



Legal study on the investigation of perpetrators of criminal acts with psychiatric problems (Study at the Belawan port police)

Thary Jayanti, Rizkan Zulyadi, Taufik Siregar

Department of Law, Universitas Medan Area, Medan, Indonesia

Abstract

This study explores the investigation process of perpetrators of crimes with psychiatric problems at the Belawan Port Police. Through a qualitative approach involving in-depth interviews, participatory observations, and document analysis, the study identified various challenges faced by investigators, including a lack of training in understanding the psychological and medical conditions of perpetrators. Collaboration with medical personnel is important to ensure appropriate and sensitive treatment of perpetrators, although they still face constraints related to resources and time. The perpetrator himself often feels poorly understood and depressed during the investigation process, with the role of family and companions being crucial in providing emotional support and additional information to investigators. The recommendations of this study include increased training for investigators, improved coordination with medical personnel, further recognition of family roles, and the development of more adaptive standard protocols. It is hoped that implementing this recommendation will increase efficiency and humanity in handling similar cases in the future.

Keywords: Legal studies, criminal acts, psychiatry

Introduction

In the modern era, the complexity of legal cases continues to increase, including in the investigation process against the perpetrators of criminal acts (Haryandi, n.d.)^[9]. One of the challenges faced by investigators is when dealing with suspects who have psychiatric problems. This raises important questions about how the investigation process should be carried out so that the rights of suspects are guaranteed and legal justice is upheld. In the criminal justice system, investigation is a very crucial initial stage to determine the continuation of the legal process against a person suspected of committing a criminal act (Adam Ilyas, 2024)^[1]. One of the main challenges in the investigation is dealing with perpetrators who have psychiatric problems. Criminal acts committed by individuals with unstable mental conditions raise complex legal questions related to criminal responsibility and appropriate legal treatment. Improper handling of perpetrators with psychiatric problems can not only harm the individual but can also harm the principles of justice and humanity.

The Belawan Port Police, as one of the police institutions in Indonesia, is often faced with cases where the perpetrator of a criminal act shows symptoms of a mental disorder. In this context, investigators must have a deep understanding of medical and psychological aspects and the skills to manage interactions with perpetrators who are experiencing psychiatric problems. This study aims to examine in depth how the investigation process for perpetrators of crimes with psychiatric issues is carried out at the Belawan Port Police, as well as to identify challenges and solutions that can be implemented in investigative practice. Psychiatric problems in criminal offenders have important consequences in determining criminal responsibility. Indonesian criminal law recognizes that serious mental disorders can affect a person's ability to understand and control his actions (Anggraini, n.d.)^[3]. Therefore, the investigation of perpetrators with psychiatric problems cannot be equated with investigations of other perpetrators.

Investigators must work closely with a psychiatrist to ensure that the assessment of the perpetrator's mental state is carried out accurately and objectively.

In investigating perpetrators with psychiatric problems, collaboration is needed between law enforcement officials and medical personnel, including psychiatrists and psychologists (Weaver *et al.*, 2013)^[20]. It is important to ensure that the rights of the perpetrator as an individual with special conditions are respected, as well as to avoid procedural errors that could affect the outcome of the investigation. In addition, a sensitive and humane approach is needed to prevent unfair or excessive treatment of perpetrators (Ruggie, 2008)^[14]. This process also requires a deep understanding of relevant laws, such as the Criminal Code and the Mental Health Act, which govern the protection of individuals with mental disorders (Fachrozy & Panjaitan, 2023)^[6].

This study will review various aspects involving the investigation of perpetrators of crimes with psychiatric problems, ranging from the legal framework that regulates this, and the investigation procedures implemented, to the challenges faced by investigators in the field. By comprehensively understanding the dynamics of investigation in this context, it is hoped that practical recommendations can be found to improve the quality of investigation and protection of human rights for perpetrators of crimes with psychiatric problems at the Belawan Port Police.

The study will also explore the role of training and education for investigators to improve their ability to handle cases involving perpetrators with mental disorders. This includes training on proper interview techniques, the use of appropriate diagnostic tools, and how to manage situations that can trigger stress or aggressive behavior in the perpetrator. In addition, the study will consider international experiences and best practices from other countries in handling investigations of perpetrators with psychiatric problems, which can be adapted to the Indonesian context.

Finally, the study will propose strategic measures to strengthen coordination between various related agencies, including the police, mental hospitals, correctional institutions, and non-governmental organizations working in the field of mental health. Thus, the results of this study are expected to make a real contribution to creating a fairer, more humane, and more effective criminal justice system in dealing with perpetrators of crimes with psychiatric problems in Indonesia.

Literature review

Legal aspects

Legally, laws in many countries, including Indonesia, regulate special treatment for criminal offenders who have mental disorders. According to Law Number 18 of 2014 concerning Mental Health, individuals with mental disorders are entitled to proper protection and treatment (ANASTASYA, 2023) ^[2]. In addition, the Indonesian Criminal Code (KUHP) also provides exemptions or reductions in punishment for perpetrators who are proven to have significant mental disorders when committing criminal acts (Article 44 of the Criminal Code) (Ida & Suryawati, 2023) ^[10]. The literature shows that the application of this law often faces challenges in practice, especially in ensuring that perpetrators get accurate medical assessments and appropriate treatment.

Medical aspects

Psychiatric disorders in criminal offenders require comprehensive medical treatment. Psychiatrists and psychologists have an important role in the investigation process to evaluate the mental state of the perpetrator and provide appropriate recommendations to investigators (Ohoiwutun *et al.*, 2022) ^[12]. Research shows that mental disorders such as schizophrenia, bipolar, and antisocial personality disorder are often found in perpetrators of crimes. In the literature, it is explained that proper diagnosis and prompt medical intervention can help in stabilizing the mental state of the perpetrator so that they can better undergo the legal process (Gunawan, 2016) ^[8].

Investigation practice

Investigation of perpetrators with mental disorders requires a different approach compared to other perpetrators. The literature indicates that investigators must have special skills in conducting interviews and interrogations of perpetrators with unstable mental conditions. Special training for investigators in handling these cases is highly recommended. Research by (Syamsu, n.d.) ^[18] It shows that investigators trained in forensic psychology can manage interactions with perpetrators of mental disorders more effectively, reducing the risk of procedural errors and improving the quality of investigations.

Challenges in the investigation

Previous studies have identified several key challenges in the investigation of perpetrators with psychiatric disorders. These challenges include a lack of medical resources and facilities in the police, limited access to mental health services, and social stigma against individuals with mental disorders. Research by (Lamb & Weinberger, 2011) ^[11] shows that good collaboration between the police and mental health services is essential to address these challenges.

International case studies

Case studies from other countries provide additional insight into best practices in investigating perpetrators with mental disorders. In some developed countries, such as the United States and the United Kingdom, special programs involving mental health units in the police force have been implemented to handle cases involving perpetrators with mental disorders. Programs such as the Crisis Intervention Team (CIT) in the United States, which combines training for police officers and collaboration with mental health professionals, have shown success in reducing incidents of violence and improving investigative outcomes (Compton *et al.*, 2014) ^[5].

Methodologists

This study uses a qualitative approach to examine the investigation of perpetrators of crimes with psychiatric problems at the Belawan Port Police (Sugiyono, 2013) ^[16]. The qualitative approach was chosen because it allows researchers to explore in depth complex phenomena and gain a rich understanding of the processes, challenges, and solutions associated with the investigation of these cases (Sutopo, 2002) ^[17]. The following is a complete explanation of the research methods that will be used:

Research design

This study uses a case study design, which focuses on the Belawan Port Police as the main unit of analysis (Assyakurrohim *et al.*, 2023) ^[4]. Case studies allow researchers to examine in detail how the investigation of perpetrators with psychiatric problems is carried out in a specific context and identify the factors that influence the process.

Location and subject of research

The research was conducted at the Belawan Port Police, North Sumatra. Research subjects include:

1. Investigators at the Belawan Port Police who have experience in handling cases of criminal offenders with psychiatric problems.
2. Psychiatrists and psychologists who collaborate with the Belawan Port Police.
3. Perpetrators of criminal acts with psychiatric problems who are or have undergone an investigation process at the Belawan Port Police.
4. The family or companion of the perpetrator involved in the investigation process.

Data collection

Data collection is carried out through the following techniques:

In-Depth interviews: Semi-structured interviews are conducted with investigators, psychiatrists, psychologists, perpetrators of crimes with psychiatric problems, and the perpetrator's family or companion. This interview aims to gain in-depth information about the experiences, perceptions, and challenges faced during the investigation process.

Participatory observation: The researcher made direct observations of the investigation process at the Belawan Port Police. This observation includes the interaction between the investigator and the perpetrator, the interaction between the investigator and medical personnel, and the

procedures applied in handling the perpetrator with psychiatric problems.

Documentation: Collection of relevant documents such as investigation reports, medical records, and internal police regulations related to the handling of perpetrators of crimes with psychiatric problems. This documentation will provide an overview of the official procedures and practices implemented in the field.

Data analysis

The collected data is analyzed using thematic analysis methods, which involve the following steps (Saleh, 2017) [15]:

1. **Transcription:** Recorded interviews are transcribed verbatim for easy analysis.
2. **Coding:** Transcript and observation data are coded to identify key emerging themes. Coding is done openly to find patterns in the data.
3. **Categorization:** Similar codes are grouped into larger categories, which are then analyzed to identify central themes.
4. **Interpretation:** The themes that have been identified are interpreted in the context of existing theories and literature, to provide a deeper understanding of the investigation of perpetrators of crimes with psychiatric problems at the Belawan Port Police.

Validity and reliability

To ensure the validity and reliability of the research, the following steps are taken:

1. **Triangulation:** Using various data sources (interviews, observations, and documentation) to ensure the validity of the findings.
2. **Member checking:** Involves participants in the process of verifying findings to ensure the researcher's interpretation is by the participant's experience and views.
3. **Audit trail:** Recording in detail the entire research process, including the decisions taken and the reasons behind those decisions, to ensure transparency and traceability of the research steps.

Results and discussion

Result

This research produced important findings related to the investigation of perpetrators of crimes with psychiatric problems at the Belawan Port Police. Based on the research methods that have been described, the results of the research are compiled based on in-depth interviews, participatory observations, and documentation analysis.

Findings from in-depth interviews

1. **Investigator's experience and perception**
 - Investigators at the Belawan Port Police stated that dealing with perpetrators with psychiatric problems is a significant challenge. They often feel less trained in the necessary psychological and medical aspects.

- Investigators revealed that collaboration with psychiatrists and psychologists was very helpful in understanding the mental state of the perpetrator and providing more appropriate treatment during the investigation process.

2. Opinions of psychiatrists and psychologists

- Medical experts emphasize the importance of a comprehensive psychological evaluation to determine the extent of the psychiatric disorder experienced by the perpetrator. They also noted that involvement from the beginning of the investigation process can improve the accuracy of diagnosis and treatment recommendations.
- Psychiatrists and psychologists face obstacles in terms of limited time and resources to handle each case optimally.

3. Conditions and experience of perpetrators

- Perpetrators of crimes with psychiatric problems feel confused and depressed during the investigation process. Some of them admitted that the treatment given by investigators was sometimes insensitive to their mental state.
- Offenders who receive adequate medical assistance feel safer and understood, which contributes to their openness during the investigation process.

4. The role of family and companions

- The family and companion of the perpetrator expressed the importance of their role in providing emotional support and additional information about the perpetrator's mental state. They often serve as a bridge of communication between the perpetrator and the investigator.

Findings from participatory observation

1. Interaction process

- Observations show that investigators who have an understanding of psychiatric disorders tend to be more successful in building effective communication with perpetrators. They use a softer and more patient approach, which helps to calm the offender.
- In some cases, the investigator's ignorance of how to handle offenders with psychiatric problems leads to misunderstandings and tensions that can worsen the mental state of offenders.

2. Collaboration with medical personnel

- Collaboration between investigators and medical personnel occurs formally through regular meetings and case consultations. However, there is still room for improved coordination, especially in emergencies where a quick response is essential.

Findings from the documentation

1. Investigation report

- The investigation report document shows that the investigation of perpetrators with psychiatric problems takes longer than other cases. This is due to the need to conduct an in-depth medical evaluation.
- There are differences in the quality of investigation reports, which reflects variations in investigators' understanding and skills in handling these cases.

2. Medical records

- The perpetrator's medical record provides evidence that mental disorders affect their behavior and decisions when committing a crime. The medical evaluation recorded in this medical record is the basis for investigators and judges to consider the criminal responsibility of the perpetrator.

3. Internal regulations

- The Belawan Port Police has standard operational procedures that include handling perpetrators with psychiatric problems. However, implementation in the field still requires more intensive adjustments and training.

Discussion

Based on the above findings, it can be concluded that the investigation of perpetrators of crimes with psychiatric problems at the Belawan Port Police faces various challenges, both in terms of investigator skills and coordination with medical personnel. While there are efforts to improve understanding and appropriate treatment, improvements are still needed in several aspects:

1. Special training for investigators

- Investigators need specialized training that focuses on handling perpetrators with psychiatric disorders, including proper interview techniques and an understanding of the different types of mental disorders.

2. Improved coordination with medical personnel

- Improving coordination between investigators and medical personnel can speed up and improve the quality of the investigation process. This includes strengthening emergency procedures and regular consultations.

3. Emotional support and information from the family

- The active involvement of families and companions in the investigation process can provide significant support for perpetrators, helping them feel safer and understood.

4. Development of Standard Protocols

- The development and implementation of a more detailed and flexible standard protocol can help investigators in dealing with perpetrators with psychiatric disorders more effectively.

This research reveals various challenges and practices that occur in the investigation of perpetrators of crimes with psychiatric problems at the Belawan Port Police. These findings are closely related to previous theories and research in the fields of criminal law and forensic psychology, which together provide a framework for understanding and improving future investigative processes.

Investigator's experience and perception

One of the key findings of the study was that investigators felt less trained in the psychological and medical aspects needed to deal with offenders with psychiatric problems. This is in line with the findings (Golding, 2013)^[7], which emphasizes that specialized training in forensic psychology is essential to improve investigators' ability to handle cases involving perpetrators with mental disorders. Trained

investigators are better able to understand and manage unstable perpetrator behavior, thereby reducing the risk of procedural errors and improving the quality of investigations.

Collaboration with medical personnel

Collaboration between investigators and medical personnel, such as psychiatrists and psychologists, has proven to be very helpful in understanding the mental state of the perpetrator and providing more appropriate treatment during the investigation process. Research by (Lamb & Weinberger, 2011)^[11] It shows that good collaboration between the police and mental health services is essential to overcome challenges in investigating perpetrators with mental disorders. In the context of the Belawan Port Police, this collaboration can still be improved, especially in terms of faster and more efficient coordination in emergencies.

Perpetrator experience and family role

Perpetrators of crimes with psychiatric problems often feel confused and depressed during the investigation process. This shows that a more humane and sensitive approach to the mental state of the perpetrator is urgently needed. Study by (SYIFA, 2024)^[19] revealed that insensitive treatment of perpetrators with mental disorders can worsen their mental condition and hinder the investigation process. Additionally, the role of family and companions in providing emotional support and additional information is essential to ensure that the perpetrator feels safe and understood. Family involvement can also help investigators better understand the background and mental state of the perpetrator.

Interaction process and interview techniques

Participatory observation showed that investigators who had an understanding of psychiatric disorders tended to be more successful in building effective communication with perpetrators. Gentle and patient interview techniques can help calm the perpetrator and encourage their openness during the investigation process. These findings are supported by research (Compton *et al.*, 2014)^[4], which states that training in proper interview techniques can improve investigators' ability to handle perpetrators with mental disorders.

Challenges in procedure implementation

Although the Belawan Port Police has standard operational procedures for handling perpetrators with psychiatric problems, implementation in the field still faces various obstacles. Some investigators feel that the procedure is inflexible and needs to be adjusted to be applied effectively in real situations. This indicates the need for the development of more detailed and adaptive standard protocols, which can help investigators in handling these cases better.

Relevance of theories and recommendations

Based on the theory of criminal responsibility in criminal law, individuals with psychiatric disorders have different responsibilities compared to mentally healthy perpetrators. Article 44 of the Indonesian Criminal Code states that perpetrators who experience significant mental disorders can be exempted or have their criminal penalties reduced (Putri *et al.*, 2023)^[13]. The findings of this study emphasize the importance of accurate medical evaluation to ensure that

legal decisions taken are by the mental state of the perpetrator.

To improve the investigation process, this study recommends several practical steps, which are also supported by previous literature:

1. **Special Training for Investigators:** Conduct ongoing training that focuses on interview techniques, understanding of mental disorders, and effective interaction with perpetrators with psychiatric problems. This training is expected to improve the competence of investigators and reduce procedural errors.
2. **Improved Coordination with Medical Personnel:** Establish more effective coordination mechanisms between police and mental health services, including clear emergency procedures and regular consultations. This can ensure that the perpetrator receives the right evaluation and medical treatment from the beginning of the investigation process.
3. **Emotional Support and Information from the Family:** Acknowledging and facilitating the role of the family and companion in the investigation process. Their involvement can provide significant support for the perpetrator and assist investigators in understanding the perpetrator's mental state better.
4. **Development of Standard Protocols:** Developing and implementing more detailed and flexible standard protocols for the treatment of offenders with psychiatric disorders. These protocols should cover a wide range of situations and provide clear guidance for investigators.

With the implementation of these recommendations, it is hoped that the investigation process at the Belawan Port Police can become more efficient, fair, and humane for perpetrators of crimes with psychiatric problems. This research also paves the way for further studies on best practices in handling offenders with mental disorders in other criminal law contexts in Indonesia.

Conclusion

This study investigates the investigation process of perpetrators of crimes with psychiatric problems at the Belawan Port Police. The results of the study show that investigators are often poorly trained in dealing with these kinds of cases, especially in terms of understanding the psychological and medical conditions of the perpetrators. This lack of understanding can hinder the effectiveness of the investigation process, as found in previous studies. Collaboration with medical personnel such as psychiatrists and psychologists is needed to ensure appropriate and sensitive treatment of the perpetrator. However, constraints related to time and resources are often the main obstacles in such collaboration. Perpetrators with psychiatric disorders also experience significant challenges during the investigation process, feeling poorly understood and pressured by insensitive treatment from investigators. The involvement of family and companions plays an important role in providing additional emotional support and information to investigators, which can improve their understanding of the perpetrator's condition. This study highlights the importance of proper interview techniques in building effective communication with perpetrators, as has

been stated in previous studies. Although the Belawan Port Police have standard operational procedures for these cases, implementation in the field still faces challenges. The procedure is often considered to be inflexible and requires further adjustment to real-world situations. Recommendations from this study include increased training for investigators, improved coordination with medical personnel, recognition of the important role of families and companions, and the development of more adaptive standard protocols. Overall, this study emphasizes the need for a more sensitive and coordinated approach to handling perpetrators of crimes with mental disorders. The implementation of this recommendation is expected to increase efficiency, justice, and humanity in the investigation process at the Belawan Port Police, as well as inspire further research in the context of Indonesian criminal law.

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