

Juridical Analysis Of Sharp Weapon Abuse (Case Study Of Medan District Court Decision No. 2277/Pid.B / 2023 / PN Mdn)

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Abstract

Imprisonment as a form of sanction for violations of the law, including the use of sharp weapons (sajam), is a complex issue in the context of law enforcement and social rehabilitation. This study aims to explore the impact of prison sentences on offenders involved in sajam use cases, as well as to understand how experiences in prison can contribute to learning from mistakes and behavior change in the future. The research method used is normative juridical research by conducting research systematically legal norms . The results showed that prison sentences often serve not only as a deterrent to crime, but also as a means of rehabilitation that can help offenders realize the consequences of their actions. However, many offenders feel that the punishment does not provide enough deterrent effect, especially if it is not balanced with an effective rehabilitation program. Prevention efforts need to be done through strict law enforcement, public awareness campaigns, and regulating access to sharp weapons in order to reduce crime rates and create a safer environment.

Keywords: Imprisonment, Use Of The Hour, Crime Prevention

1. INTRODUCTION

Ownership of sharp weapons in Indonesia is very free, civil society can easily own and trade sharp weapons freely for any reason, sharp weapons can be used as a tool needed by someone to carry out their duties such as a chef needs sharp weapons such as knives to cut meat, then a farmer needs sharp weapons such as sickles for farming purposes, besides sharp weapons can also be used as collectibles such as ancient sharp weapons and sharp weapons referred to as heirlooms, however, the ownership of very free sharp weapons has a negative impact and the negative impact is the rampant abuse of sharp weapons.

Crime that occurs in society is a violation of positive law, namely criminal law. The use of sharp weapons in general is often used in brawl actions carried out both at the student, student, and community levels, causing more casualties, and involving police officers to anticipate it. Sharp weapons that should not be traded in Indonesia but in some online buying and selling websites such as bukalapak and tokopedia offer various types of sharp weapons ranging from sharp weapons with various prices, various

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types, and various brands can be easily found on the buying and selling website. Samurai is one type of sharp weapon that is widely traded for online collection needs. Samurai sharp weapons have varied prices on the website-online buying and selling ranging in price from hundreds of thousands to tens of millions. It is not difficult to find sharp weapons including supervised objects in Indonesia, ranging from sharp weapons in the form of small folding knives to long sharp weapons such as samurai. This facility is the cause of many sharp weapons that are then misused by unscrupulous persons.

Sharp weapons are widely circulated freely and widely abused in Indonesia shows that there is still a lack of concern for the state in enforcing the state's obligation to protect its citizens. This shows that acts and sanctions are not in sync in criminal law, which in law is clearly prohibited and has quite severe sanctions but is still violated and not maximal in its enforcement.

Irresponsible misuse of sharp weapons has been widely felt by the community along with the historical development of the Indonesian nation starting from the Dutch colonial era until now a lot of misuse of sharp weapons took casualties, moral losses and material losses. The government as a ruler does various ways one of which is to use the criminal law which acts as a protector of the interests of the community has given severe sanctions to anyone who violates but in practice it is undeniable that law enforcement has difficulties because the possession and use of sharp weapons has become a necessity for people who have their own interests in life.

The government as an institution that ensures public security to anticipate the abuse of sharp weapons and prevent the circulation of sharp weapons that are not allowed, then formed regulations in order to realize preventive measures to tackle crime that may occur and realize repressive measures in order to protect public security that supports the Prevention of abuse of sharp weapons, among others, Law No. 12/Drt / 1951 about amending the "Ordonantie Tijdelijke Bijzondere Strafbepalingen". Law No. 12/Dr / 1951 is a law that was originally an emergency law which eventually became a law on the basis of the enactment of Law No. 1 of 1961 on the determination of all emergency laws and all government regulations in lieu of existing laws before January 1, 1961 became law on the basis of Law No. 1 of 1961 which made Emergency Law No. 12 of 1951 became law No. 12 / Drt / 1951.

The regulation on sharp weapons was only regulated in Emergency Law No. 12 of 1951 which amended the "Ordonantietijdelijke Bijzondere Strafbepalingen" (STBL. 1948 No. 17). Since the past until now, the regulation related to sharp weapons only uses the law as the basis of law and sharp weapons enforcement policy. Enforcement of misuse of sharp

weapons is very difficult because of the lack of regulation related to the sharp weapon itself both from its circulation, ownership and misuse. Difficulty in enforcement one example is if someone in perialaan carrying a sharp weapon and known by the police it will be immediately arrested if the sharp weapon carried is not a sharp weapon that is allowed by law- law No.12 / Drt/1951, then what if the weapon carried is an heirloom weapon or an ancient weapon how can the gun owner convince the police that the weapon is an ancient weapon if there is no convincing evidence that the artist is an ancient weapon or there is no permit explaining that the weapon is an ancient weapon.

Possession of sharp weapons is regulated in the provisions of Article 2 Paragraph (1) of Law No. 12/Drt/1951, which prohibits all types of activities related to firearms from buying and selling to owning, but there are exceptions contained in Article 2 Paragraph (2) of Law No. 12/Drt/1951, namely the exclusion of sharp weapons that are allowed on the grounds of legitimate and legal use. Crimes that often occur in society are crimes committed with sharp weapons. The proliferation of sharp weapons among civilians is a common problem. Weak supervision of the possession of sharp weapons is the cause of crime that occurs in the community. The spread of sharp weapons in Indonesia both with official and unofficial permits is increasing. Crimes that often occur in society are crimes committed with sharp weapons. Sharp weapons are tools that can injure or kill someone.

One crime that deserves attention is the crime of carrying a sharp weapon. Possession or carrying a sharp weapon in an inappropriate place and time is often a sign that there will be other crimes that will be committed by the carrier, because usually in these conditions the function of sharp weapons or to defend themselves or to attack others physically. In addition, possession of an awl object can encourage one's intention to use it to attack another person, so possession or carrying an awl weapon is classified as a crime. The Prohibition of sharp weapons is regulated in emergency law No. 12 of 1951. The potential for crime that can arise from the possession or carrying of sharp weapons outside the home is very large so that the existence of the law is still maintained with the threat of serious crime. Although the stabbing weapon is carried only as a precautionary measure or hidden or not exposed, but the action still poses a criminal threat to others so that it is included as a criminal offense.

The habit of carrying sharp weapons for the people of Indonesia is not a taboo but a habit that is commonly done. The habit of carrying sharp weapons is considering the state of Indonesian society engaged in agriculture which requires to carry sharp weapons. This is a sign that they may be carrying a firearm or carrying a firearm. The negative impact of the culture commonly practiced by the community is dealing with the police because they are caught having unlicensed sharp weapons. This is due to

lack of socialization and educating in using having sharp weapons for self-protection. not to mention that initially carrying sharp weapons only to be worn as personal protection but in the end used for other purposes such as to kill people and as a stylish.

The activity of using sharp weapons in Indonesia is an action that can be classified into criminal acts, it is a mandate contained in Emergency Law Number 12 of 1951 concerning sharp weapons. However, there should be exceptions, namely not everyone who carries or uses this sharp weapon must be processed by law, namely if it is intended to support a job. The prohibition in the possession of sharp weapons has been a classic problem that has been applied for a very long time considering the danger that can be caused from sharp weapons or the like that can encourage the intention or desire of a person to commit other crimes such as violent crimes against others. There are many crimes in the form of violence using sharp weapons.

The case of possession of sharp weapons befell a young man named Darma master SITANGGANG aged 26 years from Medan where this young man must be secured by the police due to police suspect suspicious movements, then the police conduct an examination of the accused when the police conduct routine patrols, then the police examined and found evidence in the form of sharp weapons in the form of 1 type of sharp knife made of wood-handled iron in the bag belonging to the defendant where this knife is a gift from the defendant 2 because initially the defendant asked for 1 sharp knife blade. Defendant II immediately gave the knife to Defendant I. The defendant also admitted that 1 sharp knife blade made of wood-handled iron belonged to Defendant I and defendant II which was carried and stored by Defendant I and defendant II without permission from the authorities. Furthermore, defendants I and II along with evidence were taken to Medan Sunggal Police Station for further investigation.

The defendant's actions are regulated and punishable under Article 2 Paragraph (1) of the Drt law. No. 12/1951 Jo Article 55 paragraph (1) to-1 Criminal Code. Against these charges the defendants stated No Objection. And to prove his charge, the Public Prosecutor has filed a witness, namely witness I named Yakup, witness II, namely Erlan Simanungkalit. The defendant was examined and questioned at this time, namely in connection with having been arrested by the police because the defendant and the defendant Candra Togorotop were carrying 1 sharp knife blade made of wood-handled iron with a length of about 20 cm. the defendant and his friend were arrested by police officers on Friday, September 1, 2023 at around 23.00 WIB on Jalan Setia Budi Tasbih II Complex, Asam Kumbang Village, Medan Selayang District, Medan City. As for what was seized from the defendant, namely 1 sharp knife made of wood-handled iron with a length of about 20 cm and the knife belonged to the defendant Candra Togorotop. At the time the defendant was arrested, a sharp knife blade was

found from the defendant's red waist bag which at that time the bag was being used by the defendant at the defendant's waist and the knife was to be used by the defendant to protect himself.

The defendant works as a street busker and the defendant carries the knife has nothing to do with the defendant's work. The defendant never used 1 sharp knife blade made of wood-handled iron to commit a crime or injure another person. But Tedaksa no permission to bring the knife to a public place or store the defendant's waist. The public prosecutor submitted evidence, namely, 1 (one) sharp knife blade made of wood-handled iron, and 1 (one) red waist bag without a brand. Police officers had previously asked the defendants about permission to carry the sharp weapons, but the defendants answered No and also asked what the sharp weapons were brought then the defendants answered to take care of themselves. Therefore, all elements of Article 2 Paragraph (1) of Emergency Law No. 12 Of 1951 On Jo Bladed Weapons. Article 55 Paragraph (1) of the Criminal Code has been fulfilled, then the defendants must be declared to have been legally and convincingly proven to commit a criminal offense as in a single indictment. The panel of judges did not find anything that could abolish criminal liability, either as a justifying reason or a forgiving reason, so the defendants must account for their actions. The defendant has been authorized arrest and detention, then the period of arrest and detention must be completely curtailed from the crime imposed.

2. RESEARCH METHOD

The type of research chosen is normative legal research that is research establish the law as a system of norms. The system of norms in question is about the principles, norms, rules and regulations. Peter Mahmud Marzuki that: 'normative legal research is a process of finding a rule of law, principles of law, as well as legal doctrines to answer legal problems faced. Normative legal research conducted to produce argumentation, theory or a new concept as a prescription in solving the problem at hand. research normative law is also called doctrinal legal research, namely research aimed at to provide a detailed systematic explanation of the rule of law governing the field of specific legal rules, analyze the relationship between the rules of law one denhan the other, explaining the elusive parts of a rule of law and it also includes predictions of the future development of a particular rule of law. Doctrinal legal research is library-based research whose focus is analysis of primary legal materials. This type of research is based on the thought that this study to analyze a system of norms or rules.

3. RESULT AND ANALYSIS

Abuse of sharp weapons under emergency law No.12 of 1951 resulted in an increase in crimes such as molestation, murder, and robbery, and resulted in serious injury and death. Medan dated 01 September 2023 with clarification of the Sharps criminal case with Case Number

2277/Pid.B/2023 / PN Mdn with Public Prosecutor Vina Monika, S.H. and Defendant I is Darma Master Sitanggang and defendant II is Candra Togotorop. On Friday, September 01, 2023 at around 23.00 WIB, defendant I DARMA MASTER SITANGGANG and defendant II CANDRA TOGOTOROP were sitting next to a mosque located on Jalan Pondok Kelapa, Medan Helvetia District, Medan City, then before leaving the place, defendant I asked for 1 (one) sharp knife blade made of wood-handled iron to Defendant II to be stored in Defendant I's bag. then Defendant II gave 1 (one) sharp knife blade made of wood-handled iron to Defendant I. it was later retained by Defendant I. in the case of the bag used by the accused. furthermore, defendant I and defendant II went with 1 (one) sharp knife blade made of wood-handled iron. Then around 23.00 pm when the defendant I and defendant II were in front of the cafe located on Jalan Setia Budhi II Tasbih complex Asam Kumbang Village, Medan Selayang District, Medan City. Medan Sunggal police officers who were carrying out routine patrols saw gerak gerik defendant I and defendant II. A very suspicious then conduct an examination of the defendant I and defendant II. And Medan Sunggal police officers found and seized evidence in the form of 1(one) sharp knife blade made of wood-handled iron from a bag belonging to Defendant I and defendant II which was carried and stored by Defendant I and defendant II without permission from the authorities. Furthermore, defendant I and defendant II along with evidence taken to Medan Sunggal police station for further investigation.

That in order to impose a crime against the defendants, it is necessary to consider in advance the aggravating and mitigating circumstances of the defendants. Aggravating circumstances: - The actions of the defendants unsettle society; Mitigating circumstances - The defendants were courteous; - The defendants admitted and regretted their actions; - The defendants have never been convicted.

Considering, that the defendants brought to trial by the Public Prosecutor were indicted on the basis of the following indictment: That defendant I. Darma Sitanggang MASTER and defendant II. CANDRA TOGOTOROP on Friday September 01, 2023 approximately at 23.00 WIB or at least at some time in September 2023 located on Jalan Setia Budi Tasbih Complex II, Asam Kumbang Village, Medan Selayang District, Medan City or at least somewhere else that is included in the legal area of the Medan District Court. "who commits, who orders to commit or participate in committing without the right to enter Indonesia, making, receiving, trying to obtain it, handing over or trying to hand over, mastering, carrying, having supplies on him or having in his possession, storing, transporting, hiding, using or removing from Indonesia a beating weapon, stabbing weapon, or stabbing weapon", which was carried out by the defendant in the following ways: starting on Friday September 01, 2023 approximately at 21.00 WIB,

defendant I. Darma Sitanggang MASTER and defendant II. CANDRA TOGOTOROP was sitting next to the mosque on Jalan Pondok Kelapa, Medan Helvetia District, Medan City, then before leaving the place defendant I. requesting 1 (one) sharp knife blade made of wood-handled iron to the defendant II. to be placed in the defendant's bag. the second defendant. giving 1 (one) sharp knife blade made of wood-handled iron to Defendant I then stored by defendant I. in the case of the bag used by the accused. the defendant I. and the second defendant. go with 1 (one) sharp knife blade made of wood-handled iron and approximately at 23.00 wib at the time of defendant I. and the second defendant. located in front of the cafe located on Jalan Setia Budi Tasbih Complex II Asam Kumbang Village Medan Selayang District Medan City came Medan Sunggal police officers who were carrying out routine patrols to see the movements of the defendant I. and the second defendant. very suspicious then conduct an examination of the defendant I. and the second defendant. and Medan Sunggal police officers found and seized evidence in the form of 1 (one) sharp knife blade made of wood-handled iron from a bag belonging to defendant I. I was then charged. and the second defendant. admitted that 1 (one) blade of a sharp knife made of iron with a wooden handle is the property of defendant I. and the second defendant. it is owned and operated by defendant I. the accused II. without permission from the authorities. The defendant I. and the second defendant. along with the evidence brought to Medan Sunggal police station for further investigation.

Considering that in order to prove his charge, the Public Prosecutor has submitted the following witness statements: 1. YAKUP, under oath, explained as follows:: - That the witness was examined at this time in connection with the arrest of 2 (two) men named Darma Master Sitanggang and Candra Togotorop for storing sharp weapons; - That the witness made the arrest on Friday September 1, 2023 at approximately 23.00 WIB on Jalan Setia Budi Tasbih Complex II, Asam Kumbang Village, Medan Selayang District, Medan City; - That the chronological arrest that the witness made at that time began on Friday, September 1, 2023 at approximately 21.00 WIB, the defendants were sitting next to the mosque on Jalan Pondok Kelapa, Medan Helvetia District, Medan City, then before leaving the place the defendant Darma Master Sitanggang asked 1 (one) sharp knife blade made of wood-handled iron to the defendant Candra Togotorop to be stored in the bag of the defendant Darma Master Sitanggang. Then the defendant Candra Togotorop give 1 (one) blade of a sharp knife made of wood-handled iron to the defendant Darma Master Sitanggang then stored by the defendant Darma Master Sitanggang in a waist bag used by the defendant Darma Master Sitanggang. Furthermore, the defendants went with 1 (one) blade of a sharp knife made of wood-handled iron and approximately at 23: 00 pm when the defendants were in

front of the cafe located on Jalan Setia Budi Tasbih Complex II Asam Kumbang Village Medan Selayang District Medan City came Medan Sunggal police officers who were carrying out routine patrols to see the movements of the defendants a sharp knife made of wood-handled iron from the bag belonging to the defendant Darma Master Sitanggang, then the defendants admitted that 1 (one) blade of a sharp knife made of wood-handled iron belongs to the defendants brought and stored by the defendants without permission from the authorities; - That at that time the witness and co-witnesses were carrying out routine patrols and at the time at the scene of the witness and co-witnesses saw 2 (two) male buskers (defendant Darma Master Sitanggang and defendant Candra Togotorop) then because they saw 2 (two) suspicious people then they immediately secured and conducted an examination and found evidence in the form of 1 (one) sharp knife blade made of iron with a long wooden handle about 20 (twenty) cm from the red waist bag used by the defendant Darma Master Sitanggang and after they askThat at that time the witness and co-witnesses were carrying out routine patrols and at the time at the scene of the witness and co-witnesses saw 2 (two) male buskers (defendant Darma Master Sitanggang and defendant Candra Togotorop) then because they saw 2 (two) suspicious people then they immediately secured and conducted an examination and found evidence in the form of 1 (one) shion:

ERLAN SIMANUNGKALIT, under oath, basically explained as follows: - That the witness was examined at this time in connection with the arrest of 2 (two) men named Darma Master Sitanggang and Candra Togotorop for storing sharp weapons; - That the witness made the arrest on Friday September 1, 2023 at approximately 23.00 WIB on Jalan Setia Budi Tasbih Complex II, Asam Kumbang Village, Medan Selayang District, Medan City; - That the chronological arrest that the witness made at that time began on Friday, September 1, 2023 at approximately 21.00 WIB, The defendants were sitting next to the mosque on Jalan Pondok Kelapa, Medan Helvetia District, Medan City, then before leaving the place the defendant Darma Master Sitanggang asked 1 (one) sharp knife blade made of wood-handled iron to the defendant Candra Togotorop to be stored in the bag of the defendant Darma Master Sitanggang. Then the defendant Candra Togotorop give 1 (one) blade of a sharp knife made of wood-handled iron to the defendant Darma Master Sitanggang then stored by the defendant Darma Master Sitanggang in a waist bag used by the defendant Darma Master Sitanggang. Furthermore, the defendants went with 1 (one) blade of a sharp knife made of wood-handled iron and approximately at 23: 00 pm when the defendants were in front of the cafe located on Jalan Setia Budi Tasbih Complex II Asam Kumbang Village Medan Selayang District Medan City came Medan Sunggal police officers who were carrying out routine patrols to see the movements of the defendants a sharp knife made of wood-handled

iron from the bag belonging to the defendant Darma Master Sitanggung, then the defendants admitted that 1 (one) blade of a sharp knife made of wood-handled iron belongs to the defendants brought and stored by the defendants without permission from the authorities; - That at that time the witness and co-witnesses were carrying out routine patrols then at the scene of the witness and co-witnesses saw 2 (two) male buskers (defendant Darma Master Sitanggung and defendant Candra Togotorop) then because they saw 2 (two) suspicious people then they immediately secured and conducted an examination and found evidence in the form of 1 (one) sharp knife blade made of wood-handled iron about 20 (twenty) cm long from the red waist bag used by the defendant Darma Master Sitanggung and after thThat at that time the witness and co-witnesses were carrying out routine patrols then at the scene of the witness and co-witnesses saw 2 (two) male buskers (defendant Darma Master Sitanggung and defendant Candra Togotorop) then because they saw 2 (two) suspicious people then they immediately secured and conducted an examination and found evidence in the form of 1 (one) sharp knife blade made of wood-handled iron about 20 (twenty) cm long from the red waist bag used by the defendant Darma Master Sitanggung and after they tanyai that the knife belongs to the defendant Candra Togotorop; - That witnesses and co-witnesses previously asked the defendants about permission to carry the sharp weapons but the defendan.

The case of abuse of sharp weapons in accordance with the decision of the Medan District Court conducted by DARMA MASTER SITANGGANG and CANDRA TOGOTOROP in Asam Kumbang village where both defendants were examined by the police. The misuse of sharp weapons is one of the violations of the emergency law on the possession and use of sharp weapons without permission. This action is one of the criminal acts because it causes a reaction from the public and violates applicable law. The misuse of sharp weapons in Indonesia is regulated in emergency law No. 12 of 1951. Related offenses include: 1. Unlicensed possession: carrying, storing, or possessing an unlicensed sharp weapon is punishable by up to ten years in prison. 2. Use for crime: sharp weapons are often used in criminal acts such as murder and molestation. 3. Storage or transportation: storing or transporting sharp weapons without permission also includes offense.

Cases of abuse of sharp weapons should not be considered common or understandable, because it is a form of criminal offense that violates the Emergency Law No. 12 of 1951. Abuse of sajam can cause physical and psychological harm to the victim as well as create fear in the community. The uncontrolled presence of sharp weapons can increase the crime rate and damage public order.

Abuse of sharp weapons is a form of criminal offense that has a negative impact on public security and order. Therefore, it is important to strengthen supervision and enforcement of laws related to the possession and use of sharp weapons. Abuse of sharp weapons (sajam) is an illegal act that violates Emergency Law No. 12 of 1951, under which unauthorized

possession, use, or storage of sajam was punishable by up to ten years in prison. These actions often result in serious social repercussions, such as increased insecurity in the community, psychological trauma for the victim, and negative stigma towards the community involved. Factors contributing to the misuse of sajam include the availability of easily accessible sharp weapons, social conflicts, and lack of education about the dangers of using sajam. Prevention efforts can be done through public awareness campaigns, strict law enforcement, and regulating access to sharp weapons. With a comprehensive approach, it is hoped that the number of crimes related to sajam can be minimized, creating a safer and more peaceful environment. Sentencing given by the judge to the defendant with imprisonment for 1 (one) year and 8 (eight) months.

Results: 1. The Defendant I. Darma Sitanggang MASTER and defendant II. CANDRA TOGOTOROP has been proven legally and convincingly guilty of committing a criminal offense; 2. Punish the defendants with imprisonment for 1 (one) year and 8(eight) months, respectively; 3. Establishing the period of arrest and detention that the defendants have served is deducted in full from the crime imposed; 4. Keeping the defendants in custody; 5. Establish evidence in the form of: - 1 (one) sharp knife blade made of wood-handled iron; - 1 (one) red waist bag without brand; 6. Charge the defendants to pay the cost of each case of Rp.5000,00 (five thousand rupiah);

4. CONCLUSION

Ownership of sharp weapons in Indonesia is very free, civil society can easily own and trade sharp weapons freely for any reason, sharp weapons can be used as a tool needed by someone to carry out their duties such as a chef needs sharp weapons such as knives to cut meat, then a farmer needs sharp weapons such as sickles for farming purposes, besides sharp weapons can also be used as collectibles such as ancient sharp weapons and sharp weapons referred to as heirlooms, however, the possession of very free sharp weapons has a negative impact and the negative impact is the rampant abuse of sharp weapons. Possession of sharp weapons is regulated in the provisions of Article 2 Paragraph (1) of Law No. 12/Drt/1951, which prohibits all types of activities related to firearms from buying and selling to owning, but there are exceptions contained in Article 2 Paragraph (2) of Law No. 12/Drt/1951, namely the exclusion of sharp weapons that are allowed on the grounds of legitimate and legal use. Sharp weapons are widely circulated freely and widely abused in Indonesia shows that there is still a lack of concern for the state in enforcing the state's obligation to protect its citizens. This shows that acts and sanctions are not in sync in criminal law, which in law is clearly prohibited and has quite severe sanctions but is still violated and not maximal in its enforcement. The misuse of sharp weapons is a complex problem that requires serious attention from various parties. With an approach that involves legal, social, and preventive aspects, it is

expected that the number of crimes related to sharp weapons can be minimized, thus creating a safer and more peaceful environment for the community.

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