

Implementing Forensic Psychology to Assess Criminal Responsibility in Juvenile Offenders

¹Muhammad Ridho Sinaga

²Universitas Nusa Putra Sukabumi, Indonesia

*Corresponding Author: muhammad.ridhosinaga@nusaputra.ac.id

Abstract

Article History:

Submitted:

21-02-2024

Received:

16-03-2024

Accepted:

21-05-2024

Keywords:

child; criminal

liability; forensic

psychology

investigation

Almost every juvenile offender is diagnosed with one or more categories of mental disorders. Currently, the role of psychology at the police level in handling juvenile offenders serves as a supplementary element when deemed necessary, as stipulated in Article 27 of Law No. 11/2012. This forensic psychology process provides the legal system with clinical data and analyses of the defendant's mental function, mental status, and capacity at the time of the alleged crime. By producing assessments, forensic psychologists offer law enforcement agencies a basis for making informed decisions regarding criminal responsibility and appropriate measures for juvenile offenders. This article focuses on the influence of psychology on criminal responsibility and the role of forensic psychology in determining criminal responsibility during the investigation of juvenile offenders. The research method employed is normative-legal research. The findings indicate that the element of fault is synonymous with the element of criminal responsibility, with fault being fundamentally psychological. The central role of clinical psychologists in evaluating criminal responsibility for juvenile offenders involves obtaining and providing the legal system with clinical data and analyses of the defendant's mental function, mental status, and capacity at the time of the alleged crime. This includes determining whether the defendant was suffering from mental disorders, mental illness, mental disabilities, or mental retardation at the time of the alleged crime. The emphasis is on documenting criminal histories related to the emotional or mental condition of juvenile offenders.

1. Introduction

Crimes that occur in society today often suggest that the perpetrators are not only adults but children too. The developments in children's lives that have occurred in the last few years are quite worrying. Many criminal acts involve children as perpetrators of criminal acts. As statistical data shows, cases of child perpetrators of criminal acts in recent years are as follows:

Table 1. Data on Children in Conflict with the Law as Offenders 2016-2020

CHILD PROTECTION CASES	YEAR				
	2018	2019	2020	2021	2022
Children who face the law as perpetrators	539	622	661	605	199
Children as perpetrators of physical violence (abuse, beatings, fights dsb)	108	112	107	121	58
Children as Perpetrators of Psychological Violence (Threats, Intimidation, dsb)	39	41	32	26	11

Children as perpetrators of sexual violence (rape/obscenity)	146	168	161	183	44
Children as Perpetrators of Sodomy/Pedophilia	0	0	0	0	11
Children as perpetrators of murder	48	51	54	46	8
Children as perpetrators of theft	43	57	75	55	22
Children as perpetrators of traffic accidents	71	76	82	86	21
Children as perpetrators of possession of sharp weapons	28	52	64	37	11
Children as perpetrators of kidnapping	8	8	11	7	3
Child as Abortion	48	53	67	44	10
Children as Actors of Theory	0	4	8	0	0

Source: Indonesian Child Protection Commission

Based on statistical data, the forms of criminal acts committed by children vary from cases of violence, theft, abuse, kidnapping, possession of sharp weapons, terrorism and murder. Criminal acts committed by children today are increasingly widespread and diverse, both in frequency and seriousness of the quality of the crime. According to the cognitive neo-associationist model theory and Anderson's general effective aggression model (GAAM) theory, the causes of aggressive behavior are unpleasant or disturbing situations, and the existence of individual and situational factors that can interact with each other to influence a person's internal condition. There is a connection between affective, cognitive and arousal aspects which react and process to existing stimuli and give rise to negative feelings, as well as the role of cognitive processes in determining the behavior that occurs.¹ Activating one component will activate other components which then determine a person's response to the stimulus faced. A person's thoughts and interpretation of external events also greatly influence his emotional function and behavior. Aggressive behavior is not only triggered by events in the individual's external environment, but also arises from how these events are received and processed cognitively.²

Forensic psychology is psychological research and theory related to the effects of cognitive, affective and human behavioral factors on the legal process. Forensic psychologists apply their assessment, intervention and prevention competencies in the context of legal problems. This forensic psychology process provides the legal system with clinical data and analysis to reconstruct the defendant's emotional state, personality, thoughts, function, mental status and capacity when the alleged crime occurred.³ Which can help law enforcement officers

¹ Arinal, Maftukh, Alifah, Nanik, Prihartanti, and Imron. Rosyidi, "Dinamika Psikologis Narapidana Anak Pelaku Pembunuhan: Studi Kasus Di LAPAS Anak Kutoarjo," *Jurnal Indigenous* 13, no. 2 (2015): 9-18.

² G Wasserman, S Ko, and L Mcreynolds, "Assessing the Mental Health Status of Youth in Juvenile Justice Settings," *Juvenile Justice Bulletin*, no. August (2004): 1-8.

³ Fitri Melati Sopyani and Triana Noor Edwina, "Peranan Psikologi Forensik Dalam Hukum Di Indonesia," *Jurnal Psikologi Forensik Indonesia* 1, no. 1 (2021): 46-49.

to provide an overview of the child's mental condition when committing a crime. By producing an assessment that provides a basis for law enforcement officials for a basic description for consideration when choosing criminal responsibility and placing appropriate decisions on children as perpetrators of criminal acts.

The process of forensic psychologists in investigating and investigating children in conflict with the law brings reform to criminal law, especially in terms of effective law enforcement against children in conflict with the law. Currently, the role of psychology at the police level in handling children who have committed criminal acts is still complementary if deemed necessary in making a contribution as stated in article 27 of Law Number 11 of 2012 concerning the Juvenile Justice System which states that the role of psychology is available if requested by law enforcement officials. or assistance and is more informative regarding a particular case. Children who commit criminal acts must receive special protection, including assistance and protection from professionals. One special protection for children in conflict with the law is assistance from a psychologist. Based on this, it is necessary to promote the importance of forensic psychologists in legal matters to the legal sector, especially those involving children in conflict with the law.

Research related to forensic psychology has been carried out by several researchers, for example Putu Eka Pitriyantini, entitled *The Urgency of Forensic Psychology Regulations in the Judicial System in Indonesia in 2023*, examining the essence of forensic psychology when it is related to the justice system and the urgency of the field of forensic psychology in the justice system in Indonesia. And I Made Wirya Darma Benyamin Nikijuluw's research entitled *Forensic Psychologists as a Part of the Sentencing Process in 2019* which examines the role of forensic psychologists as a part of the criminal process. Both studies focus more on the role of forensic psychology in the criminal justice and punishment systems. This research does not specifically investigate the relationship between psychological elements of error as a determination of criminal responsibility. Meanwhile, the renewal of this research lies in the use of forensic psychology as a method for determining appropriate criminal responsibility for children who commit criminal acts.

2. Methods

The methodology employed by researchers in crafting this study primarily aligns with normative legal research. Normative legal research encompasses an inquiry into fundamental norms or principles, statutory regulations, and legal doctrines. Researchers adopted a multifaceted approach, incorporating the statute approach, the conceptual approach, and the comparative approach to explore and analyze pertinent legal constructs and frameworks.

3. Results and Discussion

3.1. Psychological Relationships Affect Criminal Responsibility

Criminal liability plays a pivotal role within a criminal legal system, aligning with the principle of "*daad-daderstrafs recht*." Notably, both the Indonesian Criminal Code and the Dutch Criminal Code (*Wetboek Van Strafrecht*) do not explicitly delineate criminal liability but instead establish conditions under which the perpetrator is absolved of accountability, as articulated in Articles 44, 48, 49, 50, and 51 of the Criminal Code. This framework underscores a negative regulation of criminal liability within the Criminal Code, wherein specific circumstances pertaining to the individual or the act preclude punitive measures against the perpetrator.

The essence of illegality and culpability within the framework of Indonesian criminal law, particularly under the extant Criminal Code, adheres to a monistic theory emphasizing the concept of unlawfulness (*wederrechtelijkheid*).⁴ Central to this theory is the notion that culpability (*schuld*) constitutes an essential element of criminal conduct (*strafbaarfeit*).⁵ To classify an action as criminal, the Criminal Code necessitates the fulfillment of primary requisites, namely unlawfulness and culpability. The concept of unlawfulness pervades all criminal acts, irrespective of whether explicitly articulated within their formulation, unless the presence of negligence is specifically indicated. Thus, for an act to attain the status of criminality, it must satisfy the criteria of unlawfulness and culpability. The entrenched Dutch legacy within Indonesian criminal jurisprudence, while reflective of historical roots, warrants critical appraisal in light of societal evolution and the imperative for enhanced legal regulation.

The concept of criminal liability extends beyond legal considerations to encompass moral values and societal norms, thereby ensuring that aligns with principles of justice.⁶ Broadly, experts in criminal law emphasize the significance of culpability as a fundamental determinant of criminal liability. The evaluation of culpability within the framework of criminal law plays a pivotal role in establishing the presence or absence of criminal liability. This principle resonates with the maxim "*geen straf zonder schuld*" or "*actus non facit reum nisi mens rea sit rea*, or an act does not make a person guilty unless his mind is guilty" underscoring that an individual cannot be deemed criminally liable unless their mental state reflects culpable intent.

Culpability serves as not only the foundation for attributing liability to the perpetrators but also as the grounds for absolving them from it. This doctrinal principle, elucidated within the criminal law framework of Anglo-Saxon jurisdictions adhering to the common law system, is expounded upon by legal scholars such as Ashworth and Horder, the Principle that a person should not be allowed to take advantage of any defence or partial defence to criminal liability if the relevant condition or circumstance were brought about by his or her own fault.⁷

As elucidated by Ashworth and Horder, culpability within the context of criminal liability pertains to deficiencies in the mental state of the perpetrator, which may serve as a defense against liability. In accordance with the principles of the common law system, culpabilities concerning the mental state of the perpetrator are construed as components of *mens rea*, denoting the wrongful state of mind of the perpetrator. Thus, a mistake manifests as a misalignment within the mental faculties of the perpetrator. Fundamentally, the defense asserting the non-liability of the perpetrator hinges upon establishing that the mental state of the perpetrator precludes imposition of liability.

The exploration of *mens rea* consistently delves into the mental state of the perpetrator. According to Jonathan Herring, the mental aspect within criminal jurisprudence invariably

⁴ Ni Made Raditya Pawani Peraba Sugama and Suatra Putrawan, "Analisis Yuridis Mengenai Kemampuan Pertanggungjawaban Pidana Dalam Pasal 44 KUHP," *Jurnal Kertha Wicara* 7, no. 4 (2018): 1-13, <https://ojs.unud.ac.id/index.php/kerthawicara/article/view/41970>.

⁵ Zainal Abidin Farid, *Hukum Pidana 1* (Jakarta: Sinar Grafika, 2007).

⁶ Amri Mahrus Ali, Hanafi, *Sistem Pertanggungjawaban Pidana: Perkembangan Dan Penerapan* (Jakarta: Rajawali Pers, 2015).

⁷ Andrew Ashworth and Jeremy Horder, *Principles of Criminal Law, Principles of Criminal Law*, 2013, <https://doi.org/10.1093/he/9780199672684.001.0001>.

intersects with the mens rea of culpability or blameworthiness, constituting a cornerstone for establishing criminal liability and serving as an essential component of mens rea.⁸

Remarkably, the Indonesian Criminal Code and pertinent legislative enactments governing criminal law notably lack a specific definition of "culpability." This lacuna has engendered a plethora of interpretations concerning culpability within the doctrinal expositions of criminal law propounded by legal scholars. The diverse interpretations of culpability expounded by experts in criminal law have given rise to several theoretical paradigms surrounding the concept of error.

According to the perspective advanced of Utrecht, the constituent components of culpability parallel those of criminal liability. This viewpoint regards culpability as inherently psychological phenomena. It posits that a comprehensive examination of the perpetrator's mental state and the manner in which the act was executed is requisite to understanding it within the context of criminal conduct.⁹

Various theories concerning culpability and criminal liability encompass multiple interpretations, one of which pertains to its social-ethical connotation. This conceptualization delineates culpability as a mental nexus between an individual and the actions and repercussions thereof, thereby rendering the action accountable.¹⁰ Such a definition characterizes culpability as a psychological phenomenon, predicated on the mental or psychological state of the perpetrator and their actions. Furthermore, within the aforementioned definition, culpability are inherently linked to the criminal liability of the perpetrator (*dader*). The existence of criminal liability stems from the psychological correlation between the mental state of the actor and the unlawful act committed.

In the common law system, criminal liability is intricately linked to *mens rea*, wherein the foundation of liability rests upon the mental state of the perpetrator. The concept of "*toerekeningsvatbaarheid*," or culpability, pertains to the cognitive capacity of the actor, enabling them to exercise control over their mental faculties and discern their thoughts. Individuals deemed capable of bearing responsibility exhibit normalcy in their mental psychology and cognitive processes. Consequently, culpability and criminal liability share a psychological dimension, rooted in the capacity for accountability.¹¹ This notion of culpability encompasses a psychological facet, wherein the presence or absence of culpable thoughts (*mens rea*) within the perpetrator signifies a deficiency in rational cognitive functioning. Such impairment impedes the perpetrator's ability to engage in reasoned decision-making and exercise restraint in the commission of the offense.¹²

The mental aspect of *mens rea*, encapsulating the concept of a guilty mind, extends to encompass the psychological state of the perpetrator, which in turn influences their physical

⁸Jonathan Herring, *Criminal Law* (London: Palgrave MacMillan, 2011), <https://www.amazon.com/Criminal-Law-Palgrave-MacMillan-Masters/dp/0230285724>.

⁹ E. Utrecht, *Rangkaian Sari Kuliah Hukum Pidana I* (Surabaya: Pustaka Tinta Mas, 1994).

¹⁰ R Soesilo, *Pokok-Pokok Hukum Pidana Peraturan Umum Dan Delik-Delik Khusus* (Bogor: POLITEIA, 1979).

¹¹ Agus Rusianto, *Tindak Pidana & Pertanggungjawaban Pidana Tinjauan Kritis Melalui Konsistensi Antara Asas, Teori, Dan Penerapannya* (Jakarta: Prenadamedia Group, 2018).

¹² Stuart A. Greenberg, *Personal Injury Examinations in Torts for Emotional Distress, Handbook of Psychology*, 2003, <https://doi.org/10.1002/0471264385.wei1113>.

actions during the commission of a crime. This influence may manifest in various forms, such as mental disorders precipitating automatism, somnambulism, or reflexive actions.¹³ Instances of criminal conduct arising from automatism, sleepwalking, or reflexive actions typically involve individuals who are psychologically within a normal range. It is imperative to recognize that criminal liability need not be exclusively assessed through the lens of the perpetrator's abnormal psyche. Rather, a holistic examination entails an objective analysis of external factors that impinge upon the perpetrator's psyche, thereby shaping their mental state and subsequent actions.

In cases involving automatism, sleepwalking, and reflex movements, individuals experience a confluence of both psychological and physical states, collectively termed as psychic-physical states. These individuals typically exhibit a baseline of normal psychological functioning, devoid of mental illness or disturbances. However, they find themselves in a state where they lack control over their thoughts and actions, thereby navigating a realm of diminished volition. It is pertinent to consider avenues for mitigating subjective criminal liability or extending grounds for clemency in such instances of irresponsibility. This recognition underscores the necessity for a nuanced approach to criminal liability, one that accounts for the complex interplay between psychological states and external influences on individual agency. Law enforcement officials are tasked with meticulous consideration of pertinent factors, including the extent to which a medical condition impacts the mental state of the perpetrator. Central to this assessment is discerning whether the influence of the condition renders the perpetrator incapable of comprehending the implications of their actions and impairs their capacity to exercise volition in decision-making.¹⁴

In evaluating culpability as a constituent element of criminal liability, a subjective appraisal is requisite, entailing an examination of the mental state of the perpetrator. This assessment involves scrutinizing both the *modus operandi* employed by the perpetrator in committing the criminal act and their psychological state. Both aspects serve as foundational pillars for adjudging criminal liability, necessitating a comprehensive analysis encompassing the interplay between mental states and behavioral manifestations.

Aligned with the responsibility capacity criteria delineated in Bernat Tiffon's treatise "Atlas of Forensic and Criminal Psychology," two pivotal prerequisites must be satisfied to ascertain the responsibility capacity of an individual who perpetrates a criminal act:¹⁵

1. Firstly, the perpetrator's mental faculties are demonstrably influenced, compromised, or sufficiently constricted to impede their ability to conform their behavior in alignment with societal norms, while concurrently inhibiting their volitional capacities to discern the nature and consequences of the criminal act.
2. Secondly, a "meaningful relationship" is established between the underlying medical condition and its discernible impact on the individual's mental state, thereby substantiating a causal link between the condition and the commission of the crime.

¹³ Tony Honoré, *Responsibility and Fault* (Portland: Hart Publishing, 1999).

¹⁴ P. A. F. Lamintang, *Dasar-Dasar Hukum Pidana Indonesia* (Bandung: Citra Aditya Bhakti, 2013).

¹⁵ Bernat-N. Tiffon, *Atlas of Forensic and Criminal Psychology* (Abingdon: CRC Press, 2022), <https://doi.org/10.4324/9781003092223>.

3.2. Forensic Psychology as a Determining Criminal Responsibility of Children as Perpetrators

Conclusion contains a description that should answer the objectives of research. Provide a clear and concise conclusion. Do not repeat the Abstract or simply describe the results of the research. Give a clear explanation regarding the possible application and/or suggestions related to the research findings.¹⁶ Forensic psychology, a constituent discipline within forensic science, assumes a progressively pivotal role in the realm of law enforcement.¹⁷ Regrettably, in Indonesia, the utilization of this specialized knowledge remains relatively subdued. Forensic psychology endeavors to elucidate the underlying motivations behind criminal behavior through a lens rooted in behavioral science. The contributions of psychology within the forensic domain are multifaceted, encompassing an expansive spectrum of inquiry. These include but are not limited to profiling criminal individuals, elucidating neuropsychological, genetic, and developmental influences on behavior, scrutinizing eyewitness testimonies, employing deception detection methodologies, and assessing mental competence, among others.

Forensic psychology, as a specialized field within the legal domain, underscores psychological assessment and intervention endeavors pertinent to the law enforcement continuum. It encompasses an amalgamation of psychological research and theoretical frameworks aimed at elucidating the cognitive, affective, and behavioral dynamics that impinge upon the legal process.¹⁸ The significance of forensic psychology in elucidating criminal matters within society cannot be overstated, particularly in instances necessitating psychological profiling of perpetrators. By delving into the intricacies of the perpetrator's personality, forensic psychology facilitates law enforcement agencies in crafting tailored interventions aimed at unraveling and adjudicating extant cases with precision and efficacy.¹⁹

In practical application, forensic psychology assumes a pivotal role across four distinct stages within the framework of law enforcement. Firstly, in the prevention phase, forensic psychologists collaborate with legal authorities to deliver outreach initiatives aimed at preemptively addressing and mitigating criminal behavior. Secondly, during the treatment phase, forensic psychologists aid legal officers in discerning the underlying motives driving the perpetrator's actions. Thirdly, in the punishment phase, forensic psychologists offer insights into the psychological disposition of the perpetrator, enabling legal authorities to mete out sanctions commensurate with the gravity of the offense and tailored to the individual's circumstances. Lastly, in the imprisonment phase, forensic psychologists extend support to incarcerated individuals, furnishing interventions and therapeutic modalities within

¹⁶ Haryanto., Dyah. Wahyuningsih, and Siti Nandiroh, "Sistem Deteksi Gangguan Depresi Pada Anak-Anak Dan Remaja," *Jurnal Ilmiah Teknik Industri* 14, no. 2 (2019): 142-52, <https://journals.ums.ac.id/index.php/jiti/article/view/998>.

¹⁷ Gary Edmond et al., "Thinking Forensics: Cognitive Science for Forensic Practitioners," *Science and Justice* 57, no. 2 (2017): 144-54, <https://doi.org/10.1016/j.scijus.2016.11.005>.

¹⁸ Agam Ibnu Asa, "Psikologi Forensik Sebagai Ilmu Bantu Hukum Dalam Proses Peradilan Pidana," *Prosiding Seminar Nasional Fakultas Psikologi Universitas Airlangga*, no. September 2022 (2022): 1-9.

¹⁹ By Curt R Bartol and Anne M Bartol, "Introduction to Forensic Psychology : Research and Application Sexual Boundary Violations : Therapeutic , Supervisory , and Psychiatry in Prisons : A Comprehensive Handbook Handbook of Correctional Mental Health Manual of Forms and Guidelines for Correcti" 39, no. 2 (2011).

correctional institutions to facilitate rehabilitation and address underlying psychological factors contributing to criminal behavior.

Law enforcement commences with the inquiry and investigation process, a responsibility vested in the Police²⁰. The utilization of psychology within law enforcement is codified in Law No. 2/2002 concerning the Police of the Republic of Indonesia, specifically delineated in Article 14 Paragraph 1 (h), which mandates the organization of police identification, police medicine and forensic laboratories, and police psychology for the fulfillment of police duties. The pivotal role of the psychology clinician in evaluating criminal responsibility entails acquiring and furnishing the legal system with clinical data and analyses pertaining to the defendant's cognitive functioning, mental state, and capacity at the time of the alleged crime. This assessment is imperative for discerning whether the defendant exhibited characteristics indicative of a "mental disorder," "mental illness," "mental handicap," or "mental retardation" at the time of the purported offense. The assessor is tasked with conducting a comprehensive clinical evaluation, integrating all available data into a forensic formulation in compliance with local legal provisions, elucidating the defendant's functioning and mental state at the time of the alleged crime²¹.

The primary focus lies in documenting an individual's criminal history, particularly concerning children and adolescents who engage in criminal conduct. This entails elucidating and diagnosing internal conditions, such as emotional or mental states, that bear relevance to the determination of criminal liability. Such assessments serve as the basis for determining appropriate interventions and actions subsequent to the identification of mental disorders or disabilities in juvenile offenders²². The integration of forensic psychologists within the process of criminalizing children in conflict with the law represents a significant reform within criminal jurisprudence, particularly aimed at enhancing the efficacy of law enforcement measures concerning juvenile offenders. By incorporating forensic psychologists into the investigative process, expedited resolution of suspected criminal acts perpetrated by children is facilitated, thereby streamlining proceedings and minimizing procedural delays. A comprehensive assessment conducted by forensic psychologists during the investigative stage enables prompt intervention, assessment, and preventive measures to be implemented, thereby expediting the judicial process.

The child criminal responsibility policy with the aim of legal protection for children in conflict with the law is to provide action for children who commit criminal acts. Looking for mistakes made by children, such as what motives caused children to commit criminal acts, there are things that actually need to be paid more attention to, namely providing appropriate action to the child by looking at the child's welfare. Because if the authorities make a mistake in taking action against a child, it will have a negative impact on the child's future. If a child's mental condition is not normal, then in terms of function it is also not good. So, for them there

²⁰ Muhammad Ridho Sinaga and Novalinda Nadya Putri, "Tindak Pidana Oleh Anak : Suatu Kajian Dan Analisis Fungsi Sertifikasi Penyidik Anak Di Kepolisian" 6, no. 1 (2023): 484-92.

²¹ Ira K. Packer, *Best Practices In Forensic Mental Health Assessment: Evaluation Of Criminal Responsibility* (New York: Oxford University Press, 2009).

²² Oheo Kaimuddin Haris et al., "Pertanggungjawaban Pidana Gangguan Bipolar Ditinjau Dari Perspektif Psikologi Kriminal Criminal Liability Bipolar Disorder Review from Criminal Psychological Perspective" 4, no. 2 (2022): 276-87, <https://journal.uho.ac.id/index.php/holresch/>.

is no point in demanding accountability. Therefore, someone with a mental disorder must be treated or given a decision in the right way. These delineations underscore various facets of the role of forensic psychology in addressing juvenile offenders at the investigative level. However, it is imperative to recognize that these descriptions provide a succinct overview that warrants further elaboration and refinement in accordance with evolving justice enforcement procedures:

a. Understanding the Mental State of the Perpetrator

In discerning the mental state of the defendant, a comprehensive evaluation is imperative to grasp the cognitive and psychological underpinnings of the perpetrator's actions. An investigation into the competency status of the accused, particularly in cases involving juvenile offenders, necessitates meticulous scrutiny. The determination of the defendant's competency may be initiated by the investigator, prompting the involvement of mental health professionals, notably psychiatrists, to conduct thorough assessments. Subsequent to the initiation of the competency inquiry, psychiatrists undertake a comprehensive evaluation to provide insights into the circumstances surrounding the alleged child perpetrator's actions. This evaluation encompasses an examination of the perpetrator's mental state preceding, during, and subsequent to the commission of the offense. Psychiatrists are tasked with delineating any discernible nexus between the mental disorder or disability and the alleged criminal conduct. Paramount in this assessment is the correlation between the perpetrator's mental state and the actions undertaken, serving as a pivotal benchmark in the determination of culpability. The conclusions drawn by psychiatrists are documented in a comprehensive report detailing the mental health status of the juvenile offender, thereby informing subsequent judicial proceedings.

b. Determining the Continuation of Legal Proceedings

The mental well-being of the alleged perpetrator serves as a crucial factor in determining the course of legal proceedings. Ultimately, investigators rely on psychiatric evaluations to ascertain the culpability of a juvenile offender. It is imperative to underscore that the authority to make this determination lies with law enforcement officials, not psychologists. Nonetheless, while psychologists do not wield decision-making authority in investigations, their insights can inform the investigative process, enabling child investigators to tailor appropriate interventions in consideration of the child's capacity for responsibility.

c. Facilitating the Legal Process

This process of legal resolution entails a focused assessment aimed at furnishing law enforcement officials with a foundational framework for deliberating on the most suitable disposition and placement decisions for juvenile offenders. By providing a comprehensive assessment, this approach aids law enforcement agencies in navigating the complexities inherent in adjudicating cases involving juvenile perpetrators of criminal acts. Additionally, it enables the formulation of judicious punitive measures that prioritize the welfare of the child offender.

4. Conclusions

In Utrecht's perspective, the elements of culpability align with those of criminal liability, viewing it through a psychological lens. This entails an exhaustive examination of the perpetrator's mental state and the manner in which the offense was perpetrated. Both the

modus operandi and the perpetrator's mental state serve as foundational factors in adjudging criminal liability. The juvenile criminal liability policy, aimed at safeguarding the legal rights of children in conflict with the law, emphasizes the provision of tailored interventions that prioritize the child's welfare.

The essential role of the psychology clinician in evaluating criminal liability is to furnish the legal system with comprehensive clinical data and analyses pertaining to the defendant's cognitive functioning, mental state, and capacity at the time of the alleged offense. This assessment encompasses an examination of the defendant's potential mental disorders, illnesses, disabilities, or impairments at the time of the purported crime. The focal point lies in documenting the criminal history vis-à-vis the emotional or mental condition of juvenile offenders, thereby informing decisions regarding appropriate treatment and action subsequent to the discovery of mental disorders or disabilities. An overview of the role of forensic psychology in addressing juvenile offenders at the investigative level encompasses three key facets: Firstly, understanding the mental state of the perpetrator; secondly, determining the continuation of the legal process; and thirdly, facilitating the legal process.

5. Acknowledgments

The completion of this research would not have been possible without the invaluable support and contribution of the supervisors and parents. The author would like to express his deepest gratitude to the Faculty of Law, Universitas Nusa Putra.

6. Reference

- Ali, Hanafi, Amri Mahrus. *Sistem Pertanggungjawaban Pidana: Perkembangan Dan Penerapan*. Jakarta: Rajawali Pers, 2015.
- Alifah, Arinal, Maftukh, Nanik, Prihartanti, and Imron. Rosyidi. "Dinamika Psikologis Narapidana Anak Pelaku Pembunuhan: Studi Kasus Di LAPAS Anak Kutoarjo." *Jurnal Indigenus* 13, no. 2 (2015): 9-18.
- Asa, Agam Ibnu. "Psikologi Forensik Sebagai Ilmu Bantu Hukum Dalam Proses Peradilan Pidana." *Prosiding Seminar Nasional Fakultas Psikologi Universitas Airlangga*, no. September 2022 (2022): 1-9.
- Ashworth, Andrew, and Jeremy Horder. *Principles of Criminal Law. Principles of Criminal Law*, 2013. <https://doi.org/10.1093/he/9780199672684.001.0001>.
- Bartol, By Curt R, and Anne M Bartol. "Introduction to Forensic Psychology : Research and Application Sexual Boundary Violations : Therapeutic , Supervisory , and Psychiatry in Prisons : A Comprehensive Handbook Handbook of Correctional Mental Health Manual of Forms and Guidelines for Correcti" 39, no. 2 (2011).
- Edmond, Gary, Alice Towler, Bethany Growns, Gianni Ribeiro, Bryan Found, David White, Kaye Ballantyne, et al. "Thinking Forensics: Cognitive Science for Forensic Practitioners." *Science and Justice* 57, no. 2 (2017): 144-54. <https://doi.org/10.1016/j.scijus.2016.11.005>.
- Farid, Zainal Abidin. *Hukum Pidana 1*. Jakarta: Sinar Grafika, 2007.
- Greenberg, Stuart A. *Personal Injury Examinations in Torts for Emotional Distress. Handbook of Psychology*, 2003. <https://doi.org/10.1002/0471264385.wei1113>.
- Haryanto., Dyah. Wahyuningsih, and Siti Nandiroh. "Sistem Deteksi Gangguan Depresi Pada Anak-Anak Dan Remaja." *Jurnal Ilmiah Teknik Industri* 14, no. 2 (2019): 142-52. <https://journals.ums.ac.id/index.php/jiti/article/view/998>.

- Herring, Jonathan. *Criminal Law*. London: Palgrave MacMillan, 2011. <https://www.amazon.com/Criminal-Law-Palgrave-MacMillan-Masters/dp/0230285724>.
- Kaimuddin Haris, Oheo, Sabrina Hidayat, Sahrina Safiuddin, and Cucu Sutarwan Kepolisian Daerah Sulawesi Tenggara. "Pertanggungjawaban Pidana Gangguan Bipolar Ditinjau Dari Perspektif Psikologi Kriminal Criminal Liability Bipolar Disorder Review from Criminal Psychological Perspective" 4, no. 2 (2022): 276-87. <https://journal.uho.ac.id/index.php/holresch/>.
- P. A. F. Lamintang. *Dasar-Dasar Hukum Pidana Indonesia*. Bandung: Citra Aditya Bhakti, 2013.
- Packer, Ira K. *Best Practices In Forensic Mental Health Assessment: Evaluation Of Criminal Responsibility*. New York: Oxford University Press, 2009.
- Rusianto, Agus. *Tindak Pidana & Pertanggungjawaban Pidana Tinjauan Kritis Melalui Konsistensi Antara Asas, Teori, Dan Penerapannya*. Jakarta: Prenadamedia Group, 2018.
- Sinaga, Muhammad Ridho, and Novalinda Nadya Putri. "Tindak Pidana Oleh Anak : Suatu Kajian Dan Analisis Fungsi Sertifikasi Penyidik Anak Di Kepolisian" 6, no. 1 (2023): 484-92.
- Soesilo, R. *Pokok-Pokok Hukum Pidana Peraturan Umum Dan Delik-Delik Khusus*. Bogor: POLITEIA, 1979.
- Sopyani, Fitri Melati, and Triana Noor Edwina. "Peranan Psikologi Forensik Dalam Hukum Di Indonesia." *Jurnal Psikologi Forensik Indonesia* 1, no. 1 (2021): 46-49.
- Sugama, Ni Made Raditya Pawani Peraba, and Suatra Putrawan. "Analisis Yuridis Mengenai Kemampuan Pertanggungjawaban Pidana Dalam Pasal 44 KUHP." *Jurnal Kertha Wicara* 7, no. 4 (2018): 1-13. <https://ojs.unud.ac.id/index.php/kerthawicara/article/view/41970>.
- Tiffon, Bernat-N. *Atlas of Forensic and Criminal Psychology*. Abingdon: CRC Press, 2022. <https://doi.org/10.4324/9781003092223>.
- Tony Honoré. *Responsibility and Fault*. Portland: Hart Publishing, 1999.
- Utrecht, E. *Rangkaian Sari Kuliah Hukum Pidana I*. Surabaya: Pustaka Tinta Mas, 1994.
- Wasserman, G, S Ko, and L Mcreynolds. "Assessing the Mental Health Status of Youth in Juvenile Justice Settings." *Juvenile Justice Bulletin*, no. August (2004): 1-8.