

Legal Review of Perpetrators of Schizophrenic Psychiatric Disorders (Legal Review of Article 44 of Law Number 1 of 2023 In the Crime of Murder) (Case Study Decision Number: 181/Pid/2024/PT DKI)

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Article Info

Article history:

Accepted: 16 October 2025

Publish: 1 December 2025

Keywords:

Criminal offense;

Mental Disorder;

Schizophrenia.

Abstract

(1) Schizophrenia is a serious mental disorder in which the sufferer has difficulty distinguishing between delusion and reality. This condition is commonly characterized by unusual behaviors such as delusions and hallucinations. For this reason, individuals experiencing such symptoms are often referred to as "insane," though the term carries stigma and oversimplification. (2) This research employs a normative juridical approach, specifically using the statute approach and the case approach. The writer also applies a qualitative descriptive analysis method to provide a comprehensive understanding of the phenomena under study. (3) The murder case involving Andi Andoyo in Decision Number 181/Pid/2024/PT DKI attracted public attention due to the involvement of a perpetrator diagnosed with paranoid schizophrenia. Despite medical evidence and expert testimony confirming a severe mental disorder, the panel of judges sentenced the defendant to 16 years in prison. In fact, Article 44 of the Indonesian Penal Code (KUHP) provides legal space for individuals with mental disorders to be rehabilitated rather than punished with imprisonment. This highlights the importance of substantive justice and the need for a more sensitive judicial system toward the mental condition of defendants. (4) Article 44 of Law Number 1 of 2023 concerning the Criminal Code allows for mentally ill offenders to be exempt from punishment and placed in a mental hospital. This is also in line with Law Number 17 of 2023 concerning Health, which affirms the right of individuals with mental disorders to receive medical care and rehabilitation. When medical aspects are ignored in legal considerations, achieving substantive justice becomes increasingly difficult.

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1. INTRODUCTION

Along with the progress of globalization, the need for life is increasing and has become one of the triggering factors for the emergence of economic problems that have occurred in recent years. The COVID-19 pandemic has also exacerbated this situation by causing a large number of mass layoffs. This condition triggers stress in people's lives, which ultimately has an impact on physical and mental health disorders. Mental disorders such as Skizofrenia can be experienced by anyone, regardless of social status, whether from the upper, middle, or lower classes. Mental disorders are still an important problem globally. The World Health Organization (WHO) even estimates that one in four people in the world will experience a nervous system disease or psychiatric disorder at least once in

their lifetime, both at home and abroad. This mental health problem has a high risk, and therefore needs serious attention from various parties (Florensa dkk., 2023).

Mental disorders are generally divided into two categories, namely mild mental disorders and severe mental disorders. Skizofrenia Included in the category of severe mental disorders that are dangerous and difficult to control (Hartanto et al., 2021). Sufferer Skizofrenia often face complex problems that require support from others to carry out their normal life functions. They face limitations that arise due to changes in behavior, emotions, and mindsets. Severe mental disorders are also a burden on families, governments, and communities, because the productivity of sufferers decreases and high treatment costs become the family's dependents (Lestari et al., 2020).

Causes of mental disorders, in particular Skizofrenia, very diverse, one of which is a mental condition that affects the mind, understanding, emotions, and attitude of the sufferer. Sufferer Skizofrenia experiencing symptoms such as: (1) hallucinations (hearing sounds, seeing shadows, or feeling something that doesn't really exist), (2) delusions (unreasonable and unrealistic beliefs), (3) strange behaviors (walking directionless, talking to yourself, laughing for no reason, dressing unnaturally), (4) disconnected or meaningless speech, and (5) emotional disturbances, such as lack of interest and mismatch between emotional expression and the situation at hand (Paramita & Setyani, 2021). Skizofrenia It is also influenced by biological factors such as chemical imbalances in the brain, anomalies during pregnancy, drug abuse, as well as gender—where women tend to experience positive symptoms (hallucinations, delusions, emotions), while men are more dominant in negative symptoms (withdrawal, flat expression, and cognitive impairment) (Niman & Christian, 2020).

Skizofrenia The paranoid type is the type most often found in criminal offenders, especially in Asian countries such as Indonesia. Therefore, the Indonesian legal system applies a double track system, namely the provision of criminal sanctions and/or treatment measures for perpetrators of criminal acts who experience Skizofrenia (Daulay & Mansar, 2023). In some cases, the perpetrator is still sentenced, while in other cases he is subject to rehabilitation. Because it is classified as a severe disorder, Skizofrenia Not only does it affect the lives of the sufferer, but it also has an impact on the people around them, such as family and the social environment. Family of the sufferer Skizofrenia They often experience psychological pressure because they have to accompany changes in the patient's behavior in the long term (Nurhasanah, 2024).

Mental disorders such as Schizophrenia become very dangerous when left to live in an indifferent environment. If not treated immediately, sufferers can be at risk of dangerous actions such as persecution, sexual violence, and murder. In the context of Indonesian criminal law, perpetrators who suffer from mental illnesses such as Schizophrenia cannot be punished, because they cannot be legally accounted for their actions. The principle of criminal responsibility is always attached to the perpetrator, no matter who the person is, both children and adults.

In various cases, the perpetrators of criminal acts are often people with mental disorders (ODGJ). The relevant legal provisions in this case are found in Article 44 of the Criminal Code (KUHP) which reads: No one can be punished for doing an act that cannot be accounted for because of lack of perfection in his mind or illness of changing his mind. If it is clear that the act cannot be held accountable to him because he is imperfect in his mind or ill in his mind, then the judge can order him to be admitted to a mental hospital for a period of one year for examination.

According to the prevailing legal norms in Indonesia, a person can only be held criminally liable if he is able to distinguish between good and bad and understand the consequences of his actions. When a person commits a crime in a conscious state, then he

is responsible for his actions. However, if the perpetrator is in a disturbed psychiatric condition, such as ODGJ, then his criminal liability can be lost (Widjiastuti et al., 2023)

This situation raises for the author whether perpetrators who have mental disorders can be released without serving punishment, and it is enough to just undergo periodic healing? This question also alludes to the position of the victim, who seems to have lost the right to legal justice. Therefore, it is important for the criminal justice system to ensure that perpetrators with mental disorders are still treated fairly, not only for the benefit of the perpetrator, but also for the protection of victims and the wider community.

2. RESEARCH METHOD

In this study, the author uses a normative juridical method, normative legal research is a research that focuses on legal questions or problems in a certain jurisdiction. The implementation of normative legal research is carried out by collecting data and continued by analyzing relevant laws and legal norms, Legal research with a normative juridical approach aims to explain how a positive legal provision and applicable legal norms can be elaborated and analyzed systematically. The research in this thesis was conducted using the statute approach and the case approach. The statute approach is carried out by studying all legal provisions and regulations related to the subject matter of the legal issue being discussed, while the case approach is carried out through a review of court decisions that have permanent legal force and are relevant to the issue being researched (Muhaimin, 2020).

The technique of collecting legal materials in this study is that the author conducts a literature study which is carried out by reading, studying, researching and taking notes to make reviews and literature materials. The research conducted a search through relevant internet media and related to the problems to be researched in this study.

In this study, the author used a qualitative descriptive analysis method. The qualitative approach is generally carried out after a problem is examined through a quantitative approach, this qualitative research aims to understand various phenomena experienced by the research subject. Such as behavior, perception, motivation, action, and other aspects (Moleong, 2002).

3. RESEARCH RESULTS AND DISCUSSION

The Jakarta High Court Decision Number 181/Pid/2024/PT DKI is one example of a complex murder case because it involves the Defendant with a background of a psychiatric disorder. In this context, the author tries to understand and examine the legal considerations of the Panel of Judges, as well as examine the possibility of applying other approaches based on academic perspectives and normative legal studies in this study.

3.1.Consideration of the Panel of Judges

The Panel of Judges in its consideration stated that the element of premeditated murder had been met. This is shown through the actions of the Defendant who brought a knife from the house, waited for the victim, and attacked the victim's vital parts of the body. In addition, the judge also considered the time gap between the intention and the execution of the action, which according to the law can indicate the existence of planning, "So according to the Assembly, what the Defendant did can be said to have been done deliberately and had been planned in advance" (The judge's opinion in decision no. 181/Pid/2024/PT DKI)

3.2.Academic Review Based on Research Approach.

Through an academic approach, the author examines that in this case there are additional aspects that can be considered, namely the psychiatric condition of the Defendant which, according to forensic and psychiatric experts, suffers from

Skizofrenia paranoid This was medically proven through the Visum et Repertum Psychiatricum of Bhayangkara Tk. I Hospital, which stated that the Defendant was suffering from Skizofrenia paranoid at the time of the act.

Table 1. The Difference Between Semiconscious and Unconscious

Aspects	Semi-Conscious	Not Aware At All
Understanding	Still have consciousness, but not fully	Loss of consciousness completely, deeds occur out of control
Self-Control	It's still there, but it's weak.	There is absolutely no control
Perception	Experiencing distortion, still able to recognize some reality	Experiencing total delusions and hallucinations, disconnected from reality
Responsibility	It can still be requested, but it can be a mitigating consideration	Free from criminal charges, according to Article 44 of the Criminal Code
Handling	The penalty can be considered lower	Rehabilitation and medical treatment at the Psychiatric Hospital, not imprisonment

Source: Legal Clinic. (2020). The Difference Between Half-Conscious and Unconscious in Law. Retrieved June 16, 2025

As a result of this condition, the patient is unable to fully relate his actions to criminal awareness and responsibility (*dolus*). In Indonesian criminal law, Article 44 of the Criminal Code opens up the possibility for the legal system to take into account a person's mental state in determining whether he or she can be held criminally responsible. Especially in paragraph 2 (two), it is stated that if the perpetrator is unable to take responsibility, then the judge can decide on treatment in a mental hospital. Based on the principle of equality before the law, it is mandatory to treat everyone fairly, without exception, including people with mental disorders who are involved in criminal acts. Things that can be considered by the judge are:

- 1) Using Article 44 paragraph 2 (two) of the Criminal Code, which orders treatment and rehabilitation in mental hospitals, not prisons.
- 2) This is in order to fulfill the aspects of justice, legal certainty, and human protection, in accordance with the principle of equality before the law.

Through this approach, the author presents alternative views based on legal principles, such as justice, protection of the rights of the Defendant, and the benefits of the law for the Defendant. Based on the author's analysis, the treatment of defendants with psychiatric disorders such as schizophrenia can be directed to rehabilitative measures, in order to maintain a balance between law enforcement and medical protection.

3.3.Reflection on the legal approach

Through this analysis, the author seeks to show that the approach to criminal acts by the Defendant who has a mental disorder must be based on the principle of legal justice that considers his psychiatric condition. The juridical approach remains the main basis, but it can be expanded by considering the medical and justice aspects for the Defendant.

Thus, the treatment of patients Skizofrenia Paranoid people involved in criminal acts must be distinguished from ordinary criminal offenders, in order to fulfill aspects of justice and legal interests. The authors hope that this analysis can be a contribution to the academic discourse on the development of punishment that runs not in the same focus as retribution, but also rehabilitative, especially in cases involving perpetrators with mental disorders.

4. CONCLUSION

The responsibility carried out by the Defendant with Schizophrenia in the Decision of the DKI Jakarta High Court Number 181/Pid/2024/PT DKI. shows that, the Panel of Judges imposed a penalty based on the fulfillment of the element of premeditated murder, this assessment is based on the Defendant's actions which show that there was preparation and planning. As for the expert testimony that stated that the Defendant was a person whose thinking was disturbed at a severe level in the form of paranoid schizophrenia, the Panel of Judges considered that the Defendant still had awareness and understanding of his actions.

This shows that the juridical approach remains the main basis in the imposition of judgments, even though there is a psychiatric dimension that also colors this case, while legal regulations in Indonesia have provided a basis for efforts to protect juridical defendants whose mental power is impaired to the point of becoming a mental disorder, as stated in Article 44 of the Criminal Code and the Health Law. In this context, the placement of the perpetrator in a mental hospital as an alternative to punishment is a form of protection recognized by law.

Therefore, this case opens up a space for academic discussion about the need for a balance between the criminal law system and the mental health service system. In assessing the criminal liability of perpetrators with mental disorders, to ensure that the law not only functions to punish, but also protects and restores based on the context of substantive justice and restorative justice.

5. ACKNOWLEDGEMENT

Thank you to Mr. Wuri Sumampouw, S.H., M.,H. and Mr. M. Asyharuddin, S.H. as supervisor 1 and supervisor 2 and Mr. Dr. Agung Sakti Pribadi, S.H., M.H. and Mr. Dr. Amir, S.E., S.H., M.H. for the help, criticism, input, suggestions and guidance from all of you in helping in neatness and good writing in the preparation of this thesis and journal article.

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