imposes harsh felony penalties for unlicensed possession, manufacture, or trafficking. Perpol 1/2022 and earlier Perkap rules detail administrative procedures. While the Republic promulgated Law 8/1948 in territory it held, the Dutch military administration continued to enforce its own *Vuurwapen Ordonnantie* (Stbl. 1908 No. 492, as amended 1914/1915) in occupied zones. Thus, two rival gun control systems operated side-by-side until Dutch sovereignty ended in December 1949.

Indonesia’s firearms control regime is one of the world’s most comprehensive state monopolies on civilian weaponry, rooted in the foundational laws of 1948 and 1951 that continue to define the legal landscape today. Indonesia’s approach to weapons regulation emerged not from constitutional rights discourse, but from post-colonial imperatives of state consolidation, internal security, and the prevention of armed challenges to central authority. The enduring effectiveness of Law Number 8 of 1948’s registration framework, combined with Emergency Law Number 12 of 1951’s severe criminal penalties, has created a system where civilian firearm ownership remains negligible—approximately 0.03 firearms per 100 residents.

Despite the system’s success in limiting legal ownership, persistent illegal firearms circulation still results in national police seizures of 500-700 illicit weapons annually, and more locally. As Indonesia continues to modernize its regulatory framework through Perpol 1/2022, the core philosophy established eight decades ago—prioritizing state security over individual firearms rights—remains unchanged, reflecting deep-seated cultural and political commitments to collective harmony over individual armament that distinguish Indonesia’s approach from more liberal democratic models.

## APPENDIX A: BIBLIOGRAPHY

### Relevant Laws:

#### **Regulation of the National Police of the Republic of Indonesia Number 1 of 2022**

Indonesia. Peraturan Kepolisian Negara Republik Indonesia Nomor 1 Tahun 2022 tentang Perizinan, Pengawasan Dan Pengendalian Senjata Api Standar Kepolisian Negara Republik Indonesia, Senjata Api Non Organik Kepolisian Negara Republik Indonesia/Tentara Nasional Indonesia, Dan Peralatan Keamanan Yang Digolongkan Senjata Api. Lembaran Negara Republik Indonesia Tahun 2022 Nomor 139. <https://peraturan.bpk.go.id/Details/225203/perpol-no-1-tahun-2022>. → *This is the most current and comprehensive regulation, consolidating and replacing previous regulations.*

#### **Regulation of the Chief of the Indonesian National Police (Peraturan Kapolri/Perkap) Number 18 of 2015**

Indonesia. Peraturan Kepala Kepolisian Negara Republik Indonesia Nomor 18 Tahun 2015 tentang Perizinan, Pengawasan dan Pengendalian Senjata Api Non Organik Kepolisian Negara Republik Indonesia/Tentara Nasional Indonesia untuk Kepentingan Bela Diri. Lembaran Negara Republik Indonesia Tahun 2015 Nomor 1883. → *This regulation details the licensing, supervision, and control of non-organic firearms for self-defence purposes for civilians.*

#### **Emergency Law Number 12 of 1951**

Indonesia. Undang-Undang Darurat Nomor 12 Tahun 1951 tentang Mengubah “Ordonnantietijdelijke byzondere strafbepalingen” (Stbl. 1948 No. 17) dan Undang-Undang Republik Indonesia Dahulu No. 8 Tahun 1948. Lembaran Negara Republik Indonesia Tahun 1951 Nomor 78. <https://peraturan.bpk.go.id/Download/41251/UU%20Darurat%20Nomor%2012%20Tahun%201951.pdf>. → *This law fortified the 1948 registration and licensing system by imposing extremely severe penalties for noncompliance.*

#### **Law Number 8 of 1948**

Indonesia. Undang-Undang Nomor 8 Tahun 1948 tentang Pendaftaran dan Pemberian Izin Pemakaian Senjata Api. Lembaran Negara Republik Indonesia Tahun 1948 Nomor 17. [https://peraturan.bpk.go.id/Home/Download/41250/UU\\_No\\_8\\_Tahun\\_1948.pdf](https://peraturan.bpk.go.id/Home/Download/41250/UU_No_8_Tahun_1948.pdf). → *This early law established the requirement for registration and licensing of firearms for non-military/police individuals.*

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## APPENDIX B: FULL TEXT AND PARALLEL ENGLISH TRANSLATION OF INDONESIAN FIREARMS STATUTES

TRANSLATION of LAW NUMBER 8 OF 1948 (Undang-Undang Nomor 8 Tahun 1948 tentang Pendaftaran dan Pemberian Izin Pemakaian Senjata Api)

PRESIDENT REPUBLIC OF INDONESIA

PRESIDEN REPUBLIK INDONESIA

**LAW NUMBER 8 OF 1948**

**UNDANG-UNDANG NOMOR 8 TAHUN 1948**

CONCERNING

TENTANG

THE REVOCATION OF STATE DEFENCE COUNCIL REGULATION NUMBER 14 AND THE ESTABLISHMENT OF REGULATIONS REGARDING THE REGISTRATION AND GRANTING OF FIREARM USE PERMITS.

MENCABUT PERATURAN DEWAN PERTAHANAN NEGARA NOMOR 14 DAN MENETAPKAN PERATURAN TENTANG PENDAFTARAN DAN PEMBERIAN IDZIN PEMAKAIAN SENJATA API.

THE PRESIDENT OF THE REPUBLIC OF INDONESIA,

PRESIDEN REPUBLIK INDONESIA,

Considering: that it is necessary to establish more comprehensive regulations regarding the registration and granting of firearm use permits;

Menimbang perlu mengadakan peraturan yang lebih sempurna tentang pendaftaran serta pemberian idzin pemakaian senjata api;

Recalling:

Mengingat

a. Article 5 paragraph (1), Article 20 paragraph (1), and Article IV of the Transitional Provisions of the Constitution of the Republic of Indonesia;

a. pasal 5 ayat 1, pasal 20 ayat 1, dan pasal IV Aturan Peralihan Undang-undang Dasar Negara Republik Indonesia;

b. Announcement of the Vice President of the Republic of Indonesia dated October 16, 1945 No. X;

b. Maklumat Wakil Presiden Republik Indonesia tanggal 16 Oktober 1945 No. X;

## NATIONAL GUN LAW OF REPUBLIC OF INDONESIA

With the approval of the Central National Committee's Working Body;

Dengan persetujuan Badan Pekerja Komite Nasional Pusat;

DECIDES:

MEMUTUSKAN:

A. To revoke State Defence Regulation No. 14.

A. Mencabut Peraturan Dewan Pertahanan Negara No. 14.

B. To establish the following regulations:

B. Menetapkan peraturan sebagai berikut :

LAW CONCERNING THE REGISTRATION AND GRANTING OF FIREARM USE PERMITS.

UNDANG-UNDANG TENTANG PENDAFTARAN DAN PEMBERIAN IDZIN PEMAKAIAN SENJATA API.

PART I.

BAGIAN I.

General Provisions.

Aturan Umum.

Article 1.

Pasal 1.

What is meant by firearms in this Law are:

Yang dimaksud dengan senjata api dalam Undang-undang ini, ialah :

a. firearms and their parts;

a. senjata api dan bagian-bagiannya;

b. flamethrowers and their parts;

b. alat penyembur api dan bagian-bagiannya;

c. gunpowder and its parts such as "patroonhulsen," [Dutch for cartridge cases] "slaghoedjes," [Dutch for centrefire primers] and others;

c. mesiu dan bagian-bagiannya seperti "patroonhulsen", slaghoedjes" dan lain-lainnya.

d. explosives, including objects containing explosives such as hand grenades, bombs, and others.

d. bahan peledak, termasuk juga benda-benda yang mengandung peledak seperti geranat tangan, bom dan lain-lainnya

Article 2.

Pasal 2.

Within a maximum period of thirty (30) days from the effective date of this Law, all firearms must be registered according to Article 5.

Dalam waktu selambat-lambatnya (30) hari terhitung mulai berlakunya Undang-undang ini semua senjata api harus didaftarkan menurut pasal 5.

Article 3.

Pasal 3.

From the effective date of this Law, the transfer of firearms to another person is prohibited, except for transfers according to Article 11 below.

Mulai hari berlakunya Undang-undang ini pemindahan senjata api kelain tangan dilarang, kecuali pemindahan senjata api ke tangan lain menurut pasal 11 dibawah ini

Article 4.

From the effective date of this Law until the closing date of registration as intended in Article 2, the transfer of firearms to another place is prohibited, except for transfers as mentioned in Article 12.

PART II.

Regarding the registration of firearms.

Article 5.

1. Firearms held by persons who are not members of the Military or Police must be registered by the Head of the Residency Police (or the Head of the Special Region Police, hereinafter referred to simply as the Head of the Residency Police) or a person designated by him.
2. Firearms held by members of the Armed Forces shall be registered according to instructions from the Minister of Defence, and those held by the Police according to instructions from the National Police Headquarters.

Article 6.

1. Firearms as referred to in Article 5 paragraph (1) shall be registered at a place determined by the Head of the Residency Police according to a model prescribed by the Head of the National Police Headquarters.
2. Each firearm to be registered according to paragraph (1) must be brought to the registration place for inspection by the Head of the Residency Police or a person designated by him.

Pasal 4.

Mulai hari berlakunya Undang-undang ini sampai hari penutupan pendaftaran yang dimaksud dalam pasal 2, pemindahan senjata api ke lain tempat dilarang, kecuali pemindahan seperti tersebut dalam pasal 12.

BAGIAN II.

Tentang pendaftaran senjata api.

Pasal 5.

1. Senjata api yang berada ditangan orang bukan anggota Tentara atau Polisi harus didaftarkan oleh Kepala Kepolisian Karesidenan (atau Kepala Kepolisian Daerah Istimewa selanjutnya disebut Kepala Kepolisian Karesidenan saja) atau orang yang ditunjukkannya.
2. Senjata api yang berada ditangan anggota Angkatan Perang didaftarkan menurut instruksi Menteri Pertahanan, dan yang berada ditangan Polisi menurut instruksi Pusat Kepolisian Negara.

Pasal 6.

1. Senjata api sebagai dimaksud dalam pasal 5 ayat 1 didaftarkan pada tempat yang ditentukan oleh Kepala Kepolisian Karesidenan menurut contoh yang ditetapkan oleh Kepala Pusat Kepolisian Negara.
2. Tiap-tiap senjata api yang akan didaftarkan menurut ayat 1 harus dibawa ketempat pendaftaran untuk diperlihatkan kepada Kepala Kepolisian Karesidenan atau orang yang ditunjukkannya.

Article 7.

1. Those who register their firearms shall receive a registration mark according to a model prescribed by the Head of the National Police Headquarters.
2. The registration mark for firearms registered according to Article 6 paragraph (1) shall serve as a temporary firearm use permit, hereinafter referred to as a temporary permit.

Article 8.

Within seven (7) days from the closing date of registration mentioned in Article 2, the Head of the Residency Police shall report the results of the registration to the Head of the National Police Headquarters.

PART III.

Firearm Use Permits.

Article 9.

1. Every person who is not a member of the Military or Police who possesses and uses a firearm must have a firearm use permit according to a model prescribed by the Head of the National Police Headquarters.
2. For each firearm, one (1) permit must be issued.
3. The authority to grant firearm use permits rests with the Head of the Residency Police or a person designated by him.

Pasal 7.

1. Mereka yang mendaftarkan senjata apinya menerima tanda pendaftaran menurut contoh yang ditetapkan oleh Kepala Pusat Kepolisian Negara.
2. Tanda pendaftaran untuk senjata-senjata api yang didaftarkan menurut pasal 6 ayat 1, berlaku sebagai surat idzin pemakaian senjata api untuk sementara waktu, selanjutnya disebut surat idzin sementara.

Pasal 8.

Dalam waktu 7 hari mulai hari penutupan pendaftaran tersebut dalam pasal 2, Kepala Kepolisian Karesidenan melaporkan hasil pendaftaran kepada Kepala Pusat Kepolisian Negara.

BAGIAN III.

Idzin pemakaian senjata api.

Pasal 9.

1. Setiap orang bukan anggota Tentara atau Polisi yang mempunyai dan memakai senjata api harus mempunyai surat idzin pemakaian senjata api menurut contoh yang ditetapkan oleh Kepala Kepolisian Negara.
2. Untuk tiap senjata api harus diberikan sehelai surat idzin.
3. Yang berhak memberi surat idzin pemakaian senjata api ialah Kepala Kepolisian Karesidenan atau orang yang ditunjukannya.

Article 10.

1. Within sixteen (16) days from the closing date of registration as intended in Article 2, the Head of the Residency Police, based on instructions from the Head of the National Police Headquarters, shall make a decision regarding the granting of firearm use permits for firearms registered with him.
2. All firearms shall become state property if, after sixteen (16) days from the closing date of firearm registration, the firearm does not yet possess a firearm use permit.
3. For each firearm that becomes state property according to paragraph (2), compensation shall be provided according to a list determined by the Minister of Defence.
4. Regarding firearms that become state property according to paragraph (2), the Minister of Defence shall determine their use.
5. The Head of the National Police Headquarters shall provide an opportunity for those who do not desire a firearm use permit according to Article 9 paragraph (3) to surrender their firearms with the receipt of compensation as stipulated in paragraph (3).

Pasal 10.

1. Dalam waktu 16 hari terhitung mulai hari penutupan pendaftaran yang dimaksudkan dalam pasal 2, Kepala Kepolisian Karesidenan, berdasarkan instruksi Kepala Pusat Kepolisian Negara mengambil keputusan tentang pemberian surat idzin pemakaian senjata api untuk senjata api yang didaftarkan kepadanya.
2. Semua senjata api menjadi milik Negara, bilamana sehabis waktu 16 hari terhitung mulai hari penutupan pendaftaran senjata api, senjata api tadi belum mempunyai surat idzin pemakaian senjata api.
3. Untuk tiap-tiap senjata api yang menjadi milik Negara menurut ayat (2), diberikan uang kerugian menurut daftar yang ditetapkan oleh Menteri Pertahanan.
4. Terhadap senjata-senjata api yang menjadi milik Negara menurut ayat (2) Menteri Pertahanan menentukan pemakaiannya.
5. Kepala Pusat Kepolisian Negara memberi kesempatan kepada mereka yang tidak menghendaki surat idzin pemakaian senjata api menurut pasal 9 ayat 3, untuk menyerahkan senjata apinya dengan penerimaan kerugian sebagai ditetapkan dalam ayat (3).

Article 11.

1. Anyone intending to transfer a firearm to another person, for which a firearm use permit (including a temporary permit, as mentioned in Article 7) has been granted by the Head of the Residency Police, must first obtain permission from the said Police Head, according to a model prescribed by the Head of the National Police Headquarters.
2. Firearm use permits that have been granted by the Head of the Regional Defence Council to persons who are not members of the Military or Police (according to D.P.N. Regulation No. 14 Article 10 paragraph (3) letter d) must be exchanged for a new permit from the Head of the Residency Police.

Article 12.

1. Anyone who possesses a firearm with a firearm use permit granted by the Head of the Residency Police (including a temporary permit) and intends to move outside the Residency must notify the Head of the Residency Police or a person designated by him, and upon arrival at the new place, notify the Head of the Residency Police where the new place is located.
2. If a firearm and/or its use permit is lost, the holder of the use permit must report this within seven (7) days to the Head of the Residency Police or a person designated by him.

Pasal 11.

1. Barang siapa hendak memindahkan senjata api ketangan lain, untuk mana telah diberikan surat izin pemakaian senjata api (termasuk juga surat izin sementara, tersebut dalam pasal 7) oleh Kepala Kepolisian Karesidenan, harus mendapat izin terlebih dahulu dari Kepala Kepolisian tersebut, menurut contoh yang ditetapkan oleh Kepala Pusat Kepolisian Negara.
2. Surat izin pemakaian senjata api yang telah diberikan oleh Ketua Dewan Petahanan Daerah kepada orang bukan anggota Tentara atau Polisi (menurut peraturan D.P.N. No. 14 pasal 10 ayat 3 huruf d) harus ditukarkan dengan surat izin yang baru dari Kepala Kepolisian Karesidenan

Pasal 12.

1. Barang siapa mempunyai senjata api dengan surat izin pemakaian senjata api yang diberikan oleh Kepala Kepolisian Karesidenan (termasuk izin sementara) hendak pindah keluar Karesidenan harus memberitahukan hal ini kepada Kepala Kepolisian Karesidenan atau orang yang ditunjukannya, serta sesampainya ditempat yang baru, pada Kepala Kepolisian Karesidenan dimana tempat itu terletak.
2. Jika senjata api dan/atau surat izin pemakaiannya hilang, maka pemegang surat izin pemakaiannya itu harus melaporkan hal ini dalam waktu 7 hari kepada Kepala Kepolisian Karesidenan atau orang yang ditunjukannya

PART IV.

BAGIAN IV.

Regarding Penalties.

Tentang Hukuman.

Article 13.

Pasal 13.

A firearm use permit (including a temporary permit) may be revoked by the authority authorized to grant it if the firearm is misused, and the firearm may be confiscated.

Surat izin pemakaian senjata api (termasuk izin sementara) dapat dicabut oleh pihak yang berhak memberikannya bila senjata api itu salah dipergunakan, dan senjata api tersebut dapat dirampas.

Article 14.

Pasal 14.

1. Whosoever intentionally:
  - a. fails to fulfill the obligations specified in Article 2, or
  - b. after sixteen (16) days from the closing date of registration, possesses a firearm without the permit mentioned in Article 9, or
  - c. violates the prohibition mentioned in Article 3 or Article 4, shall be punished with imprisonment for a maximum of four (4) years or a fine of up to fifteen thousand (15,000) rupiah, and the firearm may be confiscated.
2. Whosoever fails to fulfill the obligations specified in Article 12 shall be punished with detention for a maximum of three (3) months or a fine of up to nine hundred (900) rupiah, and the firearm may be confiscated.
3. The acts contained in paragraph (1) are considered crimes.
4. The acts contained in paragraph (2) are considered misdemeanors.

1. Barang siapa dengan sengaja :
  - a. tidak memenuhi kewajiban yang ditentukan dalam pasal 2, atau
  - b. sehabis waktu 16 hari terhitung mulai hari penutupan pendaftaran mempunyai senjata api tidak dengan surat izin tersebut dalam pasal 9.
  - c. melanggar larangan tersebut dalam pasal 3 atau pasal 4, dihukum penjara selama-lamanya 4 (empat) tahun atau denda sebanyak-banyaknya lima-belas ribu rupiah dan senjata apinya dapat dirampas.
2. Barang siapa tidak memenuhi kewajiban yang ditentukan dalam pasal 12 dihukum kurungan selama-lamanya 3 bulan atau denda sebanyak-banyaknya sembilan ratus rupiah dan senjata apinya dapat dirampas.
3. Perbuatan termuat dalam ayat 1 dianggap sebagai kejahatan.
4. Perbuatan termuat dalam ayat 2 dianggap sebagai pelanggaran.

Article 15.

Pasal 15.

This Law shall come into force on the date of its promulgation.

Undang-undang ini mulai berlaku pada hari diumumkan.

**NATIONAL GUN LAW OF REPUBLIC OF INDONESIA**

Established in Yogyakarta

Ditetapkan di Yogyakarta

on March 31, 1948.

pada tanggal 31 Maret 1948.

PRESIDENT OF THE REPUBLIC OF  
INDONESIA,

PRESIDEN REPUBLIK INDONESIA,

SOEKARNO.

SOEKARNO.

Minister of Defence ad interim,

Menteri Pertahanan ad interim,

MOHAMMAD HATTA.

MOHAMMAD HATTA.

Promulgated

Diumumkan

on April 1, 1948.

pada tanggal 1 April 1948.

Secretary of State,

Sekretaris Negara,

A.G. PRINGGODIGDO.

A..G. PRINGGODIGDO.

TRANSLATION of **Emergency Law Number 12 of 1951** (Undang-Undang Darurat Nomor 12 Tahun 1951 tentang Mengubah “Ordonnantietijdelijke byzondere strafbepalingen” (Stbl. 1948 No. 17) dan Undang-Undang Republik Indonesia Dahulu No. 8 Tahun 1948)

PRESIDENT REPUBLIC OF INDONESIA

**EMERGENCY LAW OF THE  
REPUBLIC OF INDONESIA NUMBER  
12 OF 1951**

CONCERNING

THE AMENDMENT OF  
“ORDONNANTIE TIJDELIJKE  
BIJZONDERE STRAFBEPALINGEN”  
(STATE GAZETTE 1948 NO. 17)  
AND LAW OF THE REPUBLIC OF  
INDONESIA DAHULU NO. 8 OF 1948.

THE PRESIDENT OF THE REPUBLIC  
OF INDONESIA,

Considering: that due to urgent circumstances and for the interests of the government, it is deemed necessary to make amendments to “Ordonnantie Tijdelijke Byzondere Strafbepalingen” (State Gazette 1948 No. 17) and Law of the Republic of Indonesia Dahulu No. 8 of 1948;

Considering further: that due to urgent circumstances, this regulation needs to be enacted immediately;

PRESIDEN REPUBLIK INDONESIA

**UNDANG-UNDANG DARURAT REPUBLIK  
INDONESIANOMOR 12 TAHUN 1951**

TENTANG

MENGUBAH “ORDONNANTIE TIJDELIJKE  
BIJZONDERE STRAFBEPALINGEN” (STBL.  
1948NO.17) DAN UNDANG-UNDANG R.I.  
DAHULU NOMOR 8 TAHUN 1948

Presiden Republik Indonesia,

Menimbang: bahwa berhubungan dengan keadaan yang mendesak dan untuk kepentingan pemerintah dipandang perlu untuk mengadakan perubahan-perubahan dalam “Ordonnantie Tijdelijke Byzondere Strafbepalingen” (Stbl. 1948 No. 17) dan Undang-undang R.I.dahulu No. 8 tahun 1948)

Menimbang pula : bahwa karena keadaan-keadaan yang mendesak, peraturan ini perlu segera diadakan;

## NATIONAL GUN LAW OF REPUBLIC OF INDONESIA

Recalling:

a. Articles 96, 102, and 142 of the Provisional Constitution of the Republic of Indonesia;

b. “Ordonnantie Tijdelijke Byzondere Strafbepalingen” (State Gazette 1948 No. 17);

c. Law of the Republic of Indonesia Dahulu No. 8 of 1948;

Decides:

A. To Establish:

EMERGENCY LAW CONCERNING THE AMENDMENT OF “ORDONNANTIE TIJDELIJKE BIJZONDERE STRAFBEPALINGEN” (STATE GAZETTE 1948 NO. 17) AND LAW OF THE REPUBLIC OF INDONESIA DAHULU NO. 8 OF 1948).

Article 1.

1. Whosoever, without right, imports into Indonesia, manufactures, receives, attempts to obtain, surrenders or attempts to surrender, controls, carries, possesses, stores, transports, conceals, uses, or exports from Indonesia any firearm, munitions, or explosive material, shall be punished with death or life imprisonment or temporary imprisonment for a maximum of twenty (20) years.

Mengingat:

a. pasal 96, 102 dan 142 Undang-undang Dasar Sementara Republik Indonesia;

b. “Ordonnantie Tijdelijke Byzondere Strafbepalingen” (Stbl.1948 No. 17);

c. Undang-undang R.I. dahulu No. 8 tahun 1948;

Memutuskan :

A. Menetapkan :

UNDANG-UNDANG DARURAT TENTANG MENGUBAH “ORDONNANTIE TIJDELIJKEBYZONDERE STRAFBEPALINGEN” (Stbl. 1948 No. 17) dan Undang-undang R.I. dahulu No. 8 tahun 1948).

Pasal 1.

1. Barang siapa, yang tanpa hak memasukkan ke Indonesia membuat, menerima, mencoba memperoleh, menyerahkan atau mencoba menyerahkan, menguasai, membawa, mempunyai persediaan padanya atau mempunyai dalam miliknya, menyimpan, mengangkut, menyembunyikan, mempergunakan, atau mengeluarkan dari Indonesia sesuatu senjata api, munisi atau sesuatu bahan peledak, dihukum dengan hukuman mati atau hukuman penjara seumur hidup atau hukuman penjara sementara setinggi tingginya dua-puluh tahun.

2. What is meant by firearms and munitions also includes all items as described in Article 1 paragraph (1) of the Firearm Regulation (Vuurwapenregeling: in, uit, doorvoer en lossing) 1936 (State Gazette 1937 No. 170), which has been amended by Ordinance dated May 30, 1939 (State Gazette No. 278), but does not include weapons clearly intended as antiques or curiosities (merkwaardigheid), nor any weapon that is permanently unusable or rendered incapable of use.
3. What is meant by explosive materials also includes all explosive substances, as intended in the Ordinance dated September 18, 1893 (State Gazette 234), which has been subsequently amended by Ordinance dated May 9, 1931 (State Gazette No. 168), all types of devices, bombs, incendiary bombs, mines, hand grenades, and generally all explosive materials, whether they consist of single chemical compounds (enkelvoudige chemische verbindingen) or mixtures of explosive materials (explosieve mengsels) or initiating explosives (inleidende explosieven), which are used to detonate other explosive materials, insofar as they are not already included in the definition of munitions.
2. Yang dimaksudkan dengan pengertian senjata api dan amunisi termasuk juga segala barang sebagaimana diterangkan dalam pasal 1 ayat 1 dari Peraturan Senjata Api (Vuurwapenregeling : in-, uit-, doorvoer en lossing) 1936 (Stbl. 1937 No. 170), yang telah diubah dengan Ordonnantie tanggal 30 Mei 1939 (Stbl. No. 278), tetapi tidak termasuk dalam pengertian itu senjata-senjata yang nyata-nyata mempunyai tujuan sebagai barang kuno atau barang yang ajaib (merkwaardigheid), dan bukan pula sesuatu senjata yang tetap tidak dapat terpakai atau dibikin sedemikian rupa sehingga tidak dapat dipergunakan.
3. Yang dimaksudkan dengan pengertian bahan-bahan peledak termasuk semua barang yang dapat meledak, yang dimaksudkan dalam Ordonnantie tanggal 18 September 1893 (Stbl. 234), yang telah diubah terkemudian sekaligus dengan Ordonnantie tanggal 9 Mei 1931 (Stbl. No. 168), semua jenis mesin, bom-bom, bom-bom pembakar, ranjau-ranjau (mijnen), granat-granattangan dan pada umumnya semua bahan peledak baik yang merupakan luluhan kimia tunggal (enkelvoudige chemische verbindingen) maupun yang merupakan adukan bahan-bahan peledak (explosieve mengsels) atau bahan bahan peledak pemasuk (inleidende explosieven), yang dipergunakan untuk meledakkan lain-lain barang peledak, sekedar belum termasuk dalam pengertian munisi.

Article 2.

1. Whosoever, without right, imports into Indonesia, manufactures, receives, attempts to obtain, surrenders or attempts to surrender, controls, carries, possesses, stores, transports, conceals, uses, or exports from Indonesia any bludgeon, stabbing weapon, or piercing weapon (slag-, steek-, of stootwapen), shall be punished with imprisonment for a maximum of ten (10) years.
2. The definition of bludgeon, stabbing weapon, or piercing weapon in this article does not include items clearly intended for use in agriculture, or for household chores, or for the legitimate performance of work, or those clearly intended as heirlooms, antiques, or curiosities (merkwaardigheid).

Article 3.

Acts punishable under this emergency Law are considered crimes.

Article 4.

1. If an act punishable under this Emergency Law is committed by or under the authority of a legal entity, prosecution may be carried out and punishment may be imposed on its management or its local representative.
2. The provision in paragraph (1) above also applies to legal entities acting as management or representatives of another legal entity.

Pasal 2.

1. Barang siapa yang tanpa hak memasukkan ke Indonesia, membuat, menerima, mencoba memperolehnya, menyerahkan atau mencoba menyerahkan, menguasai, membawa, mempunyai persediaan padanya atau mempunyai dalam miliknya, menyimpan, mengangkut, menyembunyikan, mempergunakan atau mengeluarkan dari Indonesia sesuatu senjata pemukul, senjata penikam, atau senjata penusuk (slag-, steek-, of stootwapen), dihukum dengan hukuman penjara setinggi-tingginya sepuluh tahun.
2. Dalam pengertian senjata pemukul, senjata penikam atau senjata penusuk dalam pasal ini, tidak termasuk barang-barang yang nyata-nyata dimaksudkan untuk dipergunakan guna pertanian, atau untuk pekerjaan pekerjaan rumah tangga atau untuk kepentingan melakukan dengan syah pekerjaan atau yang nyata-nyata mempunyai tujuan sebagai barang pusaka atau barang kuno atau barang ajaib (merkwaardigheid).

Pasal 3.

Perbuatan-perbuatan yang dapat dihukum Undang-undang Darurat ini dipandang sebagai kejahatan

Pasal 4.

1. Bilamana sesuatu perbuatan yang dapat dihukum menurut Undang-undang Darurat ini dilakukan oleh atau atas kekuasaan suatu badan hukum, maka penuntutan dapat dilakukan dan hukuman dapat dijatuhkan kepada pengurus atau kepada wakilnya setempat.
2. Ketentuan pada ayat (1) diatas berlaku juga terhadap badan-badan hukum, yang bertindak selaku pengurus atau wakil dari suatu badan hukum lain.

Article 5.

1. Items or materials involved in an act punishable under Article 1 or 2 may be confiscated, even if those items do not belong to the accused.
2. Items or materials confiscated according to the provisions of paragraph (1) must be destroyed, unless the Minister of Defence or his designated representative assigns another purpose for those items for the interest of the State.

Article 6.

1. Those entrusted with investigating acts punishable under Articles 1 and 2, in addition to persons generally designated to investigate punishable acts, also include persons who have been or will be designated by statutory regulations to investigate crimes and misdemeanors related to firearms, munitions, and explosives.
  2. Investigating officers and those accompanying them are always entitled to enter places they deem necessary for the meticulous performance of their duties. If they are hindered from entering, they may, if necessary, request assistance from the authorities.
- B. Stipulation:that all regulations or provisions of regulations that contradict this Emergency Law shall not apply.

Pasal 5.

1. Barang-barang atau bahan-bahan dengan mana terhadap mana sesuatuperbuatan yang terancam hukuman pada pasal 1 atau 2, dapat dirampas, juga bilamana barang-barang itu tidak kepunyaan si-tertuduh.
2. Barang-barang atau bahan-bahan yang dirampas menurut ketentuan ayat 1,harus dirusak, kecuali apabila terhadap barang-barang itu oleh atau dari pihak Menteri Pertahanan untuk kepentingan Negara diberikan suatu tujuan lain.

Pasal 6.

1. Yang disertai untuk mengusut perbuatan-perbuatan yang dapat dihukumberdasarkan pasal 1 dan 2 selain dari orang-orang yang pada umumnya telah ditunjuk untuk mengusut perbuatan-perbuatan yang dapat dihukum, juga orang-orang, yang dengan peraturan Undang-undang telah atau akan ditunjuk untuk mengusut kejahatan-kejahatan dan pelanggaran-pelanggaran yang bersangkutan dengan senjata api, munisi dan bahan-bahan peledak.
  2. Pegawai-pegawai pengusut serta orang-orang yang mengikutinya senantiasa berhak memasuki tempat-tempat, yang mereka anggap perlu dimasukinya, untuk kepentingan menjalankan dengan saksama tugas mereka Apabila mereka dihalangi memasukinya, mereka jika perlu dapat meminta bantuandari alat kekuasaan.
- B. Menetapkan:bahwa segala peraturan atau ketentuan-ketentuan dari peraturan-peraturan yang bertentangan dengan Undang-undang Darurat ini tidak berlaku

## NATIONAL GUN LAW OF REPUBLIC OF INDONESIA

C. Final Provision: This Emergency Law shall come into force on the date of its promulgation. In order for everyone to know, it is ordered that this Emergency Law be promulgated by placement in the State Gazette of the Republic of Indonesia

C. Ketentuan terakhir : Undang-undang Darurat ini mulai berlaku pada hari diundangkan. Agar supaya setiap orang dapat mengetahuinya, memerintahkan pengundangan Undang-undang Darurat ini dengan penempatan dalam Lembaran Negara Republik Indonesia.

Established in Jakarta on September 1, 1951.

Ditetapkan di Jakarta pada tanggal 1 September 1951.

PRESIDENT OF THE REPUBLIC OF INDONESIA, SOEKARNO.

PRESIDEN REPUBLIK INDONESIA, SOEKARNO

PRIME MINISTER  
SUKIMAN WIRJOSANDJOJO

PERDANA MENTERI,  
SUKIMAN WIRJOSANDJOJO

MINISTER OF HOME AFFAIRS,  
ISKAQ TJOKROHADISURJO.

MENTERI DALAM NEGERI,  
ISKAQ TJOKROHADISURJO.

MINISTER OF DEFENCE,  
SEWAKA.

MENTERI PERTAHANAN,  
SEWAKA.

MINISTER OF JUSTICE, a.i.,  
M. A. PELLAUPESY.

MENTERI KEHAKIMAN, a. i.,  
M. A. PELLAUPESY.

Promulgated  
on September 4, 1951  
MINISTER OF JUSTICE, a.i.,  
M. A. PELLAUPESY

Diundangkan  
pada tanggal 4 September 1951.  
MENTERI KEHAKIMAN a. i.,  
M.A.PELLAUPESY

## APPENDIX C: STATISTICS OF INDONESIA GUN-RELATED CRIME IN PAST DECADE (2012-2021).

Violent crimes, including robbery with firearms. From Diane, Putri Prahastiwi et al., *Indonesia Crime Statistics 2012–2021* (Trophy Endah Rahayu, Nenden Budiarti, & Devy Setiyowati eds.), <https://www.bps.go.id/en/statistics-table?subject=526> (last visited Jun 26, 2025).

Year	Total Cases	% Change (YoY)
2012	561	–
2013	482	-14.1%
2014	332	-31.1%
2015	312	-6.0%
2016	272	-12.8%
2017	211	-22.4%
2018	151	-28.4%
2019	143	-5.3%
2020	151	+5.6%
2021	108	-28.5%

Table 1: Number of total case of gun-related crime in Indonesia 2012-2021 (Data taken from: <https://www.bps.go.id/en/statistics-table?subject=526>)

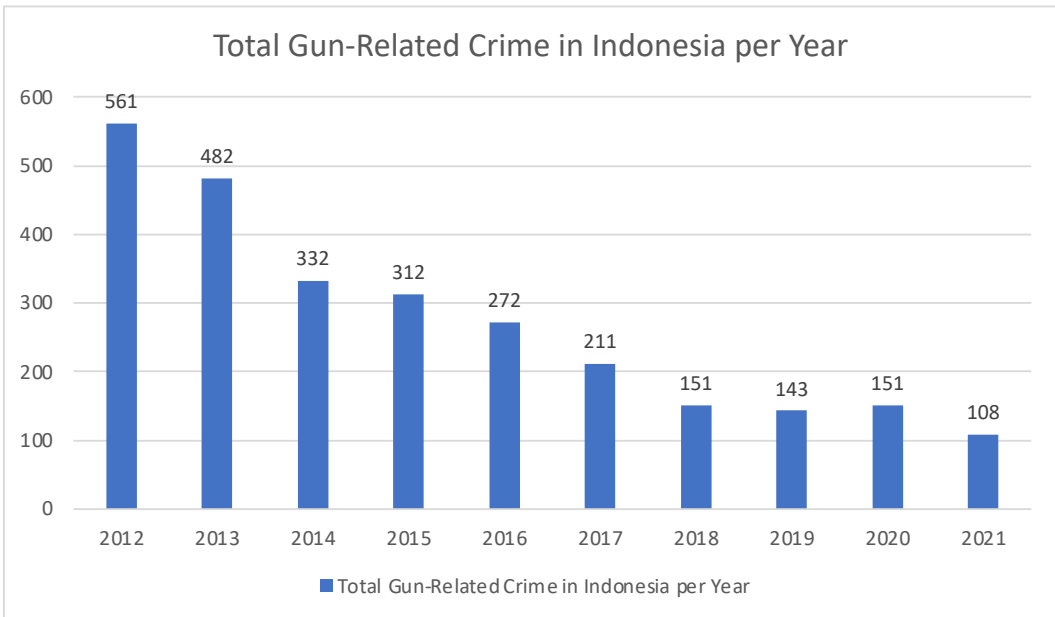


Chart 1: Total cases of gun-related crime in Indonesia 2012-2021 (Data taken from: <https://www.bps.go.id/en/statistics-table?subject=526>)

The data of violent gun crime statistics in Indonesia above reveals a remarkable transformation in public safety outcomes over the past decade. Based on data published by Indonesia's Central Statistics Agency (BPS) in collaboration with the Indonesian National Police (Polri), gun-related criminal cases in Indonesia experienced a decline from 2012 to 2021. This statistical trend appears to demonstrate increased effectiveness of Indonesia's stringent firearm control laws and also reflects broader improvements in law enforcement capabilities and crime prevention strategies. However, the absence of published data from 2022 onwards raises important questions about transparency in the police institution.

There was an 80.7% reduction in gun-related crimes, falling from 561 cases in 2012 to just 108 cases in 2021. This decline was neither uniform nor consistent year-over-year, with the most significant reductions occurring in 2014 (31.1% decrease) and 2018 (28.4% decrease). The trend was punctuated by only one year of increase; 2020 saw a modest 5.6% rise from 143 to 151 cases, perhaps attributable to social and economic disruptions caused by the COVID-19 pandemic. The overall declining trajectory aligns with Indonesia's strict constitutional and legal framework governing civilian firearm possession, as established by Emergency Law Number 12 of 1951 and also reinforced by subsequent police regulations.

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JON CALDARA is President of the Independence Institute.

DAVID KOPEL is Research Director of the Independence Institute.

MICHAEL ORSTED SATAHI is an intern of the Future Leaders Program at Independence Institute.

ADDITIONAL RESOURCES can be found at [i2i.org](https://i2i.org).

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