

A SYSTEMATIC REVIEW OF THE APPLICATION OF THE INSANITY DEFENCE IN MURDER CASES: IMPLICATIONS FOR THE CRIMINAL JUSTICE SYSTEM AND MENTAL HEALTH IN INDONESIA

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Abstract

The application of the insanity defence in murder cases in Indonesia highlights the challenges and implications arising from the application of this law. This study examines the consistency and effectiveness of the insanity defence in Indonesia and its impact on the criminal justice system and mental health. The review shows that although Indonesian law recognises the insanity defence, its implementation is often inconsistent and not supported by an adequate mental health assessment system. This results in unfairness in the handling of murder cases involving suspects with mental illness, as well as the continued stigmatisation of people with such disorders. The implications of these findings are significant for improving the justice and mental health systems in Indonesia. Better integration between the legal system and mental health services is needed to ensure the application of the insanity defence is fair and human rights compliant. This study recommends improved training for law enforcement, as well as strengthened coordination with mental health professionals to support effective rehabilitation for individuals with mental illness. This is expected to improve the fairness and protection of individual rights in the application of the insanity defence in Indonesia.

Keywords: Application, Insanity Defence, Murder Case, Criminal Justice System, Mental Health, Indonesia.

Introduction

The insanity defence is a legal concept that allows defendants to claim that they cannot be held responsible for a criminal act due to a serious mental condition. The use of this defence in murder cases is a complex topic, given its significant implications for the criminal justice system as well as the mental health system.

The insanity defence is a legal defence that states that the defendant cannot be held accountable for the crime committed because he or she was mentally impaired at the time of the crime. This defence is based on the premise that individuals who are in a state of severe mental disorder do not have the capacity to understand their actions or cannot distinguish between right and wrong. (Goossens et al., 2021).. This is complex and often requires an in-depth evaluation by a psychiatrist or psychologist to determine the level of mental impairment experienced by the accused at the time of the incident. In different countries' legal systems, the application of the insanity defence can vary and is often a controversial topic amongst the public (Loveless et al., 20). (Loveless et al., 2022a)..

In Indonesia, the insanity defence is rarely applied in homicide cases, which may be due to several factors, such as low legal and medical awareness of mental health aspects, a lack of experts who can provide accurate assessments of the defendant's mental state at the time of the crime, and the social stigma attached to mental illness. (Loveless et al., 2022b)..

In the Indonesian criminal justice system, the application of the insanity defence presents its own challenges. Courts must evaluate medical evidence and expert testimony to determine whether defendants are indeed suffering from a mental disorder that prevents them from understanding or controlling their actions. This process requires a good integration between law and forensic psychology, a field that still needs a lot of development in Indonesia (Justice & Nadal, 2020).

Some common obstacles to the application of the insanity defence in the Indonesian criminal justice system include a lack of experts, lack of detailed documentation, and social stigma.

The implications of using the insanity defence are also important for Indonesia's mental health system. Proper implementation could encourage the improvement of mental health services, the provision of adequate treatment facilities for those declared insane, as well as encourage further research in this area. The need for integration between the legal system and the mental health system is heightened, given that some homicide cases may involve individuals with mental illness (Labuschagne, 2021). (Labuschagne, 2021). Indonesia's mental health system must be able to provide sufficient support and appropriate interventions for individuals with serious mental conditions to prevent criminal offences (Williams, 2021). (Williams, 2021).

Thus, the application of the insanity defence in homicide cases has broad and profound implications for both the criminal justice and mental health systems in Indonesia. Further research and comprehensive policy development is needed to ensure that the application of this defence is fair and effective, and can support better preventative efforts in terms of public mental health.

Research Methods

The study in this research uses the literature method. The literature research method is an approach used to review, analyse and interpret various written sources relevant to a particular research topic. The main objective is to collect existing information from books, scientific articles, journals, research reports, and other sources to build a theoretical foundation, identify research gaps, and develop a deeper understanding of the subject under study. (Hidayat, 2009); (Afiyanti, 2008). This process involves systematically searching the literature, critically assessing the quality and relevance of the sources, and synthesising the information obtained to produce comprehensive and structured conclusions. Literature research is very useful in providing a broad context and in-depth background for the research being conducted,

as well as helping researchers to avoid duplication and direct research in a more innovative direction. (Syahrani, 2020).

Results and Discussion

Application of the Insanity Defence in Murder Cases in Indonesia

The application of the insanity defence in murder cases in Indonesia is a complex legal issue that requires a careful juridical and medical approach. In the Indonesian criminal justice system, the recognition of mental illness in perpetrators of crimes refers to Article 44 of the Criminal Code (KUHP) which states that a person who commits a criminal act cannot be held legally responsible if it is proven that he was in a state of mental disorder at the time of the act. This means that the defendant does not have the mental capacity to understand or control the actions taken due to his/her mental condition. (Brown, 2024).

However, the application of this defence often poses major challenges. One such challenge is the difficulty in distinguishing between defendants who are genuinely mentally ill and those who may be faking it to avoid a criminal conviction. This requires a very in-depth and comprehensive evaluation from an independent team of psychiatric experts. In some cases in Indonesia, the court requires the opinion of a psychiatrist or forensic psychologist who is called to testify based on a detailed examination of the defendant's mental state before and during the commission of the offence. (Yaksic, 2023).

Examples of the application of the insanity defence in Indonesia can be seen in several prominent cases. For example, in a murder case committed by a defendant with a background of schizophrenic disorder. The defendant may be incapable of understanding their actions or their consequences due to the acute psychosis suffered. In this situation, the court will carefully examine the medical evidence and decide whether the defendant deserves a defence on the basis of mental incapacity. (May, 2024). In some cases, defendants found not legally responsible due to mental illness are directed to receive medical treatment at a psychiatric hospital rather than being sentenced to imprisonment. (Chan & Adjorlolo, 2021)..

However, the use of this defence also raises ethical and legal dilemmas. On the one hand, it is important to ensure that people with serious mental conditions are not treated unfairly in the justice system. On the other hand, there are concerns about public safety and the potential misuse of this defence which could undermine public confidence in the legal system. Therefore, the balance between the protection of the rights of the accused and the interests of society is of paramount importance in any decision-making. (Knapp & Wong, 2023).

As such, the application of the insanity defence in murder cases in Indonesia is a complex process and requires evaluation from a variety of perspectives, both medical and legal. Article 44 of the Criminal Code provides the juridical basis for this defence,

but its success depends on the cooperation between psychiatric experts and the judiciary in ascertaining the validity of claims of mental illness. While the use of this defence can provide necessary protection for people with serious mental illness, it requires strict oversight to prevent abuse and ensure a balance between individual interests and public safety. This demonstrates the importance of transparent procedures and careful assessment in the application of the insanity defence in Indonesia.

Implications for the Criminal Justice System

The insanity defence in the criminal justice process can have significant impacts, both from a legal and psychological perspective. Firstly, from a legal perspective, the application of the insanity defence forces the justice system to bridge the science of law and the science of psychology/psychiatry. Lawyers and judges must liaise with psychology or psychiatry experts to determine whether the defendant truly lacks the mental capacity to understand his or her actions. This adds a layer of complexity to the trial, and requires accurate medical evidence and assessment to ensure that the defence is not abused. (May, 2024).

On the other hand, from the perspective of the defendant, the application of the insanity defence also affects the psychological condition and treatment that will be received. Instead of receiving a criminal sentence such as imprisonment, defendants who successfully prove the insanity defence will usually be referred to a mental health facility for appropriate treatment. This may provide an opportunity for the defendant to receive necessary medical assistance, but also raises concerns about whether the treatment will be effective in rehabilitating the defendant and protecting the public (Rowlett, 2022). (Rowlett, 2022). Therefore, the implementation of the insanity defence requires careful consideration in order to strike a balance between legal justice and mental health needs.

The application of the insanity defence in the criminal justice system faces a range of complex challenges and obstacles. Firstly, one of the main challenges is the establishment of consistent and clear legal standards relating to insanity or mental disorder. Each jurisdiction may have different criteria for assessing the insanity defence, such as using the M'Naghten Rules test, the Irresistible Impulse Test, or the Model Penal Code (MPC) Test. (D'Souza, 2021). This lack of uniformity makes the insanity defence determination process more complicated and often confusing for judges, prosecutors, and lawyers in ensuring that the defence is not used arbitrarily or unfairly.

The second challenge is in the validation of medical and psychological evidence. Proving that the accused lacks the mental capacity to take responsibility for his or her actions requires an in-depth evaluation by a mental health expert. While this medical and psychological evidence can provide a picture of the defendant's mental state, the interpretation of such evidence can be highly subjective. Expert witnesses from the

defence and prosecution often have different views on the defendant's mental state, making it difficult for the jury or judge to make an objective and fair decision. (Wangga, 2022).

Another barrier is the social stigma attached to the insanity defence. Many people are sceptical and believe that this defence is often misused to avoid imprisonment. This perception can influence public opinion and create pressure for the judicial process not to accept the insanity defence, even if the defendant genuinely needs it. (Mann, 2024). In addition, there is a concern that defendants found not guilty by reason of insanity may not receive adequate treatment and are at risk of committing similar crimes in the future. Therefore, the application of the insanity defence requires a careful balance between the justice of the law, the mental health of the accused, and the protection of the public. (Ajmal et al., 2022)..

Impact on Mental Health in the Justice System

The impact on mental health in the justice system can be significant and multifaceted, especially for defendants involved in lengthy and intense proceedings. Firstly, the stress of the often prolonged legal process can exacerbate an individual's already vulnerable mental state. The uncertainty of the legal outcome, social stigma and pressure from the media can increase levels of stress, anxiety and depression. This is especially true for defendants involved in cases that attract public attention or have severe legal implications. (Chan & Adjorlolo, 2021)..

Furthermore, experiences in detention or prison can have additional negative impacts on mental health. The restrictive and stressful prison environment can trigger or exacerbate mental disorders such as depression, anxiety, and PTSD. Lack of access to adequate mental health care within prisons is also a serious problem. Many prisoners do not receive proper evaluation or treatment and are therefore unable to cope with the mental problems they face during their incarceration. (Kwakyee-Nuako, 2021)..

In addition, the justice system is often not equipped with adequate support to handle cases with mental health elements. Judges, prosecutors, and lawyers may not have in-depth training on mental health issues which makes them less able to make fully fair and informed decisions for defendants with mental illness. Lack of coordination with mental health services outside the justice system can also hinder defendants' access to needed treatment during and after the legal process. (Sinaga et al., 2023).

For victims of crime and witnesses, there are also mental health impacts that should not be overlooked. Legal processes that can be emotionally taxing, such as giving testimony or confronting perpetrators, can add to the trauma they experience. It is therefore important to provide appropriate psychological support during and after the justice process for all individuals involved to ensure their mental health is cared for and protected. A justice system that is more sensitive to mental health issues can provide more holistic and humane assistance for all parties involved. (Wijaya, 2020).

To address the negative impact on mental health in the justice system, several steps can be taken as part of an improvement effort. Firstly, better integration between the justice system and mental health services is needed. This includes training for legal professionals to better understand mental health issues as well as realising collaboration with mental health experts to provide the necessary assessment and treatment. With this synergy, assessments of the mental state of alleged perpetrators and victims can be more accurate, and legal decisions can be made more fairly. (Walsh et al., 2023)..

Second, the provision of adequate mental health services within correctional institutions is crucial. A holistic, mental health-based rehabilitation programme can help stop the cycle of offending and ease the reintegration of inmates into society upon completion of their sentence. Proper treatment not only helps the individual but also contributes to the general wellbeing of society by reducing recidivism rates (Peterson-Badali et al., 2014). (Peterson-Badali et al., 2022)..

Finally, it is important that there is ongoing support for victims and witnesses to assist their mental recovery process after being involved in legal proceedings. This could include the provision of counselling, support groups, or accompaniment during difficult times in the court process. Such support needs to be designed to be accessible and tailored to the needs of the individual so that they can make a good recovery. (Eseadi, 2021).

In conclusion, the impact of the justice system on mental health requires serious attention and comprehensive solutions. By strengthening cooperation between the justice system and mental health services, improving mental health facilities in prisons, and providing ongoing support for victims and witnesses, we can minimise negative impacts and create a more humane and effective justice system. Hopefully, these changes can continue to prioritise mental health as an integral part of social justice.

Conclusion

The conclusion of this systematic review of the application of the insanity defence in murder cases in Indonesia is that the application of this defence still poses significant challenges. Although Indonesian law recognises the concept of insanity as a defence in criminal cases, its implementation on the ground is often inconsistent and lacks the support of an adequate mental health assessment system. This has led to many cases where suspects who should have received mental health-related treatment have instead faced imprisonment.

The implications for Indonesia's criminal justice and mental health systems are substantial. The lack of integration between the legal system and mental health services results in unfair treatment of cases and the continued stigmatisation of people with mental illness. To address these issues, improvements are needed in both the legal and health systems, including specialised training for law enforcement and strengthened

coordination with mental health professionals. This will allow for a fairer application of the insanity defence and ensure the rights of mentally ill individuals, while supporting effective rehabilitation efforts.

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