



Psychopaths in Criminal Psychology: Characteristics and Legal Consequences in Law Enforcement in Indonesia

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Abstract: *This study aims to analyze the position of psychopathy as a criminogenic factor in criminal responsibility and to examine the application of criminal liability to perpetrators with psychopathic characteristics under Indonesian criminal law. The research employs a qualitative method with a normative juridical approach by analyzing statutory regulations, court decisions, and literature in criminal psychology. The study focuses on identifying psychopathic characteristics within the framework of criminal psychology and assessing their juridical implications in determining criminal responsibility. The results show that psychopathy is formed through the interaction of biological, psychological, social, and environmental factors, which contribute to an individual's ability to plan and execute criminal acts consciously. From the perspective of Indonesian criminal law, perpetrators with psychopathic traits are considered legally accountable because they retain awareness and rational functioning despite having deviant personality structures. Consequently, psychopathy does not eliminate criminal responsibility, and judicial practice tends to impose full criminal sanctions. These findings indicate the need for a proportional and multidisciplinary approach in adjudicating psychopathic offenders, balancing legal certainty, individual accountability, and the protection of society.*

Keywords: *Crime; Law; Perspective; Psychology; Psychopath*

Introduction

Crime is a social phenomenon that is closely linked to the surrounding community, as crime will always exist in various forms in human life. This is in line with the opinion of E.H. Sutherland, who defines crime as a social phenomenon, both in the process of formulating laws and in violating those laws (Bertholomeus et al., 2024). Crime is not only viewed as a violation of positive law, but also as a manifestation of the complexity of human behaviour in responding to pressures, impulses, and conflicts that arise from within individuals, groups, or their social environment.

In the development of modern society, criminal acts can no longer be understood solely as a result of poverty, social inequality, or weak individual morality. However, crime is also the result of complex psychological dynamics involving personality, mental condition, and subconscious impulses. Understanding these psychological dimensions is particularly important when the law is confronted with criminals who display characteristics different from those of conventional criminals, namely individuals with psychopathic personalities.

Psychopathy is a personality disorder experienced by a person, and people who experience psychopathic personality disorder are called psychopaths. Basically, a

psychopath is an individual who functions normally biologically and neurologically. The brain nerve activity of a psychopath does not show significant disorders, as is the case with people with severe mental disorders. However, behind this, there is a tendency for their personality to deviate from social values and norms. A psychopath displays two very contrasting sides to their personality, or what is often referred to as a dual personality, because on the one hand they appear normal, calm and rational, while on the other hand they harbour destructive urges that go against human values. It is this personality that drives antisocial behaviour that is contrary to existing social norms, such as breaking the law, harming or even taking the lives of others for personal satisfaction or to get rid of those who are considered a threat to themselves (Saputri & Soeskandi, 2022).

A person with psychopathic personality disorder may commit crimes or criminal acts with full awareness, and such acts are carried out without any sense of guilt or remorse, even though they know that their behaviour violates the law, but they lack the moral impulse to restrain themselves (Supriyadi et al., 2024). As a result, a legal approach based solely on rationality and intent is insufficient to explain their behaviour. This is where the gap between the law and psychological reality arises, making it difficult to fully understand many cases of crime involving psychopathic perpetrators within the traditional legal framework.

This phenomenon can be found in a number of actual cases in Indonesia involving perpetrators with indications of psychopathic personality disorders. For example, a case that has recently shocked the public is the murder and mutilation of a corpse in Ngawi, dubbed the red suitcase case. In this case, RTH, who was the suspect at the time, killed his lover, whose initials were UK. After killing his lover, RTH also mutilated the body in a calm manner, without any hesitation or pity for the victim. Thus, after undergoing forensic psychological testing at the East Java Regional Police Headquarters, RTH was declared a narcissistic psychopath, where the perpetrator committed heinous acts with careful planning, without remorse, and tended to enjoy the process of his actions. Not only that, a murder case committed by a perpetrator with psychopathic tendencies that shocked the public also occurred in 2008, when AS, known to the public as a shaman, killed dozens of women through rituals packaged as spiritual practices. In this case, the perpetrator deceived the victims with an approach that seemed convincing, then committed murders repeatedly over many years without showing any guilt or empathy. This pattern reveals manipulative, calm, and calculating personality traits, so that the actions committed are not only seen as ordinary crimes, but also as manifestations of a psychopathic personality structure that requires a more than just an analysis of the elements of the offence in the law enforcement process (Hukum Online, 2023; Humas Polres Kediri Kota, 2025).

From the description of the above case, it appears that the existence of perpetrators with psychopathic personality traits raises questions about how law enforcement can be carried out appropriately in relation to perpetrators with such personality disorders. Although psychopathy is often classified as a mild mental disorder, the case handling process still requires careful examination through witness statements, expert testimony, and other evidence to ascertain the nature and context of the act. Cases involving perpetrators with psychopathic tendencies also attract attention because, from a criminal psychology perspective, certain mental or psychological conditions are sometimes necessary to

understand the extent to which personality factors influence the process of committing a crime (Laksana & Yusuf, 2025; Sandhika Raharjo et al., 2024).

As in the research conducted by Linda Tri Yulia and Hari Soeskandi in the article 'Legal Considerations Regarding Noodweer as a Basis for Self-Defence against Psychopaths in Murder Cases', this study highlights how the concept of forced defence is applied in cases where the perpetrator has psychopathic characteristics. The study uses a normative legal method and examines how the perpetrator's subjective elements and assessment of their awareness of their actions influence the application of Article 49 of the Criminal Code. This study provides a strong theoretical explanation of the limitations of forced defence and emphasises that psychopaths cannot automatically use this as an excuse. However, this study is still limited to normative analysis and does not describe how forensic psychological examinations are conducted in practice to determine the perpetrator's capacity for responsibility (Yulia & Soeskandi, 2022).

Meanwhile, research conducted by Gigih Widi Kusuma, Sunardi, and Fitria Dewi Navisa in their article 'Legal Analysis of the Reasons for Criminal Exemption for People with Psychopathic Mental Disorders' examines the relationship between psychopathic mental disorders and the reasons for criminal exemption in Article 44 of the Criminal Code. This study explains that although psychopaths have deviant personality traits, perpetrators are still aware of the consequences of their actions and therefore do not fall into the category of being unable to be held responsible. The use of court decisions in the analysis is the main strength that makes this study more concrete. However, this study still places psychological aspects only as a supporting factor in legal assessment, so that the relationship between clinical diagnosis of psychopathy and criminal responsibility has not been discussed more dynamically (Kusuma et al., 2022). From these two studies, it appears that both highlight the position of psychopaths in criminal responsibility, but from different perspectives. The first study focuses more on the application of forced defence, while the second study emphasises the grounds for criminal exemption in Article 44 of the Criminal Code.

Thus, this study aims to provide a more comprehensive understanding of psychopaths through the perspective of criminal psychopathology, by examining the characteristics, behavioural patterns, and factors that emerge in their criminal actions. In addition, this study also seeks to examine the implications of psychopathy on the law enforcement process in Indonesia, including how the assessment of responsibility is applied in cases involving perpetrators with such profiles. It is hoped that this study will contribute to strengthening a more appropriate and proportional legal approach in cases involving perpetrators with psychopathic characteristics.

Methodology

This study uses a qualitative method with a normative juridical approach, which is a research method that focuses on examining written legal sources and scientific literature related to the phenomenon of psychopathy and criminal responsibility in the Indonesian legal system. The normative legal approach is used to examine legal regulations, criminal principles, court decisions, and relevant doctrines regarding the position of perpetrators with psychopathic personalities in the judicial process. This study also utilises a criminal psychology perspective as a theoretical basis for understanding the characteristics of

psychopaths, motives for criminal behaviour, and the relationship between the psychological condition of the perpetrator and the application of criminal law.

The data sources for this study are secondary data, including legislation, court decisions, scientific journals, criminology books, and academic articles that support the analysis. The data was obtained through a literature study by reading, noting, and reviewing relevant literature. All data was then analysed using qualitative descriptive analysis, namely by interpreting the content of documents, identifying problem patterns, and linking data findings with criminal psychology theory and the concept of criminal responsibility. Through this method, the study is expected to provide a comprehensive picture of how psychopathy is understood from a criminal psychology perspective and its consequences in criminal law in Indonesia.

Result and Discussion

Psychopathic Characteristics from a Criminal Psychology Perspective

Criminology is a discipline that studies the causes of crime and deviant behaviour, including the individuals behind such acts (Edrisy et al., 2023). In general, criminology is divided into two parts, namely pure criminology and applied criminology. Pure criminology focuses on the development of theories, concepts, and scientific understanding of the causes of crime by emphasising in-depth academic studies of the biological, psychological, and social factors that influence criminal behaviour. One important part of pure criminology is criminal psychology, which is a branch of psychology that specifically examines criminal behaviour from the perspective of the perpetrator's mental state and psychological condition, such as perpetrators of crime who have psychopathic disorders (Fath et al., 2025).

Psychopathy is regarded as a form of personality disorder recognised in the official guidelines of the American Psychiatric Association, which classifies psychopathy as a continuum and a separate classification from antisocial personality disorder (ASPD). Most individuals who meet the criteria for psychopathy also fall into the ASPD category, but only a small proportion of the overall ASPD population, approximately a quarter, exhibit psychopathic characteristics (Adhyaksa, 2024). Psychopathy is often equated with the term sociopathy, but the two are distinct. Although psychopaths and sociopaths are both associated with antisocial behaviour patterns that tend to harm others, violate norms, and disregard basic individual rights, there are differences between the two. However, in psychological studies, psychopathy is understood as part of antisocial personality disorder, characterised by manipulative behaviour, difficulty understanding others' feelings, and a tendency to violate others' rights without remorse. Meanwhile, the term sociopathy is more commonly used to describe antisocial behaviour that develops from environmental factors (Maharani, 2024).

According to the Diagnostic and Statistical Manual of Mental Disorders, antisocial personality disorder is identified primarily through observable behaviour, such as repeated rule-breaking, criminal acts, or a consistent pattern of harming others. However, in the study of criminal psychology, the term psychopath has a more specific scope because it not

only assesses visible behaviour but also pays attention to deeper personality traits, such as superficial charm, manipulative tendencies, lack of empathy, and minimal remorse (Maharani, 2024).

However, from a medical perspective, the term psychopath is not used as an official diagnosis but rather placed under the umbrella of antisocial personality disorder (APD). Thus, the condition experienced by individuals with this disorder in the general population is clinically understood as a form of ASPD. Although it is not a formal diagnosis in the medical world, the concept of psychopathy still has a special place in clinical psychology and criminal psychology research because individuals with this disorder exhibit more extreme personality patterns than those with ASPD in general (Marianti, 2025).

In criminal psychology studies, the discussion of psychopathy is not only directed at clinical aspects but also at how these deviant personality patterns influence the way individuals plan, carry out or execute, and also maintain criminal behaviour. This approach places psychopathy as an important concept for understanding the motives of perpetrators, patterns of interaction with victims, and tendencies towards recidivism. The main focus is not solely on the label of disorder, but on how certain personality structures can be risk factors for various forms of unlawful behaviour. Therefore, psychopathy in criminal psychology is treated as an analytical framework for reading the dynamics of criminals more comprehensively.

In addition, criminal psychology views psychopathy as a phenomenon that reveals a close relationship between personality function and an individual's response to social norms and situational pressures. Individuals with these tendencies often exhibit different decision-making patterns compared to criminals in general, especially in terms of impulse control, moral values, and orientation towards consequences. This perspective helps identify how affective and interpersonal aspects of personality contribute to consistent antisocial behaviour patterns. Based on this understanding, the analysis of psychopaths from a criminal psychology perspective needs to focus on identifying the personality traits that are the main factors shaping their behaviour patterns. These characteristics are not discussed merely as clinical symptoms, but as indicators that can provide an overview of how a perpetrator interprets situations, processes information, and determines their actions. To present a more systematic overview, the following psychopathic characteristics are compiled in the table below to make them easier to understand and relevant to the context of criminal psychology research.

Table 1.1 Characteristics of Psychopaths

No	Karakteristik Psikopat	Relevansi dengan Psikologi Kriminal
1.	Superficial Charm and Charisma	Appears friendly and articulate, easily winning people over, but this is merely a cover for manipulation.
2.	Excessive self-esteem or grandiosity	A condition in which one feels superior, special, and disregards legal norms.
3.	Lack of empathy or affection	Difficulty understanding or empathising with others' suffering, shallow emotional relationships, minimal emotional reactions.

4.	No guilt or remorse after doing something wrong	No remorse after committing malicious acts and harming others.
5.	Manipulative and deceitful (pathological lying / manipulativeness)	Frequent lying, creating false narratives, using sweet words and attitudes to deceive others for personal gain.
6.	Impulsive and sensation-seeking tendencies / bored with routine	Easily restless if life is monotonous; tends to seek new things, high risks; difficult to be consistent with one job or commitment.
7.	Parasitic lifestyle / irresponsibility	Relies on others for needs, often changes jobs, avoids responsibility, lives an unstable life.
8.	Poor behavioral controls)	Difficult to control impulses, often acts explosively, difficult to learn from bad experiences, tends to repeat deviant patterns.

Source: (Hasibuan, 2025)

The table provides an initial overview of the main characteristics of a psychopath, and in fact, this discussion is consistent with the general description of psychopaths outlined by Robert D. Hare, one of the most influential experts in the study of psychopathy. Characteristics such as superficial charm, the ability to speak well and fluently, and displaying a friendly attitude make people with this personality disorder appear normal. However, these traits serve only as a mask to gain the trust or sympathy of others. Robert D. Hare also explains that psychopaths have an excessive sense of self or grandiosity, which makes them feel superior to others and tend to disregard social rules and laws. In addition, Robert D. Hare also explains that psychopaths have a number of other characteristics, such as a tendency towards verbal and physical aggression. People with psychopathic personality disorder may exhibit sudden outbursts of anger or violent behaviour. Deviant behaviour from an early age, such as a habit of breaking rules, harming animals, or engaging in destructive acts without clear reasons, is also a pattern of behaviour that has the potential to become antisocial behaviour in adulthood (Nelson, 2025).

Another important characteristic emphasised by Robert Hare is a prominent specific intellectual capacity, such that psychopathic individuals often display superior intelligence compared to the majority of the population, particularly in understanding social dynamics. This superiority is evident in their ability to analyse social situations, project the responses or reactions of those around them, and quickly recognise any gaps or weaknesses in others. Although they lack emotional empathy, psychopaths often display a keen intuition in identifying the vulnerabilities of other individuals. Furthermore, in the context of instrumental actions, i.e. actions aimed at achieving a specific result, they tend to have highly accurate predictions, such as in evaluating the level of risk involved, interpreting the non-verbal expressions of the person they are talking to, or estimating the probability of success of a manipulative plan that is being carried out (Nelson, 2025).

Of course, these complex psychopathic characteristics arise due to the influence of various internal and external factors throughout an individual's life. In criminal psychology, these traits are understood as the result of interactions between biological predispositions,

parenting experiences, social dynamics, and environmental conditions that shape a person's behaviour patterns from early childhood to adulthood (Anggara et al., 2024). Several factors that play a role in the formation of psychopathic tendencies include:

a) Biological

These factors play an important role in the development of psychopathic tendencies because they are related to brain function and hereditary predisposition. In criminal psychology, these biological conditions are seen as factors that can influence how a person responds to rules and social control. Dysfunction in the amygdala, which regulates emotional processing, means that individuals with psychopathy do not experience fear or anxiety in the same way as most people, so they tend to have no emotional barriers when faced with risky or unlawful actions. Disorders in the prefrontal cortex (PFC), which plays a role in moral judgement and impulse control, also impact the ability to resist aggressive or antisocial urges, which in a criminal context often manifest as impulsive, irresponsible behaviour or difficulty complying with legal norms. In addition, genetic factors that influence neurotransmitter systems such as dopamine and serotonin also shape an individual's response patterns to stimuli, including a tendency to seek thrills and a lack of self-control, two characteristics that in criminal psychology are considered to increase an individual's potential for engaging in deviant behaviour (Maharani, 2024; Rozali et al., 2019)

b) Social Factor

Social factors play an important role in the development of psychopathic tendencies, particularly through negative experiences during childhood, such as rejection, neglect, abuse, and lack of affection. Conflictual parenting styles that do not provide emotional support can hinder the development of empathy and an individual's ability to manage emotions. Children who grow up in such environments often experience early childhood trauma between the ages of 0 and 6, such as physical abuse or unmet emotional needs. This trauma can disrupt emotional regulation and affect brain functions related to affective responses, including the amygdala. From a criminal psychology perspective, this condition can increase an individual's vulnerability to displaying antisocial, violent, or manipulative behaviour later in life, which are characteristic of a psychopathic profile (Rozali et al., 2019).

c) Environmental Factors

Environmental factors will also have an impact, especially if there is instability, violence, and marginalisation. Several studies on neurocriminology explain that although there are genetic and neurobiological contributions, environmental factors such as emotional deprivation, environmental deprivation or exposure to violence can alter the nervous system and behaviour regulation. A poor environment will affect a person, hindering the development of empathy, morality and self-control, making them more prone to antisocial behaviour. (Kadir, 2025).

From a criminal psychology perspective, the formation of psychopathic characteristics cannot be separated from various factors that influence how a person understands, responds to, and violates social and legal norms. Biological vulnerability can weaken an individual's ability to feel fear, sympathy, or consider moral consequences, but psychopathic traits only become apparent when this vulnerability develops in a harsh, conflict-ridden environment or one with minimal emotional support. Psychological, social, and unstable environmental factors can hinder the development of empathy and self-control, thereby increasing the likelihood of a person engaging in antisocial, manipulative, or aggressive behaviour. This is in line with an article by the Faculty of Psychology at UMA, which emphasises that psychopathy is not solely the result of genes or biological predisposition, nor does it arise purely from life experiences, but is rather the result of a combination of internal predispositions and external experiences that shape deviant behaviour patterns. Thus, within the framework of criminal psychology, psychopaths are understood as the product of a combination of innate and formative factors that together influence an individual's tendency to violate social norms and laws (Imam, 2024).

Legal Consequences for Criminals with Indications of Psychopathy in the Indonesian Criminal Justice System

Criminal behaviour committed by individuals with psychopathic personality disorders often poses unique challenges in the law enforcement process. Despite characteristics such as a lack of empathy, manipulation, and a lack of guilt towards others, perpetrators with psychopathic tendencies essentially understand the actions they commit. Therefore, it is necessary to examine how the criminal justice system positions perpetrators such as psychopaths, especially in relation to the limits of their legal responsibility.

On the other hand, crimes committed by individuals with psychopathic personality disorders are often premeditated, repetitive, and not influenced by perceptual disturbances or hallucinations. This condition makes the discussion of the legal consequences for psychopathic perpetrators even more important. An understanding of the psychological condition of the perpetrator is necessary to see how psychopathic traits can shape the way they commit crimes and determine the appropriate course of action in the judicial process.

However, people with psychopathy are actually considered to have legal competence and to have reached the age of majority (Ida & Suryawati, 2023). This issue is important to examine because of the criminal acts committed by individuals with psychopathic characteristics and how they are held accountable for their actions from a criminological perspective. This issue is directly related to the law because the criminal acts committed by psychopathic individuals occur in a conscious state, not in a state of fantasy or loss of reality. A psychopath fully understands what they are thinking and planning. Research conducted by Robert Hare shows that individuals with psychopathy are able to present themselves convincingly, create structured lies, twist information, and spread slander to fulfil their personal interests and gain (Firdausy et al., 2023).

By understanding the nature and behavioural patterns of a psychopath, questions arise about how the criminal justice system treats perpetrators such as psychopaths in legal

proceedings. Despite their manipulative tendencies and ability to convincingly hide their emotions, perpetrators with psychopathy are still considered capable of understanding legal norms and the consequences of their actions because psychopaths are different from people who are insane (psychotic) or have severe mental disorders; psychopaths are fully aware of their actions. The term originates from the Greek words *psyche* and *pathos*, meaning mental illness. A psychopath is diagnosed with antisocial personality disorder, which can be caused by various factors such as environmental and genetic factors, characterised by a habit of breaking rules and a lack of empathy (Supriyadi et al., 2024).

Criminal liability for perpetrators who show signs of or suffer from psychopathic personality disorder must be distinguished from perpetrators who suffer from severe mental disorders. In the Indonesian criminal justice system, a person can only be exempted from liability if they have completely lost the ability to understand or control their actions. Meanwhile, perpetrators with psychopathic traits remain conscious, aware of applicable legal norms, and capable of deliberately planning their actions because psychopathy does not eliminate rational thinking. Perpetrators with this personality disorder are still considered legally competent and cannot be equated with perpetrators who suffer from severe mental disorders (psychotic) such as insanity, schizophrenia, and other severe mental disorders (Ni Putu Widari Yasaputri et al., 2023).

This is clearly stated in Article 44 of the Criminal Code, which forms the basis for assessing whether or not a person can be held criminally responsible. The article states:

Paragraph (1): "A person who commits an act for which he or she cannot be held responsible because his or her mind is defective in its development or disturbed by disease shall not be punished."

Paragraph (2): "The judge may order that the person be admitted to a mental hospital for a maximum of one year as a probationary period."

Paragraph (3): "This provision applies only to the Supreme Court, High Courts, and District Courts."

This formulation indicates that the grounds for criminal exemption can only apply in two conditions, namely mental disability or mental disorder due to an illness that causes a loss of the ability to understand or control one's actions. Psychopathy itself does not meet these two criteria because it is not a disorder that eliminates the perpetrator's reason or consciousness.

This issue also needs to be viewed through the structure of the Criminal Code itself, which divides criminal acts into two broad categories based on the systematic placement of articles, namely crimes (Book II) and offences (Book III). This division is not related to the perpetrator's mental disorder, but is merely a normative classification. In relation to psychopathy, the doctrine as presented by Kanter and Sianturi explains that a condition that can be considered a 'mental disability' is when a person is an adult but their mental development is stunted, for example, they are feeble-minded, immature, or idiotic. This condition is clearly different from psychopathy, which is characterised by full consciousness and the ability to strategise. Therefore, perpetrators with psychopathic traits cannot use Article 44 as a defence and remain fully criminally liable (Ni Putu Widari Yasaputri et al., 2023).

A person with a mental disorder will feel calm and not feel guilty about the criminal acts they have committed, as will a person with psychopathy, but there is a difference between someone with a severe mental disorder and a psychopath. A person with a mental disorder cannot imagine or think actively, whereas a person labelled as a psychopath is not considered to have a severe mental disorder because psychopaths are normal individuals who can still think actively and carry out their daily lives. This raises the question of whether the punishment given to a person with a mental disorder is the same as that given to a person with psychopathy, and how the law in Indonesia deals with such cases (Saputri & Soeskandi, 2022).

In general, efforts to deal with perpetrators of criminal acts can be pursued through two channels, namely penal and non-penal measures. Penal measures involve the application of criminal law as the primary means of punishing perpetrators who are deemed capable of taking responsibility for their actions. Meanwhile, non-criminal measures focus more on prevention before crimes occur, such as education, strengthening the social environment, improving welfare, and providing mental health services to the community. It is important to understand these two approaches when discussing crimes committed by perpetrators with certain mental conditions, including the differences between individuals with severe mental disorders and individuals with psychopathic characteristics (Firdausy et al., 2023).

In criminal proceedings, perpetrators who are still considered capable of understanding their actions can be subject to criminal penalties in accordance with the type of crime, such as in Article 338 of the Criminal Code concerning murder, Article 340, Article 351 concerning maltreatment, and Article 365 of the Criminal Code, because perpetrators with psychopathic disorders commit their actions while conscious and capable of planning their actions. Psychopaths cannot use criminal defence arguments, such as extenuating circumstances as stipulated in Article 44 of the Criminal Code, because psychopathy is not considered a mental disorder that eliminates consciousness or the ability to think. Therefore, criminal proceedings remain the primary approach used for perpetrators with psychopathic characteristics.

Meanwhile, non-criminal efforts are more directed at preventing the emergence of criminal acts, especially by addressing factors that can trigger the development of antisocial or psychopathic behaviour. These efforts include improving mental health literacy, early detection of deviant behaviour from childhood, increasing access to psychological and psychiatric services, protecting children from violence, and strengthening the role of families and schools. Such prevention must be taken into account, given that many characteristics of psychopathy are rooted in poor parenting, childhood trauma, and an unsupportive social environment. By strengthening these protective factors, the potential for the emergence of perpetrators with psychopathic tendencies can be minimised before they become a real threat (Firdausy et al., 2023).

In terms of criminal law, criminal responsibility for psychopaths in Indonesia is essentially based on the general principle in the Criminal Code that every person is responsible for their actions if the elements of guilt are fulfilled. The first element is

malicious intent or *mens rea*, because the core of guilt in criminal law is the perpetrator's inner attitude when the crime is committed. In psychopaths, the element of malicious intent is often clear because they tend to form their will before acting, so that their pattern of intent can be read through their planning, motives and goals. The form of *mens rea* that commonly appears in psychopathic cases is intent (*Opzet*), especially *opzet als oogmerk*, which is intent with a specific purpose. This can be seen when the perpetrator prepares tools, chooses the time, and monitors the situation to ensure that the actions to be taken go according to plan (Bigtan et al., 2025).

The second element is none other than *actus reus* or prohibited physical acts. In psychopathic perpetrators, proving this element is relatively easier to see because the actions taken are usually consistent with the initial intent. They act calmly, in a structured manner, and often hide their tracks, so that their series of actions illustrate strong control over what they do. This consistency between intent and action clarifies the construction of the offence, for example in Articles 338, 340, or 365 of the Criminal Code, because the actions taken do not arise spontaneously but are the realisation of a pre-formed plan. Thus, with all elements of criminal liability fulfilled, the Indonesian legal system holds psychopathic perpetrators fully responsible for every consequence of their actions (Bigtan et al., 2025).

An example of the application of criminal liability to a psychopathic perpetrator can be seen in Decision Number: 67/Pid.B/2025/PN.Kdr, in which the defendant who killed and mutilated the victim was sentenced to life imprisonment after being proven to have committed an act that violated Article 340 of the Criminal Code. Although the case sparked public speculation about the perpetrator's personality, the court still considered that his actions fulfilled the elements of a criminal act that had been planned and executed consciously by preparing, carrying out and concealing his actions. Thus, the perpetrator's personality did not necessarily affect his criminal liability and the judge still imposed a sentence in accordance with his actions.

As a comparison, one example of the criminal liability of a perpetrator suffering from severe mental disorder can be seen in Decision Number: 144/Pid.B/ 2014/PN.Cj, in which the defendant who had committed murder was acquitted by the Panel of Judges and ordered to be placed in a mental hospital for treatment for 3 months because the defendant was diagnosed with paranoid schizophrenia, which is classified as a severe mental disorder, and therefore could not be held criminally responsible (Puspitasari & Rofikah, 2019).

Although psychopaths are essentially still considered legally responsible for their actions, the treatment of perpetrators with psychopathic characteristics also needs to be viewed through the lens of criminal psychology. From this perspective, psychopathy is seen as a high-risk antisocial personality pattern that can lead to recidivism, as offenders have a different personality structure from the general population, particularly in terms of empathy, impulse control, and emotional regulation. Therefore, although criminal law considers them to be individuals capable of being held responsible, criminal psychology emphasises the importance of professional counselling. This assistance is not intended to eliminate punishment, but as a further preventive measure to ensure that perpetrators do not reoffend after serving their sentences.

One method that can be applied is psychotherapy, which aims to help individuals control their impulses, manage their emotions, and improve thought patterns that have the potential to encourage harmful behaviour. From a criminal psychology perspective, psychotherapy helps individuals understand the consequences of their actions and form more adaptive response patterns in social situations. Although it does not change the core personality of a psychopath, this therapy can reduce the risk of problematic behaviour reoccurring. Group counselling is also one method that can be applied because this social therapy encourages perpetrators to learn the dynamics of social interaction, understand behavioural boundaries, and realise the consequences of their actions on others. Psychopaths often appear calm, but they are highly sensitive to criticism and easily offended, which can trigger latent aggressive impulses. Through this method, individuals are trained to regulate their emotional reactions and correct destructive thought patterns (Saputri & Soeskandi, 2022).

Meanwhile, drug-based therapies are not usually intended to treat psychopathy directly, as this disorder does not stem from neuropsychiatric disorders that can be cured with medication. However, sedatives or mood stabilisers can help control high-risk behaviours such as outbursts of anger, aggressive tendencies, or impulsive urges (Saputri & Soeskandi, 2022). These efforts emphasise that psychopathy is not merely a moral or character issue, but a psychological phenomenon that requires a multidisciplinary approach. Therefore, early detection and rapid intervention are crucial steps in preventing individuals with psychopathic tendencies from developing more serious criminal behaviour.

Conclusion

This study shows that understanding psychopaths from a criminal psychology perspective contributes significantly to strengthening the analysis of criminal responsibility in the Indonesian judicial system. Through a normative legal review linked to the theory of criminal psychopathology, this study proves that perpetrators with psychopathic characteristics remain in the category of legally responsible because psychopathy does not eliminate consciousness, intent, or the ability to control actions; this finding also confirms the clear distinction between psychopathy and severe mental disorders as referred to in Article 44 of the Criminal Code. By mapping psychopathic characteristics and their relevance to crime patterns, this study broadens academic understanding of how extreme personality factors influence modus operandi, planning, and recidivism, thereby enriching the literature that previously focused more on purely normative aspects. These findings also open up opportunities for the application of a multidisciplinary approach in dealing with psychopathic perpetrators, particularly through the use of criminal psychological assessments in the judicial process to support the assessment of accountability and the risk of recidivism. For future research, empirical studies are needed that involve direct forensic psychological evaluation of perpetrators, testing the effectiveness of psychological interventions in reducing recidivism, and developing an integrative model between

criminal law and behavioural science to deepen understanding of the dynamics of psychopathic personality in the context of serious crime in Indonesia.

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