

ABSTRACT

Weapons and explosives are one of the means of self-protection as well as an attack tool commonly used by humans for various needs. Be it sharp weapons, firearms or explosives though. However, Indonesia as a country of law and including a developing country prohibits the indiscriminate use of firearms and explosives without a permit for various reasons, one of which is the difficulty in coordinating the use of firearms and explosives when they are freely used by civilians.

The regulations governing the use of firearms and explosives in Indonesia are an old law, namely Undang-Undang Darurat Number 12 of 1951 and the Indonesian constitution in force at that time was Undang-Undang Dasar Sementara 1950 which was based on Undang-Undang Dasar Republik Indonesia Serikat (RIS) 1949. Undang-Undang Dasar RIS was formed on the initiative of the Kingdom of the Netherlands, which considered the Dutch East Indies (Indonesia) as a commonwealth country of the Kingdom of the Netherlands and did not recognize the independence of Indonesia in 1945.

In this normative research, the author will try to analyze one of the legal efforts to fight for the constitutional rights of citizens through a request for a review of Undang-Undang Darurat Number 12 of 1951, especially paragraph (1) of the Fourth Amendment 1945 Constitution which is currently in effect. According to the petitioner, paragraph (1) of the Act has violated the basic and constitutional rights of the petitioner as a human being and a citizen. The author then examines the petition of the petitioner, the Act which is requested for review and the decision of the Constitutional Court of the petition for Judicial Review. The author finds various ambiguities, multiple interpretations and ambiguities as well as some irrelevance contained in the verse. The author also finds several formal matters that have been neglected by the applicant in submitting his application as well as several actions that are in accordance with the applicable rules carried out by the Constitutional Court so as to give up the "opportunity" to improve regulations that already have a "different spirit". At the end of the legal action taken by the applicant together with his legal counsel, the decision of the Constitutional Court is decided that the applicant's application cannot be accepted. The author tries to analyze from downstream to upstream trying to find the reasons why the applicant's application cannot be accepted. And considering that the decision of the Constitutional Court is final and binding, it means that if it has been decided, then there is no other legal remedy that can be taken. And considering also that the regulation of the prohibition of firearms and explosives is fundamental and has an important urgency in Indonesia as a developing country of law.

Keywords : Constitutional Rights, Emergency Law, Firearms, Unacceptable.