

# ANALYSIS OF THE IMPOSITION OF CRIMINAL SANCTIONS ON PERPETRATORS OF HOMICIDE OFFENSES WITH PARANOID SCHIZOPHRENIA

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Received 20 May 2025 • Revised 30 May 2025 • Accepted 31 May 2025

## Abstract

A person suffering from a mental disorder cannot be held criminally responsible, as stipulated in Article 44 of the Indonesian Criminal Code. However, some judges still impose criminal sentences on defendants with mental disorders. One example is Supreme Court Decision Number 1675K/Pid/2024, which concerns a murder case committed by an individual diagnosed with Paranoid Schizophrenia. This study aims to examine the legal basis and juridical considerations used by judges in rendering their verdicts, as well as to analyze how Article 44 paragraph (1) of the Indonesian Criminal Code is applied to perpetrators of murder who suffer from Paranoid Schizophrenia. The author adopts a qualitative normative legal research method, focusing on legal norms contained in legislation, court decisions, and prevailing societal norms. Based on the findings, in Supreme Court Decision Number 1675K/Pid/2024, the panel of judges applied a strict interpretation of Article 44 paragraph (1) of the Indonesian Criminal Code. Although the defendant was proven to suffer from Paranoid Schizophrenia, the judges concluded that the disorder did not entirely eliminate the defendant's awareness or ability to be held responsible for his actions. Furthermore, the application of Article 44 paragraph (1) of the Indonesian Criminal Code to individuals with mental disorders requires careful evaluation of their mental condition based on expert psychiatric assessments. However, in judicial practice, disparities in interpretation and application of this article still occur.

**Keywords:** Criminal Responsibility, Criminal Homicide, Paranoid Schizophrenia

## INTRODUCTION

Article 1 paragraph (3) of the 1945 Constitution of the Republic of Indonesia explicitly states that Indonesia is a state based on law (Diana et al., 2024). Consequently, all aspects of the life of the Indonesian people are governed by prevailing laws and regulations, which require citizens to comply with and implement such rules. Because the law holds the highest position, the administration of the state and governmental actions must always be grounded in legal norms. Furthermore, the 1945 Constitution also regulates the principle of equality before the law and the principle of justice, which are reflected in the Indonesian Criminal Code and the Criminal Procedure Code.

According to Soedarto, criminal law is a set of legal rules applicable to conduct that meets particular criteria and results in the imposition of a criminal sanction (Purwoleksono, 2014). Criminal law is divided into two branches: substantive criminal law and procedural criminal law. Substantive criminal law determines which acts are punishable, who may be held criminally liable, and what types of punishment may be imposed—exemplified by the Indonesian Criminal Code. Meanwhile, procedural criminal law governs the procedures or steps to be taken when substantive criminal law is violated, is in the process of being violated, or has been violated, as reflected in the Criminal Procedure Code.

Moeljatno defines procedural law as the body of legal norms governing the methods of enforcing substantive law (Moeljatno, 2008). Criminal procedure law, therefore, regulates the procedures for enforcing or safeguarding substantive criminal law. The Criminal Procedure Code does not explicitly define the meaning of criminal procedure law. Article 1 of the Criminal Procedure Code sets forth definitions of investigators and investigation, preliminary investigators and preliminary investigation, court decisions, legal remedies, arrest, detention, and other related matters. The function of criminal procedure law is to implement substantive criminal law by providing rules on how the state exercises its authority to impose punishment or to release a person from punishment (Sofyan & Asis, 2014).

The term “criminal act” is derived from the Dutch phrase *strafbaar feit*. The term *straf* means punishment, *baar* means capable of, and *feit* refers to an act, deed, or event. Two major schools of thought exist regarding *strafbaar feit*, namely the monistic and dualistic perspectives (Sudarto, 2018). According to the monistic view, as proposed by Wirjono Prodjodikoro, a criminal act is conduct for which the perpetrator may be subjected to punishment (Sudarto, 2018). Meanwhile, the dualistic view advocated by Moeljatno holds that a criminal act is conduct prohibited by law and punishable for anyone who violates such prohibition. A criminal act may be committed with intent (*dolus*) and/or negligence (*culpa*). Intentional acts indicate that the perpetrator has the will or desire to commit the prohibited conduct and is aware of the potential consequences. Wirjono Prodjodikoro classifies intent into three forms: purposeful intent, knowledge-based certainty intent, and awareness-of-possibility intent (Prodjodikoro, 2008). In addition to intentional acts, criminal acts may also arise from negligence, which refers to punishable conduct committed without intent but due to carelessness or lack of caution.

Article 44 paragraph (1) of the Indonesian Criminal Code stipulates that a person suffering from a mental disorder cannot be subjected to criminal punishment because such a person is incapable of being held criminally responsible for his or her actions. Article 44 paragraph (2) further provides that if criminal responsibility cannot be attributed to a perpetrator due to defective mental development (*gebrekkige ontwikkeling*) or mental disorder resulting from illness (*ziekelijke storing*), the court may order the person to be placed in a mental hospital for up to one year as a probationary period. Mental disorders may arise from various biological, psychological, or social factors (King, 2017). Individuals with mental disorders often experience abnormalities in thought, emotion, behavior, and interpersonal relations. Schizophrenia is one of the more severe mental disorders. Individuals with schizophrenia may see or hear things that are not real, speak irrationally, experience sudden emotional shifts, or display unusual bodily movements.

In District Court Decision No. 150/Pid.B/2024/PN.Jkt.Br, the defendant, Andi Andoyo, committed the criminal act of homicide and was charged with two alternative indictments by the public prosecutor: premeditated murder under Article 340 of the Indonesian Criminal Code and intentional murder under Article 338 of the Indonesian Criminal Code. Initially, the defendant sought assistance from the victim because he believed he was being disturbed or subjected to witchcraft by someone else. However, after four meetings, the victim continued to dismiss the defendant's requests, causing the defendant to feel hurt and develop the intention to end the victim's life. On 26 September 2023, the defendant waited for the victim near the latter's apartment for approximately one hour. After the victim had walked about 20 meters, the defendant followed him, took a knife from his bag, and covered the victim's mouth from behind. The defendant then slit the victim's throat, causing the victim to collapse and die. The defendant subsequently fled the scene. Based on expert testimony, the defendant was diagnosed with Paranoid Schizophrenia, which affected his perception, mood, and interpretation of the victim's actions. The

expert explained that the defendant suffered from impaired mental functioning and was unable to distinguish between reality and non-reality. The defendant submitted a *Visum et Repertum Psychiatricum* as evidence of his mental condition.

In the district court's judgment, the panel of judges found the defendant legally and convincingly guilty of premeditated murder and imposed a prison sentence of sixteen (16) years. The defendant's counsel filed an appeal with the Jakarta High Court, registered as Decision No. 181/Pid/2024/PT DKI, arguing, among other points, that the district court failed to properly consider expert testimony and the *Visum et Repertum Psychiatricum*. The appeal was accepted but upheld the district court's ruling. The defendant's counsel subsequently filed a cassation petition against the High Court's decision, but the Supreme Court rejected the petition. Article 44 of the Indonesian Criminal Code explicitly provides that a person suffering from mental disorder due to defective development or illness cannot be subjected to criminal punishment.

Based on the foregoing background, the research questions in this study are: (1) what legal grounds and juridical considerations were relied upon by the judges in rendering judgment against a defendant suffering from Paranoid Schizophrenia in Supreme Court Decision No. 1675 K/Pid/2024; and (2) how Article 44 paragraph (1) of the Indonesian Criminal Code was applied in the decision. This study focuses on a juridical analysis of the judges' reasoning and the application of substantive criminal law norms to perpetrators with mental disorders, particularly in the context of criminal responsibility.

## RESEARCH METHODS

This study employs a qualitative normative legal research approach, namely an approach that focuses on legal norms contained in statutory regulations, court decisions, and norms prevailing within society. The research specification is descriptive-analytical, aimed at explaining legal rules and relevant theories in order to understand how the law is applied in judicial practice. The data in this study were collected through both library research and field research. The sources of data consist of primary, secondary, and tertiary legal materials. The primary legal materials include, among others, the 1945 Constitution of the Republic of Indonesia, Law No. 1 of 1946 concerning the Criminal Code, as well as other relevant statutes and judicial decisions. In addition, tertiary legal materials such as legal dictionaries and the Indonesian Linguistic Dictionary are also employed. This research adopts a statutory approach and a case approach. The analysis conducted is qualitative in nature, whereby the data are systematically elaborated to evaluate the coherence between legal theory, legal norms, and the practical application of the law in the case under study.

## RESULT AND DISCUSSIONS

### **Legal Basis and Judicial Considerations Applied by Judges in Rendering a Verdict Against a Defendant with Paranoid Schizophrenia in Supreme Court Decision No. 1675 K/2024/Pid**

Supreme Court Decision No. 1675 K/Pid/2024 is a cassation decision in a premeditated murder case involving a defendant suffering from paranoid schizophrenia. The defendant, Andi Andoyo, was charged under Article 340 of the Indonesian Criminal Code for committing murder in West Jakarta in 2023. Although the defendant had a history of mental illness in the form of paranoid schizophrenia, the district court found that he was legally and convincingly proven guilty of committing the offense and imposed a 16-year prison sentence. This ruling was upheld at both the appellate and cassation levels, thereby acquiring permanent legal force. This raises questions regarding the legal basis and judicial considerations employed by the panel of judges in imposing imprisonment on a defendant diagnosed with a severe mental disorder.

The panel of judges relied on Article 44 paragraph (1) of the Indonesian Criminal Code as the principal legal basis governing criminal liability for offenders with mental disorders. The article stipulates that "Anyone who commits an act that cannot be held accountable to him due to defective mental development or mental disorder shall not be punished." This means that an individual who commits a criminal act while suffering from a mental disorder or defect that prevents him from being held accountable cannot be subjected to criminal punishment. The provision allows judges to set aside criminal sanctions and order psychiatric treatment for up to one year, as provided under Article 44 paragraph (2) of the Indonesian Criminal Code. Accordingly, Article 44 serves as an essential legal basis that must be taken into account when deciding criminal sanctions.

In criminal law, the ability to be held responsible constitutes a fundamental requirement for imposing criminal liability, in addition to the existence of an unlawful act and fault. For criminal liability to be imposed, three elements must be fulfilled: first, the offender must possess psychological capacity to be held responsible; second, the act must be committed intentionally; and third, no grounds for excuse must exist to eliminate culpability (Rusianto, 2016). A normal mental state is a prerequisite for

culpability because criminal law assumes that a mentally sound individual is capable of understanding legal prohibitions and controlling his conduct. A serious mental disorder may serve as a subjective ground for excuse because it relates to the offender's psychological condition. Article 44 reflects the principle of *nulla poena sine culpa*—there is no punishment without fault. Thus, an offender with a severe mental disorder that eliminates the ability to understand his actions must not be punished.

In the case of Andi Andoyo, from the district court decision No. 150/Pid.B/2024/PN.Jkt.Brt to the final cassation ruling No. 1675 K/Pid/2024, forensic psychiatric experts confirmed that the defendant had been diagnosed with paranoid schizophrenia. However, the judges examined the extent to which the mental disorder affected the defendant's consciousness and volition. Based on the evidence, the panel rejected the defense argument that the defendant could not be held liable due to his mental condition, reasoning that the defendant remained aware and understood the consequences of his actions. Although experts stated that the defendant experienced partial hallucinations resulting from paranoid schizophrenia, the judges found that the disorder did not completely eliminate his consciousness. This judicial reasoning demonstrates that the judges adopted a strict interpretation of Article 44, applying it only when the mental disorder fully eliminates the defendant's ability to understand his actions.

The panel elaborated on its legal reasoning by covering both factual and normative elements. First, from a formal legal perspective, the judges ensured that all elements of premeditated murder were fulfilled. The defendant's actions satisfied the elements of Article 340 of the Indonesian Criminal Code, including the intentional taking of another person's life and the existence of premeditation. The evidence presented—witness testimonies and the victim's post-mortem examination (*Visum et Repertum*)—was deemed legally valid. Second, the judges carefully considered the psychiatric expert testimony. Although the experts confirmed the diagnosis of paranoid schizophrenia, the judges noted that during psychiatric assessment, the defendant appeared calm and capable of providing logical answers. These findings were used to conclude that the defendant possessed adequate mental capacity to stand trial. In other words, the mental disorder did not fully impair his ability to distinguish right from wrong.

After considering all relevant aspects, the judges imposed a 16-year imprisonment sentence, which was lighter than the prosecutor's demand of 18 years due to mitigating circumstances including the defendant's mental condition. In the Supreme Court decision No. 1675 K/Pid/2024, the judges rejected the defendant's cassation petition and upheld the 16-year sentence. The legal basis cited in the ruling includes Article 340 of the Indonesian Criminal Code, the Criminal Procedure Code, Law No. 48 of 2009 on Judicial Power, and Law No. 14 of 1985 on the Supreme Court. The inclusion of the Judicial Power Act underscores the principle that judges must remain independent, honest, and bound by law. The absence of Article 44 in the ruling indicates that the judges did not apply mental disorder as a ground for excuse, as they concluded that the defendant remained capable of being held criminally liable.

Article 5 paragraph (1) of Law No. 48 of 2009 on Judicial Power mandates judges to uphold law and justice in every case. Article 8 paragraph (1) further affirms that judges must be free from external interference and must preserve judicial independence. These principles derive from Article 24 of the 1945 Constitution, which establishes judicial power as an independent authority. In the context of a defendant with paranoid schizophrenia, such judicial independence allows judges to interpret the severity of the disorder and its impact on criminal responsibility.

When sentencing a defendant with a mental disorder, judges also consider philosophical, juridical, and sociological aspects. Philosophically, the judges focus on the pursuit of truth and justice for all parties. In this case, the judges viewed the defendant as being conscious and having intent prior to committing the crime. The justice sought by the judges was to impose punishment on an offender who intentionally committed murder, thereby providing a sense of justice for the victim. Sociologically, the judges considered the societal impact of the defendant's conduct. A murder committed by an individual with a mental disorder can generate public concern; thus, the ruling must ensure public security while acknowledging the defendant's humanitarian circumstances.

In adjudicating such cases, judges should give significant weight to expert opinions, particularly regarding psychological conditions that judges may not fully comprehend. Expert testimony plays a crucial role in helping judges determine whether the defendant's mental disorder satisfies the criteria of Article 44. In this case, although experts confirmed the diagnosis of paranoid schizophrenia, the judges appeared to prioritize their own observations of the defendant's behavior during the proceedings over the psychiatric diagnosis. Consequently, the judges did not fully apply the principle of justice, as the expert opinions were not fully taken into account.

From a legal standpoint, imposing criminal punishment on an individual with a mental disorder requires careful consideration of justice, which must differ from cases involving mentally sound defendants. The application of Article 44 should be flexible to achieve fairness. If the mental disorder

eliminates the offender's ability to be held responsible, acquittal is appropriate under the principle of justice. However, if the disorder merely reduces capacity, judges may impose a lighter sentence while considering the defendant's psychological condition (Novi Ambar Wati & Syahid A. Faisol, 2024).

### **The Application of Article 44 Paragraph (1) of the Indonesian Criminal Code in Supreme Court Decision Number 1675 K/Pid/2024**

In Indonesia, criminal cases involving perpetrators with mental disorders frequently appear in the news and raise public concern. From the perspective of criminal law, this phenomenon triggers an important question regarding the criminal liability of offenders suffering from mental disorders (Pangestu et al., 2022). Article 44 of the Indonesian Criminal Code provides the legal basis for the incapacity of a person to be held criminally responsible due to mental disorders. This provision constitutes a ground for the elimination of punishment, particularly as an excuse, emphasizing that there can be no punishment without fault. A perpetrator who, at the time of committing a criminal act, suffers from a severe mental disorder cannot be subjected to criminal sanctions. In cases of homicide, this rule means that if a murderer is proven to have suffered from a severe mental disorder at the time the act was committed, such a person cannot be held responsible for the act.

The provision of Article 44 paragraph (1) Indonesian Criminal Code is grounded in the mental condition of the perpetrator at the time of committing the criminal act. If the perpetrator is, at that moment, in a state of severe mental disorder to the extent that he cannot understand the nature of his actions or cannot control his conduct, he shall be deemed incapable of being held criminally responsible (Moeljatno, 2008). Criminal law scholars such as Van Hamel and Moeljatno state that criminal responsibility requires a normal psychological condition, enabling the perpetrator to understand his actions, recognize their legal consequences, and consciously control his will (Rizqillah, 2024). Therefore, if an individual suffers from an abnormal mental condition due to a severe mental disorder, the element of criminal responsibility is not fulfilled.

Article 44 paragraph (1) the Indonesian Criminal Code sets out two criteria of mental disorder, namely "defect in mental development" and "disorder caused by disease." The term "defect in mental development" refers to conditions of mental retardation or intellectual disabilities present from birth or early childhood. Meanwhile, "disorder caused by disease" refers to psychiatric conditions experienced by the perpetrator—such as schizophrenia, bipolar disorder, or acute psychosis—which constitute illnesses. The Article does not specify the boundaries of what types of mental disorders may cause a person to be incapable of criminal responsibility (Ida & Suryawati, 2023). Consequently, the assessment of whether the two criteria are met is left to the judge, based on facts and expert testimony presented in court. Article 44 the Indonesian Criminal Code provides only a general rule concerning the criminal liability of individuals with mental disorders without offering a clear explanation or specific limitations, which in practice results in differing interpretations (Ida & Suryawati, 2023).

The determination of the defendant's mental condition is crucial. In criminal proceedings, a psychiatric medical examination is required for defendants suspected of suffering from mental disorders. During investigation or trial, investigators, prosecutors, or judges may request a *Visum et Repertum Psychiatricum* and summon forensic psychiatric experts to evaluate the defendant's mental state (Mahbubah & Ahmad, 2023). This is consistent with the principle in Criminal Procedure Law that all elements of a criminal offense—including fault and the capacity for responsibility—must be lawfully proven in court. If there are indications of mental disorder, the court may postpone the proceedings and order psychiatric observation at a mental hospital to ascertain the defendant's mental condition before issuing a verdict (Abdulkadir, 2022).

Expert psychiatric testimony helps the judge understand the psychological condition of the defendant, which cannot be comprehended through legal knowledge alone. Through such testimony, the judge can rely on scientific grounds to evaluate whether the defendant meets the criteria under Article 44 paragraph (1) the Indonesian Criminal Code. If the defendant is proven to suffer from a severe mental disorder to the extent that he cannot understand his actions or control himself, the element of capacity for responsibility is deemed absent. For instance, in cases involving Paranoid Schizophrenia, psychiatric experts may explain that the defendant experiences delusions and hallucinations to the extent that he cannot distinguish between reality and his perceptions, and is unaware that his conduct is wrongful (Nasution et al., 2023). These medical facts form a crucial consideration for judges when determining the application of Article 44 paragraph (1).

If the court is convinced that the defendant is incapable of criminal responsibility pursuant to Article 44 paragraph (1) the Indonesian Criminal Code, the consequence is that the defendant shall not be punished. The court's decision in such circumstances is not a conviction but a release from all legal charges. In other words, the panel of judges acknowledges that the act was committed by the defendant,

but no punishment is imposed due to an excuse, namely mental disorder. This is commonly referred to as a “release verdict,” distinct from an “acquittal,” where the defendant’s act is deemed unproven. Release means the State relinquishes its authority to punish because no fault exists on the part of the defendant (Alfitra, 2018). Although the perpetrator is not subjected to imprisonment or other criminal sanctions, individuals suffering from mental disorders receive necessary treatment and society remains protected. Article 44 paragraph (2) the Indonesian Criminal Code authorizes judges to order that a person with a mental disorder be committed to a mental hospital for a period of up to one year. This measure is not a punishment but a rehabilitative and preventive effort to ensure appropriate treatment and to mitigate risks to the surrounding community.

In judicial practice, several decisions have addressed homicide cases committed by individuals with mental disorders. Some decisions demonstrate that judges apply Article 44 paragraph (1) the Indonesian Criminal Code when the defendant is believed to suffer from a severe mental disorder, resulting in the defendant not being criminally charged and instead ordered to undergo treatment at a mental hospital for up to one year. An example is Supreme Court Decision No. 59 K/MIL/2018, where the panel of judges granted the defendant’s appeal and annulled the sentence because the defendant was proven to suffer from Paranoid Schizophrenia. The decision was based on the finding that the defendant could not be held responsible under Article 44 paragraph (1) the Indonesian Criminal Code.

However, there are also cases where judges nevertheless impose criminal sanctions despite the defendant’s mental disorder. For example, in Supreme Court Decision No. 1675 K/Pid/2024, a defendant with Paranoid Schizophrenia committed homicide. The panel of judges still imposed criminal punishment, reasoning that the defendant remained capable of being held responsible. This ruling is inconsistent with Article 44 paragraph (1) the Indonesian Criminal Code and reflects an improper judicial consideration for failing to acknowledge the defendant’s incapacity. Meanwhile, Paranoid Schizophrenia is a severe mental disorder that renders individuals unable to distinguish reality and unable to control their actions (Nasution et al., 2023). This demonstrates variations in judges’ decisions and differing interpretations of Article 44 paragraph (1). These differences may stem from varying assessments of medical evidence and subjective judicial views regarding justice for both victims and perpetrators.

Under Indonesian positive law, judicial independence is guaranteed under Article 1 of Law No. 48 of 2009 on Judicial Power. Judges are free to render decisions based on their conviction of facts and law in order to achieve substantive justice. Judicial independence is a constitutional duty intended to ensure that judges may decide cases without interference, guided by conscience and a sense of justice (Adonara, 2015). Accordingly, in applying Article 44 paragraph (1) the Indonesian Criminal Code, judges have discretion to assess the extent to which a defendant’s mental disorder affects the capacity for responsibility. Two judges may reach different conclusions in the same case, depending on their evaluation of the evidence regarding the defendant’s mental condition and other relevant aspects. This can be observed from prior decisions where some judges heavily rely on expert opinion and release defendants with mental disorders, while others remain cautious or unconvinced and impose criminal sanctions based on certain considerations. Broad judicial discretion in interpreting the law may result in sentencing disparities (Mahbubah & Ahmad, 2023). This uncertainty is not ideal from the standpoint of justice, as the fate of mentally disordered defendants may differ depending on the judge handling the case. While flexibility is necessary due to the unique nature of each case, clearer guidelines or standards for the application of Article 44 paragraph (1) are needed to ensure consistency (Ida & Suryawati, 2023).

## CONCLUSION

Based on Supreme Court Decision Number 1675 K/Pid/2024, it can be concluded that the Panel of Judges provided a meticulous interpretation of Article 44 paragraph (1) of the Indonesian Criminal Code. Although the defendant was proven to suffer from Paranoid Schizophrenia, the judges held that such mental disorder did not entirely eliminate the defendant’s consciousness or his capacity to be held criminally responsible for his actions. Accordingly, the principle of *nullum crimen, nulla poena sine culpa* remained applicable in the decision, as the defendant was deemed capable of understanding the consequences of his conduct. It may also be inferred that the existence of a mental disorder does not automatically extinguish a perpetrator’s criminal liability, insofar as the court is convinced that the elements of culpability and capacity for responsibility remain present.

In the application of Article 44 paragraph (1) of the Criminal Code in Supreme Court Decision Number 1675 K/Pid/2024, a thorough assessment of the defendant’s mental condition is required, based on expert testimony and other evidentiary materials, such as the *Visum et Repertum Psychiatricum*. If the defendant is found capable of bearing criminal responsibility, the panel of judges

may impose a criminal sanction. Conversely, if the defendant is proven incapable of being held responsible for his actions, the judges may order psychiatric treatment in a mental hospital for up to one year, pursuant to Article 44 paragraph (2). However, differing judicial opinions still occur in cases involving defendants with mental disorders. Some judges render a release from all legal charges and order psychiatric treatment, while others impose criminal punishment on the basis that the defendant remains capable of responsibility. These differences arise from varying interpretations and assessments of expert testimony and medical evidence. Therefore, clearer and more definitive legal guidelines concerning Article 44 of the Indonesian Criminal Code are necessary to ensure greater consistency in judicial decisions involving perpetrators with mental disorders.

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