

## **ABSTRACT**

Indonesia, as a state based on the rule of law, has a constitutional obligation to protect human rights (HAM) as stipulated in the 1945 Constitution of the Republic of Indonesia and reinforced by Law No. 39 of 1999 on Human Rights. However, the reality often reveals a gap between legal norms and their implementation. One case that illustrates this discrepancy is the shooting of a car rental business owner in Tangerang by a member of the Indonesian Navy (TNI AL), which resulted in the victim's death. This incident raised debates regarding the protection of the right to life, the right to security, and the mechanisms of legal accountability, particularly within the context of military courts, which are often perceived as lacking transparency. The case attracted public attention as it reflected the weakness in enforcing the principle of non-impunity and human rights protection in Indonesia.

The method used in this research employs a descriptive analytical specification, aiming to systematically describe the legal facts and events in the case of the shooting of a car rental businessman in Tangerang by members of the Indonesian National Armed Forces (TNI). This study applies a normative juridical approach, which focuses on examining legal norms and positive law principles by reviewing statutory regulations, legal theories, and relevant doctrines, particularly those related to human rights violations and the military justice system. The research stage was carried out through library research, in which research materials were obtained from laws and regulations, books, academic journals, and court decisions, complemented by interviews with relevant resource persons. The data were analyzed qualitatively by examining the coherence between legal norms, judicial practice, and the reality of human rights protection in the aforementioned shooting case.

The shooting by a TNI AL member against a civilian in Tangerang constitutes a fundamental human rights violation, particularly the right to life and security. From the perspective of criminal law, the act fulfills the elements of premeditated murder as regulated in Article 340 of the Penal Code. The principle of equality before the law, guaranteed by the 1945 Constitution, affirms that every individual, including military personnel, must be treated equally before the law. There should be no exceptions or special protections that may foster impunity. However, the military justice system is considered insufficient to fully guarantee transparency, accountability, and justice for victims and their families. Therefore, reforms in the military justice system, the strengthening of supervisory institutions such as Komnas HAM and LPSK, as well as enhanced human rights education for law enforcement officers are necessary to ensure that law enforcement aligns with the principles of the rule of law and guarantees the protection of human rights.

**Keywords: Human Rights, Shooting, Military Court, Legal Protection**