



Legal Protection for Carriers of Keris as Cultural Heritage Objects for the Development of Keris Cultural Progress: Analysis of Decision Number 94/pid.sus/2013/PN.Smp

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Abstract

Sumenep is now beginning to reveal its identity to the people of Indonesia, with its new motto "Sumenep City of Keris." This motto is being introduced to the public to introduce the culture of the city. However, it is regrettable that the opportunity for the *keris* industry in Sumenep Regency cannot contribute positively to the economic welfare of the population there, due to the lack of support from the Sumenep Regency Government in making policies, which is still insufficient. The sensitivity of local governments is currently being tested, especially with the existence of Emergency Law Number 12 of 1951 in Indonesia. After Sumenep City declared itself a city of *keris*, it is feared that many people will need legal protection if they want to carry heirloom items such as *keris* in the future. Researchers consider this emergency law to be outdated or obsolete because it no longer fits the current situation and conditions.

Keywords: Legal Protection, Keris Bearers, Heirloom Items, Progressive Law, Legal Studies

Introduction

Sumenep is now beginning to show its identity to the Indonesian society, with its new slogan Sumenep City of Keris. This slogan was introduced to the public on November 9, 2014, to introduce the culture present in the city. Currently, the *keris* (dagger) is one of the legacies of past kings that has been passed down through generations to their heirs, both in the city of Sumenep and in other cities.

The people in Sumenep Regency often display their *keris* for contests or simply as personal collections. Currently, Sumenep is known for its various tourist destinations, both in

the islands and on the mainland. There are various beaches, from Slopeng Beach to Sembilan Beach, which are frequented by both foreign and local tourists.

To face the challenges in today's era of free markets, Sumenep Regency is certainly making improvements by introducing various cultures, tourist attractions, and weapons that are iconic to Sumenep, namely the Keris.

The nickname Sumenep City of Keris undoubtedly has a history that cannot be easily erased, as evidenced by the inauguration of Aeng Tong-tong Village in the Saronggi sub-district, designated as a keris village due to the high number of keris craftsmen in the village. Furthermore, Sumenep has received fantastic recognition from UNESCO as the city with the most keris craftsmen in the world. This is certainly a source of pride for Sumenep Regency, so that all parties can utilize the advantages of Sumenep City's existence with the recognition of the keris worldwide (Ngaisah et al., 2021).

On November 25, 2005, UNESCO officially declared on its website that the keris is one of the intangible cultural heritages of humanity. In fact, there are five Indonesian cultural works recognized by UNESCO as world heritages, including angklung, keris, batik, wayang (shadow puppetry), and Saman dance (Gürel, 2023). With the world heritage possessed by the Indonesian nation in general, it is the duty of all parties, as the nation's successors, to preserve and, of course, develop these legacies so they are not lost to time.

The philosophy of the keris itself carries a profound meaning as an extraordinary work that is expected to embody triumph, courage, and patience, all of which are reflected in the youth of Sumenep City. However, it is regrettable that the opportunities in the keris industry in Sumenep Regency have not been able to contribute positively to the welfare of the population due to the lack of support from the Sumenep Regency Government in formulating policies, which are still suboptimal. Even national-level events are not maximized, let alone those of international caliber (Guzmán & Noriega, 2023).

However, according to the mandate of Law Number 5 of 2017 concerning the Advancement of Culture, it is the obligation of the Regional Government to protect, develop, utilize, and nurture all cultural advancement objects in Sumenep Regency. Craftsmen must be properly nurtured so that they can grow and develop, thereby impacting the economic progress of the community in Sumenep. With the declaration of Sumenep as the city of keris, regulations should be promptly prepared to support the growth of existing keris industries. This is an effort in response to the concern of the local government, which will ultimately have a positive impact on the keris industry. Keris makers in Sumenep Regency can actually accept orders for various desired forms from customers. Various models, styles, carvings, and shapes can be made by these keris craftsmen, and their works are already renowned and recognized internationally (Pardy et al., 2020).

The sensitivity of the local government is currently being tested, especially with the emergency law of the Republic of Indonesia Number 12 of 1951, which amends the "Temporary Special Criminal Provisions Ordinance (STBL. 1948 No 17) and the former Law of the Republic of Indonesia NR 8 of 1948 (hereinafter referred to as the Emergency Law). This emergency law prohibits the public from carrying sharp weapons, as stated in Article 2

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paragraph 1, which reads: "Anyone who without right brings into Indonesia, manufactures, receives, attempts to obtain, delivers or attempts to deliver, controls, carries, possesses, stocks, transports, conceals, uses or removes from Indonesia any striking, stabbing, or thrusting weapon (slag-, steek-, or stootwapen) is punishable by imprisonment for a maximum of ten years." Furthermore, Article 2 paragraph 2 states an exception for keris weapons, which reads: "In the understanding of striking, stabbing, or thrusting weapons in this article, it does not include items clearly intended for agricultural use, or for household chores, or for legitimate work or clearly intended as artifacts, antique items, or magical items."

Based on the formulation of the article, the keris is an exception that can be carried because it is an heirloom. Because Sumenep is a city of keris, appropriate regulations are needed to provide protection for anyone carrying a keris for performance purposes (Erdem Türkelli et al., 2023).

However, in reality, although the keris is exempted in the Emergency Law and does not meet the elements in Article 2 paragraph 1, there is a court decision Number 94/pid.sus/2013/PN.Smp regarding a person named Ahmad Busri Bin Subehra who was found guilty of committing a crime for carrying a keris as regulated and punishable under Article 2 paragraph (1) of the Emergency Law of the Republic of Indonesia Number 12 of 1951 by imposing a prison sentence of 4 (four) months.

Ahmad Busri bin Subehra, on Tuesday, precisely on March 5, 2013, around 22:15 or at least at some time in March 2013, was in Asta Tinggi Street, Kebunagung Village, Sumenep City District, Sumenep Regency, or at least at some other place still within the jurisdiction of the Sumenep District Court without right to bring into Indonesia, manufacture, receive, attempt to obtain, deliver or attempt to deliver, control, carry, possess, stock, transport, conceal, use or remove from Indonesia any striking, stabbing, or thrusting weapon in the form of a Keris carried by Ahmad Busri bin Subehra, which was a keris made of iron with a brown combination black wooden scabbard, measuring 35 cm in length.

At that time, members of the Sumenep City Police Station conducted a law enforcement operation on Asta Tinggi Street, Kebunagung Village, Sumenep City District, Sumenep Regency, and stopped one of the motorcycle riders, Ahmad Busri, who was riding with his friend named Supriyanto. Then, a search was conducted on the defendant and it was found that the defendant was carrying a sharp weapon stored and tucked into his waist, in the form of a keris made of iron with a brown combination black wooden scabbard, measuring 35 cm in length.

In this case, there is certainly a contradiction or a normative conflict with Article 2 paragraph (2), which states an exception for keris weapons, which reads: "In the understanding of striking, stabbing, or thrusting weapons in this article, it does not include items clearly intended for agricultural use, or for household chores, or for legitimate work or clearly intended as artifacts, antique items, or magical items."

After Sumenep City declared itself as the city of keris, it is feared that there will be many people who will need legal protection if they intend to carry heirloom items like keris in the

future. This emergency law is also considered outdated or obsolete by researchers because it is no longer suitable for the current situation and conditions.

Literature Review

Review the key concept you use in the research and provide previous relevant studies/investigations that are relevant to your paper.

1. The Concept of Legal Protection

According to E. Utrecht, law is a set of guidelines that regulate the order in a society and should be obeyed by the members of that society because violations of these guidelines can result in actions from the government or society. According to Mochtar Kusumaatmadja, law encompasses all principles and rules that govern human relations within society.

According to Satjipto Raharjo, legal protection is providing shelter to human rights (HAM) violated by others, and this protection is given to society so they can enjoy all the rights provided by the law.

Legal protection is something that shields legal subjects through applicable legislation and enforced with a sanction. Legal protection can be distinguished into two categories:

a. Preventive Legal Protection

Protection provided by the government with the aim of preventing violations before they occur. This is found in legislation with the intention of preventing violations and providing guidelines or limitations in fulfilling obligations.

b. Repressive Legal Protection

Repressive legal protection is the final protection in the form of sanctions such as fines, imprisonment, and additional penalties imposed when disputes occur or violations have been committed.

Law functions to provide protection for the interests of society. Legal protection is provided to every legal subject according to the applicable legal regulations in order to enforce the law and achieve legal objectives, including justice, utility, and legal certainty (Aini et al., 2023).

Legal protection for crime victims as part of community protection can be manifested in various forms, such as restitution and compensation, as well as legal assistance. Additionally, victim protection can encompass both abstract (indirect) and concrete (direct) forms. Abstract protection essentially entails emotional (psychological) satisfaction such as a sense of fulfillment. Meanwhile, concrete protection fundamentally involves tangible benefits (Iristian, 2023).

In simple terms, legal protection is interpreted as protection provided by legislation. Referring to the protection of victims' rights as a result of the violation of their fundamental rights, the basis of victim protection can be viewed from several theories, including:

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a. Utility Theory

This theory emphasizes the greatest benefit for the greatest number. The concept of providing protection to crime victims can be applied as long as it provides greater benefits compared to not applying the concept, not only for crime victims but also for the overall criminal law enforcement system.

b. Responsibility Theory

Essentially, legal subjects (individuals or groups) are responsible for all legal actions they undertake. Therefore, if someone commits a criminal act causing harm to others, they are responsible for the resulting damages unless there are justifiable reasons to exempt them.

Law itself functions to provide protection for the interests of society. Legal protection is provided to every legal subject according to the applicable legal regulations in order to enforce the law and achieve legal objectives, including justice, utility, and legal certainty.

Some theories that the researcher will use include:

a. Legal Certainty Theory

As a state based on law (Rechtsstaat), as regulated in Article 1 paragraph 3 of the 1945 Constitution of the Republic of Indonesia stating that Indonesia is a state based on law. Thus, the rule of law requires that all actions or deeds of authorities have clear legal bases or legality, based on written or unwritten laws.

The most important aspect of the rule of law is the respect and upholding of human rights while maintaining legal certainty because legislation is the mainstay of its legal system. Legal certainty provides justifiable protection against arbitrary actions, meaning that an individual can obtain what is expected under certain circumstances.

Legal certainty means that everyone can demand that the law be enforced and such demands are met, and that every violation of the law will be prosecuted and sanctioned according to the law.

Legal certainty contains two meanings: first, the existence of general rules enables individuals to know what actions are permissible or prohibited, and second, legal security for individuals from government arbitrariness because of the existence of general legal rules individuals can know what can be imposed or done by the State against individuals.

Legal certainty is not only in the form of articles in laws but also consistency in judicial decisions between one judge's decision and another judge's decision for similar cases that have been decided.

The theory of legal certainty requires that what is regulated in the regulations will be implemented and any violation of these regulations will be sanctioned. Matters regulated in legislation are actions to address criminal issues and prevent them from recurring.

With legal certainty, the community will know the clarity of rights and obligations according to the law, such as what actions are permitted by law and what actions are prohibited by

law, thus achieving order in society. In other words, legal certainty means the right law, the right subject, the right object, and the right legal threat.

b. Justice Theory

The word "justice" in English is "justice," which comes from the Latin word "iustitia." The word "justice" has three different meanings: (a) attributively, it means a quality that is fair or just (synonymous with justness), (b) as an action, it means the action of administering the law or the act of determining rights and rewards or punishments (synonymous with judicature), and (c) person, which is a public official authorized to determine the requirements before a case is brought to court (synonymous with judge, jurist, magistrate).

Understanding the meaning of justice is not so difficult because there are several formulations that can answer the question of what justice means. However, understanding the meaning of justice is not as easy as reading texts about the meaning of justice provided by experts because when we talk about meaning, it already moves within a philosophical framework that requires deep contemplation to the deepest essence.

Law and justice are two inseparable things. When discussing legal issues, whether clearly or vaguely, we will delve thoroughly and deeply into the issue of justice. This means that law is not merely a formal structure but rather part of the expression of societal aspirations. Legal theories are not divorced from their environment and time; they provide answers to legal problems or challenge dominant legal thinking at a particular time. One of the tasks of legal theory is to answer the questions "What is justice and how is fair law?"

The concept of justice has a long history of thought; justice has been a central theme in law since ancient Greek times. Indeed, in legal discourse, the nature of justice can be seen in two main senses: in the formal sense, which demands that the law applies universally, and in the material sense, which requires that every law be in line with the ideals of societal justice. However, when viewed in a broader context, thoughts about justice develop with different approaches because discussions about justice as reflected in much literature cannot occur without involving moral, political, and legal theory themes.

Therefore, explaining justice in a singular manner is almost difficult to do. Justice has been a serious topic of discussion since the early emergence of Greek philosophy. Discussions about justice have a broad scope, ranging from ethical, philosophical, legal perspectives to social justice. Many people think that acting justly or unjustly depends on the power one possesses; being just seems easy to be seen, but of course, its application in human life is not that simple.

The mascot of justice, depicted as a statue at The Central Criminal Court or Old Bailey in London, England, is often portrayed as the fair queen, one of the Roman goddesses. Some illustrate and sculpt her as a woman wearing a blindfold and carrying a sword and scales. In short, justice is impartial. However, in truth, true justice belongs only to God Almighty.

Determining what is fair and what is unfair does not seem like a big policy, especially when justice is associated with positive law, how an action should be carried out, and the

distribution of justice enforcement, as well as advancing justice. However, it is not the same when it comes to playing a role in upholding justice.

Debates about justice have given birth to various schools of legal thought and other social theories. The two extreme points of justice are understood as something irrational and, at another point, understood rationally; of course, there are many different variations between these two extremes. In the development of legal philosophy from legal theory, of course, it cannot be separated from the concept of justice. The concept of justice is not monopolized by the thinking of one expert alone. Many experts from various disciplines provide answers to what justice is.

Thomas Aquinas, Aristotle, John Rawls, R. Dworkin, R. Nozick, and Posner are some names that provide answers about the concept of justice. There are various theories about justice and a just society. These theories involve rights and freedoms, power opportunities, opinions, and prosperity.

Then Plato said that the formation of the state is to fulfill the needs of human life because humans cannot meet their own needs. Furthermore, Aristotle developed Plato's thinking by saying that the purpose of the state is to organize a good life for all citizens. This thought has also been followed by modern states to achieve welfare for all their people, which is the core of justice theory.

Research Method

In this research, the researcher will use a normative legal research method. Normative legal research is based on principles or norms in statutory regulations. The necessity of normative legal research initially arises from normative conflicts related to the research problem. Therefore, it will be further examined using primary and secondary legal materials.

This research employs both statutory and case approaches. The statutory approach will be used to address the first issue: How is the legal protection for the keris holder who has been convicted, despite the statutory exemption for carrying such heirloom objects? Meanwhile, the case approach will be utilized to analyze the second issue: How does the judge consider in deciding a case with the reference number 94/pid.sus/2013/PN.Smp.

The technique used in collecting the required legal materials for this writing is library research. Literature review is conducted by systematically recording and understanding the content of each information obtained from primary and secondary legal sources, sequentially and systematically according to the research problem.

The analysis techniques employed in this research include descriptive, systematic, and argumentative techniques. The descriptive technique entails an explanation of what will be done to a condition or position, whether legal or non-legal propositions. The aim of this technique is to provide a comprehensive description of the problem in this research to obtain formal truth.

Systematic method is an effort to describe or formulate something in an organized and logical relationship, thus forming a complete, integrated system, capable of explaining the chain of cause and effect related to its object. The object in this research is about the protection of someone carrying a keris as stipulated in the emergency law being exempted but still subject to punishment by the judge.

Argumentation technique involves reasoning explanations presented clearly and logically in discussing legal issues related to the legal protection of the keris carrier. This technique aims to reveal the considerations of the judge in reaching a decision regarding the keris carrier.

Result/Findings

A. The form of legal protection for keris carriers, considering the keris as an heirloom and Sumenep as the city of keris.

The keris is actually a sharp weapon, but it is generally considered a sacred object with magical powers. As a sacred heirloom with magical powers, the keris is exempted from the prohibition of "sharp weapons." Carrying sharp weapons in the form of heirlooms does not require permission from the police. However, in practice, in some cases, individuals carrying keris without permission are punished with imprisonment.

Regarding the permissible and non-permissible possession of weapons, it can be seen in Emergency Law Number 12 of 1951 concerning Changes to "Ordonnantietijdelijke Bijzondere Strafbepalingen" (Stbl. 1948 Number 17) and the First Law of the Republic of Indonesia Number 8 of 1948 ("Emergency Law 12 (1951)").

Basically, anyone without the right cannot import into Indonesia, create, receive, attempt to obtain, deliver, or attempt to deliver, control, transport, stock, or own, keep, transport, hide, use, or export from Indonesia any weapons. Blunt weapons, stabbing weapons, or stabbing weapons (slag-, steek-, of stootwapen). Anyone who violates this will be sentenced to a maximum of ten years in prison.

However, there are exceptions to the above regulations, namely that in the sense of blunt weapons, stabbing weapons, or stabbing weapons, excluding items clearly intended for use in agriculture, or for household chores or legitimate training purposes. work or clearly have purposes such as heirlooms or antique items or magical items.

Regarding the use of sharp weapons, the regulation is already very clear in Law Number 2 of 2022 concerning the Indonesian National Police, Article 15 paragraph 2 letter e, which mentions the authority to grant permits and can supervise in granting ownership permits whether it be firearms, explosives, or sharp weapons.

However, in reality, although the keris is exempted in emergency laws and cannot fulfill the elements in Article 2 paragraph 1, the court decision Number 94/pid.sus/2013/PN.Smp against an individual named Ahmad Busri Bin Subehra was declared guilty. committing a criminal act of carrying keris as regulated and is subject to

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punishment under Article 2 paragraph (1) of Emergency Law of the Republic of Indonesia Number 12 Year 1951 by imposing imprisonment on the individual for 4 (four) months.

The public prosecutor, in his indictment, requested the panel of judges to declare the individual named Ahmad Busri bin Subehra guilty of committing a criminal act as regulated and punishable under Article 2 paragraph 1 of Emergency Law of the Republic of Indonesia Number 12 Year 1951.

In the legal indictment, the public prosecutor also requested the panel of judges to impose a sentence of imprisonment for four months on the defendant, Ahmad Busri bin Subehra, reduced while the defendant is in custody, with an order for the defendant to remain detained:

A keris (guluk in Madurese language) made of iron with a cover/sheath made of brown-black combination wooden with a length of approximately 35 cm, seized for destruction.

In addition, the public prosecutor in his legal indictment in substance requested that the panel of judges of the District Court also stipulate that the suspect pay the case costs amounting to Rp. 1,500 (one thousand five hundred rupiah).

Considering that the Defendant stated understanding and submitted an oral defense primarily appealing, the Panel of Judges will make a decision as promptly as possible and regarding his defense. In this defense, the Prosecutor stated that they will maintain their indictment.

The Defendant AHMAD BUSRI Bin SUBEHRA, on Tuesday, March 5, 2013, around 22:15 WIB or at least once in March 2013, was located on Asta Tinggi Street, Kebuagung Village, Kota District, Sumenep Regency, or at least once in another place still within the jurisdiction of the Sumenep District Court. without the right to bring into Indonesia, acquire, attempt to obtain, produce or attempt to produce, order, perform, have stock with or have, store, carry, hide, use or take any weapons from Indonesia, be it bludgeoning, stabbing, or thrusting weapons in the form of a keris (Guluk = Madura) given by AHMAD BUSRI als. BUSRI bin SUBEHRA is a keris (Guluk = Madura language) made of iron with a cover/sheath made of a combination of brown and black wood with a length of \pm 35 cm, where the defendant was made as follows:

at the time and place as intended, around 22:15 WIB, witness Benni Halizah Putra together with witness Andre Asmara as members of the Sumenep City Police Station conducted a security operation led directly by the Chief of Police of Sumenep City on Asta Tinggi Street, Kebuagung Village, Kota Subdistrict, Sumenep City during the implementation of the operation, the witness stopped one of the motorcycle riders ridden by the defendant Ahmad Busri who was riding with his friend named Supriyanto and after examining the completeness of the documents and conducting a search of the defendant, it was found that the defendant was carrying a sharp weapon stored and tucked into his waist in the form of a keris carried by Ahmad Busri bin Sbehra is a keris made of iron with a cover sheath made of a combination of brown and black wood with a length of approximately 35

cm without being equipped with a permit so that the defendant was arrested along with the evidence.

Basically, legal subjects (individuals or groups) are responsible for every legal action they take, so if someone commits a criminal act that causes harm to others, they must be responsible for the harm caused unless there is a reason to exempt them.

In other words, legal protection as an elaboration of the legal function, namely the concept that the law can provide justice, order, certainty, benefits, and peace. Regarding opinions quoted from several legal protection experts as follows:

According to Satjito Rahardjo, legal protection is an effort to protect someone's interests by allocating Human Rights Strength for them to act in the interests.

According to Setiono, legal protection is an act or effort to protect society from arbitrary actions by authorities that are not in accordance with the law, to create order and tranquility so that people can enjoy their dignity as individuals.

According to Muchsin, legal protection is an activity to protect individuals by harmonizing the relationship of values or rules manifested in attitudes and actions to create order in social life among each other.

According to Philipus M. Hadjon, it is always associated with power. Two powers of government and economic power. In a relationship with government power, the issue of legal protection for the people (ruled), against the government (in power). Regarding economic power, the issue of legal protection is protection for the weak (economically) against the strong (economically), for example, worker protection against employers.

Basically, legal protection does not discriminate against people whether male or female. Indonesia as a legal state based on Pancasila Legal protection must be given to its citizens because legal defense will be recognized and protected in human rights in its form as individuals and as social beings in a unitary state that upholds the spirit of kinship to achieve collective welfare.

In the Indonesian dictionary, protection comes from the word "lindung," which means protection, prevention, preservation, guarding, and strengthening. Meanwhile, protection means preservation, maintenance, care, asylum, and bunker. In general, protection means protecting something from harmful things, which can be interests or objects or goods. In addition, protection also means protection by someone who is weaker. Thus, legal protection can be interpreted as protection or legal protection through the use of legal institutions and regulations.

Therefore, the defendant should be given legal protection because the keris is included in heirlooms, especially now that Sumenep has a new slogan, namely Sumenep City of Keris.

B. How does the judge consider giving a verdict in case number 94/pid.sus/2013/PN.Smp?

The judge, in rendering the verdict, considers several factors, as follows:

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- 1) Considering that during the trial, the Defendant's statement was heard, summarized as follows:
- 2) On Tuesday, March 5, 2013, around 22:10 WIB, on Asta Tinggi Street, Kebuagung Village, Kota Subdistrict, Sumenep Regency, witnesses Benny Halizah Putra and police officer Andre Asmara stopped the Defendant who was riding a motorcycle.
- 3) At that time, the Defendant indeed had a keris tucked under the right side of his shirt.
- 4) Witness Benny immediately instructed the Defendant to take out the keris, and the Defendant handed it over to witness Andre.
- 5) When asked about permission to carry the weapon, the Defendant stated there was none.
- 6) The keris belonged to the Defendant and was carried for self-defense because the Defendant was returning from a gathering and it was already late at night.
- 7) The Defendant promised not to carry a weapon again.

Considering that during the trial, evidence related to this case was presented, namely a keris (guluk = Madura language) made of iron with a brown and black wooden sheath, approximately 35 cm long; Considering that although based on the testimony of the witnesses, the defendant, and the evidence in this case, the Panel of Judges believes there is consistency among them, thus the following legal facts can be established:

- 1) Indeed, on Tuesday, March 5, 2013, around 22:10 WIB, on Asta Tinggi Street, Kebuagung Village, Kota Subdistrict, Sumenep Regency, Witness Benny Halizah Putra and Police Witness Andre Asmara stopped the Defendant who was riding a motorcycle.
- 2) Indeed, the Defendant was carrying a keris tucked under his right shirt.
- 3) Indeed, when asked for permission to carry the knife, the Defendant stated there was none.
- 4) Indeed, the keris belonged to the Defendant and was carried for self-defense. Considering this, confirming that someone has committed a criminal act, the person's actions must meet all the elements entrusted to them.

Considering that the Defendant has been charged by the Public Prosecutor; the charge being a single violation of Article 2 Paragraph (1) of Emergency Law No. 12 of 1951, with the following elements:

- 1) Whoever has the item or whoever;
- 2) Without the right, controls, carries, owns a stockpile, hides, uses any stabbing or thrusting weapon.

Ad. 1 Whoever

Considering that the term "whoever" referred to here is a legal entity or subject or perpetrator of the crime, and in criminal law whether a person, regardless of whether they are male or female without gender discrimination, can be a legal subject or subject to criminal liability for the alleged act;

While the subject is a legal subject or person presented in this case, namely the defendant AHMD BUSRI ARAID SUBEHRA whose full identity is as follows: as mentioned in the indictment letter of the Public Prosecutor which is corroborated by the

Defendant, and reinforced by witnesses in the trial who identified and confirmed the Defendant's identity as stated in the indictment letter of the Public Prosecutor and that no other person is recommended by the Public Prosecutor as a defendant in this case, so the element of "whoever" here is fulfilled by the Defendant.

Ad 2. Element without authority to control, carry, possess a stockpile, or have in one's possession, conceal, use any stabbing or thrusting weapon

Considering that the meaning of "without authority" is not having a legal basis or not authorized to perform an act or not having permission granted by an authority/power in the event that an act is determined to be done by first obtaining permission from the authorized party, while the act in question is alternative in nature, thus adjusted to the facts obtained in the trial as follows:

Indeed, on Tuesday, March 5, 2013, around 22:10 WIB, on Asta Tinggi Street, Kebuagung Village, Kota Subdistrict, Sumenep Regency, Witness Sumenep Benny Halizah Putra and Police Witness Andre Asmara stopped the Defendant who was riding a motorcycle. Indeed, the Defendant was carrying a keris tucked under the right side of his shirt. Indeed, when asked for permission to carry the knife, the Defendant stated there was none; Indeed, the keris belonged to the Defendant and was taken for self-defense.

Conclusion

The Importance of Legal Protection: The keris, as part of cultural heritage, requires legal protection to ensure respect for its existence and prevent misuse. Culture and Progress: The development of keris culture is a crucial part of advancing local culture. Legal protection can serve as a foundation to facilitate these developmental efforts. Awareness of Cultural Heritage: Legal protection for keris carriers emphasizes the importance of awareness of cultural heritage and the historical values inherent in the keris. Responsible Carriage: Legal protection also emphasizes the importance of responsible keris carriage, understanding the values and ethics associated with this cultural heritage.

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