



The Inability to Take Responsibility of Paranoid Schizophrenic Criminal Perpetrators and Its Implications for the Protection of Victims' Rights from the Pancasila Perspective

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ABSTRACT

Criminal acts committed by individuals with paranoid schizophrenia present significant challenges within the criminal justice system. Due to their mental condition, offenders are often considered incapable of criminal responsibility and are directed toward medical rehabilitation rather than criminal punishment. Consequently, victims' rights, including compensation, psychological recovery, and access to justice, are frequently overlooked. This study aims to analyze the implications of the offender's inability to assume criminal responsibility on the protection of victims' rights from the perspective of Pancasila. The research employs a normative legal method using statutory, conceptual, and philosophical approaches. Primary legal materials include the Criminal Code, the Health Law, and the Human Rights Law, supported by relevant literature and legal doctrines. The findings indicate that existing legal regulations place greater emphasis on offender rehabilitation, resulting in inadequate protection of victims' rights. From the perspective of Pancasila, particularly the principles of Just and Civilized Humanity and Social Justice for All Indonesian People, victim protection constitutes an essential element of justice and human dignity. Therefore, criminal law reform is required to balance offender rehabilitation with victim protection through compensation mechanisms, restorative justice, and stronger institutional coordination, thereby creating a more equitable criminal justice system based on Pancasila values.

INTRODUCTION

The phenomenon of crime has always been a dynamic part of social life. Every crime not only causes material and immaterial losses but also leaves deep social wounds. Within the framework of criminal law, perpetrators are seen as the party responsible for their actions, while victims have the right to protection, justice, and reparation. However, in practice, major problems arise when perpetrators of criminal acts are individuals with mental disorders, particularly paranoid schizophrenia. Paranoid schizophrenia is a mental disorder characterized by hallucinations, delusions, and an inability to think rationally, resulting in the commission of serious crimes against those around them. This condition often renders perpetrators legally incapable of responsibility (Hamamah, 2023).

Based on the principle of criminal responsibility, a person can only be punished if they are able to understand and control their actions. When a perpetrator is declared incapacitated, the legal process is directed more toward medical rehabilitation. As a result, victims often lose their rights; legal protection is not implemented, compensation is not provided, and access to justice is limited. The main problem that arises is the gap between legal norms and practical reality (Hutabarat, 2024). Normatively, the Criminal Code and various other laws regulate victim protection. However, in cases of perpetrators with mental disorders, this protection is ineffective. Victims appear to be neglected because the legal focus is more on the perpetrator's condition. This creates a clear injustice: perpetrators receive attention through rehabilitation, while victims are left without legal certainty. From the perspective of Pancasila, this situation clearly contradicts the nation's fundamental values. The second principle, "Just and Civilized Humanity," demands respect for human dignity, including victims of crime. The fifth principle, "Social Justice for All Indonesians," emphasizes that justice must be felt by all parties. When victims are ignored, the principle of social justice is not achieved (Najib & Sutrisno, 2024).

Resolving this problem requires several strategic steps. First, a criminal law policy is needed that places the victim as the primary subject. Victim protection should not depend on the perpetrator's status. Victims' rights must be guaranteed, whether in the form of compensation, psychological recovery, or access to justice. Second, the application of restorative justice must be expanded. This concept emphasizes restoring relationships between perpetrators, victims, and the community. In cases of perpetrators with mental disorders, restorative justice can be realized by providing space for victims to receive recognition for their suffering while ensuring that the perpetrator receives appropriate rehabilitation. This way, a balance between victim protection and perpetrator treatment can be achieved. Third, the values of Pancasila must serve as the normative basis for all criminal law policies.

Pancasila is not only an ideology, but also a source of law that emphasizes the importance of justice, humanity, and balance. By using Pancasila as a foundation, the Indonesian criminal justice system can be more oriented toward victim protection, without neglecting the need for perpetrator rehabilitation (Putri & Waluyo, 2024). Fourth, cross-sectoral synergy is needed between law

enforcement officials, health institutions, and victim protection agencies. Handling cases involving perpetrators with mental disorders cannot be handled solely by law enforcement. Collaboration is needed to ensure perpetrators receive appropriate medical rehabilitation, while victims continue to receive adequate legal protection. With these steps, it is hoped that the gap between legal norms and the reality of victim protection can be minimized.

Victims are no longer neglected parties, but rather the primary subjects whose rights are guaranteed by law. Offenders with mental disorders still receive rehabilitation, but not at the expense of the victims' rights. This research stems from the realization that the Indonesian criminal justice system still has weaknesses in protecting victims, particularly in cases of offenders with mental disorders. By placing the values of Pancasila as a normative foundation, this research is expected to make a real contribution to the development of a criminal law that is more just, civilized, and in accordance with the nation's fundamental values.

LITERATURE REVIEW

The issue of criminal responsibility for offenders suffering from mental disorders has become an increasingly significant concern within contemporary criminal law. The principle of criminal liability requires that an offender possess the mental capacity to understand and control his or her actions before criminal sanctions may be imposed. Consequently, individuals suffering from severe mental disorders, particularly paranoid schizophrenia, are often considered incapable of criminal responsibility and therefore exempted from punishment. In Indonesia, this principle is reflected in Article 39 of the Criminal Code (Law Number 1 of 2023), which provides that offenders who commit crimes while suffering from mental disorders that impair their ability to take responsibility cannot be subjected to criminal sanctions and instead receive medical treatment or rehabilitation. While this approach seeks to uphold humanitarian values and protect individuals with mental illnesses, it simultaneously raises important concerns regarding the protection of victims' rights and access to justice.

The legal and philosophical debate surrounding mentally disordered offenders is closely related to the concept of criminal responsibility and the objectives of criminal law. Criminal law traditionally aims not only to punish offenders but also to protect society and ensure justice for victims. However, when offenders are declared incapable of responsibility due to mental illness, the focus of the legal process shifts toward rehabilitation and treatment rather than accountability. This shift creates a normative tension between the protection of offenders' rights and the realization of victims' rights. In many cases, victims are unable to obtain compensation, restitution, psychological recovery, or a satisfactory sense of justice because the offender is not legally punished. As a result, questions emerge regarding whether the current legal framework adequately balances humanitarian concerns for mentally ill offenders with the constitutional and human rights-based obligations to protect victims.

Previous studies have extensively examined criminal responsibility in relation to mental disorders. Putri and Waluyo (2024) argue that schizophrenia

significantly affects an individual's cognitive and volitional capacities, thereby influencing the ability to understand the consequences of criminal conduct and fulfill the requirements of criminal responsibility. Similarly, Raihan et al. (2022) analyze criminal acts committed by individuals displaying indications of schizophrenia and emphasize the importance of psychiatric assessments in determining legal accountability. Tedjokusumo and Siswanto (2023) further discuss the reform of criminal responsibility for persons with mental disorders, advocating a criminal justice approach that prioritizes dignity and substantive justice. These studies demonstrate that contemporary criminal law increasingly recognizes mental illness as a factor affecting criminal liability. Nevertheless, their analyses primarily focus on the legal status and treatment of offenders rather than the broader implications for victim protection.

Scholarly attention has also been directed toward the protection of victims within the Indonesian criminal justice system. Yunara and Kemas (2024) emphasize that victimology plays a crucial role in ensuring that victims receive legal recognition, protection, and recovery throughout the criminal justice process. Likewise, Hamamah (2023) argues that the state bears responsibility for providing compensation and restitution to victims as part of the realization of dignified justice. These studies highlight the necessity of victim-oriented legal policies and the importance of state intervention in guaranteeing victims' rights. However, most existing research examines victim protection in general criminal cases and provides limited discussion regarding situations where offenders are exempted from criminal responsibility due to mental disorders.

The relationship between criminal justice and Pancasila values has also become a significant topic within legal scholarship. Najib and Sutrisno (2024) argue that Pancasila functions as the ultimate source of Indonesian law and serves as a normative foundation for achieving justice and legal certainty. According to this perspective, the second principle of Pancasila, namely Just and Civilized Humanity, requires respect for human dignity, including the dignity of crime victims. Furthermore, the fifth principle, Social Justice for All Indonesian People, demands that legal policies ensure fairness and equitable treatment for all parties involved in legal disputes. These philosophical principles suggest that victim protection should not be neglected merely because an offender is unable to take responsibility due to mental illness. Nonetheless, existing studies generally discuss Pancasila in broad theoretical terms without specifically examining its application to the dilemma between offender rehabilitation and victim protection.

Recent scholarship has increasingly recognized the importance of restorative justice in addressing imbalances within the criminal justice system. Syah and Purwoleksono (2023) explain that restorative justice seeks to restore social harmony by emphasizing victim recovery, offender accountability, and community participation. In cases involving mentally disordered offenders, restorative approaches may provide alternative mechanisms through which victims can receive recognition, psychological recovery, and compensation despite the offender's inability to bear criminal responsibility. However, current legal regulations remain limited in providing practical restorative mechanisms

specifically designed for cases involving offenders with severe mental disorders. Consequently, significant gaps remain between normative aspirations and actual victim protection practices.

Although previous studies have examined criminal responsibility, mental disorders, victim protection, restorative justice, and Pancasila-based legal philosophy, these issues are generally discussed separately and from fragmented perspectives. Existing scholarship predominantly focuses either on the incapacity of mentally ill offenders, the rights of victims in ordinary criminal cases, or the theoretical role of Pancasila in legal development. Limited attention has been devoted to examining how the inability of paranoid schizophrenic offenders to assume criminal responsibility directly affects the realization of victims' rights within the Indonesian criminal justice system. Furthermore, there remains a lack of integrated analysis connecting criminal responsibility doctrine, victim protection mechanisms, restorative justice principles, and Pancasila values within a comprehensive framework.

Accordingly, a significant research gap exists regarding the implications of the inability of paranoid schizophrenic offenders to assume criminal responsibility for the protection of victims' rights. This study seeks to fill that gap by analyzing the legal consequences arising from the exemption of mentally disordered offenders from criminal liability, examining its impact on victims' access to justice, compensation, and legal protection, and evaluating these issues through the philosophical framework of Pancasila. The novelty of this research lies in its effort to integrate criminal responsibility doctrine, victimology, restorative justice, and Pancasila values into a unified analysis aimed at formulating a more balanced criminal justice system that protects both mentally ill offenders and victims in accordance with the principles of humanity and social justice.

METHODOLOGY

This research uses a normative legal approach that focuses on the study of written legal regulations and the basic principles applicable in the Indonesian criminal law system. The analysis is conducted using three main approaches. First, a statute approach to examine provisions in the Criminal Code, the Mental Health Law, and the Human Rights Law regarding perpetrator accountability and victim protection. Second, a conceptual approach to understand the theory and doctrine regarding the responsibility of perpetrators with mental disorders. Third, a philosophical approach by placing the values of Pancasila as the normative basis for formulating victim protection. The analysis is conducted qualitatively by comparing written legal norms with victim protection practices, then linking these to the values of Pancasila as the philosophical basis of national law.

RESEARCH RESULT

How Positive Legal Regulations in Indonesia Regulate Criminal Liability for Criminals with Paranoid Schizophrenia Mental Disorders, and to What Extent These Regulations Impact the Protection of Victims' Rights

Crime is a social phenomenon that is constantly present in society. Every criminal act not only causes material and immaterial losses but also leaves deep social wounds. Within the framework of criminal law, the perpetrator is seen as the party responsible for their actions, while the victim has the right to protection, justice, and rehabilitation. However, in practice, major problems arise when the perpetrator of a crime is an individual with a mental disorder, particularly paranoid schizophrenia. Paranoid schizophrenia is a form of mental disorder characterized by hallucinations, delusions, and an inability to think rationally. This condition often renders the perpetrator legally incapable of responsibility. Based on the principle of criminal responsibility, a person can only be punished if they are able to understand and control their actions. When the perpetrator is declared incapacitated, the legal process is directed more towards medical rehabilitation. As a result, victims often lose their rights: legal protection is not implemented, compensation is not provided, and access to justice is limited.

The legal provisions of Article 39 of the new Criminal Code, the results of the update, regarding perpetrators of criminal acts who suffer from mental disorders are regulated in Article 39. This article replaces Article 44 of the old Criminal Code, with the substance still confirming that a person who commits a crime while incapable of being responsible due to mental disorders cannot be punished (Syah & Purwoleksono, 2023). This means that the element of fault is deemed not to be fulfilled so that perpetrators of mental disorders are not subject to criminal penalties. Perpetrators who are proven to suffer from paranoid schizophrenia, for example, will be evacuated to a mental hospital to undergo medical rehabilitation and ensure their mental state. Thus, it is predicted that the legal orientation emphasizes more on the recovery of the perpetrator's condition rather than the imposition of criminal sanctions. Several supporting regulations In addition to Article 39 of the new Criminal Code, there are also relevant regulations, namely:

- a. Health Law Number 17 of 2023 (amendment of Law No. 18 of 2014) which regulates rehabilitation for people with mental disorders.
- b. Law No. 39 of 1999) concerning Human Rights which upholds protection of human dignity, including victims of criminal acts.
- c. Supreme Court Regulation Number 1 of 2024 concerning Restorative emphasizes the resolution of criminal cases by taking into account the interests of victim recovery.

The impact on the protection of victims' rights under Article 39 of the new Criminal Code raises a dilemma, as victim protection is often not optimal. Some of the tangible impacts include:

1. Victims' rights to justice are neglected. Victims do not receive compensation or psychological recovery. The law's greater focus on the perpetrators leaves victims marginalized. In Indonesian criminal justice practices, victims often receive less attention than perpetrators. The legal process is more focused on proving guilt and punishing perpetrators, while victims'

rights to recovery are rarely a primary focus. As a result, many victims do not receive compensation for material losses or the psychological support they require. Victims are often positioned merely as witnesses in court, rather than as those with full rights to justice. This situation creates injustice because even though perpetrators have been punished, victims still have to endure trauma, economic loss, and social stigma without adequate reparation mechanisms. This situation highlights the weaknesses of the legal system, which still predominantly uses a retributive approach, emphasizing revenge through punishment. However, true justice is measured not only by the severity of the punishment imposed on the perpetrator, but also by the extent to which victims receive reparation for the suffering they have experienced. In this context, the concept of restorative justice becomes relevant. This approach places the victim at the center of attention, encourages perpetrators to take responsibility for their actions, and fosters social reconciliation. Thus, justice no longer merely means punishing the perpetrator, but also restoring dignity, well-being and a sense of security to the victim.

2. Legal Gap: Existing regulations place greater emphasis on the perpetrator's condition, while victims are deprived of their rights. In legal practice, an imbalance remains evident between attention paid to perpetrators and victims. Existing regulations place greater emphasis on the perpetrator's condition, such as age, social background, and psychological state. Conversely, victims' rights are often not adequately accommodated, leading to a sense of injustice as victims are deprived of the opportunity to obtain the protection, compensation, and recovery that the legal system should guarantee. This situation demonstrates that the legal orientation favors the perpetrator, while victims are treated only as part of the judicial process without a strong position as subjects with rights. As a result, victims' needs for justice and recovery are not fully met. The limited number of regulations explicitly regulating victims' rights and the lack of legal and psychological support mechanisms further widen this gap. Therefore, regulatory reform and the implementation of a victim-centered approach are needed. With these changes, it is hoped that the legal system will not only serve to punish perpetrators but also guarantee victims' rights to adequate protection, compensation, and recovery.
3. The new Criminal Code lacks alternative liability mechanisms. It does not yet regulate the concept of "limited liability" or a specific compensation mechanism for victims when the perpetrator is unable to take responsibility. From the foregoing, it can be concluded that the legal system still faces serious gaps in providing protection for victims. First, the regulations place greater emphasis on the perpetrator's condition, often neglecting victims' rights. Second, the new Criminal Code does not provide alternative liability mechanisms, such as the concept of limited liability or special compensation, putting victims at risk of losing their right to redress when the perpetrator is unable to take responsibility.

4. Legal uncertainty Victims often do not know where to sue, because the perpetrator is not convicted. In this case, victims still face various obstacles in obtaining justice. First, legal regulations place greater emphasis on the perpetrator's condition, often neglecting their rights. Second, the new Criminal Code does not yet provide alternative accountability mechanisms, such as the concept of limited liability or special compensation, leaving victims at risk of losing their right to redress when the perpetrator is unable to take responsibility. Third, victims also experience legal uncertainty due to lack of knowledge of the appropriate channels to pursue their rights, especially when the perpetrator has not been convicted.
5. These three issues demonstrate that the legal orientation is still predominantly focused on the perpetrator, while the victim has not yet been positioned as a subject with full rights. Therefore, regulatory reform and the implementation of a victim-centered justice approach are needed so that the legal system not only serves to punish the perpetrator but also guarantees the victim's right to legal certainty, protection, compensation, and appropriate redress.

As a result, victims feel they have not received justice. This contradicts the values of Pancasila, particularly the second principle (just and civilized humanity) and the fifth principle (social justice for all Indonesian people). The necessary solutions to close this gap can be achieved by:

1. Reformulation of the Criminal Code requires derivative regulations that emphasize victim protection in cases of perpetrators with mental disorders, for example through state compensation or restitution mechanisms.
2. The application of restorative justice provides space for victims to gain recognition for their suffering, while ensuring that perpetrators receive rehabilitation.
3. Cross-sector synergy: Law enforcement officers, health institutions, and victim protection institutions must work together to ensure that the rehabilitation of perpetrators does not sacrifice the rights of victims.
4. Pancasila Foundation Making Pancasila values the normative basis so that the criminal law system is more oriented towards a balance between victim protection and perpetrator rehabilitation.

From a Pancasila perspective, this situation clearly contradicts the nation's fundamental values. The second principle demands respect for human dignity, including for victims of crime. The fifth principle emphasizes that justice must be enjoyed by all parties. When victims are ignored, the principle of social justice is not achieved. Therefore, victim protection must be a priority. The criminal justice system must be reformulated to better balance the rehabilitation of perpetrators and the protection of victims.

How Pancasila Values Can Be Used as a Normative Basis to Close the Gap in the Protection of Victims' Rights in Criminal Cases Where the Perpetrators Are Deemed Unable to Take Responsibility Due to Paranoid Schizophrenia

A complex issue arises when a criminal is declared incapable of being held accountable for his actions due to paranoid schizophrenia. This situation is

related to the provisions of Article 39 of the new Criminal Code, which states that a person who commits a crime while incapable of being held accountable due to a mental disorder cannot be punished but is instead subject to treatment in a mental hospital. This provision is essentially intended to protect perpetrators who are medically unable to control their actions (Undang-undang Nomor 1 Tahun 2023). However, in reality, legal attention is primarily focused on the perpetrator, while the rights of victims often do not receive equal protection. This condition creates a gap in legal protection. Victims of crime who suffer physical, psychological, or material losses often do not receive adequate compensation or recovery. The victim's right to justice, a sense of security, and rehabilitation are blurred when the perpetrator is not punished. As a result, victims feel that they are not being optimally protected by the legal system, and this can lead to dissatisfaction and reduce public trust in the judicial system.

In this context, Pancasila, as the foundation of the state and the source of all legal sources, plays a crucial role in closing the gap in the protection of victims' rights. Pancasila is not only the nation's ideology but also a normative foundation that can guide the formation of laws that are more just, civilized, and oriented toward a balance between the protection of perpetrators and victims (Yunara & Kemas, 2024). To close this gap, the values of Pancasila can be translated into the following normative strategies:

- a. Integration into the Criminal Code and the Victim Protection Law adds mechanisms for victim compensation and rehabilitation, even if the perpetrator is not convicted. The state can assume responsibility for victim compensation.
- b. The Restorative Approach uses principles of social justice to promote mediation, psychological recovery, and material compensation for victims. Restorative justice can provide a compromise between protecting the perpetrator and the victim.
- c. Balance of Rights guarantees that the perpetrator receives medical treatment according to the second principle, but the victim still receives a sense of security and justice according to the fifth principle.
- d. Government Public Policy can design a Pancasila-based victim protection program, for example a state compensation fund for cases of perpetrators with mental disorders.

CONCLUSIONS AND RECOMMENDATIONS

The principle of criminal responsibility asserts that a person can only be punished if they are able to understand and control their actions. If the perpetrator is declared incapacitated, the legal process is directed more toward medical rehabilitation. This situation creates a dilemma because the legal orientation emphasizes the rehabilitation of the perpetrator, while the rights of the victim are often neglected. However, these provisions impact victim protection. Victims often lose their rights to justice, compensation, and psychological recovery. Therefore, a reformation of the Criminal Code, the implementation of restorative justice, cross-sectoral synergy, and the adoption of Pancasila as the normative foundation are needed. With these steps, the criminal

justice system is expected to balance the rehabilitation of perpetrators and the protection of victims' rights, thereby achieving comprehensive justice.

In this context, Pancasila, as the foundation of the state, plays a crucial role in closing the gap in victim protection. The values of just and civilized humanity (the second principle) and social justice (the fifth principle) must serve as guidelines. Normative strategies that can be pursued include: integrating victim compensation mechanisms into the Criminal Code, implementing restorative justice, balancing the rights of perpetrators and victims, and Pancasila-based public policies such as a state compensation fund. Therefore, the Indonesian criminal justice system needs to be oriented toward a victim-centered justice approach, which not only protects perpetrators through rehabilitation but also guarantees victims' rights to justice, protection, and proper and humane recovery.

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