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Secondary Victimization and Criminal Liability of Crime Victims in the Sleman Snatching Case: A Human Rights Criminology Perspective

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Abstract

Snatching is a street crime that threatens personal security and prompt spontaneous responses from victims or their family members when formal protection is unavailable or perceived as inadequate. This article examines secondary victimization and criminal liability in the Sleman snatching case, in which the victim's husband pursued the alleged offender after his wife was robbed and later became subject to legal scrutiny following the alleged offender's death during the pursuit. This study employs normative legal research using statutory, conceptual, case, and human rights criminology approaches. The analysis demonstrates that the case cannot be reduced to a simple narrative of victim criminalization. Instead, it highlights the interaction between victim-offender overlap, lawful defense, causation, proportionality, and human rights protection. Criminal liability in cases involving spontaneous victim responses should be assessed by examining necessity, immediacy, proportionality, causation, culpability, and due process. The article concludes by proposing a human rights-based framework for assessing criminal liability that prevents secondary victimization while preserving accountability for serious legal consequences.

A. Introduction

This article examines the increasing complexity of street crime and its implications for personal security in public spaces between 2020 to 2026. Although snatching has traditionally been classified as a property crime, its recent development extends beyond material loss. Such incidents may involve physical violence, psychological trauma, diminished public trust in law enforcement,[1] and spontaneous responses from victims, their families, or bystanders when immediate protection is unavailable or perceived as inadequate.[2]

The Sleman snatching case illustrates this legal and criminological complexity. After his wife became a victim of snatching, the victim's husband pursued the alleged offender.[3] The incident later became legally controversial when the alleged offender died during the pursuit and the victim's husband was subsequently designated a suspect. This case raises a fundamental legal question: how should criminal law and human rights principles assess an individual who initially acts as a victim's family member but whose spontaneous response to a crime allegedly results in serious legal consequences?[4]

The state is constitutionally obligated to protect the right to personal security. Article 28G(1) of the 1945 Constitution of the Republic of Indonesia guarantees every person the right to protection of themselves, their family, honor, dignity, and property, as well as the right to security from threats and fear.[5] However, this guarantee must be interpreted alongside criminal law principles requiring any use of force to satisfy the standards of necessity, proportionality, causation, and accountability.[6] Victim status does not

[1] Gustavo Moreira and Vania Ceccato, "Increase of Fear of Crime in Rural Brazil and Police Legitimacy," *Journal of Rural Studies* 110 (August 2024): 103370, https://doi.org/10.1016/J.JRURSTUD.2024.103370.

[2] Angus Chan, Ben Bradford, and Clifford Stott, "A Systematic Review and Meta-Analysis of Procedural Justice and Legitimacy in Policing: The Effect of Social Identity and Social Contexts," *Journal of Experimental Criminology 2023 21:2* 21, no. 2 (December 2023): 349–406, https://doi.org/10.1007/S11292-023-09595-5.

[3] Komang Erlan Budana, "Kriminalisasi Korban Dan Reformulasi Noodweer Dalam Sistem Peradilan Pidana: Studi Kasus Sleman Dan Perspektif KUHP Baru," *Causa: Jurnal Hukum Dan Kewarganegaraan* 16, no. 4 (February 2026): 341–50, https://doi.org/10.6679/R3XRF791.

[4] Rena Yulia and Hizkia Raymond, "Penerapan Alasan Pembelaan Terpaksa Dalam Tahap Pra Adjudikasi: Perwujudan Efisiensi Dan Efektivitas Penegakan Hukum," *Masalah-Masalah Hukum* 52, no. 3 (November 2023): 301–11, https://doi.org/10.14710/MMH.52.3.2023.301-311.

[5] UUD Republik Indonesia, "UNDANG-UNDANG DASAR NEGARA REPUBLIK INDONESIA 1945," 105 § (1945).

[6] Fiona Leverick, "Defending Self-Defence," *Oxford Journal of Legal Studies* 27, no. 3 (September 2007): 563–79, https://doi.org/10.1093/OJLS/GQM012; Yulia and Raymond,

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automatically preclude criminal liability when a response exceeds the limits of lawful self-defense or causes legally significant harm. The Sleman case therefore highlights the normative tension between victim protection, the rights of alleged offenders, and the proportionate application of criminal liability.

Previous studies on this issue can be grouped into three strands. The first examines street crime, fear of crime, public space vulnerability, policing, and crime prevention, but does not address how spontaneous victim responses may result in criminal liability.[7] The second focuses on lawful defense, noodweer, and the limits of self-defense, yet primarily emphasizes doctrinal requirements without adequately incorporating secondary victimization and human rights protection.[8] The third explores secondary victimization and victim-offender overlap but rarely applies these concepts to street crime cases in which an initial victim-related response allegedly causes serious harm to the alleged offender.[9] This gap highlights the absence of an integrated framework linking street crime, victim-offender overlap, lawful defense, causation, proportionality, criminal liability, and human rights protection in evaluating spontaneous victim responses. This article addresses that gap by shifting the analysis from a simplified claim of "victim criminalization" to a sequential, human rights-based assessment of criminal liability that considers initial victimization, immediacy of the threat, proportionality, causation, culpability, due process, and the prevention of secondary victimization.[10]

This article analyzes how secondary victimization and criminal liability should be assessed in cases involving spontaneous victim responses, using the Sleman snatching case as the primary illustration. It examines the relationship between initial victimization, victim-offender overlap, lawful defense, causation, proportionality, culpability, due process, and human rights protection. The study responds to two opposing risks in criminal justice practice: disregarding the victimization context by treating a spontaneous response as an ordinary criminal act, or automatically justifying any harmful response because it was committed by someone connected to the victim. It therefore proposes a balanced, human rights-based framework that protects

"Penerapan Alasan Pembelaan Terpaksa Dalam Tahap Pra Adjudikasi: Perwujudan Efisiensi Dan Efektivitas Penegakan Hukum."

[7] Vania Ceccato and Mahesh Nalla, *Crime and Fear in Public Places Towards Safe, Inclusive and Sustainable Cities*, 1st ed. (London, 2020).

[8] Yulia and Raymond, "Penerapan Alasan Pembelaan Terpaksa Dalam Tahap Pra Adjudikasi: Perwujudan Efisiensi Dan Efektivitas Penegakan Hukum."

[9] Dinah Faizah Syahbur, Aroma Elmina Martha, and Galuh Praharafi Rizqia, "Prevention of Secondary Victimization for Victims of Sexual Violence in Court Proceeding," *Contemporary Issues in Criminal Law* 1, no. 1 (June 2024): 19–36, https://doi.org/10.20885/CICL.VOL1.ISS1.ART2.

[10] Syahbur, Martha, and Rizqia.

victims from secondary victimization while preserving accountability for serious legal consequences.

This study employs normative legal research using statutory, conceptual, case, and human rights criminology approaches. The statutory approach examines constitutional guarantees of personal security under Article 28G(1) of the 1945 Constitution of the Republic of Indonesia and the limits of lawful defense under Law Number 1 of 2023 concerning the Criminal Code.[11] The conceptual approach clarifies the principles of secondary victimization, victim-offender overlap, necessity, proportionality, causation, culpability, and due process. The Sleman snatching case serves as an illustrative example because it demonstrates the transition from initial victimization to potential criminal liability following a spontaneous response that allegedly resulted in death.[12] The analysis draws on primary legal sources, secondary legal scholarship, and publicly available case reports, which are examined through statutory interpretation, conceptual analysis, and sequential case analysis. This article does not determine the guilt or innocence of the victim's husband but develops a human rights-based framework for assessing comparable cases.

B. Discussion

1. Street Crime, Personal Security, and the Emergence of Spontaneous Victim Responses

Snatching should not be viewed merely as a property offense. In contemporary public spaces, it often escalates into a violent act that threatens bodily integrity, psychological well-being, and public safety. The use of motorcycles, sudden physical force, and rapid escape tactics can transform a property crime into an incident that generates fear, urgency, and insecurity. Snatching should therefore be examined not only through the lens of criminal law but also within the broader framework of personal security and human rights protection.[13]

From a criminological perspective, Routine Activity Theory explains street crime as the convergence of a motivated offender, a suitable target, and the absence of capable guardianship. In snatching cases, public spaces characterized by high mobility, limited surveillance, poor lighting, and delayed security responses create opportunities for offending.[14] The absence

[11] Republic of Indonesia, *The 1945 Constitution of the Republic of Indonesia*, Article 28G paragraph (1); Republic of Indonesia, *Law Number 1 of 2023 concerning the Criminal Code*, Article 34

[12] Peter Mahmud Marzuki, "Penelitian Hukum," 2005.

[13] Sarah Wüllenweber and Amy Burrell, "The Crime and the Place: Robbery in the Night-Time Economy," *Journal of Investigative Psychology and Offender Profiling* 21, no. 1 (January 1, 2024): 3–19, https://doi.org/10.1002/JIP.1616.

[14] Brandon C. Welsh, David P. Farrington, and Stephen Douglas, "The Impact and Policy Relevance of Street Lighting for Crime Prevention:A Systematic Review Based on a Half-

of effective guardianship not only facilitates crime but also shapes victims' and communities' perceptions of personal safety. When formal protection is unavailable or perceived as ineffective, victims or their family members may feel compelled to intervene directly.[15]

Such interventions are understandable but become legally problematic when they exceed the requirements of necessity or proportionality and result in serious harm. Criminal law must therefore distinguish legitimate self-protection from unlawful retaliation.[16]

The Sleman snatching case illustrates this complexity. After his wife became a victim of snatching, the victim's husband pursued the alleged offender. The case became controversial when the alleged offender died during the pursuit and the victim's husband was subsequently named a suspect. Rather than framing the incident as a simple case of victim criminalization, the legal analysis should examine the relationship between the victim's initial position, the immediacy of the threat, the proportionality of the response, and the causal connection between the pursuit and the alleged offender's death.[17]

Figure 1. Legal Sequence of Spontaneous Victim Response in the Sleman Snatching Case

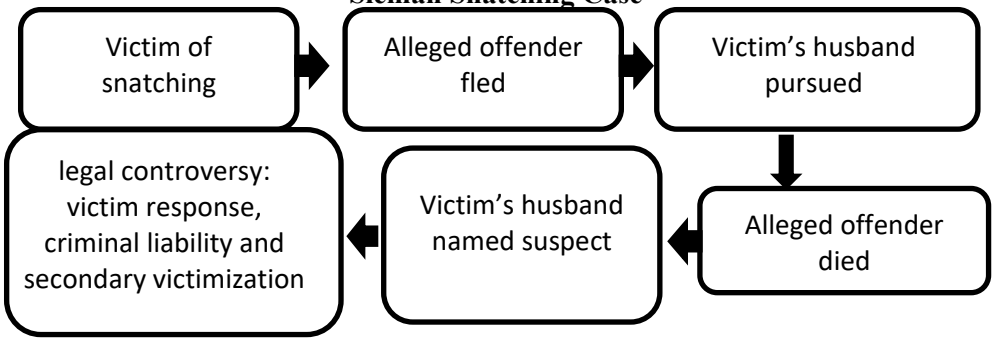

Figure 1 illustrates that the legal controversy in the Sleman snatching case arose not merely from the victim's husband's pursuit of the alleged offender. It emerged because the pursuit was later linked to the alleged offender's death and raised the question of whether the conduct should give rise to criminal

Century of Evaluation Research," *CrimRxiv*, April 2024, https://doi.org/10.21428/CB6AB371.5B88B0F1.

[15] Yongjae Nam, Scott E. Wolfe, and Justin Nix, "Does Procedural Justice Reduce the Harmful Effects of Perceived Ineffectiveness on Police Legitimacy?," *Journal of Research in Crime and Delinquency* 61, no. 1 (February 2024): 124–67, https://doi.org/10.1177/00224278221121622;WGROUP:STRING:PUBLICATION.

[16] Chan, Bradford, and Stott, "A Systematic Review and Meta-Analysis of Procedural Justice and Legitimacy in Policing: The Effect of Social Identity and Social Contexts," December 2023.

[17] Budana, "Kriminalisasi Korban Dan Reformulasi Noodweer Dalam Sistem Peradilan Pidana: Studi Kasus Sleman Dan Perspektif KUHP Baru."

liability. The figure should therefore be understood as an analytical framework rather than evidence that secondary victimization or criminal liability has automatically occurred.[18]

The concept of secondary victimization becomes relevant when legal proceedings focus primarily on the harmful outcome of the victim's response while overlooking the initial victimization, the immediacy of the threat, and the psychological pressure surrounding the incident.[19] A victim-sensitive approach does not preclude criminal liability. Instead, it requires liability to be assessed within a fair, contextual, and proportionate framework. From a human rights criminology perspective, the Sleman case provides a basis for examining the relationship between public fear, state protection, lawful defense, proportionality, causation, criminal liability, and secondary victimization.[20]

2. Victim-Offender Overlap, Criminal Liability, and Human Rights Protection in the Sleman Snatching Case

The Sleman snatching case should not be reduced to a simple narrative of victim criminalization. As discussed earlier, street crime often creates fear, urgency, and spontaneous responses from victims or their families. When those responses result in serious legal consequences, the legal analysis becomes more complex. The central issue is not whether a victim or a victim's family member can be held criminally liable, but whether the assessment adequately considers the initial victimization, the immediacy of the threat, the proportionality of the response, and the causal relationship between the response and the resulting harm.

This complexity can be understood through the concept of victim-offender overlap. In criminology, victim and offender are not fixed or mutually exclusive categories. An individual may initially experience victimization and later become subject to legal scrutiny for conduct that causes legally significant harm. This shift does not negate the person's original status as a victim. Instead, it requires the criminal justice system to evaluate the sequence

[18] Budana; Yulia and Raymond, "Penerapan Alasan Pembelaan Terpaksa Dalam Tahap Pra Adjudikasi: Perwujudan Efisiensi Dan Efektivitas Penegakan Hukum."

[19] Katherine Lorenz, Anne Kirkner, and Sarah E. Ullman, "Qualitative Study of Sexual Assault Survivors' Post-Assault Legal System Experiences," *Journal of Trauma & Dissociation : The Official Journal of the International Society for the Study of Dissociation (ISSD)* 20, no. 3 (May 2019): 263, https://doi.org/10.1080/15299732.2019.1592643; Syahbur, Martha, and Rizqia, "Prevention of Secondary Victimization for Victims of Sexual Violence in Court Proceeding."

[20] Daniel S. Nagin and Cody W. Telep, "Procedural Justice and Legal Compliance: A Revisionist Perspective," *Criminology and Public Policy* 19, no. 3 (August 2020): 761–86, https://doi.org/10.1111/1745-9133.12499; Angus Chan, Ben Bradford, and Clifford Stott, "A Systematic Review and Meta-Analysis of Procedural Justice and Legitimacy in Policing: The Effect of Social Identity and Social Contexts," *Journal of Experimental Criminology* 21, no. 2 (June 2025): 349–406, https://doi.org/10.1007/S11292-023-09595-5.

of events carefully before determining whether the conduct is justified, excused, or subject to criminal liability.

From a human rights perspective, victim-offender overlap should not obscure the victim's initial experience of harm. A victim or a victim's family member who later faces legal scrutiny remains entitled to recognition of the original victimization and protection from secondary victimization. At the same time, the alleged offender retains the rights to life, legal protection, and freedom from arbitrary harm. Assessing criminal liability in cases involving spontaneous victim responses therefore requires a human rights-based framework that balances victim protection, due process, proportionality, causation, and accountability.[21]

In the Sleman case, the initial incident was the snatching of the victim's wife, placing her and her family among those entitled to legal protection. The victim's husband subsequently pursued the alleged offender as an immediate response to the crime. The legal controversy arose because the alleged offender died during the pursuit, requiring law enforcement to determine whether the husband's actions remained within the limits of lawful defense or established an independent basis for criminal liability.

Distinguishing victim status from criminal liability is essential. Victim status does not automatically confer immunity from criminal responsibility. Likewise, the existence of a harmful consequence does not negate the victimization that preceded the response. A proportionate legal assessment must avoid both extremes.[22] It should neither treat every victim response as justified merely because it followed a crime nor regard every harmful outcome as sufficient to disregard the fear, urgency, and threat experienced by the victim or the victim's family.

Accordingly, spontaneous victim responses should be evaluated through a contextual, human rights-based approach that considers: (1) the original crime and the threat it created; (2) the purpose of the response, including stopping the threat, preventing the offender's escape, recovering property, or protecting personal safety; and (3) whether the response satisfies the requirements of necessity, proportionality, causation, and culpability. Criminal liability should therefore be determined not only by the outcome but also by the context and legal nature of the conduct.

The Sleman case demonstrates that the key issue is not whether victims may defend themselves, but how the criminal justice system should evaluate spontaneous responses made under fear, urgency, and perceived insecurity.

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[21] Clare McGlynn and Nicole Westmarland, "Kaleidoscopic Justice: Sexual Violence and Victim-Survivors' Perceptions of Justice," *Social and Legal Studies* 28, no. 2 (April 2019): 179–201, https://doi.org/10.1177/0964663918761200; Ayanna De Vante Spencer, "Solidarity with Chrystul Kizer: On Disparate Failures of Knowledge-Attribution and Survivors of Sexual Violence," *Hypatia* 38, no. 4 (December 2023): 707–25, https://doi.org/10.1017/HYP.2023.83.

[22] McGlynn and Westmarland, "Kaleidoscopic Justice: Sexual Violence and Victim-Survivors' Perceptions of Justice".

When legal proceedings disregard the initial victimization and focus solely on the resulting harm, they risk causing secondary victimization. Conversely, overlooking the resulting harm simply because the response was carried out by someone connected to the victim undermines the principle of accountability. A balanced approach requires recognition of the victimization context while assessing criminal liability through the principles of necessity, proportionality, causation, culpability, and respect for human rights.[23]

3. Noodweer, Necessity, Proportionality, and Causality in Human Rights-Based Criminal Liability Assessment

The assessment of criminal liability in cases involving spontaneous victim responses must be grounded in the doctrine of lawful defense. In Indonesian criminal law, noodweer provides the legal basis for determining whether conduct that causes harm may be justified because it was undertaken to protect oneself, another person, honor, or property from an unlawful attack or an imminent threat. Article 34 of Law Number 1 of 2023 concerning the Criminal Code reinforces the need to assess whether the act was committed in response to an unlawful attack or an imminent threat.[24] Accordingly, the Sleman snatching case should be evaluated not only by its outcome, namely the alleged offender's death, but also by the nature of the preceding threat and the defensive response.[25]

The existence of an initial crime, however, does not automatically justify every subsequent response. Noodweer requires careful consideration of necessity, proportionality, and immediacy.[26] Necessity requires that the response be directed toward stopping or preventing an unlawful attack rather than punishing the alleged offender after the threat has ended. Proportionality requires that the defensive response remain commensurate with the danger faced. Immediacy requires that the threat be actual or imminent at the time of the response. These requirements prevent lawful defense from becoming a form of private retaliation.[27]

In the Sleman case, the central legal question is whether the pursuit remained connected to an ongoing threat or became a separate act after the

[23] McGlynn and Westmarland, "Kaleidoscopic Justice: Sexual Violence and Victim-Survivors' Perceptions of Justice"; Mulvihill and Sweeting, "Sexual and Violent Police Perpetrators: The Institutional Response to Reporting Victims."
[24] Republic of Indonesia, *Law Number 1 of 2023 concerning the Criminal Code*, Article 34; Yulia and Raymond, "Penerapan Alasan Pembelaan Terpaksa Dalam Tahap Pra Adjudikasi: Perwujudan Efisiensi Dan Efektivitas Penegakan Hukum."
[25] Budana, "Kriminalisasi Korban Dan Reformulasi Noodweer Dalam Sistem Peradilan Pidana: Studi Kasus Sleman Dan Perspektif KUHP Baru."
[26] Leverick, "Defending Self-Defence."
[27] Regina Bateson, "The Politics of Vigilantism," *Comparative Political Studies* 54, no. 6 (May 1, 2021): 923–55, https://doi.org/10.1177/0010414020957692.

original danger had ended. If the pursuit was intended to stop a continuing threat, prevent the alleged offender's escape, recover property, or protect the victim from further harm, the context of victimization must be given substantial weight in assessing liability. Conversely, if the pursuit was no longer linked to an imminent threat and resulted in excessive harm, the analysis must determine whether it exceeded the limits of lawful defense. This distinction is critical because criminal liability should be based not only on victim status or the ultimate outcome but also on the legal character of the conduct.[28]

Causation is central to assessing criminal liability in the Sleman snatching case because the key issue is whether the victim's husband's pursuit can be legally linked to the alleged offender's death. This requires distinguishing factual causation from legal causation while considering the manner of the pursuit, the alleged offender's actions, and any intervening factors. Criminal liability therefore depends on whether the pursuit directly and foreseeably contributed to the fatal outcome. [29]

From a human rights perspective, the application of noodweer must balance personal security, fair treatment, and due process. Victims and their families are entitled to protection following a criminal attack, while alleged offenders retain the rights to life, legal protection, and freedom from arbitrary harm. The legal assessment should therefore consider not only the fatal outcome but also the availability of immediate protection, the psychological pressure experienced by the victim, and the requirements of necessity, proportionality, causation, culpability, and due process.[30]

The Sleman case demonstrates that lawful defense should be evaluated through a contextual, sequential framework. The analysis should: (1) identify the original unlawful attack; (2) determine whether the threat remained immediate and continuous; (3) assess the purpose and intensity of the victim's response; (4) establish the causal relationship between the response and the fatal outcome; and (5) ensure that the assessment is conducted through due process, protecting both the victim's rights and the alleged offender's rights. This framework enables a proportionate assessment of criminal liability while

[28] Wesley G. Jennings, Alex R. Piquero, and Jennifer M. Reingle, "On the Overlap between Victimization and Offending: A Review of the Literature," *Aggression and Violent Behavior* 17, no. 1 (January 2012): 16–26, https://doi.org/10.1016/J.AVB.2011.09.003.

[29] Alex Broadbent, " Moore, Michael S. Causation and Responsibility: An Essay in Law, Morals, and Metaphysics .Oxford: Oxford University Press, 2009. Pp. 605. $50.00 (Paper). ," *Ethics* 121, no. 3 (April 2011): 669–74, https://doi.org/10.1086/659359.

[30] Adam Ploszka, "All Beginnings Are Difficult: The Guiding Principles on Extreme Poverty and Human Rights a Decade After Their Adoption," *Human Rights Law Review* 23, no. 2 (June 2023), https://doi.org/10.1093/HRLR/NGAD001; Chan, Bradford, and Stott, "A Systematic Review and Meta-Analysis of Procedural Justice and Legitimacy in Policing: The Effect of Social Identity and Social Contexts," June 2025.

avoiding secondary victimization and preserving accountability for serious harm.[31]

4. Human Rights-Based Reconstruction of Legal Protection for Spontaneous Victim Responses

The preceding analysis demonstrates that spontaneous victim responses should not be evaluated through a binary approach. The legal framework must recognize the context of victimization without providing automatic immunity, while safeguarding the alleged offender's rights to life, due process, and protection from arbitrary harm.[32]

First, law enforcement authorities should adopt a sequential framework for assessing criminal liability in cases involving spontaneous victim responses.[33] The assessment should examine the initial unlawful attack, the immediacy and continuity of the threat, the purpose of the victim's response, the degree of force used, the proportionality of the response, the causal relationship between the response and the resulting harm, and the psychological pressure experienced by the victim or the victim's family. It should also be evidence-based, drawing on CCTV footage, witness testimony, expert opinions, and a complete reconstruction of the incident.[34] This approach ensures that suspect designation is based on a contextual and proportionate evaluation of the entire sequence of events rather than the final outcome alone.

Second, the criminal justice process should adopt a victim-sensitive approach to investigation. This does not exempt victims or their family members from legal scrutiny. Instead, investigators, prosecutors, and judges should avoid practices that contribute to secondary victimization.[35] Victims should not be treated as offenders before the threat, necessity, proportionality, causation, and culpability of their actions have been thoroughly examined. A victim-sensitive approach also requires clear communication of legal status, access to legal assistance, respectful interviewing, and recognition of the fear, shock, and urgency surrounding the original crime.

Third, this framework must not allow human rights principles to be invoked as a justification for private retaliation. Protecting victims' rights does not remove accountability for serious harm, particularly when a response

[31] Nagin and Telep, "Procedural Justice and Legal Compliance: A Revisionist Perspective."
[32] McGlynn and Westmarland, "Kaleidoscopic Justice: Sexual Violence and Victim-Survivors' Perceptions of Justice."
[33] Republic of Indonesia, *Law Number 1 of 2023 concerning the Criminal Code*, Article 34; Yulia and Raymond, "Penerapan Alasan Pembelaan Terpaksa Dalam Tahap Pra Adjudikasi: Perwujudan Efisiensi Dan Efektivitas Penegakan Hukum."
[34] Nagin and Telep, "Procedural Justice and Legal Compliance: A Revisionist Perspective."
[35] Lorenz, Kirkner, and Ullman, "Qualitative Study of Sexual Assault Survivors' Post-Assault Legal System Experiences."

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exceeds the limits of lawful defense or continues after the threat has ended.[36] Law enforcement must therefore uphold due process while protecting the alleged offender's rights. A balanced approach requires both victim protection and accountability to be evaluated according to the principles of legality, necessity, proportionality, causation, and non-arbitrariness.[37]

Finally, legal protection should extend beyond case-specific assessments. The state must strengthen preventive measures in public spaces to reduce the likelihood that citizens feel compelled to intervene because formal protection is unavailable or delayed. Such measures include improving public surveillance, street lighting, emergency response systems, police accessibility, and community-based crime prevention. A human rights-based framework therefore requires both a fair assessment of criminal liability after an incident and stronger preventive protection before similar incidents occur. The Sleman case demonstrates that legal protection for spontaneous victim responses must integrate victim-sensitive justice, due process, public security, and proportionate accountability.

C. Conclusion

Spontaneous victim responses to street crime cannot be evaluated through a simple victim-versus-offender framework. The key issue is not whether a victim's family member was criminalized, but how criminal liability should be assessed when a response to an initial victimization allegedly results in serious harm. This article argues that the concept of victim-offender overlap provides a more appropriate analytical framework because it acknowledges the original victimization while preserving accountability. Criminal liability should therefore be assessed sequentially by examining the initial victimization, the immediacy of the threat, necessity, proportionality, causation, culpability, and due process. From a human rights criminology perspective, this framework balances the victim's rights to personal security and protection from secondary victimization with the alleged offender's rights to life, legal protection, and freedom from arbitrary harm. The article's primary contribution is the development of a human rights-based framework for assessing criminal liability in cases involving spontaneous victim responses, particularly where lawful defense, causation, and proportionate accountability intersect.

D. Suggestion

Law enforcement authorities should adopt a sequential, evidence-based framework for assessing spontaneous victim responses. The assessment should consider the initial unlawful attack, the immediacy of the threat,

[36] Leverick, "Defending Self-Defence."
[37] Bateson, "The Politics of Vigilantism"; Nagin and Telep, "Procedural Justice and Legal Compliance: A Revisionist Perspective."

necessity, proportionality, causation, and culpability. Criminal justice institutions should also implement a victim-sensitive process that prevents secondary victimization while ensuring due process and protecting the rights of all parties involved.

References

Bateson, Regina. "The Politics of Vigilantism." *Comparative Political Studies* 54, no. 6 (May 2021): 923–55. https://doi.org/10.1177/0010414020957692;SUBPAGE:STRING:FULL.

Broadbent, Alex. " Moore, Michael S. Causation and Responsibility: An Essay in Law, Morals, and Metaphysics .Oxford: Oxford University Press, 2009. Pp. 605. $50.00 (Paper). ." *Ethics* 121, no. 3 (April 2011): 669–74. https://doi.org/10.1086/659359.

Budana, Komang Erlan. "Kriminalisasi Korban Dan Reformulasi Noodweer Dalam Sistem Peradilan Pidana: Studi Kasus Sleman Dan Perspektif KUHP Baru." *Causa: Jurnal Hukum Dan Kewarganegaraan* 16, no. 4 (February 2026): 341–50. https://doi.org/10.6679/R3XRF791.

Ceccato, Vania, and Mahesh Nalla. *Crime and Fear in Public Places Towards Safe, Inclusive and Sustainable Cities*. 1st ed. London, 2020.

Chan, Angus, Ben Bradford, and Clifford Stott. "A Systematic Review and Meta-Analysis of Procedural Justice and Legitimacy in Policing: The Effect of Social Identity and Social Contexts." *Journal of Experimental Criminology 2023 21:2* 21, no. 2 (December 2023): 349–406. https://doi.org/10.1007/S11292-023-09595-5.

Jennings, Wesley G., Alex R. Piquero, and Jennifer M. Reingle. "On the Overlap between Victimization and Offending: A Review of the Literature." *Aggression and Violent Behavior* 17, no. 1 (January 2012): 16–26. https://doi.org/10.1016/J.AVB.2011.09.003.

Leverick, Fiona. "Defending Self-Defence." *Oxford Journal of Legal Studies* 27, no. 3 (September 2007): 563–79. https://doi.org/10.1093/OJLS/GQM012.

Lorenz, Katherine, Anne Kirkner, and Sarah E. Ullman. "Qualitative Study of Sexual Assault Survivors' Post-Assault Legal System Experiences." *Journal of Trauma & Dissociation : The Official Journal of the International Society for the Study of Dissociation (ISSD)* 20, no. 3 (May 2019): 263. https://doi.org/10.1080/15299732.2019.1592643.

Marzuki, Peter Mahmud. "Penelitian Hukum," 2005.

McGlynn, Clare, and Nicole Westmarland. "Kaleidoscopic Justice: Sexual Violence and Victim-Survivors' Perceptions of Justice." *Social and Legal Studies* 28, no. 2 (April 2019): 179–201. https://doi.org/10.1177/0964663918761200.

Moreira, Gustavo, and Vania Ceccato. "Increase of Fear of Crime in Rural Brazil and Police Legitimacy." *Journal of Rural Studies* 110 (August 2024): 103370. https://doi.org/10.1016/J.JRURSTUD.2024.103370.

Mulvihill, Natasha, and Fay Sweeting. "Sexual and Violent Police Perpetrators: The Institutional Response to Reporting Victims." *Policing and Society* 35, no. 1 (January 2025): 34–49. https://doi.org/10.1080/10439463.2024.2369332.

Nagin, Daniel S., and Cody W. Telep. "Procedural Justice and Legal Compliance: A Revisionist Perspective." *Criminology and Public Policy* 19, no. 3 (August 2020): 761–86. https://doi.org/10.1111/1745-9133.12499.

Nam, Yongjae, Scott E. Wolfe, and Justin Nix. "Does Procedural Justice Reduce the Harmful Effects of Perceived Ineffectiveness on Police Legitimacy?" *Journal of Research in Crime and Delinquency* 61, no. 1 (February 2024): 124–67. https://doi.org/10.1177/00224278221121622;WGROUP:STRING:PUBLICATION.

Ploszka, Adam. "All Beginnings Are Difficult: The Guiding Principles on Extreme Poverty and Human Rights a Decade After Their Adoption." *Human Rights Law Review* 23, no. 2 (June 2023). https://doi.org/10.1093/HRLR/NGAD001.

Reeves, Ellen, Kate Fitz-Gibbon, Silke Meyer, and Sandra Walklate. "'The Fact That He Was a Police Officer Was Probably My Number 1 Challenge': Victim-Survivor Experiences of Officer-Involved Domestic Violence in Australia." *Violence Against Women*, March 2025. https://doi.org/10.1177/10778012251319761;WEBSITE:WEBSITE:SAGE;ISSUE:ISSUE:DOI.

Spencer, Ayanna De Vante. "Solidarity with Chrystul Kizer: On Disparate Failures of Knowledge-Attribution and Survivors of Sexual Violence." *Hypatia* 38, no. 4 (December 2023): 707–25. https://doi.org/10.1017/HYP.2023.83.

Syahbur, Dinah Faizah, Aroma Elmina Martha, and Galuh Praharafi Rizqia. "Prevention of Secondary Victimization for Victims of Sexual Violence in Court Proceeding." *Contemporary Issues in Criminal Law* 1, no. 1 (June 2024): 19–36. https://doi.org/10.20885/CICL.VOL1.ISS1.ART2.

UUD Republik Indonesia. UNDANG-UNDANG DASAR NEGARA REPUBLIK INDONESIA 1945, 105 § (1945).

Welsh, Brandon C., David P. Farrington, and Stephen Douglas. "The Impact and Policy Relevance of Street Lighting for Crime Prevention:A Systematic Review Based on a Half-Century of Evaluation Research." *CrimRxiv*, April 2024. https://doi.org/10.21428/CB6AB371.5B88B0F1.

Weston, Madeline. "Committing Crimes Kept Her Alive: United States v. Dingwall and The Criminalization of Domestic Violence Victims." *Digital Reposity University of Wisconsin Law School* 37, no. 2 (2022).

Wüllenweber, Sarah, and Amy Burrell. "The Crime and the Place: Robbery in the Night-Time Economy." *Journal of Investigative Psychology and Offender Profiling* 21, no. 1 (January 2024): 3–19. https://doi.org/10.1002/JIP.1616;REQUESTEDJOURNAL:JOURNAL:15444767;WGROUP:STRING:PUBLICATION.

Yulia, Rena, and Hizkia Raymond. "Penerapan Alasan Pembelaan Terpaksa Dalam Tahap Pra Adjudikasi: Perwujudan Efisiensi Dan Efektivitas Penegakan Hukum." *Masalah-Masalah Hukum* 52, no. 3 (November 2023): 301–11. https://doi.org/10.14710/MMH.52.3.2023.301-311.