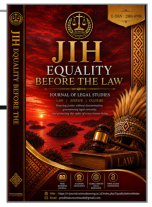
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Legal Analysis of Tilamuta District Court Decision No. 12/Pid.B/2025/PN Tmt. on a Victim Turned Offender from the Perspective of Justice

[1st] Zein Samsia Ibrahim*, [2nd] Suwitno Y. Imran, [3rd] Apripari

[1]*Universitas Negeri Gorontalo, Indonesia*
[2]*Universitas Negeri Gorontalo, Indonesia*
[3]*Universitas Negeri Gorontalo, Indonesia*

*email: zeynibrahim2004@gmail.com, suwitno@ung.ac.id, apripari@ung.ac.id

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ABSTRACT

*Necessary defence (*noodweer*) is a justification in criminal law that removes the unlawfulness of an act when it is committed in response to an immediate and unlawful attack. A problem arises when a person who was previously the victim of assault is subsequently named an offender in a later case, as occurred in Tilamuta District Court Decision No. 12/Pid.B/2025/PN Tmt. This article aims to analyse whether the elements of necessary defence are satisfied in that decision and to examine the decision from the standpoint of legal justice. The study employs a normative legal method with statute and case approaches, analysed descriptively and analytically using primary, secondary, and tertiary legal materials. The findings show that the elements of necessary defence are satisfied at the initial phase of the incident, when the defendant faced an immediate and real physical attack from the victim inside the room, but that the acts committed after leaving the room exceeded the limits of necessity and proportionality in defence. Viewed through the theories of justice of Gustav Radbruch, Aristotle, and John Rawls, the punishment of the defendant, who had previously been a victim in Decision No. 43/Pid.B/2024/PN Tmt., should proportionately take that history into account, so that criminal liability is imposed only for acts that genuinely exceeded the limits of necessary defence.*

1. INTRODUCTION

Article 1(3) of the 1945 Constitution of the Republic of Indonesia affirms that Indonesia is a state based on the rule of law, so that all acts of government and of social life must be guided by prevailing legal provisions. This principle requires that the protection of human rights, including the right to security and the right to defend oneself, be given concrete form in the enforcement of criminal law.

One form of crime that frequently occurs in society is assault (*penganiayaan*), namely an act that causes pain, suffering, or injury to another person's body (Zaidun & Setiyono, 2024). In practice, conduct that outwardly satisfies the elements of assault

cannot always be held criminally liable where it was carried out in defence against an unlawful attack. This concept is known in criminal law as necessary defence (*noodweer*), a justification that removes the unlawfulness of an act because it was committed to defend one's person, one's sexual honour, or one's property against an immediate and unlawful attack or threat of attack (Refin & Azizi, 2023). *Noodweer* is regarded as a legitimate form of defence (Suryantoro, 2019) and as a ground for removing criminal liability (Maulidah & Hengki, 2023), so that the actor cannot be held criminally responsible because an originally unlawful act becomes justified (Kusuma et al., 2023). Unlike duress (*overmacht*), which arises from external compelling circumstances, *noodweer* concerns acts of self-defence against an unlawful attack (Wailisahalong et al., 2024).

Necessary defence is now regulated in Article 34 of Law No. 1 of 2023 on the Criminal Code (Law 1/2023), which came into force on 2 January 2026 (Republik Indonesia, 2023) and is substantively identical to Article 49(1) of the former Criminal Code (KUHP). Excessive necessary defence (*noodweer exces*) is regulated in Article 43 of Law 1/2023 (formerly Article 49(2) of the former Criminal Code) as an excuse that requires a violent mental disturbance resulting from the attack (Sanjaya et al., 2022).

The analysis in this article focuses on Law 1/2023 as the national criminal law currently in force, namely Article 34 on necessary defence, Article 43 on excessive necessary defence, and Article 466 on assault. The former Criminal Code is mentioned only as the legal basis applied by the panel of judges, for three reasons. First, the events occurred in 2024 and were decided in 2025, before Law 1/2023 came into force, so that the principle of legality (Article 1(1) of the former Criminal Code) made the former Code the basis of punishment in the decisions. Second, an accurate assessment of the decisions requires examining the provisions the judges actually applied. Third, Article 3 of Law 1/2023 (like Article 1(2) of the former Criminal Code) provides that if the regulations change after an act has been committed, the new regulations apply unless the former ones are more favourable to the offender, so that the two sets of provisions must be compared. Because the formulations of necessary defence in both are substantively identical, the outcome of the analysis does not differ.

Although the provisions on *noodweer* are normatively clear, judicial practice still reveals a number of cases in which a victim's act of self-defence nonetheless results in punishment. For example, in Decision No. 1/Pid.Sus-Anak/2020/PN Kpn, a teenager who stabbed a mugger who had attacked him was still convicted because the panel of judges held that his act satisfied neither the elements of *noodweer* nor those of *noodweer exces* (Armiyanto & Tobing, 2022). A similar phenomenon occurs in assault cases involving self-defence that exceeded permissible limits (Susanti & Maduri, 2023) and in the case of a victim of sexual violence who defended herself to the point that the

perpetrator suffered permanent disability (Pradini, 2025). This shows that the application of necessary defence as a justification in judicial practice is not always consistent (Annisaa & Santoso, 2023; Yanto & Suwardi, 2026), so that achieving a just criminal justice process in necessary-defence cases remains problematic and calls for solutions (Bahri, 2021). On the one hand, there are decisions that accept necessary defence and discharge the defendant from all legal claims (Kusuma et al., 2023). On the other hand, defence that results in a fatality is often rejected as disproportionate (Yanto & Suwardi, 2026), so that the boundary between necessary defence and excessive necessary defence has become a subject of study in its own right (Fatimah et al., 2025). The problem even arises in cases involving minors (Febriansyah, 2023). Judges are therefore required to examine the chronology of events and the causal relationship between the attack and the act of defence thoroughly (Alfathan et al., 2025).

This problem is vividly illustrated in the case that forms the object of this study, namely the series of events between Rahmat Duhe alias Dandi, a member of the Indonesian National Police, and Taufik Y. Nur alias Upik, a health worker within the jurisdiction of the Tilamuta District Court. The events began when Rahmat came to Taufik's room while Taufik was resting and struck him repeatedly, causing a fractured nose and other serious injuries. For this act, Rahmat was sentenced to one year's imprisonment by Tilamuta District Court Decision No. 43/Pid.B/2024/PN Tmt. for assault resulting in serious injury under Article 351(2) of the former Criminal Code (Pengadilan Negeri Tilamuta, 2024).

The case did not end with that decision. Rahmat's family filed a counter-report against Taufik with the police, as a result of which Taufik was named a suspect and tried in Tilamuta District Court Decision No. 12/Pid.B/2025/PN Tmt. for the acts of resistance he committed when facing Rahmat's attack. In that decision, the panel of judges distinguished Taufik's acts while inside the room, which were assessed as necessary defence, from his acts after he was outside the room, which were assessed as having exceeded the limits of defence, and sentenced him to one month's imprisonment (Pengadilan Negeri Tilamuta, 2025). This situation raises an intriguing legal question: how can a victim in one assault case also be named an offender in a subsequent case, and does such punishment reflect the principle of legal justice?

Previous studies have addressed situations in which crime victims become suspects because they defended themselves, including victims of street robbery from a victimological perspective (Utami, 2024), from the perspective of Islamic criminal law (Puspita et al., 2025), and from the principle of victim repositioning in *noodweer exces* (Puspanegara et al., 2024). Syam et al. (2026) even examined a case in the Limboto District Court whose pattern closely resembles the case in this study, namely a defendant who had been recognised as a victim in an earlier decision but whose

noodweer plea was rejected; their critique centres on inconsistent judicial reasoning and the failure to test subsidiarity, proportionality, and *culpa in causa* cumulatively. Unlike those studies, this study focuses its analysis on separating two phases of the incident, namely the defence inside the room and the phase that followed, across two interrelated decisions, and analyses them from the perspective of theories of justice. This perspective is relevant because the philosophy of law serves as a reflective and evaluative foundation so that law enforcement does not stop at formal certainty alone (Handayani et al., 2018; Januri & Lita, 2023).

Based on the foregoing, the problems examined in this article are: (1) whether the elements of necessary defence are present in Tilamuta District Court Decision No. 12/Pid.B/2025/PN Tmt.; and (2) how the punishment of a victim as an offender in that decision is to be assessed from the standpoint of legal justice. The article aims to analyse legally whether the elements of *noodweer* are satisfied in that decision and to examine the decision from the aspect of legal justice, thereby contributing academically to the development of criminal law scholarship, particularly on the boundary between self-defence and the offence of assault.

2. RESEARCH METHOD

The research underlying this article employs a normative (doctrinal) legal research method, namely research focused on the analysis of norms, doctrine, and legislation in order to provide legal certainty and theoretical solutions to the legal problems examined. The study treats written law (*law in books*) as the principal object of analysis in order to understand the essence of the problems of necessary defence and the justice of punishment under study.

To answer the problems raised, this study uses two approaches: a statute approach and a case approach. The statute approach is used to examine the provisions on necessary defence in Article 49(1) of the former Criminal Code and Article 34 of Law No. 1 of 2023 on the Criminal Code, while the case approach is used to examine the application of those provisions in Tilamuta District Court Decisions No. 43/Pid.B/2024/PN Tmt. and No. 12/Pid.B/2025/PN Tmt.

The legal materials used comprise primary, secondary, and tertiary materials. The primary legal materials include the 1945 Constitution of the Republic of Indonesia, the Criminal Code (*Wetboek van Strafrecht*), Law No. 1 of 2023 on the Criminal Code, and copies of the two court decisions. The secondary legal materials consist of books, scholarly journals, and earlier research relevant to necessary defence, the position of victims in criminal proceedings, and theories of justice, while the tertiary legal materials include legal dictionaries and other supporting sources.

Legal materials were collected through library research, namely the searching, reading, and review of relevant legal materials. The collected materials were then

analysed descriptively and analytically using systematic, grammatical, and teleological interpretation to uncover the full meaning of the provisions in the context of the case, followed by prescriptive legal argumentation to draw conclusions on what law enforcement officials should apply in the case analysed.

The research strategy and its implementation proceeded in five stages. First, the author identified and inventoried the primary legal materials, chiefly the two decisions and the provisions on necessary defence in Law 1/2023 together with their equivalents in the former Criminal Code. Second, the author compiled the statement of facts from the two decisions and separated the events into two phases: the acts inside the room and the acts after Taufik was outside the room. Third, the author tested the three elements of necessary defence, namely an unlawful attack, an attack that is immediate and real, and a defence that is necessary and proportionate, cumulatively at each phase. Fourth, the results of this testing were reviewed using the theories of justice of Gustav Radbruch, Aristotle, and John Rawls to assess the reasonableness of punishing a party who had previously been a victim. Fifth, the author formulated conclusions and recommendations prescriptively on the basis of the analysis.

3. RESULTS AND DISCUSSION

3.1 Statement of Facts

The case under study consists of two interrelated decisions involving the same two parties in different legal positions. The first decision, Tilamuta District Court Decision No. 43/Pid.B/2024/PN Tmt., tried Rahmat Duhe alias Dandi for assault causing serious injury to Taufik Y. Nur alias Upik. According to the facts established at trial, on 17 April 2024 Rahmat came to Taufik's room, where Taufik was resting in the Paguyaman Community Health Centre staff dormitory, and repeatedly struck Taufik on the head and face, causing a fractured nose and several other injuries as evidenced by the *Visum et Repertum* (Tilamuta District Court, 2024). Although the public prosecutor demanded eight months' imprisonment, the panel of judges imposed one year's imprisonment because he was proven legally and convincingly to have committed assault resulting in serious injury under Article 351(2) of the former Criminal Code, the equivalent of which is Article 466 of Law 1/2023 (Tilamuta District Court 2024).

The second decision, Tilamuta District Court Decision No. 12/Pid.B/2025/PN Tmt., in turn tried Taufik Y. Nur as the defendant for assault against Rahmat Duhe. The case originated in a counter-report filed by Rahmat's family after the first decision was handed down. According to the facts established at trial, when Rahmat entered Taufik's room and struck and kicked him, Taufik resisted with his legs and hands to fend off the attack. After leaving the room, the quarrel continued until Taufik again used violence against Rahmat before nearby residents came to separate them. The panel of judges

sentenced Taufik to one month's imprisonment because he was found to have committed assault under Article 351(1) of the Criminal Code.

3.2 Elements of Necessary Defence (Noodweer) in Decision No. 12/Pid.B/2025/PN Tmt.

Necessary defence (*noodweer*) is a justification that removes the unlawfulness of an act because it was committed in order to defend oneself against an unlawful attack. Van Bemmelen explains that necessary defence arises from a legal emergency (*juridische noodtoestand*) that places the actor in a position of having to choose between two conflicting legal interests, so that the law justifies the act of defence as long as it is done to defend a lawful right (Refin & Azizi, 2023). Under Article 34 of Law 1/2023, which is substantively identical to Article 49(1) of the former Criminal Code, necessary defence has three principal elements: (1) an unlawful attack; (2) the attack is immediate and real; and (3) the act of defence is necessary and proportionate to the threat faced (Refin & Azizi, 2023). These elements are cumulative, so that failure to satisfy any one of them makes this ground for removing criminal liability inapplicable (Syam et al., 2026). The principles of subsidiarity and proportionality are likewise recognised as the main requirements of self-defence, both in the Dutch doctrine that underlies the Indonesian Criminal Code (Audina & Hapsari, 2024) and in comparative studies of common law systems that emphasise necessity and limits on the use of defensive force (Leider, 2018).

3.2.1 The Existence of an Unlawful Attack

Based on the legal facts in Decision No. 12/Pid.B/2025/PN Tmt., the events began when Rahmat entered Taufik's room while Taufik was asleep and immediately used physical violence in the form of punches and kicks. These facts show that Taufik was not the party who initiated the violence but the one who received Rahmat's attack directly. Accordingly, the first element of necessary defence, an unlawful attack, is satisfied at this phase, because Taufik's position at the start of the incident cannot be equated with that of someone who deliberately sought a fight. This assessment accords with the principle of *culpa in causa*, which denies self-defence to a person who deliberately provokes or enters a conflict (Malasai, 2019; Syam et al., 2026); in this case there are no facts showing that Taufik provoked Rahmat's attack, and the assessment of the chronology and of the causal relationship between attack and defence is indeed the key to testing *noodweer* (Alfathan et al., 2025).

3.2.2 An Immediate and Real Attack

The attack Taufik faced was not a completed threat or an abstract fear, but a concrete attack that occurred suddenly when Taufik had only just woken up in a closed room (Tilamuta District Court, 2025). These circumstances show that Taufik had no opportunity to prepare himself or to avoid the attack, so that the elements of immediacy

and reality of the attack are likewise satisfied. It is precisely such circumstances that explain why the law legitimises a person's act of stopping an attack without waiting for state assistance, because an immediate attack leaves no room to call for help (Kusuma et al., 2023). In assessing immediacy, the time lapse between the attack and the act of defence is an important measure (Serbabagus & Mubarak, 2022); at the phase inside the room, there was no lapse that would have allowed Taufik to escape.

3.2.3 Necessity and Proportionality of the Act of Defence

While being physically attacked in an enclosed space with no opportunity to flee, Taufik's response of using his hands and legs to fend off Rahmat's blows was an act directly and proportionately related to the attack he was facing. In line with the panel of judges' reasoning, the author is of the opinion that Taufik's acts at this phase, that is, while he was inside the room, satisfy the principles of subsidiarity and proportionality in necessary defence as required by the *noodweer* doctrine (Lakoy, 2020). This proportionality must also be assessed contextually, taking into account the confined space and the spontaneous situation, not solely the physical consequences that resulted (Syam et al., 2026). In judicial practice, proportionality is likewise the main factor in whether judges accept or reject a *noodweer* plea (Yanto & Suwardi, 2026).

However, the acts Taufik committed after he was outside the room, when Rahmat's initial attack had subsided and the situation had changed, can no longer be categorised as necessary and proportionate defence but had become independent acts of assault. Those acts also cannot automatically be justified as *noodweer exces*, because exceeding the limits can be excused only if it was directly caused by a violent mental disturbance resulting from the attack (Sanjaya et al., 2022; Labibah, 2025), and that must be proven separately. A summary of the assessment of the elements at the two phases of the incident is presented in Table 1.

Table 1. Assessment of the Elements of Necessary Defence at Two Phases of the Incident

No	Element	Inside the room	After leaving the room
1	Unlawful attack	Satisfied: Rahmat punched and kicked Taufik, who was asleep	Not satisfied: the initial attack had subsided
2	Immediate and real attack	Satisfied: sudden attack in an enclosed space with no opportunity to escape	Not satisfied: the situation had changed and there was no immediate threat
3	Necessary and proportionate defence	Satisfied: fending off the attack with hands and legs	Not satisfied: exceeded the limits and stood alone as assault
4	Legal consequence	Necessary defence (noodweer)	Assault, Article 351(1) of the Criminal Code

Source: Author's analysis based on Decision No. 12/Pid.B/2025/PN Tmt. (2025)

3.2.4 The Relationship between the Elements of Necessary Defence and the Theory of Justice

Under Gustav Radbruch's concept of justice, law is aimed not only at achieving legal certainty but must also take account of justice and utility (Santoso, 2021), because law cannot be separated from its relationship with morality (Al'anam, 2025). Applying that concept to Taufik's case, the assessment of his conduct cannot rest only on the satisfaction of the formal elements of assault but must also consider the fact that, before committing those acts, Taufik was first in the position of the party being attacked. Accordingly, the element of necessary defence that is satisfied at the initial phase of the incident is an important part that must be considered in assessing Taufik's criminal liability as a whole, even though his acts after leaving the room must still be assessed separately.

3.3 A Legal Justice Review of the Punishment of a Victim as an Offender

The problem of legal justice in Decision No. 12/Pid.B/2025/PN Tmt. cannot be separated from the series of events that preceded it, namely Taufik's position as the victim in Decision No. 43/Pid.B/2024/PN Tmt. (Pengadilan Negeri Tilamuta, 2024, p. [xx]). The distinctive feature of this case lies in the fact that a party who had earlier been lawfully declared the victim of assault was subsequently named and punished as an offender in a later case, as a result of a counter-report filed by the family of the perpetrator in the first case. From a victimological standpoint, a victim is understood as a party who suffers as a result of another party's act (Huda, 2022), and this situation shows that a person who was originally a victim may become an offender in legal proceedings because of acts of defence he carried out (Puspita et al., 2025; Utami, 2024). Such a shift in position is consistent with criminological studies of the victim–offender overlap (Berg & Schreck, 2022).

3.3.1 Review of the Judges' Considerations

The panel of judges in Decision No. 12/Pid.B/2025/PN Tmt. essentially distinguished Taufik's acts while inside the room, which were categorised as necessary defence, from his acts after he was outside the room, which were assessed as having exceeded the limits of defence (Pengadilan Negeri Tilamuta, 2025, p. [xx]). The author agrees with this distinction, because not all of Taufik's acts share the same legal character. This approach is more careful when compared with the case in the Limboto District Court, where the panel rejected the *noodweer* plea of a defendant who had previously been recognised as a victim by characterising the incident as a mutual fight, without testing subsidiarity, proportionality, and *culpa in causa* cumulatively (Syam et al., 2026).

From the perspective of legal justice, however, the existence of necessary defence at the initial phase should receive adequate weight in determining Taufik's

criminal liability as a whole, given that his acts did not arise without cause but were preceded by a physical attack carried out first by Rahmat, as proven in Decision No. 43/Pid.B/2024/PN Tmt. (Pengadilan Negeri Tilamuta, 2024, p. [xx]). The difficulty is that the weight given to this fact depends heavily on the judge's contextual assessment, while consistent jurisprudential guidance is not yet available (Yanto & Suwardi, 2026). This condition underscores the need for judges to test the plea of defence thoroughly so that legal certainty and substantive justice are both secured (Syam et al., 2026).

3.3.2 Review Based on Theories of Justice

The justice of Taufik's punishment can be analysed through three theoretical perspectives on justice. First, Gustav Radbruch's theory of justice places justice as one of the aims of law alongside legal certainty and utility, so that applying Article 351(1) of the Criminal Code to Taufik should not ignore the fact that some of his acts were a response to an attack previously made on him (Santoso, 2021). Second, Aristotle's concept of proportional justice requires that each person receive treatment according to what is due to him in light of the context of the relationship and his role, not equal treatment for all (Pratama et al., 2024; Salman & Budhiartie, 2024). Applied to this case, Taufik's position as the party previously attacked is a relevant factor that should affect the proportion of his criminal liability. Third, John Rawls's idea of justice, which understands justice as fairness and emphasises fair treatment of those in a disadvantaged position (Handayani et al., 2025), is likewise relevant to Taufik, given that he was initially the victim of violence before his position changed to that of defendant (Ramadhan, 2024).

On the basis of these three perspectives, the author is of the opinion that justice in this case does not mean releasing Taufik entirely from criminal liability, but ensuring that such liability is imposed only on acts that genuinely exceeded the limits of necessary defence, namely the acts he committed after he was outside the room. Taufik's acts while facing Rahmat's attack inside the room should still be taken into account as part of necessary defence that mitigates the assessment of his conduct as a whole, so that the legal process that places him as a defendant does not disregard his history as a victim in Decision No. 43/Pid.B/2024/PN Tmt.

4. CONCLUSION AND RECOMMENDATIONS

This study answers two research questions. First, in Decision No. 12/Pid.B/2025/PN Tmt., Taufik Y. Nur's acts inside the room satisfy all three elements of *noodweer* because he was first attacked by Rahmat Duhe suddenly and in a real manner, so that those acts should not be treated as mere assault. By contrast, Taufik's acts after leaving the room no longer satisfy those elements because the initial attack had subsided, and he may therefore still be held criminally liable. Second, in terms of justice, Taufik's punishment needs to be measured proportionately by taking into

account his status as a victim in Decision No. 43/Pid.B/2024/PN Tmt. The views of Radbruch, Aristotle, and Rawls alike point towards imposing liability only for acts that exceeded the limits of defence, without disregarding the context and history of the events.

Based on these findings, law enforcement officials and judges are advised to trace the series of events as a whole before naming a person as an offender in a case arising from the same incident, and to separate clearly acts of self-defence from acts committed after the attack has ended. For members of the public who experience an attack or violence, it should be understood that self-defence has legal limits; once the threat has ended, the matter should be left to law enforcement officials so that it does not develop into a new criminal case.

For further research, it is recommended that this study be developed through empirical legal research, including interviews with judges, prosecutors, and investigators on how they consider counter-reports filed by victims or by perpetrators' families. Future research may also compare other decisions with a similar pattern of a victim becoming a defendant, and examine the application of Articles 34 and 43 of Law No. 1 of 2023 to cases examined after that law came into force.

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