

LAW ENFORCEMENT ON OWNERSHIP OF AIRSOFTGUN SECURITY EQUIPMENT CLASSIFIED AS FIREWEAPONS IN THE JURISDICTION OF THE BALI REGIONAL POLICE

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Abstract

The various forms of crime above are usually committed by someone using certain weapons, for example sharp weapons or blunt objects which can be used to make threats so that the person is willing to hand over what the perpetrator of the crime wants. Law enforcement against criminal acts using airsoft guns in the jurisdiction of the Bali region cannot yet carry out punishment for airsoft gun users because owning or merely carrying an airsoft gun is not a criminal offense and the perpetrator cannot be subject to criminal prosecution. There are obstacles in carrying out law enforcement regarding the prevention of criminal acts using airsoft guns, both in terms of the substance of the law and in terms of the structure of law enforcement..

Keywords: Crime, Firearms, and Airsoft Gun

Introduction

The various forms of crime above are usually committed by someone using certain weapons, for example sharp weapons or blunt objects that can be used to provide threats so that the person is willing to give up what the perpetrator of the crime wants. In addition to using both of these objects to commit crimes, firearms are also often used by someone in committing their crimes. The types of firearms used include pistols, revolvers, rifles or long-barreled firearms which of course if misused will injure someone quite badly. Airsoft guns are replicas of firearms used for sports or war simulation games by Airsofters. The types of Airsoft guns are generally various because this type of weapon adopts various models and various types of weapons that exist in the world, both from types of pistols, revolvers, submachine guns, and so on.

By looking at the background above, the following problem formulation can be taken: first, law enforcement against criminal acts using airsoft guns in the jurisdiction of the Bali region, second, obstacles faced by the Bali regional police in dealing with criminal acts using airsoft guns.

This study aims to determine law enforcement against criminal acts using airsoft guns in the jurisdiction of the Bali region, and the obstacles faced by the Bali regional police in dealing with criminal acts using airsoft guns.

Methods

The research method used in this study is a normative research method supported by empirical research that uses various types of primary legal materials in the form of laws and regulations and secondary legal materials in the form of library materials relating to the handling of online fraud crimes as sources of research materials. Johnny Ibrahim argues that normative legal research is a form of scientific research aimed at finding the truth based on the logic of legal science reviewed from the normative part, or in the form of an effort to discover law that is adjusted to a particular case.

Results and Discussion

Law Enforcement Against Criminal Acts Using Airsoft Guns in the Jurisdiction of the Bali Region

Firearms are defined as any device, whether installed or not, which can be operated or incomplete, which is designed or modified, or which can be easily modified to release projectiles due to the development of gases produced from the ignition of flammable materials in the device, and including additional equipment designed or intended to be installed on such devices. Meanwhile, the definition of Air Gun in the Chief of Police Regulation Number 8 of 2012 was not found by the author. What the author found was only the definition of airsoft gun as stated in Article 1 paragraph 25 "Airsoft gun is an object that is shaped, works and/or

functions like a firearm made of plastic and/or a mixture that can launch Ball Bullets (BB)". Meanwhile, among airsoft gun enthusiasts and communities, Air Guns are commonly referred to as replica weapons that are similar to firearms, starting from the shape, and the material of the weapon is the same as firearms in general where the bullets are made of metal, can be iron, copper, steel or aluminum, airgun weapons use Co2 gas where the power produced is 2 joules or even more. According to Simons, a crime is an unlawful act that has been carried out intentionally or unintentionally by someone who can be held accountable for their actions which by law have been stated as an act that can be punished. With limitations like this, according to Simons, for a crime to occur, the following elements must be met: 1) Human actions, both in the sense of positive actions (doing) and negative actions (not doing); 2) Threatened with criminal penalties; 3) Against the law; 4) Done with errors; and 5) By people who are able to take responsibility. With an explanation like this, it is concluded that all the requirements for a crime have been attached to the criminal act. Simons does not separate criminal acts from criminal responsibility. If this opinion is followed, then if someone commits murder, for example in Article 338 of the Criminal Code, but then the person who committed the murder turns out to be a person who is not capable of being responsible, for example because he is crazy, then in this case it cannot be said that a crime has occurred. It can be easily explained why the incident cannot be called a crime, because the elements of the crime are not fulfilled, namely the element of a person who is not capable of being responsible. Therefore, because there is no criminal act, there is no crime. Law enforcement is a function of the working of these influences. We cannot close our eyes to the fact that law enforcers, as a category of humans and not as a position, will tend to provide their own interpretation of the tasks that must be carried out according to the level and type of education, personality and many other influencing factors.

In connection with law enforcement against Criminal Acts Using Air Gun Type Firearms in the Bali Regional Police Jurisdiction, the author presents the following cases that occurred

from 2022-2024: 1. The case that occurred in the Badung Police area, Bali Police, with a brief description of the incident explained by the reporter on behalf of Ni Luh Putu Sukma Lusyana Putri that it was true that there had been a criminal act of abuse that occurred on Saturday, August 13, 2022 at around 14.30 WITA on Jalan Raya Ayung, Uyun Village area, Abiansemal District, Badung Regency, the chronology of the incident explained by the reporter / victim began when the reporter came home from work and rode a motorbike from north to south, and there was a white four-wheeled vehicle, a Lexus brand with no. pol. b 66 frd, which was parked on the west side of the road facing north, then the reporter / victim when passing next to a parked white four-wheeled vehicle suddenly the reporter felt a bump on the helmet visor and the victim's eyes felt sore, so the reporter / victim stopped to see the condition of the victim's face because blood was coming out and the helmet visor was holed and the victim's glasses were broken, then the victim told the person passing by at that time to call the person in the parked white four-wheeled vehicle, then one of the people in the parked white four-wheeled vehicle came out and told the victim and said "Miss, that wind doesn't contain bullets", then the victim replied "if it doesn't contain bullets, why can my helmet have holes (holes)" and the person returned to his vehicle, with this incident the victim suffered abrasions on the left temple, and then the reporter went to the Badung Police SPKT office for further investigation / investigation. The chronology of the arrest is based on information from the public regarding the whereabouts of the Lexus r4 vehicle with no. pol. B 66 FRD, and the alleged perpetrator, then the opsnaI team of the criminal investigation unit I of the Badung Police, led by the Head of Criminal Investigation Unit I of the Badung Police, Ipda Agie Dwisetio Putra, S.tr.k, conducted an investigation according to the information obtained. from the results of the investigation around Jln. Dewi Sri, the team managed to secure a suspected perpetrator, Anfirdaus Abby, along with evidence and his vehicle. i. the evidence that was secured was one unit of a Lexus LM R4 vehicle with the police number B 66 FRD; one brown air rifle along with 23 bullets. 2). The case that occurred in the Denpasar Police area of the Bali Police, on

Sunday, January 8, 2023 at 13.00 WITA, received information from the network where at the Nangka Utara traffic light next to the Nangka KFC, the network saw someone carrying a weapon that was slung around the back which was suspected to be an airsoft gun using a Black Scoopy SPM with the number plate DK 6383 ABA. The results of the number plate check are as follows. DK 6383 Aba (Black Plate); Owner: I Gede Hendrawan, Address: Jl Bypass Ngurah Rai No 152 Br/Lk Ked Kesiman Petilan Denpasar, Brand: Honda; Type: F1c02n28l0 A/T; Type: Motorcycle; Model: Spd Motor Solo; Year of Manufacture/Assembly: 2018/2018. 3). The case occurred in the Buleleng Police Resort area of the Bali Police, with the following description of the incident: on Sunday, January 21, 2024 at 12:00 WITA, the Sukasada Police Chief together with the Sukasada Police Criminal Investigation Unit and the Buleleng Police Narcotics Unit made an arrest related to drug abuse carried out by the Sukasada Police Criminal Investigation Unit and at the time of the arrest the perpetrator fled and from the results of a search of the perpetrator's house, items were found including: 1. 1 (one) long sword with a wooden sheath. 2. 1 (one) airgun; 3. 1 (one) airsoft gun; 4. 6 (six) gas cylinders; 5. 1 (one) axe; 6. 1 (one) dagger with a wooden sheath; 7. 1 (one) badik (long knife).

Emergency Law Number 12 of 1951 does not regulate in detail the sanctions for perpetrators of firearms abuse. Misuse of firearms can be subject to sanctions in the form of revocation of firearms ownership permits to criminal threats. The procedures for Air Gun ownership and Use of Air Guns are regulated in the Regulation of the Chief of the Republic of Indonesia National Police Number 8 of 2012 concerning Supervision and Control of Firearms for Sports Interests. This is when referring to the provisions of Article 4 paragraph 1 letter b, where Air Guns can be categorized as air pistols (air pistols and air rifles (air riffles), then the requirements that must be met to own and use them are the requirements that must be met are regulated in Article 12 paragraph (1). Seeing cases of misuse of Air Guns, the ease of obtaining Air Guns is one of the factors in the rapid circulation and misuse of Air Guns in society. This misuse is clearly very disturbing to society and disrupts public security and order, especially if

the weapon is owned by a teenager, where psychologically their thought patterns are still immature. Law enforcement is very necessary to overcome crimes that have occurred and for those that have not occurred, efforts must be made to overcome them so that misuse of Air Guns to commit crimes does not occur more often, and can restore the predicate of safety to society. Regarding weapon ownership, the act of carrying or possessing an airsoft gun is not included in the classification of criminal acts of possession of firearms as referred to in Emergency Law No. 12 of 1951. If we look closely at other articles of this Law, namely Article 2 of Emergency Law No. 12 of 1951, then an airsoft gun is also clearly not a tool for hitting, stabbing, let alone stabbing. Therefore, the act of possessing or carrying an airsoft gun is not included in the criminal acts regulated in Emergency Law No. 12 of 1951, and the perpetrator cannot be subject to criminal sanctions or punishment because in essence an airsoft gun is a sports tool, unless the person concerned has committed a crime or harmed others by misusing the airsoft gun he owns.

Obstacles Faced by Bali Regional Police in Dealing with Criminal Acts Using Airsoft Guns

Nowadays, the many crimes using airsoft guns are something that law enforcers must pay more attention to. This can tarnish the name of shooting clubs in the Bali area, especially even Perbakin itself. In addition, he revealed that there are several factors that result in the use of airsoft guns without permission, even to the point of being used to commit crimes that can harm others, such as robbery, mugging and others. First, the Environmental Factor, according to him, environmental factors are very influential because a person's character is formed based on the environment where he lives and where he interacts every day. Second, the education factor, according to him, the education factor influences how and the way of thinking of the person, even the lower a person's education greatly influences the short-sighted way of thinking, it could even be that someone commits a crime that can be detrimental as mentioned above. Third, namely licensing that is too difficult, makes someone reluctant to take care of documents related to airsoft guns. Fourth, the economic factor, he emphasized that this factor is more towards

misuse that harms others, such as extortion using airsoft guns, mugging with airsoft guns. The widespread use of firearms in reality can start from just showing off, acting like a hero, to actions that threaten and even kill. This is truly a frightening event and threatens the peace of the community. One of them is the use of weapons that is clearly seen by the public in scenes in electronic media broadcasts so that it influences the public psychologically to use firearms as an alternative to committing crimes. The problem of misuse of firearms by civilians, both ordinary people and criminals in the jurisdiction of the Bali Police until now remains a serious concern due to the increasing economic development in the Bali region and the increasing crime rate.

Ownership of individual firearms for target shooting sports, reaction shooting and hunting sports must follow the specified requirements. To shoot targets or targets (reaction) each shooting athlete/who is given a firearm and ammunition permit must be a member of Perbakin. They must be physically and mentally healthy, at least 18 years old (max. 65), have the ability to control and use firearms. In terms of a firearm purchase permit, a recommendation from Perbakin must also be obtained, a letter of application note to the Chief of Police Up. Head of Intelligence and Security of the Indonesian National Police with a copy to the local Police Chief to obtain recommendations.

The implementation of law enforcement against the misuse of airsoft guns for sports for civilians has several obstacles faced by the Bali Police, namely: a. Internal factors, in the form of information constraints, human resource constraints for the police, and legislative constraints; b. External factors, in the form of 1. Airsoft guns are easily available on the market both online and offline. 2. Misuse of airsoft guns can be fatal and dangerous. 3. Airsoft guns can cause serious injuries even though they cannot kill.

Conclusion

Law enforcement against criminal acts using airsoft guns in the jurisdiction of the Bali region has not been able to be carried out. Punishment of airsoft gun abusers cannot be carried out because ownership or simply carrying an airsoft gun is not a crime and the perpetrators

cannot be subject to criminal sanctions or punishment because in essence airsoft guns are sports equipment, unless the person concerned has committed a crime or harmed others by misusing the airsoft gun they own. Obstacles in dealing with criminal acts using airsoft guns in the Bali Regional Police, include: a) the misuse of airsoft guns has not been regulated as a criminal act in the form of using firearms; b). Airsoft guns are easily available on the market both online and offline, c). Misuse of airsoft guns can be fatal and dangerous, d). Airsoft guns can cause serious injuries even though they cannot kill.

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