

REFORMULATING POLICE FIREARM USE STANDARDS: BRIDGING LEGAL FRAMEWORKS WITH PANCASILA JUSTICE

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Abstract

The use of firearms by the Indonesian National Police is governed by strict constitutional and legal mandates, aiming to safeguard the nation, uphold the law, and maintain public order. Despite the regulations established by the Indonesian National Police Regulation No. 1 of 2009, which stresses the principles of legality, necessity, and proportionality in firearm usage, significant gaps persist in both the normative and practical application of these standards. Public incidents of police shootings often exhibit a pattern of inconsistencies in initial statements, lack of de-escalation attempts, and inadequate post-incident documentation. This raises concerns about the structural flaws within the system, potentially undermining the legitimacy of law enforcement. International standards advocate for the use of firearms as a last resort, with non-lethal alternatives and de-escalation techniques prioritized. However, Indonesia's implementation lacks operational clarity, especially in defining "imminent and real threats" and the mandatory nature of de-escalation. This paper proposes a reformulation of the standards surrounding the use of firearms by integrating operational threat-response matrices, mandatory de-escalation, standardized post-incident reporting, and layered oversight mechanisms. Additionally, the integration of Pancasila justice, procedural fairness, and the Radbruch triadic values (justice, utility, and certainty) will ensure that legal actions align with the principles of fairness and social justice. This reformulation aims to provide actionable guidelines to enhance accountability, transparency, and the ethical use of force in policing practices. The proposed framework offers a balanced and human rights-focused approach to policing, ensuring that the use of firearms remains a last resort, aligned with the protection of human dignity and justice.

Keywords: *Firearm Use; Police Accountability; De-escalation; Pancasila Justice; Legal Reform.*

A. Introduction

The Indonesian National Police bear the constitutional mandate to protect the entire nation, enforce the law, and maintain public order.¹ In the reality of handling fast-paced security disturbances, the authority to use force, particularly firearms, often falls within a narrow decision-making space. However, the Regulation of the Chief of Police No. 1 of 2009 emphasizes that the use of firearms must adhere to the principles of legality, necessity, and proportionality.² When

¹ Heru Pujo Handoko, "Pergeseran Wewenang Polri Menurut Undang-Undang Nomor 11 Tahun 2020 Tentang Cipta Kerja (Omnibus Law) Dalam Perspektif Tugas Kepolisian," *Jurnal Ilmu Kepolisian* 16, no. 3 (2022): 208–28, <https://doi.org/10.35879/jik.v16i3.319>.

² Piqi Rizki Padhilah et al., "Use of Firearms by Police Forces in the Perspective of Legal Sociology: A Study on Violence Control And Human Rights," *PALAR (Pakuan Law Review)* 11, no. 1 (2025): 205–14, <https://doi.org/10.33751/palar.v11i1.12016>; Tri Bagus Panjalu and H. R. Adianto Mardjiono, "Pemberlakuan

such decisions are mistaken or cannot be justified, the consequences can be fatal and directly impact human rights, particularly the right to life, the right to be free from cruel treatment, and the right to a fair process. In recent years, the public has witnessed recurring patterns in several shooting incidents: initial narratives that do not align with subsequent findings (such as recordings, witnesses, and forensic evidence), a lack of de-escalation efforts prior to shooting, and weak post-incident documentation. This pattern suggests that the problem is not merely an individual error but a manifestation of structural disorder that may undermine the legitimacy of law enforcement.³

Normatively, Indonesia already has a framework for regulating the use of force by law enforcement officers, including the principles of legality, necessity, proportionality, caution, and accountability.⁴ International standards also position firearms as a last resort (*ultimum remedium*) after options like prevention, verbal commands, physical control, and non-lethal instruments.⁵ However, in practice, there are consistent gaps: the operational definition of “imminent and real threats” is not formulated into observable indicators (distance, tools, behaviour, crowd dynamics); de-escalation is often seen as a suggestion rather than an obligatory and auditable requirement; post-incident reporting formats are not uniform, making data-driven evaluations difficult; and independent external oversight is not well-established, meaning accountability relies heavily on internal mechanisms prone to conflicts of interest.⁶ The absence of public data has led to policy discourse being easily swayed by speculation, rather than evidence-based learning.

Developing literature, both nationally and internationally, has so far offered three consistent clusters of solutions. First, improving written norms through reinforcing the principles and stages

Kewenangan Tindakan Menembak Ditempat Oleh Aparat Kepolisian Dari Perspektif Hak Asasi Manusia,” *Media Hukum Indonesia (MHI)* 2, no. 4 (2024): 655–62, <https://doi.org/10.5281/zenodo.14272137>.

³ Arief Fitrianto et al., “Reforming Polri’s Community Policing: A Procedural Justice and Human Resource Approach to Building Police Legitimacy,” *Edelweiss Applied Science and Technology* 9, no. 5 (2025): 1734–42, <https://doi.org/10.55214/25768484.v9i5.7271>; Rio Adhikara and Panji Yugo Putranto, “Revisiting Police Legitimacy: Exploring Determinants Beyond Performance, Procedural Justice, Public Satisfaction, and Its Practices,” *Policing and Society*, October 29, 2025, 1–17, <https://doi.org/10.1080/10439463.2025.2579623>; Jacqui Baker and Rus’an Nasrudin, “Is Indonesian Police Violence Excessive? The Dynamics of Police Shootings, 2005–2014,” *Journal of Contemporary Asia* 54, no. 2 (2024): 181–209, <https://doi.org/10.1080/00472336.2022.2138773>; Isman et al., “Extrajudicial Killing in Counterterrorism: Reformulating Preventive Measures,” in *AI in Business: Opportunities and Limitations: Volume 2*, ed. Reem Khamis and Amina Buallay (Springer Nature Switzerland, 2024), https://doi.org/10.1007/978-3-031-49544-1_41.

⁴ I. Putu Yogi Revaldi and Yasarman, “The Principles of Legality, Necessity, and Proportionality in the Use of Force by the Police: A Study of the Implementation of Regulation of the Chief of Police No. 1 of 2009,” *Decisio: Law Journal* 2, no. 1 (2025): 19–24, <https://doi.org/10.52249/decisio.v2i1.25>.

⁵ Panjalu and Mardjiono, “Pemberlakuan Kewenangan Tindakan Menembak Ditempat Oleh Aparat Kepolisian Dari Perspektif Hak Asasi Manusia.”

⁶ Muhammad S. Gani et al., “Kewenangan Penggunaan Kekuatan Oleh Korps Brimob Polri Dalam Penanganan Rusuh Massa Berdasarkan Prinsip Hukum Pidana,” *Amandemen: Jurnal Ilmu Pertahanan, Politik Dan Hukum Indonesia* 2, no. 2 (2025): 101–11, <https://doi.org/10.62383/amandemen.v2i2.894>.

of force use.⁷ Second, enhancing capacity through thematic training, scenario-based training, stress inoculation, and periodic certification.⁸ Third, strengthening accountability and transparency through revitalising ethical discipline mechanisms, establishing or strengthening independent oversight bodies, implementing body-worn cameras/dashboard cameras, and periodic incident reporting.⁹ These findings indicate that a strict hierarchy of response models, mandatory and documented de-escalation, standardised after-action reviews, and layered oversight correlate with a reduction in lethal incidents and improved reporting quality. Recent meta-analyses also confirm that the implementation of body-worn cameras and scenario-based training significantly enhances institutional accountability.

However, existing research and policies reveal major limitations. Many ideas stop at the level of principles without detailed operationalisation, particularly in defining threats and response thresholds at each level, leaving room for subjective interpretation. De-escalation is often promoted as an individual competence, rather than a normative obligation that can be audited and has disciplinary consequences if ignored without valid justification. Reporting and data remain fragmented, both in terms of content, deadlines, and proof standards, making it difficult to conduct credible longitudinal evaluations.¹⁰ The design of independent external oversight is rarely formulated prescriptively (in terms of authority, procedures, and publication obligations), while the integration of local value frameworks, particularly Pancasila Justice, tends to be declarative and has yet to become an operational evaluation matrix.

In response to these gaps, this article offers a prescriptive and contextual reformulation of standards. The principles of legality, necessity, proportionality, and accountability are translated into an operational threat-response matrix, making de-escalation an auditable obligation, standardising post-incident reporting formats (chronology, threat assessment, considered alternatives, proportionality justification, recording evidence, and duty to render aid), and institutionalising layered oversight that combines internal investigations with independent oversight bodies that have clear authority, transparent procedures, and publication obligations.

⁷ Cynthia Ayu Windani, "Strategi Dan Tantangan Predictive Policing Di Era Big Data Bagi Masyarakat Modern," *Deviance Jurnal Kriminologi* 7, no. 2 (2023): 101–20, <https://doi.org/10.36080/djk.2385>.

⁸ Christopher Cushion, "Changing Police Personal Safety Training Using Scenario-Based-Training: A Critical Analysis of the 'Dilemmas of Practice' Impacting Change," *Frontiers in Education* 6 (2022): 796765, <https://doi.org/10.3389/educ.2021.796765>.

⁹ Anthony A. Braga et al., "The Effects of Body-Worn Cameras on Police Activity and Police-Citizen Encounters: A Randomized Controlled Trial," *Journal of Criminal Law and Criminology* 108, no. 3 (2018): 511–39, <https://scholarlycommons.law.northwestern.edu/jclc/vol108/iss3/3/>.

¹⁰ Windani, "Strategi Dan Tantangan Predictive Policing Di Era Big Data Bagi Masyarakat Modern."

The value framework used integrates Pancasila Justice, procedural justice, and Radbruch's triadic values (justice, utility, and certainty) as policy evaluation tools. This integration aims to ensure alignment between legality and legitimacy, while also providing protection for officers acting in accordance with standards. Thus, the scientific contribution or novelty of the article lies in providing an evaluation tool that combines local values with measurable operational instruments, formulating reporting and oversight standards that are ready to be adopted into regulations, and offering performance indicators for implementation that allow for continuous policy monitoring.

Ultimately, because the consequences can be irreversible, the absence of prescriptive operational standards and transparent oversight mechanisms should not be seen as merely an administrative shortcoming, but rather as a systemic risk to the rule of law. Therefore, identifying the problems precisely—from gaps in norms, institutional weaknesses, to implementation culture—is the most crucial prerequisite for restructuring firearms usage standards so they truly become a last resort, in line with Pancasila Justice.

B. The Principles of Legality, Proportionality, and Accountability in the Use of Firearms by the Police

The use of force by the police originates from the state's mandate to maintain security and order, as well as to uphold the law.¹¹ However, this mandate has always been limited by legal principles and professional ethics.¹² The authority to use firearms is therefore never regarded as an unlimited right but as a form of discretion that must be derived from a legitimate purpose, based on law, and always accountable.¹³ From the perspective of positive law, these limits are framed by the principles of legality, necessity, proportionality, caution, and accountability. These principles do not stand alone; they work cumulatively. Without a clear legal basis, without an unavoidable necessity, without a proportional response to the threat, without efforts to prevent unnecessary

¹¹ Frank J. Gallo, "Police Use of Force," in *Wiley Encyclopedia of Forensic Science* (Wiley, 2009), <https://doi.org/10.1002/9780470061589.fsa499>; Tor-Geir Myhrer and Jon Strype, "Police Use of Guns in a Routinely Unarmed Police Force: Regulations and Practise in Norway," in *Police Use of Force: A Global Perspective* (Bloomsbury Publishing USA, 2010), <https://doi.org/10.5040/9798400697685.ch-010>; Stuart Casey-Maslen and Sean Connolly, *Police Use of Force Under International Law* (Cambridge University Press, 2017), Cambridge Core, <https://doi.org/10.1017/9781108186575>.

¹² Michael DeValve and Jeffrey Gold, "Utilitarian, Deontological, and Virtue Ethics," in *Justice, Crime, and Ethics* (Routledge, 2023); Alan Beckley, "Police Ethics Brought Up to Date," in *Special Topics in Policing: Critical Issues and Global Perspectives, Volume 1*, ed. James F. Albrecht and Garth den Heyer (Springer Nature Switzerland, 2024), https://doi.org/10.1007/978-3-031-56347-8_5.

¹³ Sadjijono and Bagus Teguh Santoso, *Hukum Kepolisian Di Indonesia: Studi Kekuasaan Dan Rekonstruksi Fungsi Polri Dalam Fungsi Pemerintahan* (Laksbang Pressindo, 2017).

harm, and without a transparent accountability mechanism, the use of force will lose its normative legitimacy.

The framework for police actions, particularly regarding the use of force, is grounded in a combination of national legal instruments and international principles. This comprehensive approach provides a detailed and structured way for law enforcement to carry out their duties, balancing the necessity of maintaining order with the protection of individual rights and freedoms. In Indonesia, the foundation for police conduct is explicitly articulated in a series of legal and regulatory documents, beginning with the Indonesian Law No. 2 of 2002 on the Indonesian National Police. This law affirms the key roles and responsibilities of the police force, notably in maintaining public order, law enforcement, and community protection. The law also underlines the limits of police authority and discretion, highlighting the importance of acting within the boundaries of the legal framework.¹⁴

Specifically, Articles 13, 15, and 18 of the law play a critical role in defining police duties, powers, and discretion. These articles ensure that police officers understand the limits within which their authority must be exercised. For example, Article 13 defines the police's main duties, including enforcing laws and maintaining public order, while Articles 15 and 18 focus on the powers and discretion that officers hold when performing their duties. These provisions emphasise that police actions must always be justifiable, proportionate, and carried out with accountability.¹⁵

Furthermore, the Regulation of the Chief of Police of the Republic of Indonesia No. 1 of 2009 provides a comprehensive framework for the use of force by law enforcement. This regulation is crucial in ensuring that the actions of police officers are guided by established principles, including legality, necessity, proportionality, caution, and accountability. One of the key aspects of this regulation is the staged approach to the use of force. It clearly lays out the progression of actions to be taken, starting with preventative measures and deterrents, moving to verbal commands, followed by physical control using empty hands, then the use of non-lethal instruments, and finally, firearms as a last resort. The regulation also places a strong emphasis on the obligation for police officers to issue a warning when it is safe to do so, to provide aid post-incident, and to document and report any use of force.

In addition to this, the Regulation of the Indonesian National Police No. 7 of 2022 on the Professional Code of Ethics and the Police Ethics Commission further supports the development

¹⁴ Friska Kristianita, "Legal Authority of Indonesian National Police in Handling Rally or Demonstrations," *UMPurwokerto Law Review* 3, no. 1 (2022): 38–47, <https://doi.org/10.30595/umplr.v3i1.11114>.

¹⁵ Elvi Alfian, "Tugas Dan Fungsi Kepolisian Untuk Meningkatkan Kepercayaan Publik Terhadap Penegak Hukum," *Legalitas: Jurnal Hukum* 12, no. 1 (2020): 27–37, <https://doi.org/10.33087/legalitas.v12i1.192>.

of professional standards within the police force. This regulation outlines the ethical expectations for police officers, establishing mechanisms for ethical reviews and clarifying the relationship between police conduct and the disciplinary or criminal systems. It aims to ensure that police officers act in accordance with the highest standards of professionalism, integrity, and respect for human rights.¹⁶

At an international level, the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, adopted by the United Nations in 1990, serve as an essential guiding document. These principles outline the key parameters for police use of force, including necessity, proportionality, precaution, accountability, and the protection of life. The principles further stress the importance of de-escalation, encouraging officers to avoid the use of force whenever possible and to pursue alternatives that minimise harm. These international standards provide a broader framework that aligns national regulations with global human rights obligations, ensuring that law enforcement actions respect the dignity and rights of individuals.¹⁷

The integration of these national and international frameworks creates a robust system that guides police actions and ensures that their use of force is not only lawful but also aligned with ethical principles and human rights standards. The interplay between national regulations, such as the Indonesian National Police Law and the Regulation on the Use of Force, and international standards, such as the UN Basic Principles, ensures that the police force in Indonesia operates within a well-defined legal and ethical framework. This system fosters transparency, accountability, and the protection of citizens' rights, while also enabling law enforcement to carry out their essential duties effectively.¹⁸

Moreover, the emphasis on de-escalation in both national and international frameworks highlights a key shift in the approach to law enforcement. De-escalation is no longer seen as a mere option or moral advice but as a documented and mandatory step in the decision-making process. The obligation for officers to consider non-lethal alternatives before resorting to force is

¹⁶ Alghoni Bumantara Putra et al., "Law Enforcement Against the Police Professional Code of Ethics Due to Desertion Committed by Police Members Ending in Dishonorable Discharge," *JILPR Journal Indonesia Law and Policy Review* 6, no. 3 (2025): 515–26, <https://doi.org/10.56371/jirpl.v6i3.459>.

¹⁷ Göran Melander et al., "Basic Principles on the Use of Force and Firearms by Law Enforcement Officials: Adopted by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Havana, 27 August - 7 September 1990," in *The Raoul Wallenberg Institute Compilation of Human Rights Instruments* (Brill | Nijhoff, 2004), https://doi.org/10.1163/9789047412878_051; Christopher Gane and Mark Mackarel, *Human Rights and the Administration of Justice: International Instruments* (Brill | Nijhoff, 2023), <https://doi.org/10.1163/9789004637450>.

¹⁸ Anja Bienert, "Action, Not Just Words: The Practical Implications of Human Rights Law for the Use of Force and Firearms by Law Enforcement Officials," *Security and Human Rights* (Leiden, The Netherlands) 27, nos. 1–2 (2016): 200–220, <https://doi.org/10.1163/18750230-02701002>; Casey-Maslen and Connolly, *Police Use of Force Under International Law*.

a critical component of this shift, ensuring that the use of force is always a last resort and is proportionate to the threat faced.

Based on these principles and instruments, a hierarchy for the use of force is structured, placing the use of firearms as a last resort. The sequence of response steps, starting from presence and prevention, verbal commands, empty-hand control, non-lethal instruments, functions as an operational safeguard to ensure that lethal force is truly the last option. It is at this point that the material conditions for the use of firearms operate strictly: only when the threat to life or potential for serious injury is immediate and real, when non-lethal alternatives are inadequate or unavailable, and when a warning can still be made without escalating danger, can the activation of firearms be considered. Even afterwards, the obligation to minimise harm, provide immediate assistance, and secure the crime scene becomes an integral part of the legal appropriateness, just as important as the moment the shot is fired.¹⁹

The entire decision-making process demands accountability that is not merely a formality. Every incident must be documented in a report detailing the time, location, involved parties, threat assessment, considered alternatives, and the proportionality justification, supported by recording evidence from lawful devices (BWC/dashcam/CCTV). The report does not stop at administration but is followed by post-incident reviews and technical audits (including ballistic and weapon/ammunition audits) to ensure the institution learns from each event. At the ethical level, the professional code of ethics and the Police Ethics Commission (KKEP) provides a forum to assess the appropriateness of behaviour and impose sanctions, which can overlap with disciplinary and criminal regimes depending on the degree of fault and consequences. Therefore, accountability acts as a bridge between normative texts and practice, between claims of legality and the public's sense of justice.

In doctrinal depth, the above principles function as a series of tests to be passed before the bullet is fired. The suitability test requires that the use of firearms is indeed effective in neutralising the specific threat; the necessity test requires that no other equally effective but lighter alternatives are available (position change, cover, distance, tactical communication, or non-lethal instruments); the balancing/proportionality test weighs the harm likely to occur against the life protection

¹⁹ K. Roberts, "Penggunaan Diskresi Dalam Penegakan Hukum Oleh Kepolisian Menurut Undang-Undang Nomor 2 Tahun 2002 Tentang Kepolisian Negara Republik Indonesia," *Pagaruyuang Law Journal* 2, no. 2 (2019): 274–86, <https://doi.org/10.31869/plj.v2i2.1545>; Arief Ryzki Wicaksana, "Kewenangan Tembak Di Tempat Oleh Aparat Kepolisian Terhadap Pelaku Kejahatan," *Jurnal Sosiologi Dialektika* 13 (2021): 114–21, <https://doi.org/10.20473/jsd.v13i2.2018.114-121>.

benefits to be achieved. These three tests work cumulatively and must be articulated in the incident report as part of accountability.²⁰

At the tactical legal level, threat assessment must be contextual: relative distance, the type of weapon used by the opposing party, the behavioural pattern (attacking/retreating), the presence of vulnerable third parties, the environmental situation (closed/open spaces, potential for ricochet), and the backdrop of the shot. This reasoning affects the choice of response level (low ready, aiming, to discharge) and gives rise to the obligation for discriminatory targeting (distinguishing lawful and unlawful targets) and the prohibition of indiscriminate shooting. The doctrine also reminds that warning shots should only be considered when safe and controllable; if they risk creating new dangers, they contradict the principle of caution.²¹

The dimension of procedural integrity broadens the legal obligation to the realm of factual integrity: officers must report accurately, without fabricating or omitting evidence, and maintain the chain of custody for projectiles, casings, and recordings.²² Violations of procedural integrity are not merely ethical flaws but undermine the validity of proportionality assessments, as legal justification depends on factual integrity. At this point, command responsibility is also relevant: superiors who neglect to set SOPs, training, and adequate supervision may bear normative responsibility when patterns of violations recur within their unit.²³

International standards also highlight the duty of care post-incident: providing first aid, immediately contacting medical services, securing the location, and ensuring that the victim's family is informed according to procedure. This post-incident obligation is part of sustained

²⁰ Ralph Crawshaw and Leif Holmström, "Basic Principles on the Use of Force and Firearms by Law Enforcement Officials," in *Essential Texts on Human Rights for the Police: A Compilation of International Instruments* (Brill | Nijhoff, 2001), https://doi.org/10.1163/9789004502840_022.

²¹ Jennifer Benner, "Establish a Transparent Chain-of-Custody to Mitigate Risk and Ensure Quality of Specialized Samples," *Biopreservation and Biobanking* 7, no. 3 (2009): 151–53, <https://doi.org/10.1089/bio.2010.0002>.

²² Jason Sunshine and Tom R. Tyler, "The Role of Procedural Justice and Legitimacy in Shaping Public Support for Policing," *Law & Society Review* 37, no. 3 (2003): 513–47, Cambridge Core, <https://doi.org/10.1111/1540-5893.3703002>; Jill Hunter et al., *The Integrity of Criminal Process: From Theory into Practice* (Bloomsbury Publishing, 2016); Paul Oluwatosin Bello and Thabiso Donald Matshaba, "Procedural Justice, Police Legitimacy, and Performance: Perspectives of South African Students," *Journal of Psychology in Africa* 31, no. 1 (2021): 43–48, <https://doi.org/10.1080/14330237.2020.1871243>; Liqun Cao et al., "Police Integrity in Taiwan and Its Correlates," *Asian Journal of Criminology* 17, no. 3 (2022): 353–69, <https://doi.org/10.1007/s11417-022-09369-4>.

²³ Larry Miller et al., *Effective Police Supervision* (Routledge, 2017); Christian Mouhanna, "The Police Code of Ethics: A Tool for Improving Relationships with the Population?," *Droit et Société* No 97, no. 3 (2017): 503–19, <https://doi.org/10.3917/drs.097.0503>; Tom Tyler, "Procedural Justice and Policing: A Rush to Judgment?," in *Annual Review of Law and Social Science*, vol. 13, no. Volume 13, 2017, Annual Reviews, 2017, <https://doi.org/10.1146/annurev-lawsocsci-110316-113318>; Casey LaFrance and Jonathan Day, "The Role of Experience in Prioritizing Adherence to SOPs in Police Agencies," *Public Organization Review* 13, no. 1 (2013): 37–48, <https://doi.org/10.1007/s11115-012-0192-9>.

proportionality, meaning that justice does not stop when the shot is fired but continues in the way the state restores the dignity of those affected.

Finally, when tied to Pancasila Justice, the doctrinal framework above encourages the formulation of standards that not only prohibit excessive use but also guide the decision-making process in a humane way. Humanity guides the obligation to prioritise options that cause the least harm; the common good ensures that order is not born from fear; certainty/appropriateness brings clear and consistent rules. With this value framework, the proposed operational standards are not merely editorial updates, but a moral legal practice that binds individual behaviour, organisational culture, and institutional accountability into a cohesive unit that can be tested.

C. Bridging the Gap: Challenges in Translating Use of Force Principles into Auditable Police Practice

The construction of existing principles and instruments has not yet fully materialised into prescriptive and auditable operational standards. Key phrases like “imminent and real threats” still leave room for broad interpretation, while the lack of clarity in indicators such as effective distance, types of dangerous tools, behavioural patterns, and crowd conditions makes the application of necessity and proportionality tests difficult to carry out consistently.²⁴ As a result, the determination of response thresholds often shifts from objective parameters to the officer's individual intuition, while the discretionary authority granted by the law is often interpreted too broadly, lacking adequate interpretative safeguards.

At the procedural level, de-escalation often remains as an ethical suggestion without becoming a normative obligation that can be audited. There are no explicit provisions to document the alternatives considered before shooting, such as tactical communication, distance or time management, and the use of non-lethal tools. This gap makes the argument of “no other option” difficult to test ex post and weakens the suitability, necessity, and balancing tests, which should form the basis for decision-making.²⁵

On the other hand, reporting and evidence governance have not been implemented uniformly. The absence of clear operational standards concerning report parameters, deadlines,

²⁴ Rachel A. Harmon, “When Is Police Violence Justified?,” *Northwestern University Law Review* 102, no. 3 (2008): 1–70, <https://www.law.virginia.edu/scholarship/publication/rachel-harmon/693886>; Ben Jones, “Applying the Imminence Requirement to Police,” *Criminal Justice Ethics* 42, no. 1 (2023): 52–63, <https://doi.org/10.1080/0731129X.2023.2187188>.

²⁵ JR Lott Jr, “Does a Helping Hand Put Others at Risk?: Affirmative Action, Police Departments, and Crime,” *Economic Inquiry* 38, no. 2 (2000): 239–77, <https://doi.org/10.1111/j.1465-7295.2000.tb00016.x>; Graham Ellison and Nathan Pino, *Globalization, Police Reform and Development: Doing It the Western Way?* (Springer, 2012).

and evidence management could lead to uncertainty and reduce the accountability of the law enforcement process. The variation in practices, from narrative reports with minimal details to the absence of BWC or dashcam recordings, hampers data-driven evaluation.²⁶ The chain of evidence, such as casings, projectiles, and recordings, is also often not validated by consistent standards, raising doubts about the integrity of facts. Without detailed evidence governance, even substantively correct decisions may lose procedural legitimacy.

Finally, oversight also reveals disparities. Internal mechanisms, such as oversight functions and the Police Ethics Commission (KKEP), do operate, but their connection to the organisational structure raises public doubts about their neutrality, particularly in sensitive cases. Meanwhile, external independent oversight channels with investigative authority, access to recordings, and publication obligations have not been strongly institutionalised. This imbalance creates a perception of impunity, weakens deterrence, and ultimately erodes public trust in law enforcement.

Institutional capacity adds another layer of issues. Training in decision-making under pressure (scenario-based and stress inoculation) is not widespread; the re-certification of shooting skills versus de-escalation skills is often unbalanced; and the availability of non-lethal tools is not always sufficient at the frontline. Virtual reality-based training, for example, shows stress responses comparable to real scenarios, indicating that technology can help expand access to high-standard training when traditional infrastructure is limited.²⁷

On the other hand, the use of accountability technologies, such as body-worn cameras (BWC) and dashcams, remains limited and has not been universally implemented, so their effectiveness in ensuring transparency and oversight has not been maximised. Even when these devices are used, policies regarding data retention, access, and the protection of recordings lack uniform standards across various law enforcement agencies. This directly impacts the effectiveness of enforcing principles such as necessity, proportionality, and accountability. Without adequate training, complete supporting tools, and consistent evidence governance, the application of these principles in the field becomes difficult to optimise.²⁸

²⁶ Kazım Duraklar, *Security Technologies for Law Enforcement Agencies* (CRC Press, 2025); Amanda Davies and Ghaleb Krame, "Integrating Body-Worn Cameras, Drones, and AI: A Framework for Enhancing Police Readiness and Response," *Policing: A Journal of Policy and Practice* 17 (January 2023): paad083, <https://doi.org/10.1093/police/paad083>.

²⁷ M. Hunter Martaindale et al., "Can a Virtual Reality Training Scenario Elicit Similar Stress Response as a Realistic Scenario-Based Training Scenario?," *Police Quarterly* 27, no. 1 (2024): 109–29, <https://doi.org/10.1177/10986111231182729>.

²⁸ Delene Adams et al., "Law and (Rec)Order: Updating Memory for Criminal Events with Body-Worn Cameras," *Plos One* 15, no. 12 (2020): e0243226, <https://doi.org/10.1371/journal.pone.0243226>.

In practice, the norm of protecting life and the general principle of the use of force as a last resort (*ultimum remedium*) are often not operationally detailed, for example, when warning shots are permitted, and when the risk of ricochet or panic makes them unethical or dangerous. Gaps like this foster inconsistency in tactics. Although the law allows discretion for officers, without clear technical limits and a strong accountability system, this discretion can become a “blanket” justification that is normatively dangerous.

Inconsistencies in initial statements and delayed investigative information widen the gap between claims of legality and perceptions of procedural justice. The absence of transparent annual statistics on the use of force allows the public space to be filled with speculation rather than serving as a policy learning tool. In fact, proactive transparency is not only a requirement for accountability but a crucial foundation for building public trust. Therefore, this section presents a concise matrix of cases that have reached the decision stage or have a recorded process to extract normative patterns relevant to the formulation of standards, such as observable threat indicators, de-escalation efforts, justifications for the use of force, and governance of reporting, recordings, and oversight. By linking findings to these four nodes, the analysis flow from gaps to policy recommendations can be presented in a more structured and transparent manner.

Table 1. Cases of firearm use resulting in fatalities

Case	Type of Incident	Court Decision / Legal Process	Observable Facts	De-escalation	Decision of Force & Rationale	Evaluation Findings	Policy Lesson
Brigadier Joshua (2023)	Police shot police (internal)	South Jakarta District Court 14/02/2023; Supreme Court 28/08/2023 sentenced life imprisonment for the main defendant	Official residence; firearms; planned series of events; internal context	Irrelevant as an operational response; focus on accountability	Premeditated murder; punishment corrected by the Supreme Court	Highlights: evidence integrity, event reconstruction, oversight	Strengthen evidence management, AAR, external oversight
Gamma – Semarang (2024)	Police shot student	Suspect determination; independent institution statement regarding suspected extrajudicial killing	Close–medium range; firearms; student victim; public space; public backdrop	Indications of de-escalation absent; BWC inactive (media chronicles)	Fatal shooting	Threat threshold untested; weak reporting/recording	Mandate threat indicators, de-escalation, BWC activation & reporting format

Case	Type of Incident	Court Decision / Legal Process	Observable Facts	De-escalation	Decision of Force & Rationale	Evaluation Findings	Policy Lesson
Solok Selatan (2025)	Police shot police	Trial ongoing; charged under Article 340 of the Indonesian Criminal Code	Outdoor; firearms; superior-subordinate relationship; task-related motive	Unproven; requires documentation standards	Charged with premeditated murder	Need for separation of conflict of interest & evidence standardisation	Clarify Standard Operating Procedures for investigations & command responsibility

Source: author's analysis results

In the matrix above, the case of Brigadier J underscores a fundamental institutional truth: legitimacy is neither abstract nor self-sustaining, but instead rests upon a fragile architecture of accountability that can rapidly disintegrate when its supporting pillars weaken. When the integrity of evidence is compromised, when the reconstruction of events becomes contested or manipulated, and when oversight mechanisms fail to operate independently and transparently, the entire edifice of public trust begins to erode. In such circumstances, the issue is not merely whether the use of force met a certain threshold of response, but whether the processes that follow are capable of producing a credible and verifiable account of what actually occurred.

Accountability, therefore, must be understood as a continuum that begins long before an incident takes place and extends far beyond its immediate aftermath. It requires, first and foremost, a robust system of evidence management in which the collection, preservation, and documentation of material are conducted according to strict and transparent protocols, ensuring that evidentiary integrity is maintained at every stage. This must be complemented by the institutionalisation of After Action Review (AAR) processes, which are not merely administrative formalities but structured mechanisms for critical reflection, designed to identify operational failures, assess decision-making under pressure, and generate lessons for future practice. Crucially, these reviews must be standardised, insulated from internal bias, and oriented towards organisational learning rather than defensive justification.²⁹

At the same time, the establishment of genuinely independent oversight bodies becomes indispensable, as institutional loyalties and the risk of self-protection inherently limit the effectiveness of internal review mechanisms alone. Independence here must be both formal and substantive, encompassing not only structural autonomy but also the capacity to access evidence,

²⁹ Natalie Kroovand Hipple and Benjamin D. Hunter, "After-Action Reviews and the Big Black Hole of Improvement Processes," *Policing: A Journal of Policy and Practice* 17 (January 2023): paac105, <https://doi.org/10.1093/police/paac105>.

compel testimony, and issue binding recommendations. Without these elements, accountability becomes performative rather than real, and legitimacy, once lost, becomes exceedingly difficult to restore.

The case of Solok Selatan further illustrates the structural vulnerabilities that arise when accountability processes are internalised within the same institutional framework responsible for the incident itself. In such a configuration, the potential for conflict of interest is not incidental but systemic, as those tasked with investigating the incident may also have a vested interest in preserving the institution's reputation, cohesion, or authority. This creates a subtle yet powerful incentive to shape narratives, selectively interpret evidence, or minimise findings in ways that align with organisational priorities rather than objective truth.

The absence of standardised evidence management exacerbates this problem, as it allows inconsistencies in how information is gathered, recorded, and presented, thereby undermining the reliability of subsequent evaluations. Equally problematic is the lack of a clear separation within the chain of command, which can blur the lines between operational responsibility and investigative authority. When superiors retain influence over both domains, the possibility of impartial assessment becomes severely constrained. In this context, the principle of command responsibility assumes critical importance.

Command responsibility is not merely a retrospective mechanism for assigning blame. However, a proactive framework that emphasises the duty of superiors to establish clear operational standards, ensure that personnel are adequately trained, and maintain effective systems of supervision and control. Failure in any of these areas constitutes not just an operational lapse but a breach of accountability at the highest level. Accordingly, the development of firm and detailed Standard Operating Procedures (SOPs) for investigations is essential, providing clear guidance on issues such as evidence handling, witness examination, documentation standards, and reporting requirements. These SOPs must be designed to minimise discretion where it may compromise objectivity, while still allowing sufficient flexibility to account for the complexities of individual cases. Moreover, their implementation must be accompanied by rigorous monitoring and enforcement mechanisms to ensure that deviations are identified and addressed promptly. Only through such measures can the risks of internal bias and institutional self-interest be effectively mitigated.

Meanwhile, the Gamma case brings into sharp focus the operational dimension of accountability, particularly the role of decision-making in high-pressure situations and the evidentiary challenges of evaluating those decisions after the fact. At the heart of this case lies the

absence of clearly defined, measurable threat indicators, which are essential to determining whether the use of force was justified under the principles of necessity and proportionality. Without such indicators, assessments of threat become inherently subjective, relying on individual officers' perceptions and judgments, which may vary widely depending on context, experience, and cognitive biases. This subjectivity creates significant difficulties for ex post evaluation, as it becomes difficult to establish a consistent, objective standard against which decisions can be measured. The situation is further complicated by the lack of a clearly articulated obligation to pursue de-escalation wherever possible.

De-escalation is not simply a tactical option but a normative requirement, grounded in the principle that the use of force should always be a measure of last resort.³⁰ When this requirement is not embedded within operational protocols and training, it risks being overlooked or undervalued in practice. In such circumstances, the common justification that “there was no other option” becomes increasingly tenuous, as it cannot be substantiated by reference to a structured decision-making framework or documented attempts at alternative courses of action. The absence or inactivation of Body-Worn Cameras (BWC) further undermines the credibility of such claims, as it removes a critical source of objective evidence that could otherwise provide insight into the sequence of events, the behaviour of the individuals involved, and the officer’s reasoning processes.

BWC recordings serve not only as a tool for accountability but also as a mechanism to protect officers against unfounded allegations by providing an impartial record of their actions. Their consistent use, therefore, should not be viewed as optional but as an integral component of modern policing practice. However, the mere presence of BWC technology is insufficient; it must be supported by clear policies regarding activation, data storage, access, and review, as well as safeguards to prevent tampering or selective disclosure. Ultimately, the Gamma case demonstrates that accountability for the use of force cannot be achieved solely through retrospective investigation but must be embedded in the operational framework itself through the establishment of clear standards, measurable indicators, and reliable mechanisms for documentation and review.

³⁰ Benni Zaiser et al., “De-Escalation Fundamentals,” in *Police Conflict Management, Volume II: Training and Education*, ed. Mario S. Staller et al. (Springer International Publishing, 2023), https://doi.org/10.1007/978-3-031-41100-7_12; Robin S. Engel et al., “Does De-Escalation Training Work? A Systematic Review and Call for Evidence in Police Use-of-Force Reform,” *Criminology & Public Policy* 19, no. 3 (2020): 721–59, <https://doi.org/10.1111/1745-9133.12467>; Natalie Todak and Lois James, “A Systematic Social Observation Study of Police De-Escalation Tactics,” *Police Quarterly* 21, no. 4 (2018): 509–43, <https://doi.org/10.1177/1098611118784007>.

Taken together, these cases reveal that the legitimacy of law enforcement depends on a complex interplay among normative principles, institutional structures, and operational practices. Accountability cannot be reduced to a single dimension, whether legal, procedural, or ethical, but must instead be understood as a holistic system in which each component reinforces the others. Where one element fails, the entire system is placed at risk, and the consequences are felt not only in individual cases but in the broader relationship between the state and society. The challenge, therefore, is not merely to address isolated deficiencies but to undertake a comprehensive reform that aligns all aspects of the system with the core principles of transparency, integrity, and responsibility. Only by doing so can legitimacy be sustained in a manner that is both resilient and credible in the face of ongoing scrutiny.

D. Comparative Regulation of the Use of Firearms in Selected Countries

In the context of comparative law, the regulation of the use of force by law enforcement officials, particularly the use of firearms, varies considerably across jurisdictions and is shaped by each system's normative approach, technical framework, and legal policy. At the international level, instruments such as the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, adopted by the United Nations in 1990, affirm that any use of force must satisfy the parameters of necessity, proportionality, precaution, and accountability, while placing the protection of human life as the paramount consideration.³¹

However, the application of these principles in domestic practice often diverges, both in terms of the standardisation of legal instruments, the technical criteria for response thresholds, and the mechanisms of external oversight. Countries such as the United Kingdom and New Zealand, for instance, have adopted decision-making models based on risk assessment and auditable threat evaluation matrices, whereas Canada places emphasis on After Action Reviews (AAR) and the integration of Body-Worn Camera (BWC) technology as tools of accountability. By contrast, in the United States, the model tends to be decentralised, meaning that policies on the use of force are heavily influenced by jurisprudence—such as the rulings in *Tennessee v. Garner* and *Graham v. Connor*—as well as by variations in standards across states.

From this comparison, an important lesson for Indonesia is the need to develop operational procedures that are prescriptive, accountable, and auditable, including the standardisation of threat

³¹ Melander et al., “Basic Principles on the Use of Force and Firearms by Law Enforcement Officials: Adopted by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Havana, 27 August - 7 September 1990.”

indicators, reporting formats, evidence governance, and the integration of technologies such as BWCs. Furthermore, the strengthening of independent oversight and public transparency constitutes a crucial element in restoring and maintaining public trust in human rights-based law enforcement.

Table 2. Comparative Frameworks on Police Use of Force: Decision-Making Models, De-escalation Practices, and Oversight Mechanisms Across Selected Jurisdictions

Jurisdiction	Framework / Main Instrument	Core Principle Emphasised	Decision Model	De-escalation (Status)	Reporting & Evidence	External Oversight	Key Lessons for Indonesia
England (England & Wales)	Authorised Professional Practice (APP); National Decision Model (NDM)	Necessity, proportionality, precaution; dynamic risk assessment	NDM (iterative: information -> assessment -> options -> action -> review)	Must be considered and documented	Detailed reporting; access to recordings in serious cases	External supervisory involvement	Establish an auditable decision trail; document options before discharge of firearms
New Zealand	TENR (Threat-Exposure-Necessity-Response)	Safety as the core value; integrated necessity-proportionality	TENR as the evaluation matrix for each decision	Must be considered; part of TENR	Written explanation of how T-E-N-R was assessed	Oversight of serious incidents	Adopt a simple operational matrix that is easy to train and audit
Canada	NUFF / Incident Management -Intervention Model (IMIM)	Continuum of force; proportionality; documentation	Continuous threat assessment + response ladder	Must be considered; integrated scenario-based training	Structured After-Action Review; integrated BWC	Ombudsman /provincial commission	Standardise AAR and evidence retention; link BWC to investigative SOPs
United States	Tennessee v. Garner; Graham v. Connor; local policy	Deadly force only for serious threats; “objective reasonableness”	Local policy-based; DOJ guidance in some jurisdictions	Many cities require it or strongly recommend it (varies)	Granular reporting; some areas publish dashboards	Civilian review boards (quality varies)	Avoid a patchwork of policies; require a single, prescriptive national standard
Australia	State guidelines; police SOPs	Graduated response; proportionality; duty of care	Repeated risk assessment in the field	Must be considered; focus on crisis communication	Command-level AAR; records governance	State ombudsman/ commission	Strengthen crisis communication and mental health response; involve external oversight

Source: author’s analysis results

From the table above, it can be seen that in the UK, the Authorized Professional Practice (APP)/National Decision Model (NDM) serves as an example of how principles are translated into

a decision-making cycle, starting with updated information, risk assessment, mapping of options, decision-making, and then review.³² Since each stage demands a written rationale, de-escalation is no longer merely moral advice, but rather a consideration that must appear in the documentation. Meanwhile, New Zealand highlights a similar concept through the Threat Exposure Necessity Response (TENR), which comprises four elements: threat, exposure, necessity, and response, compelling officers to answer key questions before and after actions. The simplicity of TENR makes it easy to train and standardise when audited.³³

Next, Canada enriches the post-incident dimension: the Incident Management Intervention Model (IMIM) is linked to a structured after-action review and the integration of body-worn cameras through data access policies.³⁴ This means that the standards do not stop at the point of shooting but ensure that institutions learn from every incident.³⁵ In the United States, despite layered policies, local levels anchor the practice through the Garner and Graham precedents, limiting the use of deadly force to serious threats, with “reasonableness” assessed from the officer’s perspective at the time of the incident.³⁶ The key lesson for Indonesia is the urgency of national standardisation to ensure that policy quality does not become a mismatched mosaic between regions.

Australia, in turn, underscores the balance between procedures and external oversight. State guidelines mandate post-incident response steps and duty of care, while ombudsmen/commissions provide oversight channels for serious cases. A curriculum that positions crisis communication and mental health as core competencies reinforces a preventive harm approach.³⁷

³² Laura Boulton, “Guiding Police Decisions or Falling Short? A Critical Theoretical Review of the National Decision Model,” *The Police Journal*, June 17, 2025, 0032258X251352756, <https://doi.org/10.1177/0032258X251352756>; Steven Hill, “Police Professionalism and Critical Thinking: Model Alignment and Application to Training,” *International Journal of Police Science* 4, no. 2 (2025): 1–27, <https://doi.org/10.56331/ijps.v4i2.13523>; Barrie Sheldon, “Decision Making and Ethics,” in *Understanding Policing and Professional Practice* (Routledge, 2025).

³³ Richard S. Shortt, *Lethal Force and New Zealand Police: The History, Law, Practice and Reality of Lethal Force Use by a Well-Armed and Capable National Police Service* (Springer Nature, 2022).

³⁴ Gregory R. Brown, “Police Body-Worn Cameras in the Canadian Context: Policing’s New Visibility and Today’s Expectations for Police Accountability,” in *Police on Camera: Surveillance, Privacy, and Accountability* (Routledge, 2020).

³⁵ Ulrike Kruse et al., “The De-Escalating Potential of Body-Worn Cameras: Results from Six German Police Departments,” *Journal of Criminal Justice* 88 (September 2023): 102113, <https://doi.org/10.1016/j.jcrimjus.2023.102113>.

³⁶ Sean Wire et al., “Consistently Inconsistent: Examining Variability in Police Decision-Making in Mental Health Calls Using a Novel Noise Audit Approach,” *Journal of Criminal Justice* 93 (July 2024): 102201, <https://doi.org/10.1016/j.jcrimjus.2024.102201>.

³⁷ Tim Prenzler, “The Evolution of Police Oversight in Australia,” *Policing and Society* 21, no. 3 (2011): 284–303, <https://doi.org/10.1080/10439463.2011.570866>.

Reading the entirety, the main convergence is clear: effective standards require documented de-escalation obligations, standardised reporting and after-action reviews (AAR) connected to record governance, and independent oversight with access to evidence and publication duties. For Indonesia, the implication is the design of a national decision-making model (equivalent to NDM/TENR) that maps threat indicators, risk exposure, and response options; mandates non-lethal alternatives documentation before the use of force; and prepares a uniform AAR scheme and record retention. In this way, the principle of legality meets legitimacy, and the use of firearms truly returns to its position as a last resort.

Based on the instruments outlined above, a number of comparative conclusions can be drawn, which may be synthesised into five principal aspects that collectively reflect a more mature and accountable governance framework for the use of force. First, the adoption of a concise yet disciplined decision-making model—such as the National Decision Model (NDM), the Threat, Exposure, Necessity, and Response (TENR) framework, or the Incident Management/Intervention Model (IMIM)—demonstrates the importance of structuring police discretion within an auditable reasoning process. These models do not eliminate discretion; rather, they organise it through sequential and testable stages, requiring officers to articulate the nature of the threat, assess the level of risk, consider available alternatives, and justify the proportionality of their response. By transforming intuitive judgement into a structured analytical pathway, such models enable both *ex ante* guidance and *ex post* evaluation, thereby strengthening the link between operational conduct and legal accountability.

Secondly, de-escalation is no longer treated merely as an ethical aspiration but is elevated into a documented and enforceable obligation. Comparative practice indicates that officers are required not only to attempt de-escalation where feasible, but also to record the specific measures undertaken, such as verbal negotiation, tactical repositioning, time management, or the use of non-lethal tools. This documentation serves a dual function: it reinforces behavioural expectations in the field and provides a verifiable record that can be assessed in subsequent reviews. In this sense, de-escalation becomes an integral component of the necessity test, ensuring that the claim of “no other viable option” is not a retrospective justification but a demonstrable fact grounded in recorded efforts. Without such documentation, the integrity of the decision-making process is significantly weakened, as it becomes difficult to distinguish between genuine necessity and avoidable escalation.

Thirdly, the standardisation of reporting mechanisms and the institutionalisation of After Action Reviews (AAR) are essential elements in ensuring that each use-of-force incident

contributes to organisational learning. In more developed systems, reporting is not limited to narrative accounts but follows structured templates that require the inclusion of key variables: the temporal and spatial context of the incident, the characteristics of the threat, the alternatives considered, the rationale for the chosen response, and the outcomes, including any harm caused. These reports are then linked to clear record retention policies, ensuring that evidence—ranging from written documentation to audio-visual recordings such as Body-Worn Cameras (BWC) and dashcams—is preserved, accessible, and subject to audit. The AAR process further extends this framework by providing a formal mechanism for reviewing incidents, identifying procedural gaps, and recommending improvements. Importantly, AAR is not conceived as a punitive process but as a learning-oriented evaluation that feeds back into training, policy development, and operational refinement.

Fourthly, the presence of external oversight mechanisms, particularly in cases involving serious injury or loss of life, constitutes a critical safeguard against institutional bias and perceived impunity. While internal disciplinary bodies and ethical commissions play an important role, comparative experience underscores the necessity of independent institutions with investigative authority, access to evidence, and the capacity to publish findings. Such oversight bodies enhance public confidence by ensuring that investigations are not confined within the organisational hierarchy of the police, where conflicts of interest may arise. Moreover, external oversight contributes to the consistency and credibility of accountability processes, as it introduces an additional layer of scrutiny that is both impartial and transparent. The effectiveness of this mechanism, however, depends not only on its formal existence but also on its operational independence, resource capacity, and legal mandate to compel cooperation and disclosure.

Fifthly, the systematic publication of annual data on the use of force emerges as a fundamental component of policy learning and democratic accountability. In jurisdictions where such practices are well established, aggregated data on incidents—disaggregated by variables such as type of force used, location, demographic characteristics, and outcomes—are made publicly available. This transparency serves multiple purposes: it allows policymakers to identify trends and patterns, supports evidence-based reforms, enables civil society and academic scrutiny, and fosters informed public debate. In the absence of such data, the discourse surrounding the use of force is often dominated by anecdote and speculation, which can distort both perception and policy.

Drawing on these five aspects, the need for reformulation becomes evident, particularly in contexts where existing principles have not yet been fully operationalised into coherent and

auditable standards. A central component of such reform should be the establishment of a national decision-making model that is functionally equivalent to frameworks like NDM or TENR, but adapted to local legal and institutional contexts. This model should explicitly map threat indicators, risk exposure, and response options, thereby providing officers with clear guidance while preserving the flexibility required for situational judgement. Crucially, the model must be embedded within both training curricula and operational protocols, ensuring that it is not merely a theoretical construct but a practical tool used consistently in the field.

In parallel, the reformulation should mandate the documentation of non-lethal alternatives prior to the use of force, particularly in cases involving firearms. This requirement would operationalise the principle of necessity by compelling officers to actively consider and record less harmful options, such as verbal engagement, tactical withdrawal, or the deployment of non-lethal instruments. The absence of such documentation should trigger a presumption of procedural deficiency, thereby incentivising compliance and reinforcing the normative hierarchy of force. Furthermore, the standardisation of AAR processes and record retention policies must be prioritised, with clear guidelines on report content, submission timelines, evidence preservation, and audit procedures. These measures would ensure that accountability is not contingent on ad hoc practices but is systematically embedded within the institutional framework.

Equally important is the establishment or strengthening of independent oversight bodies with clear investigative authority and publication obligations. Such institutions should be empowered to access all relevant evidence, including recordings and internal reports, and to issue findings that are both binding and publicly accessible. This would not only enhance the credibility of accountability processes but also contribute to the development of consistent standards across cases. Finally, the routine publication of annual data on the use of force should be institutionalised as a legal obligation, accompanied by mechanisms to ensure data accuracy, completeness, and accessibility.

Through these interconnected reforms, the principle of legality can be meaningfully aligned with the broader concept of legitimacy. Legality, in its formal sense, requires that actions are grounded in law; however, legitimacy demands that such actions are perceived as justifiable, transparent, and accountable by the public. By embedding decision-making within auditable models, documenting de-escalation efforts, standardising reporting and review processes, ensuring independent oversight, and promoting data transparency, the use of force can be transformed from a domain of discretionary opacity into one of structured accountability. In this way, the exercise

of state authority is not only lawful but also publicly testable, thereby reinforcing both institutional integrity and societal trust.

E. Bridging Legality and Legitimacy: A Pancasila and Radbruch Approach to Police Use of Force

The normative-implementative gap mapped in Indonesia's legal system requires an evaluative lens that is not only concerned with formal compliance but also with the appropriateness of decisions on the ground and the perceived legitimacy among the public. This is especially important in the context of law enforcement and the use of force, particularly firearms, by the police. Justice, fairness, and human rights must be considered from a broad perspective, encompassing both the legality of actions and their moral acceptability to the community.³⁸

In Indonesia, the concept of Justice according to Pancasila provides a crucial value compass. Pancasila, as the foundational philosophy of the state, bridges the ethical principles of humanity, welfare, and legal certainty. This system emphasizes the importance of balancing legal procedures with the protection of individual rights.³⁹ Procedural justice, on the other hand, underscores the need for fair processes to ensure legitimacy. Lastly, the triadic values of Radbruch⁴⁰ offer a practical framework for balancing justice, social welfare, and legal certainty. These three lenses, when operationalized, can help bridge the gap between norms and practice, aligning legality with legitimacy, particularly in law enforcement actions.

The Justice of Pancasila, especially in its human dimension, asserts that the protection of human life and dignity should be a primary concern. This means that the chosen response to any threat or crisis should be proportional and cause the least harm possible. This approach is deeply rooted in the concept of just and civilised humanity, as outlined in the second precept of Pancasila, which explicitly demands recognition and respect for human dignity, human rights, and individual freedoms. These values are essential when evaluating the use of force, especially when dealing with life-threatening situations.

³⁸ Otto Gusti Ndegong Madung and Winibaldus Stefanus Mere, "Constructing Modern Indonesia Based on Pancasila in Dialogue with the Political Concepts Underlying the Idea of Human Rights," *Journal of Southeast Asian Human Rights* 5, no. 1 (2021): 1–24, <https://doi.org/10.19184/jseahr.v5i1.20258>.

³⁹ Joko Setiyono and Aga Natalis, "Universal Values of Pancasila in Managing the Crime of Terrorism," *Cosmopolitan Civil Societies: An Interdisciplinary Journal* 15, no. 2 (2023): 48–63, <https://doi.org/10.5130/ccs.v15.i2.8084>.

⁴⁰ Gustav Radbruch, "Five Minutes of Legal Philosophy (1945)*," *Oxford Journal of Legal Studies* 26, no. 1 (2006): 13–15, <https://doi.org/10.1093/ojls/gqi042>.

The dimension of welfare calls for an order that is not repressive. It advocates for a system that stems from the prevention of harm and institutional learning, not from intimidation through the use of force. This principle implies that societal order should be achieved through measures that prevent harm and encourage growth and learning, rather than by using fear as a tool for control. This calls for a balance that ensures social stability through harmonious interactions between institutions and citizens, with the ultimate goal of ensuring the safety and comfort of society.

The dimension of legal certainty or propriety is crucial to ensuring the clarity and consistency of the law. Legal norms must be clear, accountable, and consistent, so that there is no ambiguity about what is fair or unfair. When laws are not applied with certainty, they lead to disputes and potential chaos. Legal certainty must be linked to justice, as it is not enough for laws to be predictable; they must also be fair. In this context, the use of firearms is deemed legitimate if strict conditions are met. These conditions include considering non-lethal alternatives and ensuring that the entire process, including post-incident actions, is documented and subject to public scrutiny.

Procedural justice complements the principles outlined by Pancasila by focusing on the citizen's experience of the legal process as a determinant of legitimacy. Four pillars of procedural justice must be met at each stage: neutrality, the opportunity to be heard, clear reasons for decisions, and respectful treatment of all individuals involved. These pillars ensure that citizens feel they have been treated fairly, regardless of the outcome of the process.

When these pillars are in place, voluntary compliance with the law increases, and the need for the use of force decreases over time. This reflects the idea that fair processes lead to greater trust in the legal system, which in turn encourages citizens to respect the law without the need for coercive measures. In law enforcement, ensuring that these pillars are upheld can reduce the likelihood of conflict and violence, as people are more likely to accept and respect decisions made by authorities when they feel they have been treated fairly.

Radbruch's values demand a clear balance between justice, social utility, and legal certainty. A good law is not only certain or useful but must be capable of aligning all three values.⁴¹ This means that laws should be fair, socially beneficial, and consistent. However, Radbruch highlights an ethical limit: when injustice reaches an unbearable degree, the claim of legal certainty loses its moral legitimacy. This concept is especially relevant when discussing the use of force, as it

⁴¹ Ibid.

suggests that formal procedures should not be used as a shield to justify extreme injustices, such as shooting without urgent necessity or targeting the wrong individual.⁴²

Radbruch's approach provides a robust framework for evaluating the use of force in law enforcement. In extreme situations, justice must be prioritised over legal certainty. Law enforcement officials must choose actions that minimise violations of the right to life, even if this requires adjustments to standard operating procedures (SOPs) or administrative practices. This focus on minimising harm reflects the need for law enforcement to protect fundamental human rights, even if it means deviating from established procedures in certain circumstances.

In non-extreme situations, the three values—justice, social utility, and legal certainty—must be weighed reasonably through tests of suitability, necessity, and balancing. This applies both before (*ex ante*) and after (*ex post*) actions are taken.⁴³ By applying these tests, each decision made by law enforcement can be justified within a framework of legal rationality that can be audited. This approach ensures that decisions are not arbitrary, but are instead rooted in legal reasoning and the principles of justice.

The application of Radbruch's values in police practice requires disciplined and documented reasoning. At the *ex ante* stage, officers must assess whether the chosen action effectively eliminates the specific threat, ensuring that no less harmful alternatives exist while adhering to legal boundaries and SOPs. These considerations should be recorded briefly through body-worn camera verbalisation or a quick response checklist, so that decisions can be traced transparently.

The *ex post* stage then becomes a part of the evaluation process conducted by inspectors or oversight bodies. The evaluation is done to revisit legal certainty through procedural compliance, justice through the protection of life and minimisation of harm, and social utility through proportionality of action to the threat. This approach ensures that every use of force, especially firearms, can be accounted for normatively, procedurally, and substantively, while aligning with international standards on the use of force and human rights protection.

In practice, this approach requires clear audit indicators to be included in incident reports. These reports should explain the nature of the threat and the legitimate target, outline the

⁴² Martin Borowski, "Gustav Radbruch's Critique of Legal Positivism," in *The Cambridge Companion to Legal Positivism*, ed. Torben Spaak and Patricia Mindus, Cambridge Companions to Law (Cambridge University Press, 2021), Cambridge Core, <https://doi.org/10.1017/9781108636377.027>; Robert Alexy, "Gustav Radbruch's Concept of Law," in *Law's Ideal Dimension*, ed. Robert Alexy (Oxford University Press, 2021), <https://doi.org/10.1093/oso/9780198796831.003.0008>; Brian H. Bix, "Radbruch's Formula and Conceptual Analysis," *The American Journal of Jurisprudence* 56, no. 1 (2011): 45–57, <https://doi.org/10.1093/ajj/56.1.45>.

⁴³ Nuria Pastor Muñoz, "Why International Criminal Law Can and Should Be Conceived With Supra-Positive Law: The Non-Positivist Nature of International Criminal Legality," *Criminal Law and Philosophy* 17, no. 2 (2023): 381–406, <https://doi.org/10.1007/s11572-022-09628-6>.

alternative actions considered along with the reasons for choosing them, reference the rules and SOPs followed, and describe efforts to minimise harm, including fulfilling the duty of care and considering social impacts. A consistent pattern of reasoning in these reports will help to establish a legal reasoning tradition, ensuring that decisions are not only formally legitimate but also proportional, reasonable, and trustworthy.

A transparent and documented process strengthens the accountability of law enforcement and provides a basis for continuous improvement in policing practices. The importance of de-escalation and transparent reporting cannot be overstated, as these elements ensure that law enforcement actions remain in line with human rights principles and international standards.

Ultimately, the three values within Radbruch's framework stress the importance of a decision-making model that is simple yet disciplined. This model places de-escalation as a documented obligation, alongside standardised incident reporting, after-action reviews, transparent record-keeping, and independent oversight. These elements are crucial for ensuring accountability in law enforcement practices, particularly when firearms are used. In this model, the evaluation of firearm use goes beyond procedural compliance; it includes the reasoning behind decisions, alternatives considered, and the institutional accountability for addressing each incident.

By adopting this approach, law enforcement agencies can ensure that their actions are not only legally justified but also fair and just, respecting both the letter and spirit of the law. The integration of these values into police practice ensures a balanced, accountable, and human rights-centred approach to policing, especially in critical situations where the use of force is involved.

F. Reformulating the Use of Firearms: Integrating Decision-Making, De-escalation, and Proportional Response in Policing

The reformulation in this section centres on three interlocking axes—decision-making models, de-escalation, and response thresholds—so that the use of firearms is not only normatively lawful but also reasonable and publicly trustworthy. Its orientation is to integrate the principles of legality, necessity, proportionality, and precaution with Pancasila justice, thereby placing the protection of life and human dignity at the core of operational decision-making.⁴⁴

The first axis is a National Decision Model operating iteratively: information is gathered, threats and exposure are assessed, options are weighed, action is selected, and decisions are reviewed as circumstances evolve. To ensure that its reasoning is auditable, each cycle requires

⁴⁴ Bagus Hermanto et al., "Indonesia's Directive Legislation: Balancing with Pancasila Law-Idea," *Pancasila: Jurnal Keindonesiaan* 4, no. 2 (2024): 130–45, <https://doi.org/10.52738/pjk.v4i2.568>.

concise documentation of the grounds for decision through tests of suitability, necessity, and balancing. The National Decision Model is not merely a conceptual framework; it is internalised through pocket cards and regular scenario-based training, thereby shaping professional habit. Officers become accustomed to identifying threats, gauging risks to the public and themselves, mapping non-lethal alternatives, and articulating why a particular option is chosen.

The second axis is de-escalation as an obligation. Within this framework, de-escalation is no longer treated as an ethical recommendation, but as a precondition of decision-making that must be considered and pursued before any escalation in the level of force. De-escalation tactics include direct communication, manoeuvring distance, time, and cover, adjustments in posture (low ready/ready), and the use of less-lethal tools. Exceptions are justified only where de-escalation is unsafe or not feasible, and such reasons must be documented. In this way, the phrase “no other option” is not left as ex post rhetoric, but becomes a proposition tested through a traceable record of reasoning and evidential material.

The third axis concerns threat indicators and response thresholds. The assessment of an “immediate and real threat” is translated into observable indicators, including distance (contact, close, intermediate), the means used (firearms, edged weapons, blunt or hard objects, vehicles), behavioural patterns (assaultive, direct threats, active resistance, flight without threat), as well as spatial context (open or confined environments, crowds, the presence of vulnerable persons) and the shooting backdrop.⁴⁵ The response hierarchy follows a graduated logic: presence and verbal warnings for low-level threats; empty-hand control and/or less-lethal tools for medium threats; and firearms only for immediate and real threats to life or serious injury, or to prevent extremely serious incidents posing comparable danger. Warning shots are permissible only where safe and controlled, and their use must be fully explained in reporting.

These three axes are underpinned by minimum accountability mechanisms to ensure their effective operation without overburdening the narrative with details addressed elsewhere. Every discharge of a firearm or incident resulting in serious injury must be reported in a standardised format, including threat indicators, non-lethal alternatives considered, the rationale based on suitability, necessity, and balancing, and steps taken to fulfil the duty to render aid. Such reports form the basis for after-action review within strict timeframes. Body-worn cameras and dashcams are activated during high-risk interactions to support evidential assessment of reasoning, while

⁴⁵ Sandra Adiarde et al., “The Critical Role of Threat Detection and Movement Behavior Assessment: Identifying Key Concepts, Research Scope, and Gaps—a Scoping Review,” *Frontiers in Psychology* 16 (2025): 1627066, <https://doi.org/10.3389/fpsyg.2025.1627066>.

layered oversight ensures that any exceptions to de-escalation or decisions to discharge firearms remain fully accountable.

This reformulation goes beyond the addition of norms and instead advances a transformation in operational paradigm, in which decisions are taken systematically, de-escalation is prioritised as a binding principle, and the use of firearms is constrained by measurable and verifiable parameters. The intended outcome is a model of policing that reconciles legality with legitimacy—firm in maintaining order, yet first and foremost committed to safeguarding the right to life as the highest value.

G. Conclusion

The process of formulating standards for the use of firearms within Indonesian policing reveals a persistent tendency for regulation to remain confined to formal compliance, while substantive legitimacy in the eyes of the public continues to lag behind. This gap is not accidental. It emerges from the way key legal and operational concepts are framed and implemented: the indicator of an “imminent and real threat” remains open to broad interpretation; de-escalation is still treated too often as a discretionary preference rather than a binding operational duty; and reporting practices, together with evidence management, remain uneven and insufficiently standardised. As a result, police discretion expands in ways that are difficult to monitor and even harder to justify after the event, producing a growing distance between what is legally permitted and what is perceived as fair, necessary, and morally defensible. In such a context, the central challenge is not merely to tighten formal rules, but to build a framework in which the use of lethal force can be demonstrated as genuinely exceptional, carefully reasoned, and subject to meaningful scrutiny.

This study therefore concludes that the strengthening of substantive justice in lethal decision-making depends on three interconnected axes. First, the National Decision Model must be adopted as an iterative and documented decision-making framework, so that officers are required not only to act, but also to show how they arrived at the decision to act. Such a model is valuable precisely because it makes the process visible, reviewable, and accountable, rather than leaving the reasoning behind firearm use buried within subjective recollection or institutional narrative. Second, de-escalation must be recognised as a normative obligation, not a mere recommendation. It should be embedded in operational standards in such a way that officers are expected to identify, attempt, and document de-escalatory measures before resorting to force, and that such efforts can be audited afterwards. Third, response thresholds must be broken down into observable threat

indicators, including distance, available tools, behaviour, contextual risk, and backdrop, so that the justification for firearm use does not rest on vague impressions alone. In this way, the principle that firearms are truly a last resort becomes operationally testable rather than rhetorically asserted. These three axes, if consistently applied, would narrow the space for arbitrary discretion and increase the credibility of police action both within the institution and before the public.

Yet these reforms cannot stand alone. They must be reinforced by a broader architecture of accountability that connects documentation, review, and institutional oversight. Record management must be strengthened so that evidence is preserved in a reliable and traceable manner. Reporting formats should be standardised to ensure that incidents are described consistently and in sufficient detail. After Action Review processes should be institutionalised as a routine mechanism of learning and evaluation, rather than treated as an optional administrative exercise. Independent oversight must also be strengthened, not only in formal status but in practical access to evidence, so that it can assess incidents without being constrained by the very institutional loyalties that may have shaped them. In addition, command accountability must be clarified and enforced, because responsibility for the use of force does not lie solely with the officer on the ground; it also extends to superiors who fail to establish sound operational standards, provide adequate training, or exercise meaningful supervision. Taken together, these measures would better align legality, necessity, proportionality, caution, and accountability with the ideals of Pancasila Justice, producing a use-of-force regime that is not only lawful in form but also reasonable, humane, and trustworthy in substance.

On this basis, the government and the National Police should move towards the adoption of the National Decision Model as a national reference point, integrated into training curricula and operational pocket cards so that it becomes part of everyday policing practice rather than a distant policy aspiration. De-escalation should be explicitly framed as a documented obligation in every relevant report, ensuring that officers must record what alternative measures were considered and why force was ultimately required. Reporting formats and After Action Reviews should be standardised and linked to rules on record retention and access, so that institutional learning can be supported by a dependable evidentiary trail. Independent oversight bodies should be given meaningful access to evidence and should be required to issue public summary findings, thereby strengthening both transparency and public confidence. A transition phase will also be necessary, including revised technical guidelines, initial training, and the gradual provision of non-lethal tools in high-risk units, so that reform is not merely announced but made practicable.

For future research, several avenues deserve attention. Pilot testing of the National Decision Model should be undertaken using clear performance indicators to assess whether it improves decision quality, documentation, and accountability in real operational settings. A national force-use dashboard could also be developed to map incidents, patterns, and outcomes over time, thereby enabling evidence-based policy review. In addition, scenario-based studies of decision-making under high-pressure conditions would help refine observable threat indicators and response thresholds, ensuring that the standards adopted are not only normatively sound but also operationally realistic. Through these lines of inquiry, the framework governing firearm use in Indonesian policing may move closer to a model that genuinely balances authority with restraint, and legal power with public trust.

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