

REFERENCES

B. Academic Journals

- Abdillah, J., Nurhayati, T., Najichah, N., Zohara, L., & Tholchah, M. (2024). Contribution model of al-mas'ūliyyah al-jinā'iyah in the formulation of criminal liability in Indonesia's National Criminal Code. *Al-Ahkam: Jurnal Ilmu Syariah*, 34(2), 374. <https://doi.org/10.21580/ahkam.2024.34.2.22592>
- Afnuhazi, R., & Sari, F. S. (2022). *Pengaruh terapi social skills training (SST) dengan dan tanpa diet casein free gluten free (CFGF) terhadap kemampuan sosialisasi anak autisme*. *Jurnal Kesehatan Medika Saintika*, 10(1), 60. <https://jurnal.syedzasaintika.ac.id>
- Alfarisi, I. (2020). *Psikiater dalam sistem peradilan pidana*. *Al Wasath: Jurnal Ilmu Hukum*, 1(1), 51.
- Badra, I. K. P. P. J., & Sukranatha, A. A. K. (2022). *Problematika penyandang disabilitas mental dalam perspektif hak asasi manusia*. *KW*, 11(5), 7–10. <https://doi.org/KW.2022.v11.i05.p14>
- Badra, N. K. P. J., & Sukranatha, A. A. K. (2022). *Problematika penyandang disabilitas mental dalam perspektif hak asasi manusia*. *Kertha Wicaksana: Journal of Legal Studies*, 11(5), 4. <https://doi.org/KW.2022.v11.i05.p14>
- Bararic, J. (2021). Sentencing offenders with mental disorders: A comparative perspective. *Max Planck Institute for the Study of Crime, Security and Law*, 3–5. <https://doi.org/10.30709/978-3-96521-470-4>
- Curtice, M., Bashir, F., Khurmi, S., Crocombe, J., Hawkins, T., & Exworthy, T. (2011). The proportionality principle and what it means in practice. *The Psychiatrist*, 35(4),. <https://doi.org/10.1192/pb.bp.110.032458>
- Dewi, P. A. P. (2019). Proving the insanity defense in the enforcement of criminal law in Indonesia. *Jurnal Dinamika Hukum*, 19(3), 673.
- Dirgayunita, A. (2016). *Depresi: Ciri, penyebab dan penanganannya*. *Journal An-Nafs: Kajian dan Penelitian Psikologi*, 1(1), 4.
- Dwi Wiharyangti. (2011). *Implementasi sanksi pidana dan sanksi tindakan dalam kebijakan hukum pidana di Indonesia*. *Pandecta*, 6(1), 263–275.
- Elita, Z., Hanuring, A. A. P., & Nourma, D. (2024). Legal analysis of criminal sanctions for individuals with intellectual disabilities committing crimes. *Jurnal Dimensi*, 13(1), 128–138.

- Faisal, F. (2022). *Kebijakan legislasi pembaruan pidanaan Kitab Undang-Undang Hukum Pidana*. Jurnal Magister Hukum Udayana (Udayana Master Law Journal), 11(4), 936.
- Fahrizal Aditya Rachman. (2021). Implementasi pemenuhan hak bagi narapidana penyandang disabilitas di Lembaga Pemasyarakatan Kelas IIB Pangkalan Bun. *Justitia: Jurnal Ilmu Hukum dan Humaniora*, 8(5), (p. 1243–1244). <https://doi.org/10.31604/justitia.v8i5.1243-1249>
- Fujii, C., Fukuda, Y., Ando, K., Kikuchi, A., & Okada, T. (2014). Development of forensic mental health services in Japan: Working towards the reintegration of offenders with mental disorders. *International Journal of Mental Health Systems*, 8(21), 11.
- Haerunnisa, A., & Prawita, E. (2024). *Tipe-tipe gangguan kepribadian pada psikologi abnormal*. Jurnal Ilmiah Penelitian Mandira Cendikia, 2(11), 11.
- Harahap, D. A. (2021). *Psikolog forensik sebagai salah satu proses pemidanaan*. Jurnal Ilmiah Psikologi Terapan, 9(2), 185–193. <https://www.neliti.com/publications/377431/>
- Hidayat, F. A. M., & Ibrahim, A. L. (2023). *Disharmoni Pertanggungjawaban Pidana Disabilitas Mental Dalam Hukum Positif Di Indonesia*. JUSTISI: Universitas Muhammadiyah Sorong, 334.
- Hidayani, S., & Mina, R. F. P. (2022). The concept of criminal responsibility in Islamic criminal law. *Al-Qanun: Jurnal Kajian Sosial dan Hukum Islam*, 3(2), 67–78. <https://jurnal.uinsu.ac.id/index.php/alqanun>
- Kashiwagi, H., & Hirabayashi, N. (2018). Death penalty and psychiatric evaluation in Japan. *Frontiers in Psychiatry*, 9, 550. <https://doi.org/10.3389/fpsy.2018.00550>
- Kuncara, J. T., & Raharjo, S. (2021). *Kebijakan kriminal penyelesaian perkara pidana pada tahap penyidikan terhadap pelaku tindak pidana yang menderita gangguan jiwa*. Jurnal Kajian Hasil Penelitian Hukum, 5(1), 2598.
- Latuconsina, A. A., & Nurcahyani, D. P. (2023). *Criminal Provisions for Perpetrators Who Commit Criminal Acts of Copulation and Lewd Acts Against Minors*. Unibraw Press, 4.
- Maculan, E., & Gil Gil, A. (2020). The Rationale and Purposes of Criminal Law and Punishment in Transitional Contexts. *Oxford Journal of Legal Studies*, 40(1), 137–138.
- Meliala, A. (2008). *Kontribusi psikologi dalam dunia peradilan: Di mana dan mau ke mana*. Indonesian Journal of Legal and Forensic Sciences, 1(1), 56–59.

- Meynen, G. (2016). Legal insanity: Explorations in psychiatry, law, and ethics. *International Library of Ethics, Law, and New Medicine*, 7, 11–40.
- Moncrieff, J., Pillai, E., Marston, L., Lewis, G., Barnes, T. R. E., Johnson, S., & Priebe, S. (2025). The association between relapse and the outcome of schizophrenia and recurrent psychotic disorders. *The British Journal of Psychiatry*, 2–4.
- Mori, T. (2022). Criminal responsibility of offenders with psychiatric disorders: Recent trends in Japanese court decisions. *Keio Law Review*, 4, 1–24.
- Mossa, A. F. A. (2022). Criminal liability policy of persons with mental disorders in case spreading racial issues. *Ius Poenale*, 3(2), 127–138. <https://doi.org/10.25041/ip.v3i2.2727>
- Muhammad, D. A., Rosyidawati, N. H., Sudrajat, A. A., Khairunnisa, N. H., Rahmawati, B. D. Z., Khatimah, W. H., Apriyani, P., Andriani, A. P. D., Widyastuti, P. A., Suryani, D. S., Azizah, P. F. S. N., & Yuniasih, D. (2021). Anxiety of final semester students: Mini review. *Ahmad Dahlan Medical Journal*, 2(2), 85.
- Murdiana, E. (2012). *Pertanggungjawaban pidana dalam perspektif hukum Islam dan relevansinya terhadap pembaharuan hukum pidana Indonesia*. Al-Mawarid: Jurnal Syari'ah dan Hukum, 12(1), 14.
- Nakatani, Y. (2012). Challenges in mental health services and the future direction of mental health policy in Japan. *Psychiatry and Clinical Neurosciences*, 66(2), 105–117. <https://doi.org/10.1111/j.1440-1819.2012.02328.x>
- Nakatani, Y., Kojimoto, M., Matsubara, S., & Takayanagi, I. (2010). New legislation for offenders with mental disorders in Japan. *International Journal of Law and Psychiatry*, 33(1), 9.
- Prakosa, P. W. B. (2005). *Dimensi sosial disabilitas mental di komunitas Semin, Yogyakarta: Sebuah pendekatan representasi sosial*. *Jurnal Psikologi*, 32(2).
- Pramesti, N. P. D. I., & Darmadi, A. A. N. O. Y. (2022). *Pertanggungjawaban pidana bagi pelaku penyandang disabilitas dalam kasus pembunuhan berencana*. *Jurnal Kertha Wicara*, 11(11), 1794–1802. <https://doi.org/10.24843/JKW.2022.v11.i11.p6>
- Putra, P. H., Amiruddin, & Ufran. (2023). *Psikiatri forensik dalam sistem peradilan pidana Indonesia*. *Jurnal Kertha Semaya*, 11(6), 1451.
- Putri, I. A., Amnan, & Maharani, B. F. (2022). *Skizofrenia: Suatu studi literatur*. *Journal of Public Health and Medical Studies*, 1(1), 4.

- Rafky, M. D. (2023). *Pertanggungjawaban pidana terhadap pelaku penganiayaan penyandang dissociative identity disorder*. UNJA Journal of Legal Studies, 1(1), 323.
- Rizka, R., Budiono, A., Prasetyo, Y., Praja, C. B. E., Khairunnisa, H. A., Khairunnisa, H. A., Iriani, D., & Hakim, H. A. (2022). Criminal Liability of People with Mental Disorders: Health Law Perspective. Open Access Macedonian Journal of Medical Sciences, 10(E), 435. <https://doi.org/10.3889/oamjms.2022.8449>
- Sihombing, D. C., Syahrin, A., Ablisar, M., & Mulyadi, M. (2023). *Penguatan kewenangan jaksa selaku Dominus Litis sebagai upaya optimalisasi penegakan hukum pidana berorientasi keadilan restoratif*. Jurnal Konsep Ilmu Hukum (J-KIH), 3(2), 65–67. <https://doi.org/10.56128/jkih.v3i2.42>
- Simanjuntak, M. (2002). Intelligence level in children with cerebral palsy (CP) at YPAC Medan. Duta Cendekia: Jurnal Kedokteran, 11(4), 243–245.
- Sudharma, K. J. A. (2023). *Perlindungan Hukum terhadap Penyandang Disabilitas Mental dalam Sistem Peradilan Pidana di Indonesia dan Jepang*. Jurnal Hukum Saraswati, 5(1), 61–62.
- Susilowati, C. M. I. (2020). The philosophy of sentencing in Indonesia based on dignified justice. International Journal of Business, Economics and Law, 22(1), 173–179.
- Utami, S. D., Agulia, C. P., Harningtyas, A. R., & Suherman, A. (2025). *Analisis pertanggungjawaban pidana dan perlindungan hukum terhadap pelaku penyandang disabilitas dalam sistem peradilan pidana Indonesia*. CAUSA: Jurnal Hukum dan Kewarganegaraan, 11(1), 2. <https://doi.org/10.3783/causa.v2i9.2461>
- Yulia, R. (2023). Protecting the rights of persons with disabilities in the criminal justice system in Indonesia. Jurnal Hukum IUS, 11(2), 297–314. <https://doi.org/10.29303/ius.v11i2.7783>

C. Books

- Anlianna, Sunanto, M., Nursalim, M., & Rahmasari, D. (2023). Problems of children with intellectual and mental disabilities at school. Sentra Cendeki.
- Arief, B. N. (2014). *Bunga rampai kebijakan hukum pidana*. Prenadamedia Group.
- Baharudin, M. (2017). Clinical neurology. UMM.
- Dharmabrata, W. (2003). *Tinjauan Undang-Undang No. 1 Tahun 1974 tentang Perkawinan beserta undang-undang dan peraturan pelaksanaannya*. Gitama Jaya.

- Fadlian, A. (2020). *Pertanggungjawaban pidana dalam suatu kerangka teoritis*. Jurnal Hukum Positum.
- Henham, R. (1996). *Principles of sentencing in criminal justice*. Routledge.
- Litiawati, E., Fauzi, E., Nate, L. M., & Jamaludin, A. (2023). *Access to justice penyandang disabilitas intelektual: Peradilan pidana sebagai implementasi equality before the law*. SIMBUR CAHAYA.
- Marzuki, P. M. (2005). *Penelitian hukum*. Kencana Prenada Media Group.
- National Academies of Sciences, Engineering, and Medicine. (2015). *Mental disorders and disabilities among low-income children*. The National Academies Press. <https://doi.org/10.17226/21780>
- Petersilia, J. (2000). *Persons with intellectual disabilities in the criminal justice system: Review of issues*. University of California, Berkeley.
- Ramadhan, C. R., Manurung, F., & Saputro, A. A. (2016). *Difabel dalam peradilan pidana: Analisis konsistensi putusan*. Faculty of Law, University of Indonesia Publishing House.
- Rodliyah, R., & Salim, S. H. (2024). *Pengantar hukum pidana mengacu pada KUHP baru (UU No. 1 Tahun 2023)*. Sinar Grafika.
- Saputri, D. Y., & Sundari, T. S. (2022). *A-Z Sindrom Down: Pemahaman dan strategi intervensi untuk orang tua dan pendidik*. Kementerian Pendidikan, Kebudayaan, Riset, dan Teknologi. Direktorat Jenderal Guru dan Tenaga Kependidikan. Direktorat Pendidikan Masyarakat dan Pendidikan Khusus.
- Saptaningrum, I. (2011). *Protecting the rights of persons with disabilities in Indonesia: Opportunities and challenges*. Human Rights Working Paper Series No. 17. The Nordic Institute of Asian Studies (NIAS).
- Syafi'ie, M., Purwanti, & Ali, M. (2014). *Potret Difaebel berhadapan dengan hukum negara*. SIGAB.
- Supratiknya, S. (2006). *Understanding abnormal behaviours*. Kanisius.
- Tomuschat, C. (2003). *Human rights: Between idealism and realism*. Oxford University Press.

D. Theses/Dissertations

- Anggraini, M. (2024). *Pertanggungjawaban pidana penyandang disabilitas mental dalam tindak pidana pembunuhan: Perspektif hukum pidana Islam (Studi Putusan No. 144/Pid.B/2014/PN.Cj)* [Undergraduate thesis]. Fakultas Syariah dan Hukum, Universitas Islam Negeri Syarif Hidayatullah Jakarta.

- Siti Nurhaliza. (2023). *Pertanggungjawaban pidana terhadap penyandang disabilitas mental dalam perspektif hukum pidana dan hukum Islam* [Undergraduate thesis]. Universitas Islam Negeri Sunan Gunung Djati Bandung. https://digilib.uinsgd.ac.id/86728/4/4_bab1.pdf
- Sjarief, R. (2020). *Criminal sentencing in Indonesia: Disparity, disproportionality, and biases* [Doctoral dissertation, The University of Melbourne]. <https://orcid.org/0000-0003-4999-3552>
- Wulandari, S. (2022). *Tinjauan yuridis peran dokter ahli penyakit jiwa dalam pembuktian perkara pidana di sidang pengadilan (Studi Putusan Pengadilan Nomor 182/Pid. B/2015/PN. Dmk)* [Undergraduate thesis]. Jurnal Ilmiah Sultan Agung, 1(1).

E. Legislation

- Indonesia. (1915). *Wetboek van Strafrecht* (Law No. 1 of 1915 on the Criminal Code).
- Indonesia. (2014). Law No. 18 of 2014 on Mental Health.
- Indonesia. (2023). Law No. 1 of 2023 on the Criminal Code.
- Ministry of Justice Japan. (2005). *Act on Medical Care and Treatment for Persons Who Have Caused Serious Cases under the Condition of Insanity* (Act No. 110 of 2003). <https://www.japaneselawtranslation.go.jp>
- Ministry of Justice Japan. (2009). *Penal Code* (Act No. 45 of 1907).

F. Conventions

- United Nations. (2006). *Convention on the Rights of Persons with Disabilities*, Article 12.

G. Online Resources & Other

- Abu Dawud. (n.d.). *Sunan Abi Dawud*, Book 39, Hadith 4403. Sunnah.com. <https://sunnah.com/abudawud:4403>
- American Psychiatric Association. (2013). *Diagnostic and statistical manual of mental disorders* (5th ed.). Washington, DC: American Psychiatric Publishing.
- EBSCO. (n.d.). *Diminished capacity*. EBSCO Research Starters. <https://www.ebsco.com/research-starters/law/diminished-capacity>

- Chanif, M. (2021, November 5). *Implementasi Pasal 44 KUHP sebagai alasan penghapus pidana dalam proses pemeriksaan perkara pidana*. *MAGISTRA Law Review*, 2(1), 64–78. <http://jurnal.untagsmg.ac.id/index.php/malrev/article/view/2067>
- Ilham, M. H. (2017). *Kajian atas asas peradilan cepat, sederhana, dan biaya ringan terhadap pemenuhan hak pencari keadilan (Studi Putusan Mahkamah Agung Nomor 246 K/Pid/2017)*. Prosiding Seminar Nasional, 215.
- Paul Ridd Foundation. (n.d.). IQ Table. Basic Awareness of Learning Disabilities. <https://paulriddfoundation.org/lessons/iq-table/>
- Syafi'ie, M. (2021, November 5). *Difabel mental berhadapan hukum*. Universitas Islam Indonesia. <https://law.uii.ac.id/blog/2021/11/05/difabel-mental-berhadapan-hukum/>
- Sihombing, D. C., Syahrin, A., Ablisar, M., & Mulyadi, M. (2023). *Penguatan kewenangan jaksa selaku Dominus Litis sebagai upaya optimalisasi penegakan hukum pidana berorientasi keadilan restoratif*. *Jurnal Konsep Ilmu Hukum (J-KIH)*, 3(2), 65–67. <https://doi.org/10.56128/jkih.v3i2.42>
- Wian, A. V., Wicaksono, A. D., & Herdani, B. B. (2022). *Program rehabilitasi sosial bagi penyandang disabilitas*. In Prosiding Seminar Nasional Ilmu Sosial (SNIIS) 2022, Volume 01. Jurusan Ilmu Sosial FISH Universitas Negeri Surabaya.
- TheEditor. (2025, January 18). Understanding mental health tribunals in England & Wales. *Investigative Psychiatry*. <https://www.investigativepsychiatry.com/2025/01/18/mental-health-tribunals/>