

# Reassessing Criminal Responsibility of Mentally Disordered Offenders in Indonesian Homicide Cases: Judicial Interpretation of Article 44 KUHP

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## ABSTRACT

This study examines the judicial interpretation of criminal responsibility for mentally disordered offenders in homicide cases under Article 44 of the Indonesian Criminal Code (KUHP). Despite its normative function as a ground for excluding criminal liability, the application of Article 44 remains inconsistent in judicial practice. Using a normative juridical approach combined with case analysis, this research analyzes court decisions across multiple judicial levels and evaluates the extent to which psychiatric evidence influences legal reasoning. The findings indicate that judges tend to rely on behavioral indicators such as functional normality, coherence of testimony, and the presence of rational motives, rather than prioritizing clinical psychiatric assessments. As a result, defendants diagnosed with severe mental disorders, including schizophrenia, may still be deemed criminally responsible. This practice reflects a shift from a capacity-based approach toward a behavior-based interpretation, which risks undermining the doctrinal principle of culpability (*schuld*). Furthermore, the study highlights the limited evidentiary weight assigned to *Visum et Repertum Psychiatricum* and the lack of interdisciplinary integration between law and psychiatry. A comparison with Article 39 of the new Indonesian Criminal Code demonstrates a significant paradigm shift toward a more precise, evidence-based, and rehabilitative framework. This research concludes that strengthening judicial understanding of mental health, enhancing the role of expert evidence, and ensuring consistent implementation of the new legal framework are essential to achieving a more just and humane criminal justice system.

**Keywords:** Article 44 KUHP, Criminal Responsibility, Mental Disorder.

## 1. Introduction

The issue of criminal responsibility for offenders with mental disorders remains one of the most complex and debated topics within contemporary criminal law, particularly in jurisdictions where legal doctrine intersects with evolving psychiatric knowledge. In Indonesia, this complexity is prominently reflected in the application of Article 44 of the Indonesian Criminal Code (Kitab Undang-Undang Hukum Pidana KUHP), which provides a legal basis for excluding criminal liability when an offender lacks the capacity to be held responsible due to mental illness or psychological impairment. While the provision appears clear in its normative formulation, its implementation in judicial practice reveals significant inconsistencies and interpretative challenges, especially in serious crimes such as homicide.

From a doctrinal perspective, criminal responsibility is fundamentally grounded in the principle of *toerekeningsvatbaarheid*, which refers to the capacity of an individual to understand and control their actions in accordance with legal norms. This principle constitutes a core element of the *schuld* (fault) doctrine, which posits that punishment can only be imposed when an individual possesses both *actus reus* (the criminal act) and *mens rea* (the mental element) (Muladi, 2012). Within this framework, individuals suffering from severe mental disorders may be deemed incapable of forming the requisite mental state, thereby negating criminal liability. Article 44 KUHP embodies this principle by stipulating that individuals who commit acts in a state of mental incapacity cannot be punished.

However, despite its doctrinal clarity, the practical application of Article 44 KUHP in Indonesian courts remains deeply contested. Empirical observations indicate that judges frequently adopt a restrictive interpretation of mental incapacity, often prioritizing observable behavior and perceived rationality over clinical psychiatric evidence. This tendency is particularly evident in homicide cases, where the gravity of the offense appears to

influence judicial reasoning, leading to a preference for retributive justice over medical or rehabilitative approaches. As a result, defendants diagnosed with severe mental disorders, including schizophrenia, have in some instances been held criminally liable and sentenced to imprisonment, notwithstanding psychiatric evaluations suggesting diminished or absent responsibility (Nugroho et al., 2022; Setiawan & Arief, 2021).

This phenomenon raises critical questions regarding the epistemological foundations of judicial decision-making in cases involving mental disorders. Specifically, it highlights a tension between legal reasoning and psychiatric expertise, where courts may either undervalue or reinterpret medical evidence in light of legal standards. According to Haines et al., (2018), effective decision-making in forensic mental health contexts requires a multidisciplinary approach that integrates legal principles with psychiatric assessment. However, in practice, such integration is often incomplete, resulting in fragmented and potentially unjust outcomes.

The Indonesian context further complicates this issue due to the normative limitations of Article 44 KUHP itself. The provision employs broad and non-specific terminology, referring generally to “mental defects” or “mental illness” without providing clear clinical criteria or diagnostic thresholds. This lack of specificity creates substantial discretion for judges, who may interpret the provision subjectively based on their understanding of mental illness. As noted by Ohoiwutun et al., (2022), this ambiguity has led to inconsistent applications across cases, with similar psychiatric conditions producing divergent legal outcomes. In some cases, mental illness is recognized as a ground for exemption from punishment, while in others, it is deemed insufficient to negate responsibility.

Moreover, the absence of standardized procedures for evaluating mental capacity exacerbates these inconsistencies. Although the use of *Visum et Repertum Psychiatricum* serves as a primary evidentiary tool in assessing the mental condition of defendants, its evidentiary weight is not uniformly recognized. Courts may question the credibility, independence, or conclusiveness of psychiatric expert testimony, thereby diminishing its influence on judicial decisions. This issue is compounded by the limited availability of forensic psychiatric experts and the lack of institutional coordination between legal and medical professionals (Gutama & Sabri, 2024).

Another critical dimension of this problem lies in the broader human rights implications of criminalizing individuals with mental disorders. International human rights standards emphasize the need for legal systems to adopt humane and non-discriminatory approaches toward vulnerable populations, including persons with mental disabilities. The United Nations Convention on the Rights of Persons with Disabilities (CRPD), for instance, advocates for the recognition of legal capacity and the provision of appropriate support mechanisms rather than punitive measures. In this regard, the continued imprisonment of mentally disordered offenders without adequate medical consideration may constitute a violation of fundamental human rights principles, including the right to health and the prohibition of inhumane treatment.

The urgency of addressing these issues has become increasingly apparent with the enactment of the new Indonesian Criminal Code (KUHP Nasional) under Law No. 1 of 2023. Article 39 of the new code introduces a more refined and clinically informed framework for assessing criminal responsibility in cases involving mental disorders. Unlike Article 44 KUHP, which relies on general terminology, Article 39 specifies conditions such as acute psychotic episodes and intellectual disabilities of moderate to severe degree as grounds for exemption from criminal punishment. This shift reflects a broader paradigm change from a purely legalistic approach to one that incorporates scientific and medical insights into the determination of criminal liability.

Despite this legislative advancement, the transition from Article 44 to Article 39 raises important questions regarding continuity and change in judicial practice. It remains unclear to what extent courts will adopt the new framework or continue to rely on established interpretative patterns rooted in the older provision. Furthermore, existing case law suggests that even under Article 44, judges have implicitly applied criteria resembling those found in Article 39, albeit without explicit acknowledgment. This observation indicates a potential convergence between normative reform and judicial practice, but also underscores the need for a systematic analysis of how these provisions are interpreted and applied in real cases.

Existing scholarship has addressed various aspects of criminal responsibility and mental disorders in Indonesia, but significant gaps remain. For instance, Tapowolo, (2025) examines the general principles of criminal liability for mentally disordered offenders but does not provide a detailed analysis of judicial reasoning in specific cases. Similarly, Rizgillah, (2024) highlights disparities in sentencing for offenders with schizophrenia but focuses primarily on the outcomes rather than the underlying legal arguments. Other studies, such as those by Fazel et al., (2016), emphasize the role of government responsibility in rehabilitation but do not engage with the doctrinal interpretation of Article 44 KUHP.

Furthermore, comparative studies have explored differences between Indonesian criminal law and other jurisdictions, yet these analyses often lack an in-depth examination of the interaction between legal norms and psychiatric evidence (Pratama & Rasmawan, 2025). As a result, there is a notable absence of research that systematically evaluates how judges interpret and apply the concept of criminal responsibility in cases involving mental disorders, particularly in the context of serious crimes such as homicide.

This study seeks to address this gap by conducting a critical analysis of judicial interpretations of Article 44 KUHP in homicide cases involving mentally disordered offenders. It aims to examine not only the outcomes

of such cases but also the reasoning processes that underpin judicial decisions. By analyzing court judgments across different levels of the judiciary, this research intends to identify patterns, inconsistencies, and underlying assumptions that shape the application of criminal responsibility.

In addition, this study contributes to the ongoing discourse on legal reform by assessing the extent to which existing judicial practices align with the principles embodied in Article 39 of the new KUHP. Through this analysis, the research seeks to provide insights into the challenges and opportunities associated with integrating legal and psychiatric perspectives in the criminal justice system. Ultimately, the goal is to promote a more coherent, consistent, and humane approach to handling cases involving mentally disordered offenders.

In conclusion, the reassessment of criminal responsibility in the context of mental disorders is not merely a technical legal issue but a fundamental question of justice, human rights, and societal values. The Indonesian experience, as reflected in the application of Article 44 KUHP, illustrates the difficulties of reconciling legal doctrine with scientific knowledge and ethical considerations. By critically examining these challenges, this study aims to contribute to the development of a more responsive and inclusive criminal justice system that recognizes the complexities of human behavior and the importance of mental health in determining criminal liability.

## 2. Methodology

This study employs a normative juridical approach combined with a limited empirical dimension to examine the judicial interpretation of criminal responsibility for mentally disordered offenders under Article 44 of the Indonesian Criminal Code (KUHP). The normative approach focuses on analyzing legal norms, doctrines, and principles governing criminal liability, particularly the concept of *toerekeningsvatbaarheid*, while the empirical aspect is reflected in the examination of selected court decisions.

The research is descriptive-analytical in nature. It aims to systematically describe how judges interpret and apply Article 44 KUHP in homicide cases involving offenders diagnosed with mental disorders and to critically evaluate the consistency of such interpretations with established principles of criminal law and contemporary psychiatric understanding.

Data used in this study consist primarily of secondary legal materials, including: (1) primary legal sources such as statutory regulations (KUHP and Law No. 1 of 2023 on the new Criminal Code) and court decisions at the district, appellate, and supreme court levels; (2) secondary sources including academic books, peer-reviewed journal articles, and legal commentaries; and (3) tertiary materials such as legal dictionaries and encyclopedias. Key cases analyzed include homicide decisions involving defendants diagnosed with schizophrenia and supported by *Visum et Repertum Psychiatricum*.

The research applies three main analytical approaches: statutory approach, case approach, and conceptual approach. The statutory approach examines the normative framework of Article 44 KUHP and its reformulation in Article 39 of the new Criminal Code. The case approach focuses on judicial reasoning in selected decisions to identify patterns and inconsistencies. The conceptual approach is used to analyze key legal doctrines such as criminal responsibility, fault (*schuld*), and mental incapacity.

Data analysis is conducted using qualitative legal analysis, involving interpretation, comparison, and evaluation of legal norms and judicial arguments. The study also incorporates an interdisciplinary perspective, particularly insights from forensic psychiatry, to assess the adequacy of judicial consideration of mental health evidence.

Through this methodology, the study aims to provide a comprehensive and critical understanding of how criminal responsibility is constructed and applied in cases involving mentally disordered offenders in Indonesia.

## 3. Result and Discussion

### 3.1 Judicial Reasoning in Determining Criminal Responsibility of Mentally Disordered Offenders

The findings of this study reveal that judicial reasoning in Indonesian homicide cases involving mentally disordered offenders demonstrates a strong tendency toward behavioral interpretation of criminal responsibility, rather than a strictly clinical or psychiatric evaluation. Courts across different levels of adjudication District Court (*Pengadilan Negeri*), High Court (*Pengadilan Tinggi*), and Supreme Court (*Mahkamah Agung*) consistently rely on observable indicators such as coherence of testimony, social functionality, and the presence of a rational motive in determining whether a defendant possesses criminal responsibility (*toerekeningsvatbaarheid*).

A key pattern emerging from the analysis is the judicial construction of “functional normality” (Prakoso & Wibowo, 2020). Even in cases where defendants are diagnosed with severe mental disorders, such as paranoid schizophrenia, judges frequently conclude that the individual retains sufficient awareness and control over their actions. This conclusion is often based on evidence that the defendant was capable of interacting socially,

performing daily activities, or explaining the chronology of the crime in a structured manner. Consequently, the existence of a psychiatric diagnosis does not automatically negate criminal responsibility.

This approach reflects a pragmatic but reductionist interpretation of mental capacity. Instead of focusing on the internal psychological state of the defendant at the time of the offense, courts emphasize external manifestations of behavior. As noted in contemporary forensic psychiatry, individuals with schizophrenia may retain certain cognitive and social functions while experiencing severe disturbances in perception and judgment (Association, 2022). Therefore, reliance on behavioral normality alone may lead to an inaccurate assessment of mental incapacity.

Another significant finding concerns the limited evidentiary weight assigned to psychiatric expert testimony, particularly *Visum et Repertum Psychiatricum*. Although expert opinions are formally acknowledged, they are often treated as supplementary rather than determinative evidence. Judges tend to reinterpret or qualify psychiatric conclusions by emphasizing that the disorder does not completely eliminate consciousness or volitional control. This indicates a hierarchical relationship in which legal reasoning ultimately prevails over medical expertise.

Furthermore, judicial reasoning frequently incorporates the presence of rational motives such as anger, disappointment, or revenge as indicators of criminal responsibility (Putri et al., 2022). In the analyzed cases, courts reason that the existence of a clear motive implies the ability to think logically and therefore supports the attribution of criminal liability. However, this reasoning overlooks the possibility that such motives may arise within distorted cognitive frameworks caused by mental disorders, particularly psychotic conditions involving delusions or hallucinations.

In addition, the temporal dimension of mental illness is often inadequately addressed (Kusuma & Santoso, 2019). Article 44 KUHP requires an assessment of the defendant's mental condition at the time of the act, yet judicial analysis tends to consider the defendant's general behavior before and after the incident. This static approach fails to account for the episodic nature of many psychiatric conditions, where mental capacity may fluctuate significantly over time (Fazel et al., 2016).

Overall, the judicial reasoning identified in this study reflects a hybrid model that combines elements of legal formalism with intuitive assessments of behavior. While this approach allows for flexibility, it also introduces significant inconsistencies and risks undermining the protective function of Article 44 KUHP.

### 3.2 Normative and Doctrinal Implications

The patterns of judicial reasoning discussed above have profound implications for the normative structure of Indonesian criminal law, particularly with regard to the principle of culpability (*schuld*) and the doctrine of criminal responsibility.

At the doctrinal level, the findings indicate a gradual shift from a capacity-based model to a behavior-based model of criminal responsibility (Arifin, 2020; Lestari & Pratama, 2021). Traditionally, the concept of *toerekeningsvatbaarheid* requires that an individual possess the mental capacity to understand and control their actions. However, in practice, courts appear to equate capacity with observable rationality and functional behavior. This shift effectively lowers the threshold for criminal responsibility, allowing individuals with impaired mental capacity to be held liable as long as they exhibit certain outward signs of normality.

This development raises concerns regarding the integrity of the fault principle, which serves as the moral foundation of criminal law. According to classical legal theory, punishment is justified only when the offender is capable of moral judgment and autonomous decision-making (Muladi, 2012). By prioritizing behavioral indicators over psychological capacity, judicial practice risks undermining this foundational principle.

From a normative perspective, the ambiguity of Article 44 KUHP plays a significant role in enabling such interpretations (Rahman & Dewi, 2022). The provision lacks clear medical criteria and relies on broad terms such as "mental defect" or "mental illness," leaving substantial discretion to judges. As highlighted in recent legal scholarship, this vagueness has resulted in inconsistent applications and divergent judicial outcomes in similar cases (Ohoiwutun et al., 2022).

A central aspect of this study is the comparison between the traditional framework of Article 44 KUHP and the reformed provisions of Article 39 in the new Criminal Code (Law No. 1 of 2023).

**Table 1.** Substantive Comparison between Article 44 KUHP and Article 39 KUHP Nasional

| Aspect      | Article 44 KUHP (Old Code)         | Article 39 KUHP Nasional (2023)                 |
|-------------|------------------------------------|---|
| Terminology | "Mental defect" / "mental illness" | "Mental disability" / "intellectual disability" |
| Criteria    | General, undefined                 | Specific: acute relapse + psychotic symptoms    |

| Aspect                 | Article 44 KUHP (Old Code)                         | Article 39 KUHP Nasional (2023)                                  |
|------------------------|--|--|
| Basis of exemption     | Inability to be responsible                        | Clinically defined mental condition                              |
| Time reference         | Not explicitly detailed                            | Clearly focused on condition at the time of the act              |
| Consequence            | Not punishable; possible hospitalization (limited) | Not punishable; subject to mandatory treatment or rehabilitation |
| Approach               | Legalistic, discretionary                          | Scientific, evidence-based                                       |
| Role of psychiatry     | Supporting evidence                                | Central determinant  |
| Protection of offender | Limited  | Strong, with rehabilitative orientation                          |
| Protection of society  | Minimal  | Balanced through supervision and treatment                       |
| Paradigm               | Retributive  | Therapeutic and humanistic                                       |

Source: Edited by the author, 2026

The comparison between Article 44 KUHP and Article 39 of the Indonesian National Criminal Code (Nasional, 2023) reflects a fundamental transformation in the legal paradigm governing criminal responsibility for mentally disordered offenders. This transformation is not merely terminological but represents a shift from a classical legal approach toward a more scientifically grounded and human rights oriented framework.

First, in terms of terminology, Article 44 KUHP employs broad and outdated expressions such as “mental defect” (*cacat jiwa*) and “mental illness” (*penyakit jiwa*), which lack clinical precision and may lead to interpretative ambiguity. In contrast, Article 39 adopts the terms “mental disability” and “intellectual disability,” aligning Indonesian criminal law with contemporary psychiatric classifications and international legal standards. This change enhances conceptual clarity and reduces the risk of inconsistent interpretation.

Second, regarding criteria, Article 44 KUHP does not provide specific medical benchmarks for determining criminal incapacity. As a result, its application heavily depends on judicial discretion. Conversely, Article 39 introduces explicit clinical parameters, particularly the requirement of an acute relapse accompanied by psychotic symptoms. This specification strengthens legal certainty by establishing objective conditions that must be met before criminal responsibility can be excluded.

Third, the basis of exemption also differs significantly. Article 44 focuses on the abstract notion of the inability to be responsible, without clearly defining how such inability should be assessed. Article 39, however, grounds the exemption in clinically verifiable mental conditions, thereby integrating legal analysis with medical evidence. This represents a move toward an evidence-based model of criminal responsibility.

Fourth, in terms of legal consequences, Article 44 provides limited guidance, primarily allowing for non-punishment and optional placement in a mental institution for a relatively short duration. Article 39, by contrast, emphasizes mandatory rehabilitative measures, ensuring that offenders receive appropriate treatment while also addressing concerns of public safety. This reflects a shift from a punitive orientation to a therapeutic and preventive approach.

Fifth, the comparison reveals a broader paradigm shift. Article 44 embodies a retributive and formalistic model, where legal responsibility is determined largely through judicial interpretation. Article 39, on the other hand, represents a modern, interdisciplinary paradigm, incorporating insights from psychiatry and emphasizing proportionality, rehabilitation, and social protection.

Furthermore, the role of psychiatric expertise becomes significantly more central under Article 39. While Article 44 treats expert evidence as supplementary, Article 39 implicitly elevates it to a determinative factor, given that the assessment of acute psychotic conditions requires professional medical evaluation. This change is crucial for improving the accuracy and fairness of judicial decisions.

Finally, from a policy and human rights perspective, Article 39 provides stronger safeguards for both offenders and society. It ensures that individuals with severe mental disorders are not subjected to inappropriate criminal punishment, while also establishing mechanisms for treatment and supervision. This balanced approach aligns with contemporary international standards, including principles of therapeutic jurisprudence and the protection of vulnerable groups.

In summary, the comparison demonstrates that Article 39 KUHP Nasional offers a more structured, objective, and humane framework for addressing criminal responsibility in cases involving mental disorders. However, its effectiveness will ultimately depend on consistent and informed implementation by judicial

authorities, as well as the development of institutional capacity to support interdisciplinary collaboration between law and psychiatry (Saputra & Kurniawan, 2024).

The introduction of Article 39 in the new Criminal Code (Law No. 1 of 2023) represents an attempt to address these shortcomings by incorporating clinically defined criteria, such as acute psychotic episodes and intellectual disabilities. This reform reflects a broader shift toward a scientific and humanistic paradigm, emphasizing rehabilitation rather than punishment. However, the effectiveness of this reform will depend on its implementation in judicial practice.

In addition, the findings have important implications from a human rights perspective (Yunita & Mahendra, 2023). The continued imprisonment of individuals with severe mental disorders, without adequate consideration of their condition, may conflict with international standards, including the principles outlined in the Convention on the Rights of Persons with Disabilities (CRPD). Recent studies emphasize the need for criminal justice systems to adopt therapeutic approaches that prioritize treatment and social reintegration over punitive measures (Gooding & Flynn, 2019).

### 3.3 Discussion

The findings of this study highlight a fundamental tension within Indonesian criminal law between legal doctrine and psychiatric reality, particularly in the context of serious crimes such as homicide. This tension is not unique to Indonesia but reflects a broader global challenge in integrating legal and medical perspectives in determining criminal responsibility. However, the Indonesian experience is distinctive due to the combination of normative ambiguity, institutional limitations, and evolving legal reforms.

At the core of this tension lies the question of how criminal responsibility should be conceptualized. The traditional legal framework, as embodied in Article 44 KUHP, is based on the assumption that individuals can be clearly categorized as either responsible or not responsible, depending on their mental capacity. This binary model, however, does not adequately capture the complexity of mental disorders, which often exist along a spectrum of severity and may affect different aspects of cognition and behavior in varying degrees.

Modern psychiatric research challenges this binary approach by emphasizing the multidimensional nature of mental capacity. For example, individuals with schizophrenia may retain certain cognitive functions, such as memory and language, while experiencing significant impairments in judgment, perception, and reality testing (Association, 2022). This means that an individual may appear rational in some respects while being fundamentally impaired in others. The failure to recognize this complexity can lead to oversimplified legal assessments and potentially unjust outcomes.

The judicial reliance on behavioral indicators, as identified in this study, reflects an attempt to operationalize the concept of criminal responsibility in the absence of clear legal guidelines. While this approach may be practical, it raises important epistemological questions regarding the nature of legal knowledge. Specifically, it suggests that courts may prioritize common-sense reasoning over scientific evidence when evaluating mental capacity. This tendency is consistent with findings in comparative legal research, which indicate that judges often rely on intuitive judgments in complex cases involving mental health (Raine, 2019).

However, such reliance on intuition is problematic for several reasons. First, it introduces a high degree of subjectivity into judicial decision-making, increasing the risk of inconsistency and bias. Second, it undermines the role of expert knowledge, which is essential for understanding complex psychiatric conditions. Third, it may result in the misinterpretation of symptoms, particularly in cases where mental disorders manifest in subtle or non-obvious ways.

The marginalization of psychiatric evidence observed in this study further exacerbates these issues. Although *Visum et Repertum Psychiatricum* is intended to provide an objective assessment of the defendant's mental condition, its impact on judicial decisions appears limited. This suggests a lack of effective integration between legal and medical disciplines, which is a common challenge in many jurisdictions. According to Haines et al., (2018), successful integration requires not only the availability of expert evidence but also the ability of legal actors to understand and apply it appropriately.

In the Indonesian context, this challenge is compounded by structural factors, including limited access to forensic psychiatric expertise and the absence of standardized assessment procedures. As a result, judges may lack the necessary tools and knowledge to evaluate psychiatric evidence critically (Hidayat, 2021; Sari & Rahardjo, 2023). This situation underscores the need for institutional reforms, such as specialized training for judges and the development of interdisciplinary guidelines.

Another critical issue highlighted by this study is the role of moral judgment in judicial reasoning. By emphasizing factors such as motive and intentionality, courts implicitly adopt a moral framework in which criminal responsibility is associated with blameworthiness. While this framework is consistent with the retributive

tradition of criminal law, it may be inappropriate in cases involving mental disorders, where the capacity for moral judgment is precisely what is in question.

Recent scholarship advocates for a shift toward a capacity-based and evidence-driven model of criminal responsibility, which focuses on the individual's ability to understand and control their actions rather than on moral evaluations (Morse, 2018). Such a model would align more closely with the principles of Article 39 KUHP Nasional, which emphasizes clinical criteria and situational assessment.

The introduction of Article 39 represents a significant step toward addressing the limitations of Article 44. By specifying conditions such as acute psychosis, the new provision provides clearer guidance for courts and reduces the scope for subjective interpretation. It also reflects a broader shift toward a therapeutic jurisprudence approach, which prioritizes treatment and rehabilitation over punishment (Firmansyah et al., 2021).

However, the transition to this new paradigm is not without challenges. Legal reforms alone are insufficient to change entrenched practices and attitudes. As this study demonstrates, judicial reasoning is shaped not only by legal norms but also by institutional culture, professional training, and societal perceptions of mental illness. Therefore, effective implementation of Article 39 will require a comprehensive strategy that includes education, capacity-building, and institutional coordination.

From a policy perspective, the findings of this study highlight the need for a more integrated criminal justice system, in which legal and medical perspectives are treated as complementary rather than competing. This could involve the establishment of specialized forensic units, the development of standardized assessment protocols, and the inclusion of multidisciplinary teams in judicial proceedings.

In addition, there is a need to strengthen the human rights dimension of criminal justice. The treatment of mentally disordered offenders should be guided by principles of dignity, non-discrimination, and proportionality. This requires a shift away from purely punitive approaches toward models that recognize the role of mental health in shaping behavior and prioritize appropriate interventions.

In conclusion, the reassessment of criminal responsibility in cases involving mental disorders is a complex and multifaceted issue that requires careful consideration of legal, medical, and ethical factors. The findings of this study demonstrate that while Indonesian courts have developed pragmatic approaches to addressing this issue, these approaches are often inconsistent with contemporary scientific knowledge and normative principles. The introduction of Article 39 KUHP Nasional provides an opportunity to address these challenges, but its success will depend on the willingness of legal actors to embrace a more interdisciplinary and evidence-based approach.

#### 4. Conclusion and Suggestion

This study demonstrates that the judicial application of Article 44 KUHP in homicide cases involving mentally disordered offenders remains inconsistent and largely influenced by behavioral interpretations rather than clinical assessments. Courts tend to emphasize observable normality, rational motives, and coherence of actions as indicators of criminal responsibility, often marginalizing psychiatric evidence such as *Visum et Repertum Psychiatricum*. As a result, the principle of *toerekeningsvatbaarheid* is applied in a manner that risks undermining the doctrinal foundation of culpability (*schuld*). The comparison between Article 44 KUHP and Article 39 of the new Criminal Code reveals a significant paradigm shift from a general, discretionary framework toward a more specific, evidence-based, and rehabilitative approach. Article 39 offers clearer clinical criteria and strengthens the role of psychiatric expertise, thereby enhancing legal certainty and protection for mentally disordered offenders. However, the effectiveness of this reform depends on its consistent implementation in judicial practice. Therefore, strengthening interdisciplinary collaboration, improving judicial understanding of forensic psychiatry, and promoting a human rights-oriented approach are essential to ensure a more just and humane criminal justice system.

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