



Implementation of Compulsory Defence In The Indonesian Criminal Justice System: A Normative Analysis and Study of Court Decisions

Kayla Andini Putri*, Kuswandi

Faculty of Law, Universitas Suryakencana

DOI:

<https://doi.org/10.47134/ijlj.v3i2.5273>

*Correspondence: Kayla Andini Putri

Email: kaylaandiniputri44@gmail.com

Received: 27-11-2025

Accepted: 12-12-2025

Published: 29-12-2025



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Abstract: Necessary defence is a criminal defence that plays an important role in Indonesian criminal law, especially amid increasing public vulnerability to the threat of crime. Although it is regulated in Article 49 of the Criminal Code and reinforced by Article 34 of Law Number 1 of 2023, its application in practice still faces various problems. The main problem lies in law enforcement officials' assessment of the elements of forced defence, such as proportionality, immediacy, inability to avoid, and the psychological condition of the perpetrator, which often leads to the criminalisation of defensive actions that should be lawful. This study uses a normative juridical approach with case studies of Donggala District Court Decision Number 32/Pid.B/2021, Sinjai District Court Decision Number 101/Pid.B/2024, and the Amaq Sinta case to examine the consistency of the application of forced defence in judicial practice. The results of the study show that the application of noodweer is highly dependent on the objectivity of investigators and the thoroughness of judges in understanding the factual context and the dynamics of the threat faced by the perpetrator. Differences in understanding among officials often create a gap between legal norms and law enforcement practices. Therefore, standardised interpretation, clear technical guidelines, and capacity building for officials are needed so that self-defence can realise substantive justice and effective protection of the right to life and safety of individuals.

Keywords: Crime, Defence, Justice, Noodweer, Proportionality.

Introduction

Indonesia is a country based on the rule of law as affirmed in Article 1 paragraph (3) of the 1945 Constitution of the Republic of Indonesia, which states that "The State of Indonesia is a State based on the rule of law" (Ali, 2023). In this context, public security and order are important elements for the creation of a stable social life. The principle of the rule of law, which is based on the values of Pancasila, also requires the realisation of legal certainty, justice, and the protection of human rights for all citizens (Labibah & Mahardhika, 2025). Within this framework, criminal law does not automatically punish every unlawful act, as there are certain conditions that may justify or excuse an action (Gani & Ansar, 2025). This provision is known as grounds for criminal exemption, which is regulated in Chapter III of Book I of the Criminal Code and can only be applied after being proven through facts in court as the basis for the judge's consideration (Kermite et al., 2021). These grounds for

criminal exemption consist of justifying grounds and excusing grounds, which in principle provide room for actions taken in emergency or forced situations (Maulidah & Hengki, 2023). Therefore, to understand the urgency of necessity as one of the grounds for exemption from criminal liability, it is important to examine how the dynamics of crime in society increasingly raise the likelihood of individuals finding themselves in situations that require them to act defensively.

Based on a report from the Central Statistics Agency, crime rates in Indonesia have shown a significant increase in recent years. In 2023, there were 584,991 criminal incidents, with a crime rate of 214 cases per 100,000 inhabitants. This means that, on average, a crime occurs every 53 seconds. This figure has increased sharply compared to 2022, which recorded 372,965 cases with a risk rate of 137 cases per 100,000 population, and an interval of approximately every 1 minute 24 seconds (Yonatan, 2025). The increasing intensity of incidents indicates that the potential for the public to face direct threats of crime is growing, making the likelihood of spontaneous defensive actions unavoidable.

This situation shows that crime cannot be separated from the dynamics of criminality as a social phenomenon that continues to develop and threaten public safety. In this case, criminality is not only an individual problem, but has become a general problem arising from social, economic, situational pressures, and environmental conditions that influence a person's behaviour (Maulidah & Hengki, 2023). Modern criminological perspectives, such as Sutherland's differential association theory, explain that crime is the result of a learning process through social interaction, so that anyone has the potential to become a perpetrator or victim depending on the situation they experience (Laksana & Yusuf, 2025). With the increase in street crimes such as robbery, mugging, and various forms of spontaneous violence, these conditions often place the community in an emergency situation that forces individuals to take defensive action to protect their safety, dignity, property, and decency (Alfathan et al., 2025).

In line with the increasing complexity of spontaneous acts of violence in public spaces, the following cases show that individuals who try to defend their safety, dignity, property, and modesty often face legal proceedings. In Donggala District Court Decision Number 32/Pid.B/2021, a defendant who initially only attempted to protect himself from assault was charged with a criminal offence before ultimately being acquitted by the judge. A similar situation was seen in Sinjai District Court Decision Number 101/Pid.B/2024, when a resident who was attacked with a machete was forced to fight back using a wooden beam and was subsequently prosecuted. Another example is the case of Amaq Sinta in Central Lombok, who was initially named a suspect after fighting off muggers, resulting in the deaths of two perpetrators, before the investigation was eventually halted because it was proven to be an act of forced defence (Fadhilah, 2025). These cases demonstrate the uncertainty in the practice of law enforcement against those who act to save themselves, thus emphasising the importance of re-examining the limits and legitimacy of necessary defence in criminal law.

Within the framework of criminal law, the state is not only tasked with punishing criminals, but also with legitimising certain actions that formally appear to violate the law

but are substantially carried out to defend higher legal interests. Necessary defence (noodweer) is one of the justifications recognised by law when a person must act defensively in an unavoidable situation. Necessary defence in the Criminal Code itself is divided into two categories, namely noodweer (necessary defence) and noodweer-exces (defence that exceeds the limits due to emergency circumstances) (Refin & Nur Azizi, 2023).

The regulation regarding forced defence in Indonesian criminal law initially referred to Article 49 of the Criminal Code, which provided criminal exemption for parties defending themselves from unlawful attacks. However, the reformulation of criminal law through the enactment of Law Number 1 of 2023 concerning the Criminal Code clarifies the scope of necessary defence while expanding the objects of protection (Naufal Asshadiqie, 2023). Article 34 paragraph (1) of Law Number 1 of 2023 states that actions to defend oneself, others, honour, decency, dignity, and property from unlawful threats or attacks cannot be criminalised. This new formulation reflects efforts to reform national criminal law in a more humane, responsive manner, based on substantive justice principles in accordance with constitutional principles and human rights (Amalia et al., 2025).

Although the normative basis for necessary defence has been regulated more comprehensively, its implementation in practice still raises debate, particularly regarding the parameters of proportionality, the element of immediacy, and the impossibility of avoiding (Alfathan et al., 2025). This complexity becomes even more apparent when linked to the concept of noodweer excess as an exculpatory reason, namely a situation in which the perpetrator reacts beyond reasonable limits due to intense psychological pressure (Barus et al., 2025). According to Andi Hamzah, noodweer excess occurs when the perpetrator's actions exceed the limits of necessary defence due to a "great mental disturbance" that arises spontaneously when facing an attack, so that it cannot be equated with an act committed with malicious intent (*mens rea*) (Dengah et al., 2024). In line with this, Utrecht emphasises that excessive defence can still be excused if it is an uncontrollable emotional expression due to an immediate and urgent threat. Inaccuracies in assessing psychological conditions and factual situations often cause defensive actions to be considered beyond reasonable limits, thus posing challenges in consistently applying noodweer (Labibah & Mahardhika, 2025). This complexity then opens up space for scientific studies to re-examine the foundations, limitations, and problems of forced defence in practice.

As material for study and comparison, research on forced defence has been conducted by a number of researchers previously, although there is still room for further study. One relevant study is the work of Rena Yulia and Hizkia Raymond entitled "The Application of Compelled Defence in the Pre-Adjudication Stage", which highlights the importance of using the justification of noodweer from the investigation stage through the SP3 and SKP2 mechanisms. This study emphasises the need for a swift legal response when the elements of self-defence are met, but its analysis is still limited to normative aspects and does not describe the variations in its application in court decisions (Yulia & Raymond, 2023).

Another study that can be used for comparison is the paper by Clayment Claudio Jap and R. Rahaditya in "The Implementation of Compelled Defence as a Ground for Criminal

Exemption in Assault Cases". This study empirically reviews Donggala District Court Decision Number 32/Pid.B/2021, which acquitted the defendant because they fulfilled the elements of Article 49 of the Criminal Code. The study provides a concrete picture of the application of forced defence in practice, although its scope is still limited to one case and therefore does not reflect a broader pattern of application (Claudio Jap & Rahaditya, 2024).

From these two studies, it can be understood that the study of *noodweer* requires not only normative explanations but also empirical analysis to see how this justification is interpreted and applied by law enforcement officials. It is in this context that this study was conducted, namely to fill the gap between the normative and practical aspects of the judiciary so as to provide a more complete picture of the implementation of forced defence in the criminal justice system in Indonesia.

In line with previous research findings, there appears to be a gap between law in books and law in action in law enforcement officials' assessment of the defence of necessity (Claudio Jap & Rahaditya, 2024). Differences in interpretation regarding the limits of reasonable defensive actions, a lack of attention to the psychological condition of perpetrators who are actually in a threatened position, and a lack of assessment of the situational context often lead to the criminalisation of individuals who act as defensive victims. This condition raises public doubts about substantive justice and the legitimacy of the criminal justice system (Zaidan, 2021).

Therefore, it is important to conduct a comprehensive study on the implementation of the justification for forced defence based on Law Number 1 of 2023 concerning the Criminal Code and a criminological analysis of psychological and situational factors in its assessment. This study aims to identify the conceptual and empirical limitations of forced defence, examine the consistency of the application of norms in judicial practice, and evaluate the understanding of officials in assessing defensive actions. The benefits of this research are expected to strengthen the development of criminal law theory, provide a comprehensive legal understanding for the community, and serve as a reference for law enforcement officials so that the application of forced defence can reflect substantive justice, certainty, and the benefits of law for all Indonesian people.

Methodology

This study uses a normative juridical approach as the main basis for analysis to understand the concept of forced defence (*noodweer*) in Indonesian criminal law. This approach views law as a structure of norms arranged in legislation, doctrine, and legal principles. Within this framework, the study examines the provisions on forced defence as contained in Article 49 of the Criminal Code and Article 34 of Law Number 1 of 2023 concerning the Criminal Code. The analysis was conducted by examining the elements of unlawful attack, proportionality parameters, immediacy, and inability to avoid, which are the core justifications for necessary defence. This approach was used because the issues examined are closely related to the interpretation of norms and the position of necessary defence in the national criminal law system.

In addition, this study also applies a regulatory approach to identify and interpret relevant legal instruments. This approach includes an analysis of the Criminal Code, the Criminal Procedure Code, Law No. 1 of 2023, and other relevant provisions such as investigation guidelines and implementing regulations in the criminal justice system. Through this approach, the study seeks to understand how positive law regulates justifications and limits the authority of officials in assessing defensive actions. A systematic understanding of these norms is necessary to formulate how forced defence should be positioned in the context of modern law enforcement.

In addition, this study combines a case study approach to examine the practice of applying forced defence in the criminal justice process. The case studies were conducted through an analysis of Donggala District Court Decision Number 32/Pid.B/2021, Sinjai District Court Decision Number 101/Pid.B/2024, and the case of Amaq Sinta, whose investigation was terminated (SP3) by the NTB Regional Police. Through the analysis of these cases, this study assesses the consistency of the interpretation of law enforcement officials and judges regarding the elements of forced defence in factual conditions. This approach was chosen because the problem of implementing *noodweer* lies not only in the normative realm, but also in how officials assess the threat situation, psychological conditions, and the proportionality of actions in practice.

The integration of these three approaches aims to produce a comprehensive analysis, so that this study does not only rely on written legal norms (law in books), but also shows how these norms are applied in reality (law in action). Thus, this study is expected to provide a complete picture of the challenges and opportunities in the application of forced defence, as well as to formulate recommendations that can strengthen consistency and fairness in the Indonesian criminal justice system.

Result and Discussion

The increase in crime rates in Indonesia from year to year shows an alarming trend and confirms that society is increasingly vulnerable to various forms of threats. Based on a report from the Central Statistics Agency, in 2023 there were 584,991 criminal incidents, with a crime rate of 214 cases per 100,000 inhabitants. This data shows that a criminal act occurs on average every 53 seconds, illustrating a very high frequency of incidents. This situation has increased significantly compared to 2022, which recorded 372,965 cases with a crime risk rate of 137 cases per 100,000 residents, and an incident interval of approximately every 1 minute 24 seconds (Yonatan, 2025). This surge in crime intensity from the previous year indicates that the public is increasingly exposed to situations prone to criminal acts, thereby heightening the likelihood of spontaneous defensive actions in response to threats, which are difficult to avoid.

Entering 2024 and 2025, the national crime situation can only be mapped through preliminary reports because, although the official data from the Central Statistics Agency for both years has not been fully released, various findings from the Indonesian National Police's Criminal Investigation Unit indicate that crime rates remain at an alarming level. In 2024, aggravated theft was the most prevalent crime, with more than 25,000 cases reported

by mid year, or an average of around 4,600 cases per month. Assault also showed a high trend, reflected in the approximately 400 reports received by Pusiknas in just three days in early June (Lintang, 2024). This picture shows that the public continues to face significant threats throughout the year. This trend continued in 2025, with Pusiknas reporting more than 300,000 crime cases in the period from January to September, with metropolitan areas such as Jakarta reporting more than 45,000 cases (Berita, 2025). This surge in cases indicates that social pressure, economic instability, and high population mobility continue to trigger an increase in the risk of crime, making the public increasingly vulnerable to dangerous situations that require defensive actions to protect themselves and others.

Defensive actions are essentially spontaneous responses undertaken by an individual to protect themselves from threats that are real, immediate, and unavoidable (Saputra et al., 2025). In the context of criminal law, these actions are not understood as a form of aggression or retaliation, but rather as a last resort undertaken by an individual to protect their life and physical integrity when faced with a dangerous situation. This reaction arises as a natural human mechanism to prevent greater harm. Therefore, defensive actions have a rational, moral, and juridical basis, especially when carried out in truly urgent circumstances (Alfathan et al., 2025).

In a social reality marked by rising crime rates, the need for society to take defensive action can no longer be viewed merely as a spontaneous reaction, but also as a reasonable means of self-preservation under certain conditions (Rinaldi, 2022). It is at this point that this need must be considered by the law, so that someone who acts to protect themselves is not automatically equated with a perpetrator of a criminal act. Thus, the state has an obligation to provide legal instruments that can clearly distinguish between criminal acts and acts carried out in order to defend one's safety (Aziz & Ridwan, 2025; Patmawanti, 2023).

As a manifestation of the state's obligation to guarantee security and legal certainty, the criminal justice system is presented as a structured mechanism for assessing every act suspected of violating the law. Through the involvement of the police, prosecutors, courts, and correctional institutions, this system ensures that every act is assessed objectively and proportionally based on the facts and context of the incident (Rinaldi, 2022). Therefore, the effectiveness of the application of forced defence is not only determined by the norms that regulate it, but also by the consistency of each element in the criminal justice system in determining whether a defensive action qualifies as forced defence or as a criminal act (Krismen, 2021; Safira & Rachmawati, 2023).

Within this framework of assessment, necessary defence (*noodweer*) serves as a justification because it removes the unlawful nature of an act if the perpetrator's actions were taken to repel a real, unlawful, and unavoidable attack (Sandra, 2020). Conversely, excessive self-defence (*noodweer excess*) is an exculpatory reason that negates the perpetrator's guilt when they act excessively due to intense fear, shock, or extreme psychological pressure arising directly from the immediate attack. In this category, the perpetrator may be exempt from punishment, but the unlawful nature of their actions remains intact (Aziz & Ridwan, 2025; Wibowo, 2022).

To provide clearer boundaries, Law No. 1 of 2023 on the Criminal Code, specifically Article 34, regulates necessary defence in the following two categories:

1. Noodweer (ordinary necessary defence):

A person shall not be punished if they take action to defend themselves or others, including their honour, decency, or property, from an attack or threat of attack that is imminent and unlawful, as long as such action is the only way to stop the attack (Saputra et al., 2025);

2. Noodweer Excess (excessive self-defence) :

A person is also not criminally liable if their defence exceeds reasonable limits, as long as the excessive action was caused by extreme mental distress due to an immediate attack or threat of attack. In the category of , the perpetrator is excused due to extreme psychological conditions, even though their actions objectively still fulfil the elements of a criminal offence (Sandia et al., 2024).

Clarification of the difference between justifying and excusing grounds is very important when it comes to the termination of investigations. Article 12 of Law Number 1 of 2023 states that an act can only be categorised as not a criminal act if the unlawful element is absent, i.e. when there are justifying grounds. Thus, noodweer excess cannot be used as a basis for terminating an investigation because it does not remove the unlawful nature of the act, but only removes the perpetrator's guilt. Some experts even argue that the regulation of noodweer excess in Article 43 of Law 1/2023 should be placed as a justifying reason in order to strengthen legal certainty and maintain the consistency of normative logic regarding unavoidable emergency actions (Ali, 2023).

Although the normative basis for forced defence has been regulated more comprehensively, its application in practice still raises debate, particularly in assessing the elements of proportionality, immediacy, and the perpetrator's inability to avoid the threat. This complexity becomes even more apparent when law enforcement officials are faced with cases of noodweer excess, where the perpetrator's actions exceed reasonable limits due to intense psychological pressure arising immediately when faced with a threat (Alfathan et al., 2025).

These conceptual limitations demonstrate that the law seeks to maintain a balance between the individual's right to self-defence and the interest of maintaining public order. Within this framework, the protection of human rights is a fundamental principle that must be prioritised, especially when individuals are in a situation of real threat and have no choice but to take defensive action (Rasji et al., 2024).

The provisions of Article 28A of the 1945 Constitution reinforce this constitutional basis by affirming that every person has the right to life and to defend their life and livelihood. This right provides moral and legal legitimacy for individuals to take defensive action when faced with a real, immediate, and unavoidable threat (Heatubun et al., 2022). Thus, necessary defence is not merely an exception in criminal law, but a direct manifestation of the protection of the right to life, which is essential and cannot be reduced under any circumstances. Therefore, acts of self-defence must be understood as part of efforts to protect human rights, not as unlawful acts (Maulida, 2025).

In its application, the element of proportionality is an important principle that ensures that defensive actions are not misused as an excuse to commit excessive violence. The assessment of proportionality is carried out by considering the entire context, including the level of threat, the concrete situation, and the perpetrator's ability to choose alternatives other than using force. Therefore, the application of necessary defence in the criminal justice system must be carried out carefully at every stage so that legitimate defensive actions are not mistakenly viewed as criminal acts, while actions that exceed reasonable limits still receive a proportional legal assessment (Setiawan et al., 2024).

When an action enters the law enforcement process, the assessment of the elements of necessary defence cannot be done hastily. Investigators, as the first party to handle the case, play an important role in determining whether an individual's actions can be classified as necessary defence. In carrying out their duties, investigators must collect evidence objectively and assess all the facts at the time of the incident, including the psychological condition of the perpetrator and the absence of opportunities to avoid the attack (Latubara & Simangunsong, 2023).

This assessment is very important because the consequences of criminal liability in cases of necessary defence differ fundamentally from those in cases of excessive necessary defence. If the investigator finds that the perpetrator's actions meet the elements of necessary defence as a justification, then the unlawful nature of the act is considered to be lost, so that legally the act is not a criminal offence. In such circumstances, the perpetrator cannot be held criminally liable and the investigation process can be terminated because the requirements for a criminal act have not been met. Conversely, if the perpetrator's actions fall into the category of excessive self-defence, the act is still considered a criminal offence, but the perpetrator's guilt is removed because they acted under severe psychological pressure. In this category, the investigation cannot be terminated because extenuating circumstances can only be assessed in depth by a judge at trial. Therefore, criminal liability in self-defence is highly dependent on the investigator's diligence in distinguishing between actions that are justified by law and those that are merely excusable, while ensuring that the legal process is carried out proportionally (Rizal et al., 2024).

In practice, investigators also have the authority to terminate an investigation if they find evidence that the perpetrator acted in self-defence. The case of Amaq Sinta in NTB is an important example of how an SP3 was issued because investigators assessed that the perpetrator was only defending himself from a real threat. This shows that the discretion of investigators is not only a technical aspect, but also an important space for the realisation of substantive justice for people who act in emergency situations (Hadi Saputra & Ifrani, 2025).

After the investigation process, the role of judges becomes crucial in ensuring that the application of necessary defence is truly in accordance with the principles of justice. Judges are obliged to assess cases based on trial facts, not based on public opinion or pressure from the community, which often does not understand the complexity of the events. In many cases, the public considers the perpetrator a suspect simply because they see the physical impact of the defensive action, even though legally the perpetrator may have acted to save their own life (Labibah & Mahardhika, 2025).

Judges have a number of objective criteria that they use in assessing necessary defence, including reconstruction of the incident, the intensity of the attack, the perpetrator's ability to avoid it, and the perpetrator's mental state at the time of the action. These factors then form the basis for the judge to declare someone legally innocent even though they have in fact committed an act that fulfils the elements of a criminal offence. Thus, judges act as guardians of the balance between legal certainty and justice (Bahri, 2021).

At this stage, the application of the defence of necessity can be seen through a concrete example in Donggala District Court Decision Number 32/Pid.B/2021. In this case, a personal conflict between the defendant, Khofifa alias Fifa, and the victim, Maghfira, led to an act of violence. Although the victim first grabbed the defendant's collar and tried to hit her, the defendant then blocked the blow and pushed the victim, causing her to fall. However, the actions did not stop there: the defendant hit the victim's cheek twice and kicked her stomach after she was in a vulnerable position. The judge ruled that when the victim fell, the threat had ceased, so the defendant's subsequent actions constituted an attack, not self-defence. The victim's physical injuries, which resulted in his inability to work for three days, reinforced the judge's conclusion that the elements of proportionality and immediacy were not met. Thus, forced defence could not be applied.

In contrast to the Donggala case, Sinjai District Court Decision Number 101/Pid.B/2024 illustrates how necessary defence can be applied appropriately based on the facts of the trial. The defendant, Afdan Maulana, was involved in a spontaneous altercation after the victim exhibited aggressive behaviour, including revving his motorbike and getting off with a challenging attitude. The fight was unavoidable and the defendant's actions were solely intended to stop the attack. The judge ruled that the defendant's actions were spontaneous, not excessive, and proportionate to the threat faced. Therefore, the elements of unlawful attack, immediacy, and the need for defensive action were fulfilled. The judge ruled that the defendant committed the act but could not be convicted because it was protected by the justification of necessary defence.

A comparison of the two cases shows how the line between necessary defence and retaliation is strictly assessed by judges. In the Donggala case, the continued action after the threat had ended was considered an unforgivable excess. Conversely, in the Sinjai case, the defendant's actions, which were carried out in a desperate and proportional situation, were deemed lawful and protected by law. These two verdicts emphasise that the implementation of *noodweer* is highly dependent on the judge's thoroughness in reading the facts, reconstructing the events, and assessing the intensity of the threat.

The implementation of forced defence in criminal court practice is not always easy because law enforcement officials often face challenges in assessing the factual situation. It is not uncommon for events that are actually defensive actions to be interpreted as purely criminal acts due to a lack of understanding of the concept of *noodweer* on the part of officials. In some cases, victims are even criminalised due to initial assumptions that do not take into account the context of the threat experienced (Bahri, 2021).

Difficulties in assessing forced defence arise because conceptual and empirical limitations are often not aligned. Normatively, the elements of *noodweer* appear simple,

but in practice, situations in the field are often highly dynamic. For example, differences in interpretation of when an attack is considered to have "ceased" are often a source of differences in verdicts. Therefore, the application of forced defence requires sharp analytical skills from law enforcement officials, including an understanding of the psychological aspects of humans when under threat (Sanjaya et al., 2022).

Consistency in applying this authority is crucial to the quality of the criminal justice system. If law enforcement officials fully understand necessary defence, then members of the public who act to defend their lives will not be prosecuted excessively or criminalised. Conversely, if officials lack an understanding of this concept, legitimate acts of self-defence may be considered crimes (Bahri, 2021).

To achieve the fair implementation of necessary defence, the criminal justice system must strengthen law enforcement officers' understanding through training, technical guidelines, and improved investigative capacity. Officials must be equipped with the ability to read situations based on empirical facts and refrain from making judgements influenced by public perception. A more context-sensitive approach is needed to ensure that assessments of defensive actions are more objective (Rasiwan, 2025).

At the conceptual level, forced defence also requires consistent interpretation so as not to cause legal uncertainty. The elements of immediacy, inability to avoid, and proportionality must be understood based on the same standards at all stages of the legal process. Standardising this understanding will make legal practice more focused and avoid disparities in court decisions (Rizal et al., 2024).

When viewed as a whole, the implementation of necessary defence in Indonesia's criminal justice system shows that the law must be able to understand the reality of threats in society. With the increase in crime, there is a greater possibility that people will be involved in situations that require defensive action. Therefore, necessary defence is a very important instrument to ensure that citizens are not victimised by circumstances beyond their control (Rasiwan, 2025).

By integrating crime data, legal norms, court decisions, and the authority of officials, this discussion shows that necessary defence is a fundamental part of protecting human rights. Its implementation must always prioritise the principles of justice, legal rationality, and respect for human dignity. When necessary, defence is applied consistently, Indonesia's criminal justice system will be able to balance the protection of society while safeguarding the rights of individuals who are forced to act to save their lives.

As a manifestation of this obligation, the state has established a criminal justice system as a mechanism for addressing and assessing any actions suspected of violating the law. Through a criminal justice system involving the police, the public prosecutor's office, the courts, and correctional institutions, law enforcement is carried out in a structured manner to ensure that every action is assessed objectively and proportionally. Therefore, the effectiveness of necessary defence is not only determined by the normative provisions that regulate it, but also by the consistency of the criminal justice system in assessing the facts of each case. It is this system that ultimately determines whether a defensive action will be recognised as necessary defence or categorised as a criminal act (Krismen, 2021).

Conclusion

Based on normative analysis and a study of court decisions, this research confirms that the application of necessary defence in the Indonesian criminal justice system still faces a major problem in the form of inconsistency among law enforcement officials in assessing its elements, particularly in relation to the proportionality of the action, its immediate nature, and the psychological condition of the perpetrator when facing a threat. Although the normative basis has been clarified through the new Criminal Code, which provides more comprehensive protection, practice in the field shows that legitimate defensive actions still have the potential to be criminalised due to differences in interpretation and a lack of sensitivity on the part of officials to the situational context. Through an analysis of several court decisions, it appears that the successful application of forced defence is highly dependent on the thoroughness of investigators and judges in understanding the concrete facts. Therefore, it is necessary to strengthen the understanding of law enforcement officials through standardised assessments, clear technical guidelines, and the development of further studies that integrate empirical and psychological perspectives so that forced defence truly functions as an instrument for the protection of human rights and the realisation of substantive justice for the community.

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