

A Legal Analysis of Self-Defense (Noodweer) in Criminal Assault Cases

Alfredo Rynaldi^{1*}, Hadina Rivaldi Diaz², Angga Hendrawinangun³

^{1,2}Department of Criminology, Faculty of Social and Political Sciences, Universitas Indonesia, Depok, Indonesia

³Department of Law, Faculty of Law, Universitas Krisnadwipayana, Bekasi, Indonesia

Email: ¹⁾ alfredohoki@gmail.com

Received : 03 June - 2026

Accepted : 29 June - 2026

Published online : 01 July - 2026

Abstract

The application of self-defense (*noodweer*) in assault cases remains a controversial issue in Indonesian criminal law, particularly regarding the limits of justified defensive actions and criminal liability in spontaneous multi-party conflicts. This study aims to analyze the criminal liability of the parties involved and examine the applicability of *noodweer* and *noodweer excès* under the Indonesian Criminal Code. This research employs a normative juridical method using statutory and conceptual approaches. Primary legal materials consist of Articles 49 and 351 of the Indonesian Criminal Code, supported by secondary legal materials, including legal doctrines, scholarly literature, and recent studies. The collected legal materials were analyzed qualitatively through descriptive-analytical methods. The findings indicate that A acted as the initial aggressor by initiating and continuing unlawful violence against B and C. Although B's act of striking A with a wooden object formally fulfills the elements of assault, it may be justified as *noodweer* or alternatively categorized as *noodweer excès*. Meanwhile, C's intervention is solely aimed at preventing further violence and therefore does not constitute a criminal offense. The study emphasizes the importance of contextual interpretation, proportionality, and defense of others in determining criminal liability.

Keywords: Assault, Criminal Liability, Criminal Law, *Noodweer excès*.

1. Introduction

Criminal law serves as a fundamental instrument for protecting legal interests and maintaining public order against unlawful conduct (Putri & Kuswandi, 2026). Nevertheless, not every act that fulfills the formal elements of a criminal offense automatically results in criminal liability. Criminal law recognizes several grounds that may exclude unlawfulness or culpability, commonly referred to as justifications and excuses (Sibero et al., 2024). One of the most significant justifications is self-defense (*noodweer*), as regulated under Article 49 of the Indonesian Criminal Code. The doctrine of *noodweer* permits an individual to undertake actions that would otherwise constitute a criminal offense when such actions are necessary to protect oneself or another person from an imminent and unlawful attack (Santoso, 2023).

Despite its normative recognition, the application of self-defense remains controversial in criminal law practice. The primary challenge lies in determining the limits of proportionality between the unlawful attack and the defensive response. In many cases, defensive actions result in physical harm to the aggressor, creating uncertainty regarding whether the conduct should be regarded as lawful self-defense or criminal assault (Zumaroh & Rusdiana, 2025). This issue becomes increasingly complex when violence occurs in spontaneous and dynamic situations involving multiple parties, where the distinction between aggressor, victim, and defender is often blurred.



Article 49 of the Indonesian Criminal Code requires several conditions for the application of *noodweer*, including the existence of an unlawful attack, immediacy of the threat, and proportionality of the defensive act (Tongat, 2003). However, the interpretation of these requirements frequently varies among law enforcement officials and courts, particularly concerning the assessment of necessity and proportionality. As a result, individuals who act to protect themselves or others may still face criminal prosecution despite acting under circumstances that appear to justify defensive conduct (Remmelink & Moeliono, 2003).

The case examined in this study involves a spontaneous violent confrontation among three individuals, namely A, B, and C. The sequence of events occurred as follows. Initially, A challenged B to engage in a physical fight. B did not respond to the challenge and deliberately ignored A's provocation. Despite B's refusal to engage in the confrontation, A approached B and immediately punched B in the face. At this stage, B did not retaliate or engage in any physical resistance. Shortly thereafter, C arrived at the scene and attempted to stop the altercation. C intervened by physically pushing A away from B with the sole intention of separating the parties and preventing further violence. However, instead of ceasing the confrontation, A redirected the violence toward C and punched C several times. While A was still engaged in physically assaulting C, B became alarmed by the continuing violence and the imminent danger faced by both him and C. In response to the ongoing attack, B picked up a piece of wood located near the scene and struck A once to stop the assault and prevent further harm. Consequently, the confrontation involved three distinct phases: (1) A initiated the conflict by provoking and subsequently assaulting B; (2) A continued the unlawful attack by assaulting C, who intervened to stop the violence; and (3) B responded by striking A with a wooden object while A was still actively attacking C. These factual circumstances constitute the basis for analyzing the legal qualification of B's conduct, the applicability of *noodweer* and *noodweer excès*, and the legal status of C's intervention under Indonesian criminal law.

Previous studies on self-defense have predominantly focused on situations involving direct attacks against the defender. Comparatively limited attention has been devoted to the legal implications of defending third parties in spontaneous multi-party conflicts, particularly in relation to proportionality and criminal liability (Arief, 2008). Consequently, a gap remains in understanding how the doctrines of *noodweer* and *noodweer excès* should be applied when defensive actions are undertaken to protect another person from an ongoing unlawful attack.

Despite the growing body of literature on self-defense, existing studies have predominantly focused on direct self-defense against attacks targeting the defender. Comparatively limited scholarly attention has been devoted to the application of *noodweer* and *noodweer excès* in spontaneous multi-party conflicts involving third-party intervention and the protection of others. Consequently, significant uncertainty remains regarding the legal status of individuals who intervene to protect victims during ongoing violence. Accordingly, this study addresses the following research questions: (1) How should B's conduct be legally qualified under Indonesian criminal law? (2) To what extent can the doctrines of *noodweer* and *noodweer excès* be applied to B's actions? and (3) What is the legal status of C's intervention from the perspective of justifications under Indonesian criminal law?

This study seeks to fill that gap by analysing the legal qualification of B's conduct from the perspective of assault, examining the applicability of *noodweer* and *noodweer excès*, and assessing the legal status of C's intervention as a potential justification under Indonesian criminal law. The novelty of this research lies in its focus on the intersection between self-defense, defense of others, and spontaneous multi-party violence, an area that has received limited scholarly attention.

Previous studies have extensively examined the doctrine of self-defense (*noodweer*) within the framework of Indonesian criminal law. For example, Wafi & Firmansyah (2025) analyzed judicial interpretations of proportionality in self-defense cases and found inconsistencies in determining the reasonable limits of defensive actions. However, their study focused primarily on the proportionality requirement in bilateral conflicts between an aggressor and a victim, without addressing situations involving third-party intervention. Similarly, Mardhatillah et al. (2024) examined the application of *noodweer excès* in Indonesian court decisions by emphasizing the psychological condition of the defender. Although the study contributed to understanding the relationship between emotional disturbance and criminal liability, it did not analyze cases involving multiple actors or the legal status of individuals intervening to protect others. In addition, Arief (2008) discussed the doctrinal foundations of self-defense and the protection of legal interests under Indonesian criminal law, yet the analysis remained largely theoretical and did not specifically address spontaneous multi-party violence involving an aggressor, a defender, and a third-party intervener.

Accordingly, the existing literature has predominantly focused on bilateral aggressor-victim relationships and has paid limited attention to the interaction between self-defense, defense of others, and spontaneous multi-party violence. The novelty of this research therefore lies in its examination of self-defense within a spontaneous multi-party conflict involving an aggressor, a defender, and a third-party intervener. This study further integrates the doctrines of *noodweer*, *noodweer excès*, and defense of others into a single analytical framework, while emphasizing contextual assessments of proportionality that incorporate psychological, situational, and social dimensions in determining criminal liability.

Theoretically, this study contributes to the development of Indonesian criminal law doctrine concerning self-defense and criminal liability. Practically, it is expected to provide guidance for law enforcement officials and courts in assessing cases involving defensive actions undertaken to protect oneself or third parties from unlawful attacks.

2. Literature Review

2.1. Theory of Criminal Offenses (*Strafbaar Feit*)

The concept of a criminal offense (*Strafbaar Feit*) constitutes the fundamental basis for determining whether an act falls within the scope of criminal law. According to Ali (2022), a criminal offense refers to an act prohibited by law and punishable by criminal sanctions. However, modern criminal law doctrine distinguishes between the fulfillment of the formal elements of an offense and the imposition of criminal liability. The existence of a criminal act alone is insufficient to justify punishment if circumstances exist that negate unlawfulness or culpability.

This distinction is particularly relevant to the present study. Although B's conduct formally fulfills the elements of assault, the legal analysis cannot stop at the establishment of the offense. It must further examine whether the act was committed under circumstances that justify or excuse criminal liability. Therefore, the theory of criminal offenses serves as the starting point for evaluating the legal qualification of B's conduct before assessing the applicability of self-defense doctrines.

2.2. Theories of Criminal Liability

Criminal liability is grounded in the principle of “*Geen Straf Zonder Schuld*” (no punishment without fault). According to Huda (2015), criminal liability requires not only the

commission of a criminal act but also the existence of blameworthiness attributable to the offender. Consequently, a person who commits an act that satisfies the elements of an offense may nevertheless avoid punishment if the law recognizes justifying or excusing circumstances.

In criminal law doctrine, justifications eliminate the unlawfulness of an act, whereas excuses eliminate the culpability of the offender (Saputra et al., 2026). This distinction is crucial for understanding the legal consequences of *noodweer* and *noodweer excès*. In the present case, the determination of B's criminal liability depends not only on whether the act constitutes assault but also on whether the surrounding circumstances justify or excuse the conduct.

2.3. Theory of Self-Defense (*Noodweer*)

Self-defense (*Noodweer*) is recognized as a justification under Article 49(1) of the Indonesian Criminal Code. The doctrine permits an individual to protect legally protected interests, including life, bodily integrity, honour, and property, against an unlawful and imminent attack (Sidabutar et al., 2026). Hamzah (2010) identifies four essential requirements for the application of self-defense: the existence of an unlawful attack, immediacy of the threat, necessity of the defensive action, and proportionality between the attack and the defense. Among these requirements, proportionality remains the most contested element in legal practice. Recent research by Wafi & Firmansyah (2025) demonstrates that Indonesian courts frequently adopt inconsistent interpretations regarding the permissible limits of defensive force, thereby generating legal uncertainty. Such inconsistency is particularly evident in cases involving spontaneous violence where defensive actions are taken under urgent circumstances.

In the context of the present study, B's conduct may be interpreted as an act of self-defense because it occurred during an ongoing unlawful attack initiated by A. The assessment therefore depends on whether the defensive response remained necessary and proportionate to the threat faced.

2.4. Theory of Excessive Self-Defense (*Noodweer excès*)

Article 49(2) of the Indonesian Criminal Code recognizes *noodweer excès* as a distinct doctrine from ordinary self-defense. While *noodweer* constitutes a justification, *noodweer excès* functions as an excuse that removes criminal liability despite the excessive nature of the defensive act (Prochorus & Tjoneng, 2025). According to Huda (2015), the defining characteristic of *noodweer excès* is the existence of a causal relationship between the unlawful attack and the severe emotional disturbance experienced by the defender. Consequently, the excessive response is not evaluated solely based on the degree of force used but also on the psychological condition of the actor at the time of the incident.

Recent studies support this interpretation. Mardhatillah et al. (2024) found that contemporary judicial decisions increasingly consider psychological factors such as panic, fear, and emotional shock when assessing claims of excessive self-defense. This development reflects a more contextual approach to criminal responsibility, emphasizing the realities faced by individuals during violent confrontations. Within the present case, B's use of a wooden object may be perceived as exceeding the limits of proportionality. Nevertheless, if such conduct resulted from panic or emotional distress caused by the ongoing attack against himself and C, the act may fall within the scope of *noodweer excès*.

2.5. Theory of Defense of Others

Although self-defense is commonly associated with protecting oneself, modern criminal law also recognizes the legitimacy of defending third parties against unlawful attacks. The

doctrine of defense of others is based on the principle that legal protection should not be restricted solely to the person directly threatened but should also extend to individuals who intervene to protect others from imminent harm. Arief (2008) argues that the protection of third parties represents an integral component of the broader doctrine of necessity and self-defense. Likewise, recent studies emphasize that criminal law should encourage lawful intervention to prevent ongoing violence rather than discourage individuals from assisting victims due to fear of criminal prosecution. This theory is particularly significant in the present study because B's actions were directed not only at protecting himself but also at preventing further harm to C. Similarly, C's intervention aimed to stop the unlawful attack rather than participate in the violence. Therefore, the doctrine of defense of others provides an important analytical framework for assessing the legality of both parties' actions.

2.6. Conceptual Framework

This study integrates the theories of criminal offenses, criminal liability, self-defense (*noodweer*), excessive self-defense (*noodweer exces*), and defense of others into a unified analytical framework for assessing criminal liability in cases of spontaneous multi-party violence. The analysis begins by determining whether the conduct of each party fulfills the formal elements of assault under Article 351 of the Indonesian Criminal Code. Subsequently, the study examines whether the existence of an unlawful and immediate attack, the necessity of the defensive act, and the proportionality of the response justify or excuse the conduct under Article 49 of the Criminal Code. Furthermore, the framework incorporates the doctrine of defense of others to evaluate the legality of interventions undertaken to protect third parties from ongoing unlawful attacks. Through this integrated approach, the study seeks to clarify the legal boundaries between criminal conduct, justified self-defense, and excused excessive self-defense in determining the criminal responsibility of the parties involved.

3. Methods

This study employed a normative legal research design to examine the application of self-defense (*noodweer*) and excessive self-defense (*noodweer exces*) in cases of spontaneous multi-party violence under Indonesian criminal law. A normative legal approach was selected because the study focuses on analyzing legal norms, principles, and doctrines governing criminal liability rather than investigating empirical social phenomena. The research adopted both statutory and conceptual approaches. The statutory approach was used to analyze the provisions of the Indonesian Criminal Code, particularly Article 49 concerning self-defense and Article 351 concerning assault, whereas the conceptual approach was employed to examine relevant criminal law doctrines, including theories of criminal offenses, criminal liability, self-defense, excessive self-defense, and defense of others. The study utilized primary and secondary legal materials. Primary legal materials consisted of statutory regulations, especially the Indonesian Criminal Code. Secondary legal materials comprised textbooks, legal commentaries, scholarly journal articles, and recent academic studies concerning self-defense, excessive self-defense, and criminal responsibility. All legal materials were collected through library research by systematically reviewing statutes and relevant legal literature.

The analytical procedure was conducted in several stages. First, the factual chronology involving A, B, and C was identified to formulate legal issues. Second, the collected legal materials were classified according to the research themes, namely criminal offenses, criminal liability, self-defense, excessive self-defense, and defense of others. Third, the facts of the case were compared with the applicable legal provisions and doctrinal requirements to assess the criminal liability of each party. The legal materials were subsequently analyzed qualitatively

using a descriptive-analytical method to interpret legal norms and evaluate the applicability of Articles 49 and 351 of the Indonesian Criminal Code. The validity of the findings was ensured through doctrinal consistency analysis by comparing statutory provisions, legal principles, scholarly opinions, and contemporary literature. The conclusions were drawn based on the consistency between the factual circumstances of the case, the applicable legal norms, and established criminal law doctrines.

4. Results and Discussion

Based on an analysis of the provisions of the Criminal Code, specifically Articles 49 and 351, the following findings were identified:

4.1. Legal Qualification of Subject A's Conduct

The analysis of the facts demonstrates that Subject A initiated the confrontation by challenging Subject B to fight and subsequently committing physical violence against B. When Subject C attempted to intervene and stop the altercation, Subject A also assaulted C. Therefore, Subject A acted as the initial aggressor and fulfilled the elements of assault under Article 351 of the Indonesian Criminal Code. The unlawful nature of A's conduct constitutes the primary basis for evaluating the legality of the defensive actions undertaken by B and C.

4.2. Assessment of Subject B's Conduct under Article 49 of the Indonesian Criminal Code

The legal assessment of Subject B's conduct was conducted using the doctrinal requirements of self-defense (*noodweer*) as stipulated in Article 49(1) of the Indonesian Criminal Code. The analysis focused on four essential elements: the existence of an unlawful attack, the immediacy of the threat, the necessity of the defensive act, and the proportionality of the response. First, the requirement of an unlawful attack was fulfilled. The facts demonstrate that Subject A initiated the confrontation by physically assaulting Subject B and subsequently attacking Subject C when the latter attempted to intervene. Such conduct constituted an unlawful attack against legally protected interests, namely bodily integrity and personal security. Second, the attack was immediate and ongoing at the time Subject B acted. The violence had not ceased, and Subject A continued to pose a direct threat to both B and C.

Therefore, the defensive response was undertaken in the presence of an actual and imminent danger rather than as retaliation for a past event. Third, the element of necessity was satisfied because Subject B's intervention was intended to prevent further harm. Given that Subject A continued the assault against Subject C, Subject B reasonably perceived the need to act to stop the ongoing attack and protect both himself and another person from further injury. Fourth, the proportionality of the response requires closer examination. Subject B used a wooden object to strike Subject A, which raises questions regarding whether the force employed exceeded what was reasonably necessary under the circumstances. Nevertheless, proportionality should not be assessed solely based on the instrument used. The assessment must also consider the intensity of the attack, the urgency of the situation, and the limited opportunity available for Subject B to choose a less forceful alternative.

Based on these considerations, Subject B's conduct fulfills the substantive requirements of self-defense (*noodweer*). However, if the force used is ultimately considered disproportionate, the conduct may alternatively fall within the scope of excessive self-defense (*noodweer exces*) under Article 49(2), particularly if it can be demonstrated that the response was influenced by fear, panic, or severe emotional distress resulting from the ongoing unlawful

attack. In either scenario, the existence of the unlawful attack initiated by Subject A remains the central factor in determining the exclusion or mitigation of Subject B's criminal liability.

4.3. Findings Regarding the Legal Status of Subject C

The legal status of Subject C must first be assessed by examining whether the conduct fulfills the constitutive elements of assault under Article 351 of the Indonesian Criminal Code. Article 351 requires the existence of an intentional act of violence directed against another person that causes physical pain, injury, or harm. Therefore, both the objective element (*actus reus*) and the subjective element (*mens rea*) must be established before criminal liability can be imposed. From the perspective of *actus reus*, Subject C physically pushed Subject A during the altercation. *Prima facie*, such conduct may be interpreted as a physical act directed toward another person. However, criminal law doctrine requires that the physical act be assessed within its factual context. The evidence indicates that C's intervention occurred while A was actively assaulting B and that the sole purpose of the push was to separate the parties and stop the ongoing violence. Unlike acts of assault, C's conduct was not intended to inflict pain, cause injury, or continue the confrontation. Moreover, no evidence suggests that the push resulted in physical injury or independently caused legally relevant harm as contemplated under Article 351.

From the perspective of *mens rea*, the analysis reveals the absence of criminal intent. Subject C did not possess the intention to attack, retaliate against, or harm Subject A. Instead, the intervention was motivated by the objective of restoring order and preventing further violence. Consequently, the subjective element required for assault cannot be established. Furthermore, even assuming *arguendo* that the physical act of pushing formally satisfies the objective element of assault, such conduct must still be evaluated considering the doctrine of defense of others. Contemporary criminal law doctrine recognizes that actions undertaken to protect third parties from ongoing unlawful attacks may constitute justified conduct. In this case, C intervened solely to prevent further harm to B and to terminate the unlawful violence initiated by A. Therefore, C's conduct falls within the scope of a legally protected intervention aimed at safeguarding legal interests and maintaining public order. Accordingly, the analysis demonstrates that Subject C's conduct does not satisfy the complete elements of assault under Article 351 of the Indonesian Criminal Code. Even if the act were formally construed as violence, it would remain justified under the doctrine of defense of others and, therefore, cannot serve as a basis for criminal liability.

4.4. Discussion

The findings of this study confirm that the application of self-defense under Article 49 of the Indonesian Criminal Code cannot be assessed solely through a formal examination of criminal offense elements. Instead, a contextual evaluation of the circumstances surrounding the incident is required. This finding supports Hamzah (2010) argument that self-defense constitutes a legal right to protect legally protected interests against unlawful attacks.

A significant finding concerns the assessment of proportionality. Previous studies frequently emphasize the type of force used as the primary indicator of excessive self-defense. However, the present study demonstrates that proportionality should not be evaluated in isolation from the situational context. As argued by Simons (2008), factors such as urgency, psychological pressure, and the intensity of the attack must be considered when determining whether a defensive act remains proportionate. In this case, B's use of a wooden object occurred during an ongoing violent confrontation and therefore cannot automatically be interpreted as excessive force.

The study also supports contemporary interpretations of *noodweer exces*, which emphasize psychological factors rather than merely the degree of force employed. Consistent with Huda (2021), the findings indicate that excessive self-defense should be assessed by examining whether a causal relationship exists between the unlawful attack and the defender's emotional disturbance. This approach promotes substantive justice by recognizing the realities faced by individuals under sudden and threatening circumstances.

Another important contribution of this study concerns the doctrine of defense of others. While previous research has predominantly focused on self-defense against direct attacks, the present study demonstrates that the protection of third parties forms an integral component of self-defense doctrine. Subject B acted not only to protect himself but also to prevent further harm to C. Similarly, C's intervention represented an attempt to stop unlawful violence rather than participation in the conflict. These findings support Ali's (2018) view that the protection of third parties constitutes a legitimate legal interest under self-defense doctrine.

The novelty of this study lies in its examination of self-defense within the context of spontaneous multi-party violence. Unlike previous studies that primarily focus on bilateral conflicts between an aggressor and a victim, this research highlights the complexity of legal relationships involving an aggressor, a defender, and a third-party intervener. Consequently, the study contributes to the development of Indonesian criminal law doctrine by emphasizing the importance of contextual interpretation, proportionality assessment, and the recognition of defense of others in determining criminal liability.

One of the most significant findings of this research concerns the doctrine of defense of others. While self-defense is traditionally associated with protecting oneself, contemporary criminal law recognizes that individuals may lawfully intervene to protect third parties facing unlawful attacks. The present case illustrates this principle clearly. C intervened not to participate in the violence but to stop it. When A redirected the attack toward C, the legal interests protected by Article 49 expanded beyond B's personal safety to include the protection of another person. This finding is important because previous Indonesian scholarship has predominantly focused on bilateral conflicts between aggressors and victims. Comparatively little attention has been devoted to situations involving a third-party intervener. Recent studies emphasize that criminal law should encourage lawful intervention aimed at preventing violence rather than creating fear of prosecution among bystanders who seek to assist victims (Sherliantie et al., 2022). The results therefore support the view that C's conduct constitutes a justified intervention rather than participation in unlawful violence. Accordingly, criminal liability should not be imposed upon C.

An important finding concerns the possibility that B's conduct may alternatively be classified as *noodweer exces*. Unlike ordinary self-defense, *noodweer exces* focuses on the psychological condition of the defender rather than solely on the objective proportionality of the response. Recent studies indicate that courts are increasingly recognizing the significance of emotional shock, panic, fear, and psychological distress in assessing defensive conduct. Mardhatillah et al. (2024) argue that excessive self-defense should be understood within a broader framework of substantive justice that acknowledges human limitations during violent confrontations. Similarly, Gayatri & Darmadi (2025) contend that *noodweer exces* functions as a safeguard against the criminalization of victims who react excessively under extreme psychological pressure. According to their analysis, the key issue is whether a causal relationship exists between the unlawful attack and the emotional disturbance experienced by the defender. This perspective is supported by recent case analyses examining Indonesian judicial decisions. Studies by Labibah and Mahardhika (2025), Fatimah et al. (2025), and Nugroho et al. (2024) reveal that courts increasingly examine psychological circumstances

when evaluating claims of excessive self-defense. These studies demonstrate that proportionality cannot be assessed in isolation from the emotional realities experienced by individuals facing sudden violence. Applying this reasoning to the present case, B's use of a wooden object should not automatically be regarded as excessive force. Rather, the assessment must consider whether the act resulted from fear, panic, and the urgent need to stop an ongoing attack against both him and C.

From a criminal law policy perspective, these findings indicate the need for clearer judicial guidelines regarding the interpretation of proportionality and third-party defense under Article 49. Without such guidance, individuals who intervene to protect themselves or others may face uncertainty regarding their legal status. Hence, law enforcement authorities should adopt a contextual approach that considers factual circumstances, psychological conditions, and the social purpose of defensive actions before imposing criminal liability.

The findings partially confirm previous research regarding the application of *noodweer* and *noodweer exces*. Existing studies consistently conclude that the most problematic element in self-defense cases is proportionality (Fauzi & Zuhri, 2025). However, unlike prior studies that primarily examine cases involving direct self-defense by a victim against an aggressor, the present research focuses on spontaneous multi-party violence involving an aggressor, a defender, and an intervening third party. This distinction is important because it introduces additional legal complexities regarding defense of others and collective protection of legal interests (Andini et al., 2024). The study therefore extends previous scholarship by demonstrating that the legitimacy of defensive conduct cannot be assessed solely through a bilateral aggressor-victim framework. Instead, legal analysis must consider the broader social dynamics of violence, including the role of intervening parties and the collective protection of legal interests.

An alternative doctrinal interpretation should also be considered regarding the legal consequences of B's conduct. Although this study argues that B's actions may be justified under the doctrines of *noodweer* or *noodweer exces*, it remains possible that a court could determine that B formally committed the offense of assault under Article 351 of the Indonesian Criminal Code. In such circumstances, the legal consequence would depend on whether the court recognizes the existence of a justification or excuse. If *noodweer* under Article 49(1) is established, the act loses its unlawful character, and the defendant should be released from all legal charges (*ontslag van alle rechtsvervolging*) rather than convicted. Similarly, if *noodweer exces* under Article 49(2) is accepted, the offense remains formally and materially established, but criminal culpability is excluded because the excessive response resulted from severe emotional disturbance caused by the unlawful attack. Consequently, the appropriate procedural outcome is not an acquittal (*vrijspraak*), which presupposes that the elements of the offense have not been proven, but rather a discharge from all legal prosecution (*ontslag van alle rechtsvervolging*), because the offense has been proven while criminal responsibility is negated. Within the Indonesian criminal justice system, this distinction is significant because *vrijspraak* reflects the failure to prove the criminal act, whereas *ontslag van alle rechtsvervolging* acknowledges the commission of the act but excludes punishment due to the existence of a justification or excuse. Therefore, even if B's conduct is ultimately classified as *noodweer exces*, the doctrinal consequence is exemption from criminal liability rather than a declaration that no criminal offense occurred.

5. Conclusion

This study examined the legal qualification of B's conduct, the applicability of the doctrines of *noodweer* and *noodweer exces*, and the legal status of C's intervention under Indonesian criminal law. The findings demonstrate that, although B's act of striking A with a wooden object formally fulfills the elements of assault under Article 351 of the Indonesian Criminal Code, such conduct cannot be assessed solely based on its formal elements. Considering that A acted as the initial aggressor and continued the unlawful attack against both B and C, B's actions satisfy the substantive requirements of self-defense (*noodweer*) as stipulated in Article 49(1) of the Criminal Code. Alternatively, if the force employed is deemed disproportionate, B's conduct may still be classified as *noodweer exces* under Article 49(2), provided that the excessive response resulted from severe emotional distress caused by the ongoing attack. Furthermore, the analysis reveals that C's intervention does not fulfill the complete elements of assault because the act lacked criminal intent and was undertaken solely to stop the violence and protect legal interests. Even if C's conduct were formally construed as violence, it would remain justified under the doctrine of defense of others. Accordingly, criminal liability should not be imposed upon either B or C, whereas A remains criminally liable as the principal aggressor.

Theoretically, this study contributes to the development of Indonesian criminal law doctrine by integrating the concepts of *noodweer*, *noodweer exces*, and defense of others within the context of spontaneous multi-party violence. The findings emphasize that the assessment of self-defense should adopt a contextual approach that considers not only the formal elements of an offense but also psychological, situational, and social dimensions. Practically, this study provides guidance for law enforcement authorities and courts in interpreting Article 49 of the Criminal Code. The findings underscore the importance of evaluating proportionality, immediacy, and the protective purpose underlying defensive actions before imposing criminal liability. Such an approach is necessary to prevent the criminalization of individuals who act to protect themselves or others from ongoing unlawful attacks.

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