

Legal Review of Criminal Sanctions for Sale of Fire weaponsl Illegal Through Platform E-Commerce (Case Study in South Jakarta District Court)

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Abstract. *The crime of illegally selling firearms is a serious crime regulated in Article 1 paragraph 1 No. 12 of the Emergency Law of 1951. Illegal sales through e-commerce such as Shopee and Tokopedia are increasingly rampant. Illegal firearms are obtained or sold without official permission, the perpetrator modifies an air gun or airsoft gun into a weapon fire. This poses challenges in monitoring and law enforcement. Aspects evidence, law enforcement, and policy e-commerce be a determining factor in legal process and punishment of the perpetrators. This study aims to analyze criminal sanctions against illegal firearm sales through e-commerce, with a case study at the South Jakarta District Court. In addition, the research reviewing Shopee and Tokopedia's policies regarding the sale of firearms and efforts improvement of the policy in supporting law enforcement based on the Law Emergency Law no. 12 of 1951 and the ITE Law. The research uses normative legal methods through literature studies, statutory regulations, invitations, and court decisions. The results of the study show that criminal sanctions in cases No. 1/Pid.Sus/2024/PN JKT.SEL is regulated in Article 1 paragraph (1) of Emergency Law No. 12 of 1951 with a maximum threat of four years in prison. In case no. 2/Pid.Sus/2024/PN JKT.SEL, The perpetrator is threatened with a sentence of three to four years in prison according to Article 1 paragraph (1) of the Emergency Law. No. 12 of 1951 in conjunction with Article 55 paragraph (1) of the Criminal Code. Policy e-commerce hows the existence of platform responsibility but the practice tends to abdicate responsibility to sellers so that supervision is weak. An active role is needed e-commerce in compliance legal obligations to create safe and orderly trade.*

Keywords: *Criminal; firearms; E-commerce.*

1. Introduction

Illegal sale of firearms through platforms *e-commerce* contrary to the principle of the rule of law, because it violates public order and endangers state security. The development of digital technology currently provides convenience in various aspects, but also poses major challenges for law enforcement, including in preventing criminal acts of illegal trade in goods. In Article 1 Paragraph (3) of the 1945 Constitution of the Republic of Indonesia, which states that "the State of Indonesia is a state of law." Thus, all activities involving the community, including trade transactions through the platform *e-commerce*, must be subject to the law.

Illegal sale of firearms through *e-commerce* violates the principle of the rule of law because it creates a threat to public security and order. This means that all activities in community, national and state life must be based on applicable laws, including in terms of buying and selling through *e-commerce*. Therefore, the sale of illegal firearms through the platform *e-commerce* contrary to the principles of the rule of law, because it violates public order and endangers state security.

The rapid development of digital technology today has provided convenience in various aspects of life, one of which is the field of trade or buying and selling. The trading process which initially involved direct meetings between sellers and buyers has changed with the emergence of *e-commerce* and social media. *E-commerce* which includes platforms such as Shopee and Tokopedia, as well as social media such as WhatsApp and Facebook, which refers to the way businesses and consumers interact, buy and sell goods and services can now be done through electronic means such as the Internet, without having to meet face to face as in conventional trade. Through *e-commerce*, just by attaching their merchandise via the internet, these online business people will easily find potential buyers. *E-commerce* does not recognize space and time, can be done anywhere, anytime, with anyone almost for 24 (twenty four) hours. Therefore, the business of online buying and selling seems to never die.

In Islam itself, buying and selling activities are activities that are permitted and permitted. Because buying and selling has become a necessity in human life, meaning that humans cannot live without buying and selling activities, Islam stipulates that buying and selling activities are lawful (QS al-Baqarah: 275), as stated in many statements of the Qur'an and the Hadith of the Prophet. However, although technological advances have a significant positive impact on increasing efficiency and quality of life, these developments also have negative consequences, one of which is the increase in criminal acts, such as crimes related to the sale of illegal goods, which are increasingly difficult to control in this digital era.

Illegal firearms trading is one of the negative impacts of technological developments and trade in modern times. Illegal here means not legal, or not lawful. Although efforts have been made to control the circulation of illegal firearms, especially through strict regulations and laws, illegal firearms trading remains a serious problem in many countries, including Indonesia. This can result in

increased crime, armed conflict, or threats to the peace and security of society as a whole. The problem of illegal firearms trading is also exacerbated by illegal trade that occurs through platforms *e-commerce*.

Although *e-commerce* providing easy access to a wider variety of trade for customers and sellers, but unfortunately, its existence can also be exploited to conduct illegal trade.

Firearms are important tools used in various fields, from military needs to law enforcement needs. Firearms have the ability to release bullets using energy from detonation or explosives in the cartridge that push the bullet out of the barrel at high speed, unlike conventional weapons that generally use technology that has been known and tested for years to ensure quality, reliability, and performance. Technological advances and various innovations in firearm design have made them more efficient and easier to operate, of course this is different from conventional weapons that may have limitations in terms of firepower or ease of use. This is what makes firearms more in demand in various circles, including in transactions in *e-commerce*.

Illegal sale of firearms through platforms *e-commerce* is an increasingly worrying phenomenon in the field of security and also threatens national stability. These illegal firearms are obtained or sold without proper permits and registration. Although most platforms *e-commerce* such as Shopee and Tokopedia have policies prohibiting the sale of illegal goods including firearms, but due to the large number of listed product offerings and the difficulty in monitoring each item offered, these transactions are often not fully supervised properly. This is what then provides a gap for perpetrators to sell firearms without being detected. As happened in various regions in Indonesia, including in Semarang, some of them misused it to assemble firearms illegally.

The case of decision No. 1/Pid.Sus/2024/PN JKT.SEL is one illustration of the existence of a firearm assembly factory carried out by an AC technician that occurred in Jomblang Village, Candisari District, Semarang City, Central Java Province. Where there was an AC technician named AR who modified and sold firearms through *e-commerce* whose mode was dismantled by DENSUS 88 Anti-Terror MABES POLRI. From the location, the police confiscated 5 (five) drill bits, 1 (one) barrel that already had a firearm thread, 1 (one) set of botton punches, 1 (one) set of lathes, 1 (one) bench drill, 1 (one) set of Air Gun Revolvers with a firearm specification barrel, 1

(one) unit of Air Gun Revolver with yellow handle, 1 (one) Air Soft Gun Glock 23 slide, 2 (two) Glock type Air Soft Gun barrels, 2 (two) Bycal Macarov Air Gun barrels, 1 (one) INE 950 Air Soft Gun barrel, 2 (two) springs, 2 (two) Air Soft Gun casings, 1 (one) set of other accessories, 6 (six) 5.56 mm Pindad bullets, 4 (four) 38 special bullets, 3 (three) concrete nail bullets, 12 (twelve) 9 mm Pindad bullets, 3 (three) 9 mm S & B brand bullets, 4 (four) cis bullets, 6 (six) 32 auto bullets, 4 (four) 38 special bullets, 1 (one) 9 mm Pindad casing, and 3 (three) rifling units button.

This finding began with the arrest of DE, because he was suspected of being

involved in a terrorist network, then when his house was searched, various types of firearms were found and after being interrogated, the witness DE admitted that the various types of firearms were bought from the defendant AR. The police then conducted a development by checking the defendant's house, on Jl. Cinde Utara VII Number 308A. From the defendant's house, the police found a number of tools for making assembled firearms. Based on a number of pieces of evidence found, the police suspect that the suspect's house has been used as a place to assemble firearms. During the examination, AR admitted to selling assembled firearms to several other people, namely the initials RMTK, the initials LMP, and the initials HY. Case of verdict No. 2/Pid.Sus/2024/PN JKT.SEL which was arrested by officers from the DENSUS 88 Anti-Terror team of the National Police Headquarters. The defendants HP, RS, AN, and TR were arrested for modifying and selling illegal firearms through e-commerce, as if they were airsoft guns or airguns, even though the firearms or modified weapons were actually from airguns to firearms.

Misuse of firearms ownership is generally regulated in Article 1 paragraph (1) of Emergency Law Number 12 of 1951 concerning the amendment of the "Ordonnantie Tijdelijke Bijzondere Strafberpalingen" (Stbl. 1948 No.17). In this case, the Article provides a threat of severe criminal penalties, including the death penalty or life imprisonment, for perpetrators involved in illegal firearms transactions. This regulation is an improvement on the former Republic of Indonesia Law No. 8 of 1948, which previously became the legal basis for firearms control. With this amendment, the legal regulation of firearms ownership and sale becomes clearer and more comprehensive. Article 1 paragraph (1) regulates criminal acts related to firearms ownership which include unauthorized acts of importing into Indonesia, making, receiving, trying, obtaining, handing over, controlling, carrying, having a stock of, storing, hiding, a firearm or ammunition, an explosive material which is punishable by the death penalty, life imprisonment or a maximum imprisonment of 20 years.

The issue of ownership to misuse of firearms is something that is very dangerous and high risk. In general, cases of crime using firearms often occur followed by other violations. Cases such as terrorism, murder, assault, and robbery and other forms of crime using firearms. In addition, supervision of illegal activities through electronic transactions is also supported by the Electronic Information and Transactions Law (UU ITE).

The latest revision contained in Law Number 1 of 2024 tightens supervision and provides a stronger legal framework for dealing with crimes in the digital realm, including illegal transactions of goods on platforms. *E-commerce*. The synergy between Emergency Law No. 12 of 1951 and the ITE Law provides a solid foundation to take firm action against this crime, both through conventional regulations and digital mechanisms.

On the other hand, from a sociological approach, the practice of selling illegal

firearms through platforms *e-commerce* such as Shopee and Tokopedia show an increase due to weak supervision of online transactions. The mode often used by perpetrators involves changing air guns or airsoft guns into dangerous firearms that are sold in disguise on the platform. This phenomenon not only creates a serious security threat to the community but also requires urgent attention in the form of stricter supervision. The revision of the ITE Law creates an opportunity to strengthen control of online transactions. However, effective implementation remains a major challenge, given the high volume of transactions that must be monitored and the innovation of the perpetrators' modus operandi. This change aims to tighten supervision of the misuse of technology, including *e-commerce* for illegal transactions.

Existing conditions regarding the sale of firearms through *e-commerce* shows that this practice is a serious challenge for law enforcement. In the digital era, criminals can easily use platforms *e-commerce* to sell illegal goods including firearms, by exploiting the anonymity and weak supervision of online transactions. The above cases, such as the illegal sale of firearms, show that *e-commerce* often become the main means in such activities. This phenomenon not only threatens public security but also demands the government to increase supervision and cross-sector cooperation in order to prevent and take firm action against perpetrators.

Based on the background description above, the author is interested in conducting research that focuses on the analysis of legal reviews of criminal sanctions and policies related to the sale of illegal firearms through platforms. *E-commerce*, especially on Shopee and Tokopedia. Although the background covers various platforms, including social media such as WhatsApp and Facebook, this research will be limited to *e-commerce* only because Shopee and Tokopedia are the most frequently used platforms for buying and selling transactions in Indonesia. Thus, the author is interested and wants to conduct research and write it in the form of a thesis entitled "LEGAL REVIEW OF CRIMINAL SANCTIONS FOR ILLEGAL FIREWEAPON SALES THROUGH PLATFORMS *E-COMMERCE* (CASE STUDY IN SOUTH JAKARTA DISTRICT COURT)".

2. Research Method

1. Approach Method

The research method used by the author is through the normative legal approach method. This author uses secondary materials or uses literature studies.

This normative legal approach is carried out on laws and regulations that are carefully examined and regulations that are related to the crime of selling illegal firearms via platforms *e-commerce*.

2. Research Specifications

Descriptive analytical writing. Descriptive writing is research based on an object being studied so that a clear, detailed, and analytical conclusion can be drawn. It is said to be analytical because it uses a literature review to analyze so that it can resolve

or decide a case according to applicable law.

3. Types and Sources of Data

This thesis was written using secondary data from library archives related to the writing and consists of three materials which are definite and binding and are divided into:

- a. Primary data material is the main data material that contains officially binding and codified rules. In this thesis-form legal research, the author uses various primary data material references originating from the Al-Quran, the 1945 Constitution of the Republic of Indonesia, the Criminal Code, and related laws.
- b. Secondary data materials come from literature study literature (*bibliography study*). Reviewing written information originating from draft laws, research results, scientific works of scholars, and printed books.
- c. Tertiary data materials as a complement to a writing come from the Legal Dictionary, English Dictionary, encyclopedias, and also the internet.

4. Data Collection Methods

In this study, the author collects data from qualitative analysis of legal literature that has been collected and reviewed in detail and thoroughly. Namely using data collection methods as follows:

- a. Document studies originating from decisions taken by the author in relation to the case study being researched in order to be studied in depth to determine the systematics of a decision that is stated finally.
- b. Literature studies are used to strengthen the author's opinion in a study so that a statement can be concluded regarding what is being studied.

D. Data Analysis Method

In writing this legal thesis form, it is done normatively (*legal research*) which uses document studies. Using secondary data materials as sources of writing that come from various libraries such as laws, library books, articles, newspapers to magazines. The object of writing is based on problems that come from library data that are compiled and studied comprehensively.

The writing is analyzed qualitatively, where the literature study describes the data in a quality manner in its actual and proper state and does not change it into the form of numbers, figures or symbols, where it is arranged in the form of regular, coherent, non-overlapping and effective sentences, so that there is an understanding and interpretation of the data.

3. Results and Discussion

3.1 Legal Review of Criminal Sanctions for Illegal Firearms Sales Through Platforms E-Commerce (Case Study at the South Jakarta District Court)

Case decision No. 1/Pid.Sus/2024/PN JKT.SEL

It started with the arrest of Dananjaya Erbening by the police at Pesona Anggrek Housing, Page 4, Block B-7 Number 20-A RT.007 RW.027, Harapan Jaya Village, North Bekasi District, Bekasi, on suspicion of being involved in a terrorist network. During a search of Danan's house, various types of illegal firearms were found.

During interrogation, Danan admitted that the firearms, including those that had been converted from air guns to firearms, were purchased from AR (Pseudonym), a 33-year-old AC technician domiciled in Semarang City.

The beginning of the incident in 2019 where AR was asked to make a firearm from an air gun, and the types of weapons were Baikol, revolver, Combat Master and the defendant AR was once asked to make an uzi and mac 10 into a prototype. For the manufacturing method, the defendant AR dismantled the air gun and separated the spare parts in the air gun such as springs, gas cylinders in the air gun, after the defendant dismantled it, the defendant made a barrel using as 18 Steel which was then drilled and later a barrel hole would be made according to the caliber size and then threaded and after that turned, the defendant made a magazine by welding and making springs with wire, after the defendant made the magazine and wire, then the defendant assembled/installed it to the air gun or homemade firearm.

The defendant AR not only sold assembled firearms to Danan, but was also involved in selling firearms to several other buyers. Firearms were sold in various types at prices of up to hundreds of millions of rupiah through *e-commerce* such as Tokopedia and social media such as Whatsapp.

Case decision No. 2/Pid.Sus/2024/PN JKT.SEL

Starting in 2017, defendant 1 named HP had the intention of trading in air guns or air soft guns to make a profit. At that time, there was a Facebook user who asked whether it was possible to change an air gun or air soft gun into a firearm, this prompted defendant 1 HP to learn through YouTube and read articles on Google. Then, defendant 1 HP offered his modified weapon to Dananjaya Erbening (DE), who then sold it through a Shopee account under the name of the store G_Store01081437. DE also admitted that the various types of firearms stored were purchased from Defendant 1 (HP), from Defendant 2 (RS) and from witness AR.

For several firearms of various types and ammunition owned by Defendant 2 (RS), after being interrogated, he admitted that the firearms were purchased from Defendant 3 (AN) who previously obtained the assembled firearms from Defendant 4 (TR). When interrogated, Defendant 4 (TR) admitted that he had sold several assembled firearms of various types to Defendant 3 (AN) according to orders from witnesses DE and AR. Furthermore, witness AR was also interrogated and admitted that in addition to selling assembled firearms to witness RMTK, he had also sold assembled firearms to witnesses LMP and HY.

Author Analysis

In case No. 1/Pid.Sus/2024/PN JKT.SEL, the defendant used his expertise in

technology to modify an air gun into a dangerous firearm which was then sold through the platform. *E-commerce*. This practice not only violates the provisions of Article 1 Paragraph (1) of Emergency Law No. 12 of 1951, but also shows how technological developments can be exploited to allow illegal activities to pass. Law enforcement in this case shows the importance of implementing strict sanctions to provide a deterrent effect, especially against perpetrators who master technology and have extensive networks in online trading.

The perpetrators of the crime of illegal firearms sales in case No. 1/Pid.Sus/ 2024/PN JKT.SEL are threatened with punishment based on Article 1 paragraph

(1) of Emergency Law Number 12 of 1951 which amended "*Ordonnantie Tijdelijke Bijzondere Strafbepalingen*". The article reads: "Anyone who without the right to bring into Indonesia, makes, receives, tries, obtains, hands over or tries to hand over, controls, carries, has a stockpile of it or has in his possession, stores, transports, hides, uses or removes from Indonesia any firearm, ammunition or any explosive material, shall be punished with the death penalty or life imprisonment or a maximum temporary imprisonment of twenty years."

In this case, there is an element of every person who has illegal possession of a firearm violating the provisions stipulated in the law. The actions of the defendant Aji Rukmanto in converting an air gun into a firearm, and the possession of the firearm fulfills all the elements of the violation stipulated in Article 1 Paragraph (1) of Emergency Law Number 12 of 1951, namely:

- a) unauthorized possession: The defendant possessed an illegal firearm without official authorization.
- b) modification of an air gun into a firearm: Aji Rukmanto modified an air gun into a firearm, and
- c) handing over firearms to other parties: Sale of firearms to other parties, including individuals suspected of being involved in terrorist activities.

The defendant's involvement in this illegal activity shows that the perpetrator has violated applicable laws and has the potential to endanger public safety. Air guns are originally permitted goods, but converting them into firearms without a permit is a serious crime.

The Public Prosecutor in the Aji Rukmanto case used Article 1 Paragraph 1 of Emergency Law Number 12 of 1951. In this case, there was an element of illegal possession of firearms by the defendant. Evidence was provided after the police conducted a search of Dananjaya Erbening's house, where various types of weapons including assembled weapons were found. In witness statements, it was revealed that Aji Rukmanto sold assembled weapons to Dananjaya and several other buyers. The element of guilt was seen from the defendant's actions in intentionally possessing and selling illegal firearms, thus fulfilling the elements of a criminal act. The Public Prosecutor demanded a four-year prison sentence, while the legal advisor asked for a lighter sentence on the grounds that the defendant

regretted his actions.

In terms of the ITE Law (Law Number 1 of 2024), although it does not directly regulate illegal firearms, if the defendant carries out electronic transactions (for example selling weapons through an online platform or digital communication), then the act can also be subject to broader regulations related to the dissemination of illegal information or unlawful electronic transactions. Article 27 of the ITE Law explains the prohibition on the dissemination of information that can harm other parties. Although the context is different, the misuse of technology for criminal purposes can also be analyzed using this rule, as happens if the defendant uses the internet to offer or sell firearms illegally.

The imposition of a criminal sentence by the Panel of Judges in Decision No. 1/Pid.Sus/ 2024/PN JKT.SEL related to the sale of illegal firearms according to the author is considered inappropriate. In terms of criminal sentencing, the sentence imposed for only 4 years in prison for the defendant AR for the crime of possession, modification, and sale of illegal firearms is considered very light and does not reflect the sense of justice that should be upheld. AR's actions not only violate the law but also endanger

national security and ignoring social responsibility, considering that one of the buyers of the modified weapons is a terrorist. A sentence of 4 years in prison is not comparable to the serious impacts that can result from the sale of illegal firearms, including the potential for violence, criminal acts, and even terrorism.

The Pancasila Justice Theory emphasizes that justice must encompass all aspects of community life, including protection of the basic rights of citizens, one of which is safety from the threat of violence and terrorism. In the context of this case, the firearms sold by the defendant have the potential to be used for criminal and terrorist acts, which of course greatly endanger public order and safety. Therefore, the application of strict sanctions is very necessary to provide a deterrent effect, not only for the defendant, but also for the wider community, so that no one dares to commit similar crimes.

As an analytical tool, the Pancasila theory of justice provides a basis for criticizing inadequate legal decisions in this case. According to Pancasila, justice must create welfare for all Indonesian people. Public security is part of that welfare, so that every criminal act that endangers public security and order must be given sanctions that are proportional to the consequences caused. The criminal act committed by the defendant by modifying an air gun into a firearm and selling it to a party suspected of being involved in terrorism, is a serious threat to social order.

Looking at the context of Pancasila, where the first principle talks about the One Almighty God and the second principle emphasizes just and civilized humanity, then the defendant's actions in using technology to assemble and trade illegal firearms show a disregard for social norms and human rights. In this case, Pancasila justice views that the punishment imposed must not only punish, but must also educate the

perpetrator and warn the public that such actions cannot be tolerated.

In the perspective of distributive justice which is one of the elements of Pancasila, the punishment imposed on the perpetrator must reflect the proportionality between the crime committed and the sanction given. The light sentence imposed in this case (4 years in prison) does not reflect this. Crimes involving illegal firearms that can endanger the lives of others and increase the potential threat of terrorism should be punished more severely in accordance with the impact that can be caused by the act. Therefore, stricter punishment is needed to fulfill the sense of justice in accordance with the values contained in Pancasila.

In more depth, in the application of sanctions to perpetrators of criminal acts, the Pancasila theory of justice teaches that the punishment given must have a strong deterrent effect. The application of heavier sanctions to the accused will send a message to the public that crimes that can threaten public order, especially those involving illegal firearms, will not be left unpunished. With

Thus, Pancasila justice demands that the punishment given be in accordance with the impact of the crime on the wider community.

In conclusion, the Pancasila Theory of Justice teaches that in every unlawful act, justice that is upheld must pay attention to social welfare, public security, and protection of the basic rights of every individual. In this case, the punishment for the defendant who was proven to have carried out illegal firearms trading through the platform *e-commerce*, must be more than just a light prison sentence. The imposition of a heavier sentence will create a sense of justice in society and provide a deterrent effect, in accordance with the spirit of Pancasila which prioritizes protection for the safety and welfare of the people.

This is in line with the case of decision No. 2/Pid.Sus/2024/PN JKT.SEL which has fundamental similarities with the first case, where both cases involve serious violations related to the distribution of illegal firearms. In this case, defendant 1 Husen Prabowo began his action with the intention of trading in air guns which eventually developed into dangerous firearm modification and sales activities. As in the case of Aji Rukmanto, the actions of Husen Prabowo and other defendants showed disobedience to the law and the potential for serious threats to public security.

In case No. 2/Pid.Sus/2024/PN JKT.SEL, the perpetrator used the platform *e-commerce* to sell illegal weapons to buyers without going through adequate monitoring mechanisms. In this context, the ITE Law becomes a relevant legal framework to handle illegal online transactions, especially through tracking digital footprints such as account numbers and sender data. Internal policies of the platform *e-commerce* such as Shopee and Tokopedia are also of concern, because even though they have rules to prohibit the sale of illegal goods, the implementation of the policy has not been fully effective. Tighter monitoring of suspicious transactions and improving automatic detection systems are urgently

needed to prevent similar violations.

Although the second case also involved the same violations of illegal possession and sale of weapons, the sentences imposed on the defendants in this case were deemed disproportionate to the level of the crime committed. Defendant I (Husen Prabowo) and Defendant III (Andri Nuari) were each sentenced to 3 years in prison, while Defendants II (Riky Sumantri) and IV (Triyandi Ramadan) were each sentenced to 4 years in prison. Given that both cases have the same potential to threaten public safety and create insecurity, such light sentences seem unfair.

Based on Article 1 paragraph (1) of Emergency Law Number 12 of 1951, violations related to illegal firearms are subject to severe penalties including the threat of the death penalty, life imprisonment, or temporary imprisonment of up to 20 years.

Article 55 paragraph (1) of the Criminal Code is also relevant in this case, because it regulates the role of the defendants in criminal acts committed together. This shows that the applicable law does not only function to punish but also to provide a deterrent effect. The involvement of the defendant in

The illegal firearms trafficking network emphasized the importance of imposing appropriate punishments to maintain a sense of justice in society.

In addition, from the perspective of the ITE Law, if the defendant conducts arms trading through a digital platform or electronic communication, then his actions can be processed in accordance with the provisions of the ITE Law, especially in Article 27 which regulates the prohibition on the dissemination of information or transactions that can harm others or are contrary to the law. Especially in this case, illegal firearm transactions carried out by the defendant via the internet or electronic media can involve broader criminal acts, such as the dissemination of information or promotions that violate the law.

From the perspective of Pancasila justice, the state has a responsibility to protect society from serious crimes like this. Light sentences will damage the sense of justice and public trust in the legal system. Given the similarities in both cases, imposing heavier sentences should be a step taken to ensure that such violations are not repeated, while fulfilling the state's social responsibility to protect its people.

Thus, the analysis of these two cases underlines the importance of firm and fair law enforcement. Both from the perspective of Pancasila, justice must be upheld to prevent further losses and protect society from the dangers posed by the circulation of illegal firearms. Therefore, the application of heavier penalties in these two cases is very necessary to achieve the goals of justice and public security.

1. Platform Policy **E-Commerce** Shopee and Tokopedia Regarding Reports of Firearms Sales and These Policies Can Be Adjusted or Enhanced to Support Law Enforcement Efforts Based on Emergency Law No. 12 of 1951 and the ITE Law

Platform *e-commerce* such as Shopee and Tokopedia have policies that strictly prohibit the sale of illegal goods, including firearms, explosives, and other weapon components. This policy is stated in the terms and conditions of use of the platform

and community guidelines that must be adhered to by all users.

Shopee and Tokopedia strictly prohibit the list of prohibited goods from being uploaded to their platforms, with the threat of sanctions in the form of product deletion, seller account closure, and reporting to the authorities if significant violations are found. In addition, this platform also provides a reporting feature for users, which allows them to report suspicious goods or activities through an integrated system.

In order to strengthen this policy, Shopee and Tokopedia have implemented an automatic monitoring system based on algorithms to detect products that violate the rules. This algorithm can recognize suspicious keywords or product descriptions, so that illegal transactions can be prevented before they occur.

However, given the very large volume of transactions every day, these platforms still rely on active user participation to report violations that

escape automatic supervision. In addition, Shopee and Tokopedia require sellers to comply with applicable laws and regulations in Indonesia, including Emergency Law No. 12 of 1951 concerning illegal possession of firearms and the ITE Law. This means that any violations related to the sale of firearms or other illegal goods can result in legal action in accordance with applicable provisions.

This policy is in line with the provisions of the Electronic Information and Transactions Law (UU ITE), namely Law No. 11 of 2008 which has been revised through Law No. 1 of 2024.

The ITE Law regulates the use of information technology and electronic transactions, including the prohibition of the use of technology for unlawful purposes. The articles in the ITE Law that are relevant in this context are articles related to electronic information and electronic documents as legal evidence, as well as the prohibition of using information technology to conduct illegal transactions. This law is a legal reference for platforms *e-commerce* to cooperate with authorities in cracking down on violations of the law in the digital space, including the sale of illegal goods such as firearms.

In addition, supervision of illegal activities is also supported by Emergency Law No. 12 of 1951 which specifically regulates the ownership and distribution of illegal firearms and criminal sanctions, such as imprisonment to the death penalty for perpetrators involved in the distribution of weapons without a permit. To support the implementation of this policy, Shopee and Tokopedia periodically educate users, both sellers and buyers. Education is carried out through user guides, notifications, or awareness campaigns regarding the dangers of illegal goods transactions and their consequences. This step aims to increase user understanding while encouraging the creation of an ecosystem *e-commerce* that is safe and in accordance with the law. The ideal policy to address this issue includes several strategic steps.

First, the platform *e-commerce* can increase the use of automated monitoring algorithms to detect suspicious keywords or transaction patterns. This technology

allows platforms to filter out the sale of prohibited goods more effectively. Second, close cooperation is needed between e-commerce platforms and law enforcement to facilitate investigations and evidence collection in cases of illegal transactions.

Platforms can provide data related to suspicious transactions, such as seller, buyer, and transaction history data, upon request from the relevant authorities. Third, platforms also need to educate users about the dangers of selling and buying illegal goods, including firearms, and the legal consequences.

However, case studies of illegal firearm sales through platforms *e-commerce* shows that existing policies are not fully effective in practice. Despite the prohibition, weak supervision of online transactions creates loopholes that are exploited by criminals. The mode often used involves the sale of firearm components or weapons that have been modified to be more dangerous, which are sold with vague descriptions to avoid detection by the monitoring system. This emphasizes the need for a more comprehensive policy revision and stricter supervision efforts.

In this context, the application of legal policy theory becomes very relevant to evaluate the effectiveness of existing regulations. Legal policy does not only focus on sanctions, but also on preventive and educational efforts to prevent crime, both through penal (punishment) and non-penal (counseling or prevention) means. This policy aims to control and overcome crime with a rational and organized approach. In addition, the theory of justice provides a perspective that the policies implemented must be balanced, not only protecting the community from security threats, but also ensuring fair treatment for all parties involved in the legal system. With this approach, it is hoped that platform policies *e-commerce* not only serves to enforce the law, but also creates a safe and orderly digital ecosystem for the wider community.

In electronic commerce *ore-commerce*, there are three main parties involved, namely the platform organizer *e-commerce* as an electronic system manager, seller, and buyer who has a registered account on the platform. Every action taken by these three parties forms a legal relationship, where the sale and purchase transaction becomes a legal event that contains rights and obligations for each party. The concept of legal responsibility in this relationship is closely related to the rights and obligations that apply to the platform *e-commerce*, sellers, and buyers. If we refer to the principle of legal responsibility, especially the principle of responsibility based on fault (*liability based on fault*), a person can only be held legally responsible if there is an element of error committed, namely an act that is contrary to the law. Thus in this context, the platform *e-commerce* can be held accountable if there is an illegal sale of firearms in its electronic system.

Based on the definition of an electronic system organizer, a platform *e-commerce* meets these criteria because it functions as a business entity that provides, manages, and operates electronic systems used by the public to conduct buying and

selling transactions. Therefore, the platform *e-commerce* must comply with the regulations contained in Law No. 1 of 2024 concerning Electronic Information and Transactions (ITE Law) and its derivative regulations. According to Article 15 paragraph (1) and (2) of the ITE Law, electronic system organizers, including platforms *e-commerce*, are responsible for operating their systems reliably and securely, and bear responsibility for the overall operation of the platform. *E-commerce*.

Article 24 paragraph (1) of the PP PMSE (Government Regulation on the Implementation of Trade Through Electronic Systems) requires platforms *e-commerce* to ensure that their electronic systems remain secure, reliable and responsible in order to build public trust. If illegal content, including illegal firearm sales, is found in electronic transactions or PMSE, the platform *e-commerce* responsible for the impact or legal consequences arising from the existence of the content, in accordance with Article 22 paragraph (1) of the PMSE PP. However, this responsibility does not apply if the platform *e-commerce* take immediate action to remove such content.

Circular Letter of the Minister of Communication and Information Technology Number 5 of 2016 further emphasizes the responsibility of the platform *e-commerce* which is based *User Generated Content* (UGC), which is a platform that allows users to upload their own content. In Letter C number 2 of the circular, it is explained that e-commerce platforms are responsible for ensuring a safe, reliable, and responsible system in managing content, unless there is an error or negligence on the part of the merchant (*merchant*) or users. In addition, the platform *e-commerce* are also required to respond to user reports or complaints regarding prohibited content, including verifying, deleting or blocking content, and providing merchants with the opportunity to refute the complaints submitted.

As an electronic system organizer in Indonesia, the platform *e-commerce* have an obligation to provide a safe, reliable, responsible system that is able to build public trust. To fulfill this responsibility, they must carry out several main obligations, such as providing terms and conditions for using the platform, reporting facilities for prohibited content, and following up on user reports within the specified time limit. In addition, the platform is also expected to actively monitor buying and selling activities in its system. However, in reality, there are still cases of selling illegal goods, including firearms, which shows that this responsibility has not been carried out optimally.

For example, in the Shopee platform usage policy, there are rules that tend to shift full responsibility to the user. This can be seen in the terms of use which state that all uploaded content is the full responsibility of the user, not the platform. Similar provisions are also applied by Tokopedia and a number of platforms *e-commerce* others, who choose to abdicate their responsibility to users. Although the platform *e-commerce* have tried to fulfill their responsibilities as organizers of electronic systems, the practice of selling illegal goods or firearms is still found on the platform.

This is due to actions from the organizers *e-commerce* which are not fully in accordance with the principles of trade through electronic systems as regulated in the PP PMSE. These violations include the principles of good faith, prudence, trust, and accountability. Violations of the principle of good faith can be seen from the platform's policy which tends to release responsibility to users. Meanwhile, the lack of supervision of content uploaded by users reflects a violation of the principle of prudence. The platform's inability to prevent illegal firearm sales also indicates a violation of the principle of trustworthiness, which can damage user trust. In addition, the platform *e-commerce* also violates the principle of accountability because it does not comply with current regulations.

Although legal responsibility for goods sold is separate between platforms *e-commerce* as an electronic system organizer and sellers (merchants) who have registered accounts, the platform *e-commerce* still has the responsibility to ensure that the obligations set out are carried out properly so that illegal firearm sales can be prevented or immediately addressed. Illegal firearm sellers must face strict legal action, but platform organizers *e-commerce* are also responsible for ensuring that illegal firearms cannot be traded through their systems.

Thus, in cases of illegal firearm sales, not only the seller (merchant) is responsible, but also the platform provider. *E-commerce*. Platform organizer's attitude *e-commerce* which allows the sale of illegal goods to be contrary to the purpose of the law, namely to create order in society, especially in trade through electronic systems. Therefore, the policies implemented must pay attention to the shared responsibility between platforms. *E-commerce* and sellers to create an electronic trading system that is safe, reliable and in accordance with applicable laws.

4. Conclusion

The imposition of criminal sentences on perpetrators of illegal firearms sales based on Case Decision No. 1/Pid.Sus/2024/PN JKT.SEL was imposed based on Article 1 paragraph (1) of Emergency Law Number 12 of 1951 for the crime of illegal firearms sales. Meanwhile, Case Decision No. 2/Pid.Sus/2024/PN JKT.SEL was imposed based on Article 1 paragraph (1) of Emergency Law Number 12 of 1951 in conjunction with Article 55 paragraph (1) of the Criminal Code, due to the act of modifying an airgun into a firearm. The imposition of sentences in both decisions was inappropriate because the sentences imposed were considered not severe enough, considering that the actions of the perpetrators could potentially threaten public security and even risk supporting criminal and terrorist activities. The perpetrators in both cases should have received heavier sentences as a form of protection for the community. In the first case, defendant Aji Rukmanto, who sold modified firearms to buyers identified as terrorists, was only sentenced to 4 years in prison. This sentence was considered disproportionate to the dangers posed. Meanwhile, in the second case, defendant Husen Prabowo and his colleagues were sentenced to 3 to 4 years in prison even though they played a role in the illegal arms trade network that posed a

great risk to public security. From the perspective of the Pancasila Justice Theory, these two cases indicate the need for stricter punishments to create a deterrent effect for the perpetrators and provide a sense of security for the community. If this decision is reviewed at the High Court or Constitutional Court level, it is very likely that a heavier sentence is appropriate to achieve the goals of justice and security for the public. The author of the judge's decision believes that it will be overturned.

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