

Various Level of Aggressive Behavior of Schizophrenia as a Basis of Criminal Responsibility

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ABSTRACT

The purpose of this study is to determine the various levels of aggressive behaviour in the form of motor and emotional activity in schizophrenics that affect cognitive abilities and perceptions, as a basis for objective consideration of law enforcement officials to determine whether the offender is capable of being responsible or not. The research method is paradigm of the principle of guilty in criminal liability. Data were obtained from law books and psychiatric nursing, journals of laws and psychiatric nursing, and Judge's Decision. The results showed that schizophrenics have aggressive behaviour problems due to impaired cognitive abilities and perceptions, thus affecting the ability to make decisions, distinguish right from wrong, and recognize himself. The instrument used to evaluate patients was PANSS-EC, based on this instrument there were five different degrees of schizophrenia, namely mild, moderate, somewhat severe, severe and very severe. If the patient falls into the category of mild and moderate then he can be asked for criminal responsibility, if the patient is categorized as rather severe then he can be asked for criminal responsibility only that the pain can be a reason to reduce the penalty, if the patient is categorized as severe and very severe then he cannot be asked criminal liability, and should undergo rehabilitation.

Keywords: *schizophrenia, impaired cognition and perception, criminal responsibility*

1. INTRODUCTION

The study of criminal liability by schizophrenics is not new, but until now it is still an interesting topic to be discussed because it is still occurring. Criminal cases committed by ODS mutilation with the defendant Pupun Bin Sanusi who killed and mutilated the victim named Ny. Anih Bint Komar is also her own biological mother [1]. During the trial the Public Prosecutor presented 3 (three) psychiatric expert witnesses who in their examination stated that the Defendant had psychotic disorders in the form of paranoid type schizophrenia, so the Judge imposed rehabilitation[2]. As for the fraud case with the defendant JMLS who was diagnosed with Bipolar, he was still sentenced to 1 year 10 months imprisonment [3].

Schizophrenia is a persistent and serious brain disease that results in psychotic behavior, concrete thinking and difficulties in processing information, interpersonal relationships and problem solving [4]. Various factors cause schizophrenia such as genetic problems, viruses, auto antibodies and malnutrition [5]. Efforts to overcome the frequency of recurrence have been carried out by mental health staff in collaboration with families of sufferers in the form of assistance and supervision of adherence in taking medicine for schizophrenics, as well as forming communities that care about people with mental disorder to educate its citizens playing an active role in maintaining a

conducive environmental situation so as not to triggers sufferers to commit criminal acts [6].

In several health journals, the majority of researchers take the factors causing a person suffering from schizophrenia as the object of the study. In Aceh, researchers emphasize that spiritual and psychosocial factors are the cause [7]. In DIY, factors that influence the incidence of readmission are medication adherence and the role of caregivers [8]. For Bengkulu, the factors causing schizophrenia are genetic, psychosocial and environmental [9]. Whereas in Bogor, the causes are biological, psychological and social factors [10]. As for several legal journals, the discussions regarding criminal liability for schizophrenics still focus on Article 44 paragraph (1) of the Criminal Code. Juridical analysis studies of schizophrenics who kill are enriched by making comparisons with The Draft of Criminal Code [11]–[13], reasons for eradicating crimes for schizophrenics who kill [14], disparities in judges' decisions for schizophrenics [15], psychopathic criminal liability [16], and appropriate legal sanctions for criminal behavior by people with mental disorders [17].

Completing the study, the authors review the characteristics of schizophrenic aggressive behavior as a basic for assessing whether he can think logically, distinguish the right or wrong and realize whether his actions are breaking the law or not. The purpose of this study is to determine the level of aggressive behavior in the form of motoric and emotional activities which affects to ability of cognition and perception, as a basic for objective consideration of law enforcement officials in determining whether the offender is able to take responsibility or not.

4. CONCLUSION

The contribution of the application of the principle of guilty to schizophrenics is to describe the two elements of this principle, namely the ability to think logically (cognitive ability) and the ability to be aware of the actions that he does. Schizophrenics suffer from disturbances in the thought process (cognitive ability) so that it affects the ability to think logically and the problem of perception so that it affects the ability to make decisions. Cognitive deficits suffered by patients cause disturbances in aspects of memory, attention, form and content of speech, decision making and thought content. Examples of behaviors related to cognitive problems are memory (being forgetful, not being obedient), attention (difficulty concentrating on tasks), form and content of speech (difficulty communicating thoughts and feelings), decision making (difficulty initiating and carrying out concrete thought activities), content thought (experiencing delusions). The disturbance on perception has an impact on the process of identification and initial interpretation of a stimulus based on information received through six senses (maladaptive neurobiological responses). Examples of behaviors related to perception problems are hallucinations, illusions, sensory integration problems, self-identification, stereognosis, graphesthesia [4]. To find out how severe the disorder is evaluated using instruments PANSS-EC (Positive and Negative Syndrome Scale - Excited Component). Classification of patients there are five groups, namely mild, moderate, rather severe, severe and very severe.

If the perpetrator is mild and moderate, he is still able to think logically, realizing his actions are right or wrong, so he is able to take responsibility. If the perpetrators enter the group rather severe then he is less able to think logically, so that when committing a crime can be held accountable but this sick can be the basic for reducing his punishment. If the perpetrators enter severe and very severe then he is unable to think logically, unable to distinguish right from wrong or even aware of his actions, so he is in a condition of not being able to take responsibility, for that he should undergo rehabilitation rather than punishment.

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