

Criminal Liability for Traffic Accident Perpetrators with Schizophrenia

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responsibility, strengthening the role of forensic psychiatry, and implementing a criminal and action system oriented toward substantive justice.

Keywords: criminal responsibility, traffic accidents, schizophrenia, criminal acts.

Introduction

The high number of traffic accidents in Indonesia demonstrates that road safety is not merely a technical transportation issue but also a complex criminal law issue (Zainafree et al., 2022). Traffic accident law enforcement has been dominated by an approach that emphasizes the subjective culpability of the perpetrator, particularly negligence or intent (Setiawan et al., 2024). This approach often assumes that every perpetrator is mentally healthy and capable of taking responsibility. This assumption creates serious problems in certain cases involving perpetrators with severe mental disorders. This reality demonstrates

Abstract: *The high number of traffic accidents in Indonesia is still narrowly understood as legal events oriented towards physical victims and material losses, while the psychological impact experienced by witnesses and indirect victims has not received adequate attention in the construction of criminal law. This condition becomes increasingly problematic when accidents involve perpetrators with mental disorders, particularly schizophrenia, because positive law does not provide clear and consistent regulations regarding criminal liability and the actions that can be imposed. The National Criminal Code, through Law Number 1 of 2023, does introduce the concept of action against perpetrators who are unable to take responsibility, but the use of the phrase "can be subject to action" in Article 39 actually opens up space for legal uncertainty and excessive discretion. This study aims to analyze the weaknesses in the legal construction of criminal liability in traffic accidents involving perpetrators with schizophrenia and formulate a more just and humane normative reconstruction model. The method employed is normative legal research with a statutory and conceptual approach, which examines the principle of fault, the theory of criminal liability, and the relationship between criminal law and mental health law. The research findings indicate that the absence of standards for assessing capacity for responsibility and the lack of firm norms for action have the potential to lead to inconsistent law enforcement and neglect the interests of victims and the protection of perpetrators' human rights. This research proposes a reconstruction of criminal responsibility based on the separation of criminal acts and capacity for*

the gap between normative legal constructions and the actual conditions of criminal perpetrators in the field.

The phenomenon of traffic accident perpetrators suffering from schizophrenia is increasingly emerging in criminal law enforcement practice. These cases are often processed using general criminal mechanisms without prior adequate and standardized psychiatric examinations (Carolin et al., 2025). Law enforcement officials often focus on the consequences of the act, particularly the loss of life and material losses, while the perpetrator's psychological condition is relegated to a secondary issue. This situation has the potential to lead to the criminalization of individuals who actually lack the full capacity to understand or control their actions (Gayatri & Mangku, 2026). The lack of standards for assessing responsible capacity increases the risk of substantive injustice.

The tension between protecting society, fulfilling victims' rights, and respecting the rights of perpetrators with mental disorders is a central issue in traffic accident cases (Elfin, 2025). Victims and their families demand legal certainty and firm accountability for the losses suffered (Manurung, 2025). The public desires a deterrent effect to prevent similar incidents from recurring. Perpetrators with schizophrenia are particularly vulnerable because their medical condition is often misunderstood as an excuse or, conversely, ignored altogether. This imbalance in rights protection demonstrates the weakness of the legal framework in accommodating these interests proportionally.

The limitations of traffic law are evident in the lack of regulations explicitly linking criminal accidents to the perpetrator's mental state. Traffic laws place greater emphasis on violations of traffic norms and the resulting legal consequences (Ida & Suryawati, 2023). The dimension of the perpetrator's capacity to be responsible is not specifically regulated and is entirely left to the general criminal law regime (Pangestu et al., 2022). These circumstances create fragmented regulations between criminal law, traffic law, and mental health law. This fragmentation results in inconsistent application of the law at the investigation, prosecution, and court hearing levels.

The urgency of reforming the construction of criminal responsibility arises from the need for a fairer, science-based legal system. Modern medical understanding of schizophrenia indicates that this disorder can affect perception of reality, the ability to assess risk, and behavioral control (Agustriyani, 2024). Criminal law cannot ignore these scientific findings without losing its moral legitimacy and rationality. A criminal accountability system that is sensitive to the mental state of the perpetrator actually strengthens justice, not weakens it (Sagara, Dewi, & Suryani, 2023). The direction of legal reform needs to ensure that criminal sanctions are not imposed mechanically, but rather through careful and responsible assessment.

The concept of criminal responsibility occupies a central position in the structure of modern criminal law (Fridawati et al., 2024). Criminal responsibility is not only related to the existence of an act prohibited by law but also requires a perpetrator who can be held legally accountable (Kila et al., 2023). The element of fault is the primary foundation that distinguishes a criminal act from a mere harmful event. Without accountable fault, punishment loses its normative legitimacy (Balya et al., 2025). This principle reflects the view that criminal law is not solely repressive but also rational and humane.

The relationship between criminal acts, culpability, and the capacity to take responsibility forms an inseparable whole. Criminal acts emphasize the objective aspect of the action and its consequences. Fault highlights the subjective dimension related to the perpetrator's mental attitude. The capacity to take responsibility serves as a prerequisite for the perpetrator's legal attribution of blame (Lamintang & Lamintang, 2022). The absence of one of these elements makes criminal responsibility doctrinally incomplete. This scheme emphasizes that criminal law should not simplify the process of attribution of fault.

The principle of "*geen straf zonder schuld*" reflects the spirit of modern criminal law, which rejects punishment without fault. This principle serves as a bulwark against arbitrary sentencing practices (Fitrian et al., 2025). Recognition of this principle requires law enforcement officials to seriously assess the subjective condition of the perpetrator. Offenders with severe mental disorders challenge the application of this principle because guilt cannot always be assumed. Sensitivity to this principle is an indicator of the maturity of the criminal legal system in ensuring substantive justice.

The concept of "*toerekeningsvatbaarheid*" is used to determine whether a person has sufficient mental capacity to be accountable for their actions (Ramadhan & Mardijono, 2023). Criminal law doctrine views the capacity to be responsible as a psychological condition that enables the perpetrator to understand the meaning of their actions and control their will. Certain mental disorders can eliminate or significantly reduce this capacity (Darto et al., 2023). Schizophrenia is a disorder that has the potential to profoundly impair cognitive and volitional function (Juliansyah et al., 2024). Assessment of mental health cannot be conducted speculatively but must be based on professional examination.

The distinction between mental disorders, temporary mental disorders, and incapacity for responsibility is often misunderstood in judicial practice. Not every mental disorder implies a loss of capacity for responsibility. Temporary mental disorders can be episodic and do not always erase the perpetrator's legal awareness. Incapacity for responsibility is a legal condition that requires rigorous proof (Muljohadi, 2023). Unclear understanding of this category contributes to inconsistent court decisions. A precise understanding is essential for criminal justice.

Schizophrenia occupies a sensitive area between criminal law and forensic psychiatry. Schizophrenia is not simply a medical diagnosis, but a condition that directly impacts a person's ability to understand reality and legal norms (Putri & Hidayat, 2024). Forensic psychiatry provides scientific instruments for objectively assessing this condition. Criminal law requires these findings as a basis for fair decision-making. The law's reliance on other disciplines does not weaken legal autonomy but rather enhances the quality of decisions.

Punishment theory demonstrates that the purpose of punishment is not always synonymous with retribution. Retributive theory emphasizes appropriate retribution for the perpetrator's wrongdoing. Utilitarian theory views punishment as a means of prevention and community protection. Rehabilitative theory focuses on restoring the perpetrator to social functioning (Rivanie et al., 2022). Traffic accident perpetrators with schizophrenia are difficult to place appropriately within the conventional, punishment-oriented criminal justice framework that requires an adjustment to the criminal justice paradigm.

The limitations of conventional punishment are evident in its inability to address the medical rehabilitation needs of perpetrators with mental disorders. Imprisonment often lacks adequate facilities and therapeutic approaches. This situation has the potential to worsen the perpetrator's mental condition and increase the risk of recidivism. Alternative measures to punishment offer a more rational and humane approach. *Maatregel* allows the state to protect society while simultaneously meeting the perpetrator's treatment needs.

The human rights approach and the principle of non-discrimination affirm that persons with mental disabilities have rights that must be respected in the criminal justice system. Equal treatment does not necessarily mean the same treatment, but rather proportional treatment according to the individual's circumstances. Striking a balance between protecting society and the rights of perpetrators requires legal policies that are not solely repressive. The principles of proportionality and substantive justice serve as the foundation for formulating dignified criminal accountability (Senjaya et al., 2025). This approach emphasizes that criminal law always starts from respect for humans as legal subjects.

Method

This study employs a normative legal research method based on a statutory and conceptual approach as the main analytical framework. The statutory approach is directed at a critical review of the regulation of traffic accident crimes and the criminal liability of perpetrators with mental disorders, specifically Law Number 22 of 2009 concerning Road Traffic and Transportation and the National Criminal Code as regulated in Law Number 1 of 2023, with an emphasis on norms regarding the ability to be responsible and the imposition of measures on perpetrators with schizophrenia. The conceptual approach is used to examine the theory of criminal responsibility, the principle of fault, the doctrine of inability to be responsible, and the relationship between criminal law and mental health law, including a human rights perspective, in order to build a critical analytical framework for the construction of existing positive law. The legal materials used in this study consist of primary, secondary, and tertiary sources, which are analyzed qualitatively using grammatical, systematic, and teleological methods of interpretation. The results of the analysis are then compiled in a prescriptive-argumentative manner to formulate a normative reconstruction that is able to bridge the needs for legal certainty, community protection, and the fulfillment of substantive justice for both perpetrators and victims of traffic accidents.

Result and Discussion

Regulations and Practices of Criminal Liability in Traffic Accidents

The legal regulation of traffic accidents in Indonesia stems from the recognition that traffic is a public space with a high potential risk to life. Law Number 22 of 2009 concerning Road Traffic and Transportation defines traffic accidents as legal events that can give rise to criminal liability. The norms in this law emphasize that every road user has a legal obligation to act cautiously and comply with traffic regulations. Violation of this obligation that results in an accident is classified as a criminal offense. This framework demonstrates that traffic law functions not only administratively but also repressively.

The scope of criminal traffic accidents includes acts that result in harm to others, whether in the form of minor injuries, serious injuries, or death. Article 310 of Law Number 22 of 2009 classifies accidents based on the severity of the consequences. This classification has direct implications for the criminal penalties that can be imposed on perpetrators. The focus of this regulation is on the consequences of the act and the form of violation of traffic norms. The subjective condition of the perpetrator has not received equal attention in this regulatory regime.

“In traffic crimes, the element of fault plays a crucial role in establishing criminal liability. Fault generally refers to the perpetrator’s intentional act or negligence in driving a vehicle. It is often assessed through an objective approach, such as traffic violations, speeding, or other technical negligence. This approach facilitates proof in court, but risks ignoring the perpetrator's psychological factors. As a result, fault tends to be assumed as long as the elements of the act and the consequences are met.

The position of criminal responsibility within the traffic law regime remains heavily dependent on general criminal law doctrine. Traffic laws do not independently formulate the concept of the perpetrator's capacity to be held responsible. Law enforcement officials refer to the Criminal Code to assess whether a perpetrator can be held accountable. This reliance creates wide room for interpretation, especially in cases involving the perpetrator's mental state. This situation places traffic law as a regime that is not fully responsive to the complexity of legal subjects.

The regulation of perpetrators with mental disorders in Indonesian criminal law classically relies on Article 44 of the Criminal Code. This article states that a person who commits a crime while mentally disturbed and unable to account for their actions cannot be punished. This norm reflects the law's recognition of the limitations of human mental capacity. The assessment of mental disorders and their impact on criminal responsibility is left to a medical examination. This formulation is general in nature and does not yet provide detailed technical guidance.

Developments in the National Criminal Code through Law Number 1 of 2023 have brought terminological and systematic changes to the concept of criminal responsibility. Article 39 of the new Criminal Code stipulates that perpetrators who are unable to take responsibility may be subject to action. This change represents a paradigm shift from the elimination of criminal penalties to a more action-based approach. This norm emphasizes that perpetrators are not automatically exempt from state legal intervention. This policy direction deserves praise because it seeks to maintain a balance between community protection and humane treatment of perpetrators.

The legal parameters regarding the inability to take responsibility remain a central issue. The new Criminal Code does not formulate operational indicators for assessing the inability to take responsibility. Assessments still rely on the testimony of psychiatric experts, which is casuistic in nature. The lack of standardized parameters opens up room for differing interpretations among law enforcement officials. This situation has the potential to create legal uncertainty in criminal justice practices.

The position of perpetrators with schizophrenia within the modern criminal responsibility regime is highly sensitive. Schizophrenia is a severe mental disorder that can affect perception, assessment of reality, and behavioral control. Not every schizophrenic

sufferer is in the same condition at all times. Legal assessment of offenders with this diagnosis requires caution and depth of analysis. A simplistic approach risks giving rise to decisions that are unfair to all parties.

The affirmation of Article 39 of Law Number 1 of 2023 is a crucial point in the discussion of criminal liability for perpetrators with mental disorders. The phrase "may be subject to action" implies choice, not obligation. This formulation leaves law enforcement officials and judges with broad discretion. The absence of a normative obligation to impose action creates uncertainty regarding the direction of case handling. This norm does not fully address the need for legal certainty.

The normative problem with the phrase "may be subject to action" lies in its non-imperative nature. The norm is not accompanied by clear criteria regarding the type of action, its duration, or its rehabilitative goals. This ambiguity has the potential to lead to disparate treatment of perpetrators with similar conditions. This ambiguity also makes it difficult for victims and the public to understand the basis for court decisions. The construction of open-ended norms without clear boundaries risks undermining trust in the criminal justice system.

The implications of the lack of objective criteria are evident in the highly variable discretionary practices of law enforcement officials. Investigators, public prosecutors, and judges have considerable subjectivity in determining treatment for perpetrators with schizophrenia. Uncontrolled discretion has the potential to create structural injustice. Differences in the knowledge and sensitivity of officials may also affect the outcome of case handling. The situation emphasizes the need for more detailed normative guidelines.

The potential for inconsistent court decisions is a logical consequence of this unclear norm. Cases with relatively similar characteristics can result in very different verdicts. Some perpetrators may be sentenced to prison, others face legal action, while others are acquitted of all charges. This inconsistency undermines the principles of legal certainty and equality before the law. It also creates uncertainty for victims in obtaining a sense of justice.

Traffic accident law enforcement practices demonstrate inconsistencies in the application of psychiatric examinations. Psychiatric examinations are often conducted long after the investigation has progressed or even only emerge during the trial. Not all accident cases involving indications of mental illness are accompanied by professional assessments from the outset. This irregularity impacts the quality of evidence presented in court. The function of forensic psychiatry has not been integrated systematically into the criminal justice process.

The dominance of a formalistic approach to proving guilt still characterizes judicial practice. Judges tend to focus on fulfilling the elements of the article and formal evidence. Consideration of the perpetrator's mental state is often considered an additional factor, rather than a determining factor. This approach ignores the complexity of legal subjects in traffic accident cases. As a result, decisions risk not reflecting substantive justice.

The minimal service of forensic psychiatric recommendations in judges' decisions shows the gap between legal science and mental health science. Expert recommendations are often only briefly stated without in-depth analysis. Yet, forensic psychiatric findings can provide a comprehensive picture of the perpetrator's capacity to take responsibility. Relying

solely on legal logic is not always sufficient in cases with a medical dimension. Scientific integration is an unavoidable necessity.

The impact of all these problems on legal certainty and justice is significant. The risk of criminalization of perpetrators who cannot take responsibility is real. Victims also potentially feel deprived of justice due to disproportionate decisions. The unclear direction of punishment and rehabilitative measures creates systemic uncertainty. This situation emphasizes the need for normative reconstruction that can bridge criminal law, traffic law, and mental health as a whole.

Critical Analysis and Reconstruction of Criminal Responsibility

The most fundamental weakness of the current legal framework lies in the absence of specific norms in traffic law governing perpetrators with mental disorders. Traffic laws are designed with the assumption that every road user is psychologically normal and capable of being responsible. This assumption does not always align with increasingly complex social realities. Traffic accident perpetrators with severe mental disorders are often prosecuted using the same approach as other perpetrators, without any normative differentiation. This situation highlights a serious gap in the regulatory system that directly impacts the quality of justice.

The absence of specific norms forces law enforcement officials to rely entirely on general criminal law. This dependence creates a significant interpretive burden because criminal law is not specifically designed to address traffic issues characterized by high public risk. Traffic law loses its role as an autonomous regime responsive to the dynamics of legal subjects. This fragmentation of regulations is increasingly evident in cases involving chronic mental disorders. This situation creates an unnatural space of uncertainty in a modern legal system.

The disharmony between criminal law and mental health law also represents a significant structural weakness. Criminal law emphasizes fault-based liability and the subjective capacity of the perpetrator. Mental health law positions mental disorders as medical conditions requiring treatment and rehabilitation. These two legal regimes operate on different paths without adequate integration mechanisms. As a result, law enforcement officials often struggle to translate medical findings into criminal law categories accurately.

The absence of operational standards for assessing capacity to be responsible exacerbates this problem. Assessments of capacity to be responsible still rely heavily on case-by-case practice and the subjectivity of law enforcement. There are no binding guidelines regarding when psychiatric examinations are mandatory and how their results should be integrated into the evidentiary process. This situation has the potential to create disparities in the treatment of perpetrators with similar conditions. Legal certainty and a sense of justice are difficult to achieve without a structured assessment framework.

Reconstructing the concept of criminal responsibility must begin with affirming the distinction between criminal acts and the capacity for responsibility. Criminal acts concern objective conduct that violates legal norms and results in prohibited consequences. The capacity to be responsible touches on the subjective dimension of the perpetrator as a legal subject. Conflating these two aspects in law enforcement practice often leads to erroneous

reasoning. A clear separation will help law enforcement officials assess cases more clearly and proportionally.

Placing schizophrenia as a determining factor in the capacity to be responsible requires careful and scientific consideration. Schizophrenia cannot be treated as an automatic reason for the exclusion of criminal responsibility. This condition must be assessed based on its severity, the phase of the disorder, and its impact on the ability to understand and control actions. This approach maintains a balance between protecting the perpetrator's rights and the interests of society. This reconstruction rejects stigma and rejects legal simplification.

Strengthening the role of forensic psychiatry is a key element in the reconstruction of criminal responsibility. Forensic psychiatry provides scientific instruments to objectively and professionally assess the perpetrator's mental state. Expert findings should not be viewed merely as supplementary evidence. This information should serve as the primary basis for assessing the perpetrator's capacity for responsibility. This scientific integration enhances the quality of legal reasoning and prevents speculative decisions.

“The implementation of a double-track system as an alternative model of criminal responsibility offers a more adaptive and responsive solution. This system allows for punishment and appropriate measures to coexist depending on the perpetrator's condition. Punishment can still be applied to perpetrators who are capable of taking responsibility, while measures are focused on perpetrators with significant mental disorders. This approach reflects the flexibility of modern criminal law. The state continues to perform its function of protecting society without neglecting the perpetrator's humanity.

Prioritizing medical and social rehabilitation measures is a logical consequence of this approach. Medical rehabilitation aims to restore the perpetrator's mental state so that they do not pose a danger to themselves or others. Social rehabilitation helps perpetrators reintegrate into society responsibly. This approach prioritizes long-term prevention over mere punishment. In addition, successful rehabilitation may help reduce the likelihood of future accidents.

Victim protection schemes still require serious attention in alternative criminal accountability models. Restorative justice offers a space for dialogue focused on redressing the victim's losses. The victim is positioned not merely as an object of proof, but as a subject whose rights and interests need to be restored. This approach creates a balance between the victim's interests and the perpetrator's condition. The legal system gains stronger social legitimacy through this approach.

The normative implications of this reconstruction require legislative reform. The formulation of norms regarding actions against perpetrators with mental disorders needs to be clarified and strengthened imperatively. Criteria for implementing these actions must be formulated in detail to avoid excessive discretion. Harmonization between criminal law, traffic law, and mental health law is an urgent need. This normative reform will strengthen legal certainty and consistency in law enforcement.

Institutional implications are equally important in supporting the reconstruction of criminal accountability. Law enforcement officials require clear and integrated operational guidelines. Coordination between investigators, prosecutors, judges, and mental health professionals needs to be systematically strengthened. Interdisciplinary training is a prerequisite for the success of this model. The criminal justice system will move towards

more substantive justice if all legal actors work within a harmonious and humane framework.

Conclusion

The issue of criminal liability for traffic accident perpetrators with schizophrenia is complex because it lies at the intersection of criminal law, mental health law, and human rights protection. In practice, traffic law and positive criminal law remain heavily oriented toward the consequences of actions and physical harm, while the perpetrator's mental state is often positioned simplistically as a reason for eliminating or reducing punishment without a consistent and operational assessment framework. The current construction of criminal liability, including the provisions in the National Criminal Code (Law No. 1 of 2023), demonstrates fundamental weaknesses, particularly the unclear norm regarding the phrase "may be subject to action" for perpetrators with mental disorders. This uncertainty has implications for disparities in law enforcement, unequal treatment of offenders with similar mental conditions, and potential violations of the rights of both victims and offenders. Therefore, normative reconstruction is essential to establish a model of criminal liability that not only emphasizes retribution but also considers the principles of substantive justice, legal certainty, and respect for human dignity, as guaranteed under national and international human rights instruments.

In line with these findings, recommendations are directed at comprehensively updating law enforcement norms and practices. For lawmakers, further clarification is needed regarding the concept and types of "actions" in the National Criminal Code, particularly those relevant to traffic offenders with schizophrenia, to avoid multiple interpretations and uncertainty in application. This clarification should ideally be followed by the integration of medical-psychiatric perspectives and human rights standards into the formulation of criminal norms. For law enforcement officials, the recommendations emphasize strengthening their capacity to assess offenders' mental conditions professionally and proportionally, including through effective coordination with mental health professionals and the application of an individualized approach to criminal justice. Moreover, future examination should be directed toward developing more inclusive and adaptive models of criminal liability in traffic violations through comparative legal studies and interdisciplinary approaches. In this way, future traffic criminal law may not only ensure public safety but also embody the values of justice and humanity in a comprehensive manner.

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