

## Legal Reform of Airsoft Gun Regulation in Indonesia: Comparative Lessons

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### Abstract

The massive distribution of Airsoftguns in the community and the increasing number of cases of abuse due to free distribution make it necessary to have massive supervision in the distribution of airsoftguns and ambiguity in law enforcement regarding the misuse of airsoft guns, especially if there are no additional provisions detailing the regulation of non-standard weapons, so research This aims to analyze authority and preventive efforts in law enforcement with the research method used is normative juridical using secondary legal data. The results of the research show that there is a need for revisions related to regulations on the use of airsoft guns and the authority to track the distribution of airsoft guns by the police as well as socialization under the police regarding the use of airsoft guns in Indonesia.

### 1. Introduction

The police have the authority to enforce the law and maintain public security. In Indonesia, the police's authority in dealing with criminal acts related to the misuse of airsoft guns is regulated in various laws. The police also have the responsibility to enforce the law fairly and in principle in handling criminal cases involving the use of airsoft guns. They must ensure that the law enforcement process is carried out in accordance with applicable laws and that individual rights are respected.

Airsoft Guns are replica weapons whose shape, working system, and function resemble firearms, although technically they do not meet the qualifications as military firearms. Although their use in the context of shooting sports has obtained limited legality in a number of jurisdictions, including Indonesia, their potential for misuse for criminal acts such as intimidation, robbery, and even simulation of armed violence, raises serious problems in the field of supervision and law enforcement.

In Indonesia, the regulation of Airsoft Guns has not been comprehensively regulated in the form of laws, but is spread across police regulations, such as the Regulation of the Chief of the Republic of Indonesia National Police (Perkap) Number 8 of 2012 concerning Supervision and Control of Firearms for Sports Interests, and updated in the Regulation of the Republic of Indonesia National Police (Perpol) Number 1 of 2022. The regulation is administrative in nature and only regulates licensing requirements and supervision mechanisms by the Police, without being accompanied by criminal provisions that explicitly regulate sanctions for misuse or illegal possession of Airsoft Guns. On the other hand, Emergency Law Number 12 of 1951 concerning Firearms which is the basis for criminal law is ambiguous because it does not explicitly include Airsoft Guns as part of the category of prohibited firearms. This legal vacuum is what makes it difficult for law enforcement officers to apply the principle of legality (*nullum crimen sine lege*), thus creating legal uncertainty. In contrast, Portugal provides a more systematic and modern approach through Law No. 50/2013 of 24 July on Legal Regime

Applicable to Firearms and Ammunition, including regulations on replica weapons, Airsoft Guns, and other types of non-conventional weapons<sup>1</sup>. The Portuguese regulation not only contains administrative provisions on classification and permits, but also includes criminal sanctions for violations of the law, as well as recognition of the legal responsibility of owners, dealers, and users of replica weapons. In Portugal, Airsoft Guns are classified as “*arme de recreio ou desporto*” (recreational or sporting weapons) that must be registered and can only be used in authorized locations. Violations of these provisions are subject to administrative and criminal sanctions, depending on the level of violation and the intent of use. In addition, supervision is carried out in a multi-sectoral manner by the *Polícia de Segurança Pública* (PSP) and the *Guarda Nacional Republicana* (GNR).

The fundamental difference between Indonesia and Portugal lies in the clarity of norms (legal clarity), the effectiveness of supervision (regulatory enforcement), and the availability of legal sanctions (penal provisions). From the perspective of criminal law theory, Indonesia has not provided an adequate legal basis to justify penalties for misuse of Airsoft Guns, due to the absence of *lex specialis* and the absence of an integral division of supervisory authority between the police, sports associations, and other supervisory institutions. This is different from Portugal which has provided space for institutional control and a risk-based regulatory approach, so as to be able to suppress misuse without ignoring civil liberties in sports.

Thus, within the framework of the Indonesian legal system which prioritizes the principles of legality and legal certainty, harmonization of Airsoft Gun regulations is needed through a comparative law approach. A study of the Portuguese legal model can provide theoretical and practical contributions in designing national policies that are not only repressive, but also preventive and educative. This harmonization effort is in line with the spirit of national legal reform which integrates protection of citizens' rights, the effectiveness of law enforcement, and the principles of good governance in the regulation of non-organic weapons<sup>2</sup>.

Previous research has highlighted the legal vacuum related to the ownership and use of airsoft guns. Pravita and Usfunan stated that Emergency Law Number 12 of 1951 does not explicitly regulate airsoft guns, so that their ownership cannot be punished unless used in a crime. Bustomi and Ahmad emphasized that existing regulations, such as Police Chief Regulation Number 8 of 2012, does not have sufficient legal force to ensnare perpetrators of airsoft gun abuse because it is not at the level of law and does not explicitly include criminal sanctions. that airsoft guns can be categorized as firearms for sporting purposes and therefore can be subject to criminal sanctions based on Emergency Law Number 12 of 1951.

However, differences in legal interpretation and the lack of clear regulations cause uncertainty in law enforcement. This study aims to analyze the authority of the police in anticipating airsoft gun abuse from the perspective of criminal law in Indonesia, as well as to identify the need for harmonization of regulations to provide legal certainty. The novelty of

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<sup>1</sup> Gde Putu Sureksha Satya Pravita, I, and Yohanes Usfunan. “Regulation of Ownership and Misuse of Unlicensed Replica Airsoft Gun Weapons According to Laws and Regulations in Indonesia,” 2019, 1–16.

<sup>2</sup> joyfel Prasetya Sasela, Lendy Siar, Feiby S. Mewengkang. “LEGAL SANCTIONS FOR ILLEGAL FIREWEAPON POSSESSION BY CIVILIANS WHO COMMIT CRIMES,” 2022. <https://ejournal.unsrat.ac.id/v3/index.php/administratum/article/view/52668/44828>.

this study lies in the emphasis on the need for reconstruction of norms and harmonization of regulations between criminal law and laws and regulations related to replica weapons in order to provide legal certainty for the police in exercising their authority.

## 2. Methods

This research is a normative legal research, namely research that is guided by positive legal provisions that use a method of examining secondary legal data consisting of primary legal materials, namely laws and regulations related to police authority and regulations on the use of airsoft guns and secondary legal materials, namely library materials. The problem-solving approach used in this legal research is the legislative approach, conceptual approach and comparative approach to the regulation of airsoft guns in Portugal. The technique of collecting legal materials is carried out through a literature study consisting of laws and regulations and other documents related to police authority and the use of airsoft guns.

## 3. Results and Discussion

### 3.1. Comparison of Airsoft Gun Usage Regulations in Indonesia and Portugal

Airsoft Gun regulations in Indonesia are still administrative in nature and do not comprehensively cover criminal aspects. The applicable regulations such as Perkap No. 8 of 2012 and Perpol No. 1 of 2022 only regulate licensing and classification procedures, but do not provide legal certainty regarding the misuse of Airsoft Guns in the criminal realm. Emergency Law No. 12 of 1951 also does not explicitly state Airsoft Guns as firearms, thus creating unclear norms and obstacles to law enforcement. In contrast, Portugal has regulated Airsoft Guns more systematically through Law No. 50/2013, which classifies Airsoft Guns as recreational weapons with registration procedures, usage restrictions, and strict supervision. Violations of the provisions can be subject to administrative and criminal sanctions. Supervision is carried out in an integrated manner by official institutions such as PSP and GNR, which are authorized to confiscate, revoke licenses, and enforce the law<sup>3</sup>.

This difference shows that the Portuguese legal system is superior in building regulations that are adaptive to the development of replica gun technology, while the Indonesian legal system is still in a normative stage that is not yet able to optimally answer the challenges of Airsoft Gun misuse. The comparison emphasizes the need for harmonization of Airsoft Gun legal regulations in Indonesia through the establishment of *lex specialis* regulations that specifically regulate aspects of supervision, use, distribution, and criminal liability. The ambiguity of legal norms causes the police to face a dilemma between carrying out law enforcement functions or risking violating the principle of legality<sup>4</sup>.

In the theoretical framework, the Legal Compliance Theory emphasizes that the clarity of legal rules and the effectiveness of sanctions are the basis for creating public compliance. The Legal Protection Theory and the Authority Theory also strengthen the urgency of the state

<sup>3</sup> D J Ardiansyah, S Afriani, and R W A Ananto, "Pertanggungjawaban Pidana Bagi Pelaku Tindak Pidana Penyalahgunaan Kepemilikan Airsoft Gun Di Lingkungan ...," *Majalah Keadilan* 23 (2023): 1–19.

<sup>4</sup> Briyan Dustin and Hery Firmansyah, "Analisis Keberadaan Senjata Airsoft Gun Dalam Peraturan Perundang-Undangan Negara Republik Indonesia," *Syntax Literate ; Jurnal Ilmiah Indonesia* 8, no. 11 (2023): 6347–60, <https://doi.org/10.36418/syntax-literate.v8i11.13738>.

in creating a legal system that is able to protect the public while providing legitimacy to law enforcement officers. Meanwhile, the Legal Enforcement Theory emphasizes that the success of the legal system lies in the coherence between norms, officers, and public legal awareness.

By learning from Portuguese legal practices, Indonesia can develop a responsive and accountable model of Airsoft Gun supervision, while respecting civil rights and ensuring public security and order. Airsoft Abuse Gun According to Article 368 of the Criminal Code which regulates Extortion, the perpetrator forced the victim to use an airsoft gun so that the perpetrator could take advantage of the victim. According to Article 368, subjective and objective aspects will be apparent if the elements are presented in accordance with criminal law theory. So the function of the police such as Article 30 paragraph (4) of the 1945 Constitution of the Republic of Indonesia, Article 6 paragraph (1) of the Decree of the MPR RI No. VII/MPR/2000, and Article 5 paragraph (1) of Law No. 2 of 2002 states that the Republic of Indonesia National Police as a state apparatus that carries out one of the functions of government, especially in the field of maintaining public security and order through providing protection, protection and services to the community and law enforcement<sup>5</sup>. Universally The police have two duties, namely enforcing the law and maintaining public order. The first duty contains the meaning of repressive or limited duties that are limited by the Criminal Procedure Code (KUHP), the second contains the meaning of preventive or protective duties are broad duties without limits, can do anything as long as security is maintained and does not violate the law itself. The police continue to play an important role, responsible for maintaining peace and order by enforcing the rule of law and carry out duties with sensitivity and concern for members of the community.

### 3.2. Laws Regarding the Use of Airsoft Guns in Indonesia

Ownership of firearms in Indonesia has long been regulated by the government in Emergency Law Number 12 of 1951 LN 1951- 78 Concerning Firearms. It is stated in Article 1 paragraph 1 of the Law; Anyone who without the right to bring into Indonesia, makes, receives, tries, obtains, hands over, controls, carries, has a stock of it or has in his possession, stores, transports, hides, uses or removes from Indonesia a firearm, ammunition or explosive material, is punished with the death penalty or life imprisonment or a temporary prison sentence of up to twenty years. The legal status of airsoft guns in Indonesia occupies a regulatory gray zone. Despite their common use in recreational and sporting contexts, these non-lethal firearms designed to discharge plastic pellets via compressed gas or electric motors are not clearly distinguished under Indonesian statutory law from conventional firearms or sharp weapons (*senjata tajam*). Consequently, individuals found in possession or use of airsoft guns without authorization may risk criminal liability under laws that were initially designed to regulate lethal weapons, raising complex legal and doctrinal questions regarding proportionality, legality, and legal certainty<sup>6</sup>.

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<sup>5</sup> Dustin and Firmansyah.

<sup>6</sup> Ju Youn, Chung Yun, and Geuk Kang, "AirSoft Gun 사용자를 위한 SMT ( Smart Monitor Target ) 게임 인터페이스 개발 연구 Game Interface for Airsoft Gun Users" 28, no. February (2021).

The primary statute governing firearms in Indonesia is Emergency Law Number 12 of 1951 (*Undang-Undang Darurat Nomor 12 Tahun 1951 tentang Mengubah "Ordonantie Tijdelijke Bijzondere Strafbepalingen"*) which remains in force today. Article 1 paragraph (1) of this law provides a sweeping prohibition against the unauthorized importation, manufacture, acquisition, possession, use, and transport of firearms, ammunition, or explosives, prescribing severe penalties including the death penalty, life imprisonment, or up to 20 years of incarceration.

This broad provision, though enacted in the early post-independence era to combat insurgency and disarm illegal militia groups, is still used today to prosecute individuals in possession of firearms-like equipment including airsoft guns especially in cases where they are used for criminal intimidation or threats. While the statute does not specifically define or mention “airsoft guns,” its vague language enables expansive interpretation that often results in disproportionate application of criminal sanctions to non-lethal or replica weapons<sup>7</sup>.

Further, Article 2 paragraph (1) of the same law extends criminal liability to those who possess or use sharp weapons without authorization. The lack of a categorical distinction between replica and lethal weapons renders airsoft gun users susceptible to arbitrary enforcement, thus violating the principle of *nullum crimen sine lege* (no crime without law), as enshrined in Article 1 paragraph (1) of the Indonesian Penal Code (KUHP).

The authority of the Indonesian National Police (*Kepolisian Negara Republik Indonesia*, hereinafter “Polri”) is governed under Law Number 2 of 2002 concerning the National Police. This law empowers the police with broad duties in upholding the law, maintaining public order, and ensuring security across Indonesia’s territory. Accordingly, Polri holds the legal mandate to control the circulation of firearms—including non-lethal variants—through administrative and criminal enforcement mechanisms. Airsoft guns fall within Polri’s supervisory ambit due to their classification under Peraturan Kepolisian Negara Republik Indonesia Nomor 1 Tahun 2022 (*Perpol No. 1/2022*) on Licensing, Oversight, and Control of Firearms. Although Perpol No. 1/2022 does not explicitly define airsoft guns as conventional firearms, it includes them as “replica firearms” or “sport shooting equipment” requiring strict usage limitations and permit regulations. According to this regulation, airsoft guns may only be used for the purposes of sport shooting and within designated training and competition areas<sup>8</sup>. Notably, Polri also exercises discretion in classifying an object as “dangerous” based on contextual factors, such as usage, public perception, and the potential to cause harm. Thus, in the event of criminal misuse, such as threats or assaults involving airsoft guns, the police can interpret the act as unlawful possession of a dangerous weapon under Emergency Law 12/1951, even if the object in question is a non-lethal replica<sup>9</sup>.

<sup>7</sup> Bima Pratama and Joko Aryanto, “Optimalisasi Pengelolaan Data Member Club Airsoft Gun Sebagai Strategi Transformasi Digital Untuk Memfasilitasi Hobi Masyarakat,” *Decode: Jurnal Pendidikan Teknologi Informasi* 4, no. 3 (2024): 1166–79, <https://doi.org/10.51454/decode.v4i3.857>.

<sup>8</sup> Ardiansyah, Afriani, and Ananto, “Pertanggungjawaban Pidana Bagi Pelaku Tindak Pidana Penyalahgunaan Kepemilikan Airsoft Gun Di Lingkungan ....”

<sup>9</sup> Ade Firmansyah Sugiharto and Ira Zefanya Pattihahuan, “Aspek Biomekanika Forensik Pada Trauma Peluru Plastik Airsoft Gun,” *Journal Of The Indonesian Medical Association* 75, no. 1 (2025): 54–62, <https://doi.org/10.47830/jinma-vol.75.1-2025-1854>.



Perpol No. 1/2022 outlines administrative procedures for ownership and usage of airsoft guns. It stipulates that users must be affiliated with a licensed shooting club under Perbakin (the Indonesian Target Shooting and Hunting Association), must be between the ages of 15 and 65, and must be medically and psychologically fit. Moreover, airsoft gun use is restricted to authorized training grounds, and the license—issued by the Regional Police Chief—must be renewed annually. Despite the detailed requirements, this regulation is *lex administratum*, lacking penal provisions for violations. The absence of criminal sanctions in Perpol No. 1/2022 creates a regulatory vacuum that is often filled by the imprecise application of Emergency Law 12/1951. While such discretionary enforcement may be justifiable in egregious cases—such as using airsoft guns in robberies or public intimidation—it becomes problematic when used against hobbyists or first-time offenders who are unaware of the licensing requirements. This legal uncertainty violates fundamental principles of proportionality and legal foreseeability as required by international human rights norms, such as Article 15 of the International Covenant on Civil and Political Rights (ICCPR), to which Indonesia is a party<sup>10</sup>.

From the perspective of rule-of-law theory, particularly as articulated by Lon L. Fuller and later Ronald Dworkin, a legitimate legal system must uphold principles of clarity, consistency, and public accessibility. In the context of airsoft gun regulation, Indonesia's legal framework fails to meet these standards due to its overreliance on antiquated emergency laws, regulatory ambiguity, and inconsistent enforcement. Fuller's "internal morality of law" is violated when citizens cannot reasonably foresee the legal consequences of possessing equipment that is widely available for sporting and recreational purposes. Moreover, the current legal construct criminalizes acts not due to their intrinsic harm, but because of interpretative uncertainty and administrative failure to provide public legal education. As a result, individuals are punished not for malicious intent, but due to ignorance of complex, poorly socialized licensing procedures. This condition illustrates what Satjipto Rahardjo described as the "substantive injustice of formalistic law" in developing countries a condition in which law becomes a tool of repression rather than protection.

The absence of explicit legislative distinction between real firearms, replica weapons, and sports equipment leads to arbitrary enforcement, undermining public trust in law enforcement institutions. This, in turn, contravenes the principle of legal certainty (*rechtszekerheid*), which is a cornerstone of any democratic legal system and a fundamental principle under Article 28D paragraph (1) of the 1945 Constitution of the Republic of Indonesia. To address these normative inconsistencies and enforcement dilemmas, legislative reform is urgently needed. Indonesia should adopt a specific law or amend existing legislation to distinguish airsoft guns as a unique category of non-lethal sporting equipment. This law should include:

1. A precise legal definition of airsoft guns based on kinetic energy and projectile materials;

<sup>10</sup> U W Nuryadin, A Myranika, and E Mulyadi, "... PENYALAHGUNAAN SENJATA API JENIS AIR SOFTGUN DALAM BERBAGAI MACAM TINDAK KEJAHATAN (Studi Kasus Putusan Nomor 36/Pid. B/2020/PN Jkt Brt ...," *Jurnal Pemandhu* 4, no. 2 (2023): 151–64, <https://ejournal.unis.ac.id/index.php/JM/article/view/4265%0Ahttps://ejournal.unis.ac.id/index.php/JM/article/download/4265/2169>.

2. A clear regulatory framework for licensing, training, and safe usage;
3. Criminal sanctions that are proportionate and reserved only for misuse involving public harm or criminal intent;
4. Administrative procedures that are transparent, accessible, and accompanied by public education campaigns;
5. Coordination between Polri, Kemenpora, and trade authorities to ensure harmonized regulation across sectors.

Until such legislation is enacted, it is imperative that the police exercise their discretionary authority under the principle of *opportuneitsbeginssel* (principle of expediency) with caution and respect for citizens' rights. Selective and arbitrary criminalization of non-lethal weapon owners, without clear mens rea, not only undermines due process but risks eroding the very legitimacy of state authority.

### 3.3. Violence Police Authority in Anticipating Criminal Actions Related to Airsoft Guns

The authority of the Indonesian National Police in anticipating and responding to criminal acts involving airsoft guns is founded primarily upon Law Number 2 of 2002 concerning the Indonesian National Police. This law grants the police the mandate to maintain public order and security, enforce the law, and provide protection and services to the community. In this legal framework, the role of the police in handling airsoft gun misuse includes both preventive and repressive functions. However, the actual implementation of these authorities reveals significant normative and practical deficiencies<sup>11</sup>.

Airsoft guns, while technically classified as non-lethal replicas of real firearms, have increasingly been used in Indonesia for purposes beyond recreational sports, including acts of intimidation, threats, and even facilitation of criminal activities. The Criminal Code (KUHP) in Article 335 concerning acts of threats, when interpreted dynamically, can indeed be applied to actions involving the use of airsoft guns, particularly when they are used to instill fear or coerce others. However, the challenge lies in the ambiguous status of airsoft guns under positive law, which does not categorically define them as firearms, leading to uncertainty in legal interpretation and law enforcement practices. From a preventive standpoint, the Indonesian National Police are authorized to monitor, supervise, and, where necessary, confiscate airsoft guns being circulated or used without proper permits. This authority is elaborated in Peraturan Kapolri (Perkap) No. 8 of 2012 concerning the Supervision and Control of Firearms for Civilian Use and further regulated by Perpol No. 1 of 2022. Nonetheless, these regulations operate within a sub-legal framework and lack the force of statutory law (*undang-undang*), which undermines their legal strength and enforceability. One of the primary deficiencies in the regulatory framework is the lack of penal or administrative sanctions for violations of the licensing provisions concerning airsoft guns. The Perkap and Perpol only outline procedural requirements for ownership and usage, but fail to provide a clear system of accountability for non-compliance. According to Satjipto Rahardjo, the law must not merely function as a set of normative rules but should serve as a tool of social engineering. Without

<sup>11</sup> Tresnowaldi, Darmini Roza, and Zennis Helen, "Kewenangan Penindakan Yustisial Satuan Polisi Pamong Praja Kota Bukittinggi Dalam Penegakan Peraturan Daerah," *Jurnal Sakato Ekasakti Law Review* 3, no. 1 (2024): 1-9, <https://doi.org/10.31933/vffwyw90>.

clear punitive consequences, these regulations fail to deter misuse effectively and cannot operate as instruments of behavioral change<sup>12</sup>.

Furthermore, the implementation of regulatory mechanisms across different regions in Indonesia is inconsistent. In some provinces, the licensing regime is enforced strictly, while in others it is almost entirely absent. This discrepancy leads to unequal treatment before the law and undermines the principle of legal certainty (*kepastian hukum*) as guaranteed under Article 28D paragraph (1) of the 1945 Constitution of the Republic of Indonesia. In practice, many airsoft guns are acquired through informal channels such as online marketplaces or black-market distributors, circumventing the formal licensing process altogether. The ease with which these weapons can be obtained – without background checks, ownership registration, or verification of purpose – exposes significant institutional blind spots. Unlike in countries such as Portugal, where airsoft gun ownership is integrated into a centralized registry and linked with criminal background databases, Indonesia lacks such a robust and transparent system.

This lack of a centralized registry or database of airsoft gun owners severely impairs the police's ability to conduct preemptive monitoring or post-incident investigations. In the event of criminal use, tracking the origin, chain of possession, or legal status of the weapon becomes highly challenging. As Lawrence M. Friedman posits, a legal system's effectiveness is dependent not only on its formal provisions but also on its enforcement and institutional infrastructure. In this regard, the current Indonesian framework fails to provide the necessary institutional support for effective police intervention. Additionally, the preventive role of the police as envisioned under Article 13 of Law No. 2 of 2002, which includes the function to prevent crimes and maintain public security, becomes nominal when confronted with widespread unregulated circulation of airsoft guns. The absence of a concrete legal classification for airsoft guns further contributes to a grey area in which enforcement discretion is inconsistently applied. The doctrine of legality (*nullum crimen sine lege*) necessitates that criminal acts and sanctions be clearly defined by law; however, the ambiguous normative status of airsoft guns hampers this principle.

Moreover, police operations such as raids, confiscations, or public awareness campaigns to control airsoft gun misuse are often reactive rather than proactive. In many instances, law enforcement only intervenes after an incident has occurred. This reactive approach contrasts with modern policing theories that emphasize early detection and community-based surveillance as more effective means of crime prevention. As suggested by George Kelling's "Broken Windows Theory," visible signs of disorder and non-compliance with minor laws (such as unregistered possession of airsoft guns) can escalate into more serious criminal behavior if left unchecked<sup>13</sup>.

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<sup>12</sup> Moh. Farih Fahmi Nurohman Dede, Abd Aziz, "濟無No Title No Title No Title," *Kodifikasia : Jurnal Penelitian Islam*, Vol 15, No. 01 (2021), 133-158 15, no. 01 (2021): 133-58.

<sup>13</sup> Irwan Wirakusuma, Ni Ketut Wiratny, and Siti Nurmawan Damanik, "Polri Security Intelligence in Conducting Supervision and Control of Non-Organic Fireweapons of the Republic of Indonesia National Police/Indonesian National Army for Sports Interests in the Bali Police Area," *Social Science* 2, no. 2 (2025): 314-30.



In terms of policy implications, there is an urgent need to revise the legal status of airsoft guns under national statutory law. The inclusion of airsoft gun regulation in the upcoming revisions of the Criminal Code or a dedicated firearms statute would provide much-needed legal clarity. Such reforms should address classification, ownership requirements, permissible use, and penalties for violations. Additionally, law enforcement should be equipped with digital infrastructure to establish a national registry and develop inter-agency cooperation, particularly between the police, customs, and the Ministry of Law and Human Rights<sup>14</sup>.

Furthermore, public education regarding the legal risks associated with the misuse of airsoft guns must be intensified. Community engagement and collaboration with sports associations that utilize airsoft guns can serve as preventive tools to encourage lawful behavior. As emphasized by Philipus M. Hadjon, the essence of legal protection lies not only in repressive enforcement but in the creation of preventive legal awareness that fosters respect for the law<sup>15</sup>.

In conclusion, while the Indonesian National Police possess a legal mandate to anticipate and respond to criminal activities involving airsoft guns, the current regulatory regime is insufficient in both normative strength and practical application. Strengthening statutory foundations, enhancing institutional coordination, and integrating technology-based monitoring systems are crucial steps to ensure that the misuse of airsoft guns does not threaten public security. Without these reforms, the police will remain constrained in their ability to uphold law and order effectively in the face of a growing and inadequately regulated phenomenon

### 3.4. Limitations and Challenges Faced

Decision Number 247/Pid/2023/PT PLG clearly and unequivocally illustrates efforts to realize substantive justice for victims of domestic violence. Substantive justice in this context is not only seen from the aspect of legal formalities that regulate judicial procedures, but furthermore, leads to the fulfillment of

Although the police have the authority to deal with the misuse of airsoft guns in criminal acts, they also face a number of limitations and challenges that need to be overcome. Here are some of the limitations and challenges that the police face in dealing with the misuse of airsoft guns. One of them is Identification Limitations, Airsoft Guns are often difficult to distinguish from real firearms, especially in situations that require a quick reaction by the police. This can make it difficult for police to accurately identify whether the gun used is airsoft guns or real firearms, which could potentially result in inappropriate decisions in handling the situation.

In the licensing and regulatory process related to airsoft ownership guns may not be strict enough or restricted in some areas. This may provide loopholes for individuals to obtain

<sup>14</sup> Avredo, Muhammad, and Shelly Kurniawan. "Supervision of Air Gun and Airsoft Gun Ownership in Indonesia: Normative Legal Perspective." *Legitimacy: Journal of Criminal Law and Legal Politics* 12, no. 2 (2024): 173. <https://doi.org/10.22373/legitimasi.v12i2.19701>.

<sup>15</sup> Erwin, Muhammad. "The Existence of Airsoft Gun Weapons in the Perspective of Emergency Law." *Amanna Gappa* 25, no. 2 (September 22, 2017): 70–78. <https://doi.org/10.20956/ag.v25i2.2512>.

or use airsoft guns without permission or in violation of applicable regulations, making it difficult for the police to take effective action. Moreover, in this case the public is still not well educated regarding the differences between airsoft guns and firearms, which ultimately makes this taboo information a loophole for potential criminal acts. Legal limitations in several laws may not be clear enough in regulating the use of airsoft gun, especially in the context of certain crimes. This can make it difficult for police to enforce the law effectively or present obstacles in the prosecution process against perpetrators of crimes using airsoft guns<sup>16</sup>. So the use of airsoft guns, especially if not properly supervised, can cause serious injury or even death. Police need to consider the safety risks to themselves as well as the general public when dealing with situations involving airsoft gun. In the face of airsoft abuse gun d in criminal acts, the police need to continually update and improve their law enforcement strategies, and work with various stakeholders to overcome the limitations and challenges they face. This involves a holistic and coordinated approach to maintaining public order and security, while ensuring the protection of individual rights and the proportionate use of force in situations involving airsoft gun.

Despite having the authority to prevent and act upon the misuse of Airsoft Guns, the Indonesian National Police (Polri) are faced with a range of structural, legal, and operational challenges that inhibit the effective enforcement of existing regulations. These limitations highlight the urgent need for regulatory reform, increased legal clarity, and institutional capacity-building. From the difficulty in distinguishing Airsoft Guns from actual firearms to vague legal classifications and insufficient public awareness, these challenges compound one another and ultimately constrain the police's ability to safeguard public order without overstepping legal boundaries<sup>17</sup>.

Identification limitations in operational contexts one of the foremost operational challenges faced by law enforcement is the difficulty in accurately identifying whether a firearm used in public or criminal scenarios is an authentic firearm or an Airsoft Gun. This problem is exacerbated by the increasingly realistic design of Airsoft Guns, which can mirror the size, color, and external features of standard-issue firearms. In high-pressure situations – such as active threats, public unrest, or suspected armed confrontations – police officers must make split-second decisions that may affect both public safety and their professional accountability.

A mistaken assessment can lead to either an underreaction, where a dangerous situation is misclassified as benign, or an overreaction, in which excessive force is used under the belief that the threat is lethal. Both outcomes are problematic from the perspective of

<sup>16</sup> Dr. Bhavesh A. Prabhakar and डॉ. गुरुदत्त पी. जपी, "भारत के अंतरिक्ष कार्यक्रमों और इसरो के पीएसएलवी, जीएसएलवी प्रक्षेपकों की क्षमता की पृष्ठभूमि में चंद्रयान -1, 2, 3 अभियानों की भूमिका का आकलन," *International Journal of Research in Science, Commerce, Arts, Management and Technology*, 2023, 410-21, <https://doi.org/10.48175/ijarsct-13062>.

<sup>17</sup> LUCCA CRISIYE HUTAGAOL -. "IMPLEMENTATION OF THE REGULATION OF THE CHIEF OF POLICE NUMBER 8 OF 2012 ARTICLE 36 CONCERNING SUPERVISION AND CONTROL OF AIR SOFTGUN WEAPONS FOR SPORTS PURPOSES IN PONTIANAK CITY." *Journal of Law, Law Study Program, Faculty of Law, Untan (Journal of Undergraduate Students of the Faculty of Law) Tanjungpura University* 3, no. 4 (December 16, 2015). <https://jurnal.untan.ac.id/index.php/jmfh/article/view/12815/11618>.

proportional use of force and public trust in law enforcement. In jurisdictions like Portugal, the law obliges the marking and classification of Airsoft Guns with distinctive indicators (e.g., orange-tipped barrels, color codes), which reduces the likelihood of misidentification. Indonesia currently lacks a standardized enforcement mechanism for such visible markers, placing the burden of distinction squarely on law enforcement discretion<sup>18</sup>.

Public Misunderstanding and Legal ambiguity compounding the difficulties of enforcement is the pervasive public misconception surrounding the legal status and risks associated with Airsoft Guns. Many users, particularly younger demographics, perceive Airsoft Guns as harmless recreational tools. This perception is often reinforced by commercial marketing and social media portrayals that trivialize their potential for misuse. In legal terms, the ambiguity stems from the absence of a clear classification of Airsoft Guns within Indonesian criminal law. The Emergency Law No. 12 of 1951 does not specifically mention Airsoft Guns, and therefore, their inclusion under the law requires analogical interpretation something that is strictly limited by the principle of legality (*nullum crimen sine lege stricta*). Without an explicit legal norm, prosecutorial authorities and judges are left to rely on discretionary interpretations, which may vary widely and result in legal uncertainty or non-uniform case outcomes<sup>19</sup>.

Portugal, in contrast, has adopted a more precise and technically sound approach. Under Law No. 50/2013, Airsoft Guns are classified as "recreational weapons" subject to specific restrictions. Users must be over 18 years old, must register the weapons with the Polícia de Segurança Pública (PSP), and can only use them in authorized settings. These provisions not only clarify the legal status of such weapons but also assist law enforcement in prosecution and risk management. Airsoft Guns, despite their non-lethal categorization, can cause serious injury or death when modified or used recklessly. In Indonesia, there have been reported incidents of individuals using high-powered modified Airsoft Guns in robberies and assaults. Law enforcement must weigh tactical responses carefully in such cases, balancing the risks posed to officers and civilians with constitutional safeguards against excessive force<sup>20</sup>.

Tactically, the lack of clear guidelines on the use of force in encounters involving Airsoft Guns creates hesitation and uncertainty among officers. This operational paralysis may either delay neutralization of an actual threat or lead to excessive measures against non-lethal actors. Without technical training and legal protection, the discretion used by officers can become a source of liability rather than a protective mechanism.

<sup>18</sup> Muhaimin. Legal Research Methods . Mataram University Press . Vol. 4. Mataram: Mataram Pers, 2017.

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<sup>19</sup> Muchsin. Protection and Legal Certainty for Investors in Indonesia . Surakarta: Sebelas Maret University, 2003.

<sup>20</sup> SUARDI OMPUSUNGGU -. "LAW ENFORCEMENT AGAINST OWNERS AND USERS OF AIR SOFTGUN WITHOUT A PERMIT IN THE JURISDICTION OF THE PONTIANAK POLICE REGION IN ACCORDANCE WITH (REGULATION OF THE CHIEF OF POLICE NUMBER 8 OF 2012)." Journal of Law, Law Study Program, Faculty of Law, Untan (Journal of Undergraduate Students of the Faculty of Law) Tanjungpura University 3, no. 1 (December 8, 2014). <https://jurnal.untan.ac.id/index.php/jmfh/article/view/8147/8130>.

Institutional Capacity and Inter Agency coordination effective oversight of Airsoft Guns also requires coordination beyond the police force. Agencies such as the Ministry of Trade, customs authorities, and even local governments have roles in regulating the import, sale, and use of Airsoft Guns. The lack of inter-agency protocols leads to fragmented enforcement and duplicative responsibilities. Portugal's model assigns clear roles and institutional responsibilities to its PSP and GNR units, supported by a centralized data system and codified operational procedures. Indonesia's decentralized governance structure poses additional challenges. Local interpretations of central regulations often vary, and without uniform training or national awareness campaigns, local officers are ill-equipped to implement oversight effectively. Moreover, there is little judicial precedent to guide decision-making in cases involving Airsoft Guns, further complicating the prosecutorial landscape.

Toward a Harmonized Legal Framework to address these multifaceted challenges, Indonesia must undertake a systematic harmonization of its legal and institutional framework governing Airsoft Guns. This includes:

1. Enacting a *lex specialis* that defines Airsoft Guns, regulates their ownership, provides a licensing regime, and prescribes criminal and administrative sanctions for violations;
2. Establishing a centralized registry of ownership to support enforcement and monitoring;
3. Mandating clear identification standards (e.g., color coding, serial numbers);
4. Training law enforcement personnel in tactical, legal, and procedural responses to Airsoft Gun incidents;
5. Coordinating inter-agency roles through an integrated regulatory mechanism.

Such reforms should not only draw from the Portuguese model but also be grounded in principles of proportionality, legal certainty, and human rights protection. In doing so, Indonesia can ensure that its legal system remains responsive to emerging public safety threats while preserving the integrity of constitutional policing and the rule of law

#### 4. Conclusions

The comparative analysis between Indonesia and Portugal reveals significant disparities in the legal frameworks governing the ownership and use of Airsoft Guns. Indonesia's current regulatory regime remains fragmented and predominantly administrative in nature, lacking a comprehensive legal foundation that classifies Airsoft Guns as distinct legal objects. The absence of a *lex specialis* and the reliance on general emergency laws such as Emergency Law No. 12 of 1951 create legal ambiguity and hinder effective law enforcement, particularly in criminal contexts involving misuse of these weapons. Conversely, Portugal has developed a more coherent and enforceable legal system through Law No. 50/2013, which explicitly includes replica firearms within its regulatory scope. The Portuguese model establishes clear licensing mechanisms, territorial restrictions on usage, and imposes both administrative and penal sanctions for violations. This comprehensive legal approach ensures a balance between the individual's right to engage in recreational sports and the state's obligation to maintain public safety.

In light of this comparison, there is an urgent need for Indonesia to reform its legal framework by enacting a *lex specialis* law that clearly defines the classification, supervision, and penal consequences surrounding Airsoft Gun ownership and misuse. Such reform should adopt a risk-based regulatory approach, clarify institutional mandates, and introduce proportionate criminal sanctions to enhance legal certainty and enforcement effectiveness. Theoretically, this harmonization aligns with Legal Compliance Theory, Legal Protection Theory, Authority Theory, and Law Enforcement Theory, emphasizing that legal compliance is best achieved when laws are clear, legitimate, and enforceable. Reforming the regulation of Airsoft Guns in Indonesia is not merely a matter of legal formalism, but a strategic imperative to construct a responsive and accountable national legal system that upholds public security and the rule of law.

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