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Investigation of Individuals with Mental Disorders and the Interpretation of Termination by Operation of Law under the New Criminal Procedure Code

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Abstrak

Kitab Undang-Undang Hukum Pidana nasional Indonesia memperkenalkan pendekatan yang lebih terdiferensiasi terhadap pertanggungjawaban pidana penyandang disabilitas mental atau intelektual. Namun, persoalan prosedural tetap muncul ketika tersangka mengalami gangguan mental setelah perbuatan yang disangkakan dan tidak dapat berpartisipasi dalam pemeriksaan. Penelitian ini mengkaji penyidikan terhadap tersangka dengan gangguan mental serta penafsiran penghentian demi hukum dalam Kitab Undang-Undang Hukum Acara Pidana yang baru. Penelitian menggunakan metode hukum normatif dengan pendekatan perundang-undangan, konseptual, dan kasus melalui pengkajian Pasal 38 dan Pasal 39 Undang-Undang Nomor 1 Tahun 2023, alasan penghentian penyidikan, serta contoh penanganan perkara yang diberitakan. Analisis membedakan pertanggungjawaban pidana pada saat perbuatan dilakukan dari kemampuan berpartisipasi dalam proses hukum berikutnya. Ketidakmampuan tersangka memberikan keterangan tidak serta-merta menghilangkan dasar penyidikan karena pembuktian tidak hanya bergantung pada keterangan tersebut. Meskipun demikian, penelitian ini mengusulkan agar penghentian atas dasar kemanusiaan dipertimbangkan apabila pemeriksaan medis independen menetapkan ketidakmampuan untuk berpartisipasi. Usulan ini memerlukan penafsiran hukum acara yang dapat dipertanggungjawabkan, penilaian klinis yang akuntabel, serta jaminan bagi korban dan perlindungan masyarakat. Usulan tersebut disajikan sebagai argumentasi normatif, bukan akibat otomatis dari diagnosis atau disabilitas.

Kata Kunci: gangguan mental; penyidikan; pertanggungjawaban pidana; penghentian demi hukum; Kitab Undang-Undang Hukum Acara Pidana

Abstract

Indonesia's national Criminal Code introduces a more differentiated approach to criminal responsibility for persons with mental or intellectual disabilities. Procedural questions nevertheless remain when a suspect develops a mental disorder after the alleged offense and cannot participate in questioning. This study examines investigations involving suspects with mental disorders and the interpretation of termination "by operation of law" under the new Criminal Procedure Code. It uses normative legal research with statutory, conceptual, and case approaches, examining

Articles 38 and 39 of Law No. 1 of 2023, the grounds for terminating investigations, and reported examples of case handling. The analysis distinguishes criminal responsibility at the time of the offense from the capacity to participate in later proceedings. A suspect's inability to give a statement does not automatically remove the basis for investigation, since proof does not depend solely on that statement. The study nevertheless proposes that termination on humanitarian grounds be considered where an independent medical assessment establishes an inability to participate. This proposal requires a defensible interpretation of the procedural law, accountable clinical assessment, and safeguards for victims and public protection. It is presented as a normative argument rather than an automatic consequence of diagnosis or disability.

Keywords: *mental disorders; investigation; criminal responsibility; termination by operation of law; Criminal Procedure Code*

Introduction

Criminal responsibility requires the capacity to be held accountable for one's conduct.[1] A person who cannot understand the nature of that conduct may lack the capacity required for punishment. Criminal law accordingly recognizes age and certain impairments of mental capacity as relevant to responsibility, subject to the applicable legal criteria.[2] The former Indonesian Criminal Code reflected the continental European legal thought of its period. Article 44(1) provided that a person was not punishable where an act could not be attributed to them because of impaired mental development or a disorder caused by illness.

A mental disorder at the time of an offense raises the question of criminal responsibility. Under the national Criminal Code, the consequences depend on the conditions specified in Articles 38 and 39; a diagnosis alone does not establish exemption from punishment. Article 103 provides for measures such as rehabilitation, placement in another person's care, institutional care, transfer to government care, and treatment in a psychiatric hospital. The dualistic approach distinguishes the prohibited act (*actus reus*) from the offender's culpability and mental element (*mens rea*).[3] On the approach examined here, investigators and prosecutors establish the offense and relevant evidence, while the court determines whether an excuse or justification precludes punishment.[4]

An additional problem arises when a person develops a mental disorder, a mental or intellectual disability, or dementia during an investigation, although the available evidence indicates that the relevant condition was absent at the time of the alleged offense. The assessment must distinguish a clinically established condition

[1] Kharisma Wulan Fadhila, "Reformasi Hukum Pidana dan Pertanggungjawaban Korporasi dalam UU KUHP 2023," *Action Research Literate* 8, no. 3 (2024): 649–657.

[2] Rodliyah, Any Suryani, and Lalu Husni, "Konsep Pertanggungjawaban Pidana Korporasi (Corporate Crime) dalam Sistem Hukum Pidana Indonesia," *Journal Kompilasi Hukum* 5, no. 1 (2021): 191–206, https://doi.org/10.29303/jkh.v5i1.43.

[3] Lukman Hakim, "Implementasi Teori Dualistis Hukum Pidana di dalam Rancangan Kitab Undang-Undang Hukum Pidana (RKUHP)," *Krtha Bhayangkara* 13, no. 1 (2019): 1–16, https://doi.org/10.31599/krtha.v13i1.12.

[4] Arry Wirawan, Ambon Esa, and Valentina Fibrini H, "Tinjauan Yuridis Tindak Pidana Membujuk Anak Melakukan Persetubuhan yang Dilakukan oleh Anak (Studi Putusan No. 2/Pid.Sus.Anak/2021/PN.JNP)," *Pledoi* 1, no. 3 (2023): 205–216.

from a disputed claim of impairment. A later condition raises procedural questions about participation without necessarily removing responsibility for earlier conduct. It may also require treatment or care, depending on the competent authority's decision and the applicable law.

The central procedural issue is whether an investigation or prosecution can continue when a suspect cannot understand questions or communicate because of a mental condition. This concerns the person's present capacity to participate, as distinct from responsibility at the time of the offense. The question is how procedural law should respond where questioning or participation in judicial proceedings is not presently possible.

Article 24(2)(c) of the new Criminal Procedure Code retains termination "by operation of law" (*demi hukum*) as a ground for ending an investigation. A final decision concerning the same case, expiry of the limitation period, and the suspect's death are separately listed in Article 24(2)(d)–(f).[5] The elucidation does not further define the phrase. Reported practice has also raised questions about ending proceedings where a suspect's health prevents questioning. These circumstances differ from a deliberate refusal to attend: proceedings *in absentia* are available only where the applicable law permits them. Illness beyond the suspect's control therefore requires separate consideration. The issue addressed here is whether, and on what legal basis, a medically established inability to participate could justify termination on humanitarian grounds.

Research Method

This study uses normative legal research with statutory, conceptual, and case approaches. It examines the distinction between criminal responsibility and procedural participation through the national Criminal Code, the grounds for terminating investigations under the Criminal Procedure Code, and the reported cases and scholarship identified in the discussion. The analysis develops a normative interpretation of termination by operation of law; it does not present an empirical survey of investigative practice.

Analytical Scope and Evidentiary Limits

The inquiry distinguishes the person's mental condition at the time of the alleged offense, present capacity to understand and participate in proceedings, and the admissibility and assessment of medical evidence. These questions concern substantive responsibility, procedural participation, and proof respectively. The reported cases illustrate legal problems rather than a systematic survey of practice. A diagnosis, a disability status, and a legal finding of incapacity are distinct; the study does not assume that a person with a psychosocial disability necessarily lacks criminal responsibility.

Results and Discussion

Doctrinal Clarification and Application

Articles 38 and 39 concern the person's legally relevant condition at the time of the offense and do not automatically authorize termination for a condition arising later. Present inability to participate may require clinical assessment, reasonable accommodation, legal assistance, adjusted scheduling, or another procedural

[5] Republic of Indonesia, Law No. 20 of 2025 on the Criminal Procedure Code, art. 24(2).

response with an independent legal basis. Article 24(2) of Law No. 20 of 2025 must be interpreted with attention to its enumerated grounds and safeguards. Extending "by operation of law" to illness requires a defensible statutory interpretation. An expectation that punishment will not ultimately be imposed does not, by itself, displace the court's role. Victims' rights, patient safety, and access to treatment remain relevant.

Capacity for responsibility is a foundational element of culpability. Punishment requires both a prohibited act and culpability attributable to the offender, making their mental condition at the time of the offense legally significant. A diagnosed mental disorder does not necessarily eliminate the capacity to understand or control conduct. Some conditions may substantially impair that capacity; others may not. Article 44 of the former Criminal Code addressed acts that could not be attributed to the person because of impaired mental development or illness and allowed the court to order psychiatric treatment. The provision is generally understood as an exculpatory ground: the issue concerns the person's blameworthiness, rather than the absence of an unlawful act.

Article 44 used broad concepts of impaired mental development and impairment caused by illness without expressly establishing a graduated classification of responsibility. Difficulty arises where an impairment substantially affects understanding or control without eliminating capacity altogether. In Case No. 144/Pid.B/2014/PN.Cj, involving murder and mutilation, the defendant was reportedly diagnosed with paranoid schizophrenia. The legal issue concerned the relationship between that condition and responsibility, rather than proof of the physical act alone.[6]

A medical diagnosis therefore cannot automatically exempt a person from criminal responsibility. The legally relevant question is how the condition affected their capacity at the time of the offense. Law No. 1 of 2023 gives this assessment a more differentiated statutory form. The national Criminal Code came into force on January 2, 2026, replacing the former code within a national criminal law framework grounded in *Pancasila* and the 1945 Constitution.

Articles 38 and 39 distinguish different conditions and consequences. Article 38 permits a reduced sentence and/or measures where a person had a mental and/or intellectual disability at the time of the offense. Article 39 excludes punishment under its specified conditions, involving an acute relapse accompanied by psychotic features and/or a moderate or severe intellectual disability, while allowing measures. The distinction introduces a graduated approach to responsibility rather than treating every impairment as either full capacity or complete incapacity.[7]

The provisions share a temporal requirement: the relevant condition must exist when the offense is committed. They differ in the conditions specified and in their consequences. Article 38 permits mitigation and/or measures; Article 39 precludes punishment where its narrower criteria are satisfied and permits

[6] Arkadiusz Lach, "Individual Prevention in Criminal Procedure," *Baltic Journal of Law & Politics* 14, no. 1 (2021), https://doi.org/10.2478/bjlp-2021-0001.

[7] Laura Ausserladscheider Jonas, "Actus Reus and Mens Rea in International Criminal Law," in *Individual Criminal Responsibility for the Financing of Entities Involved in Core Crimes* (Brill Nijhoff, 2021), 40–48, https://doi.org/10.1163/9789004470934_004.

measures instead. These alternatives require an individualized assessment rather than a conclusion based solely on the presence of a diagnosis.[8]

The overlap in terminology between Articles 38 and 39 may complicate their application, particularly when identifying the degree of impairment relevant to each provision. Neither the shared terminology nor the possibility of recurring symptoms removes the need to apply the distinct statutory criteria. Under the former code, Article 44(1) addressed non-attributability, while paragraph (2) authorized judicial placement in a psychiatric hospital for a probationary period of up to one year. The two paragraphs concern responsibility and the resulting measure, rather than establishing separate categories of permanent and temporary illness.

The purpose of these rules is to distinguish persons who can fairly be held culpable from those whose mental condition makes full criminal punishment inappropriate, while protecting victims and the public. The national Criminal Code places greater emphasis on proportionality, individualized assessment, rehabilitation, and public protection. Applying these principles to complex mental conditions remains a practical challenge. The distinction between prohibited conduct and responsibility concerns substantive law; the treatment of a suspect who cannot participate in questioning concerns procedural law.[9]

Designating a person as a suspect does not depend solely on a confession or statement from that person. The article questions the treatment, under the new Criminal Procedure Code, of the requirement to examine a prospective suspect discussed in Constitutional Court reasoning. Its argument is that suspect designation rests on the required evidence, rather than an admission. A suspect also retains the right to contest allegations and present a defense.[10]

The absence of a suspect's statement therefore does not, by itself, determine whether an investigation must continue or end. Death raises a different issue because it extinguishes the basis for prosecution under the relevant legal rules. Under the former Criminal Procedure Code, termination “by operation of law” was understood in connection with grounds such as expiry of the limitation period, *ne bis in idem*, and the suspect's death. The new code lists those grounds separately.[11]

The retention of “by operation of law” in Article 24 raises a question about its scope once several traditional grounds are separately enumerated. The article asks whether it could encompass a medically established inability to participate. Reported discussions of former President Soeharto's case concern termination at the prosecution stage after a finding of permanent illness, described as mixed non-fluent aphasia. The discussion also considers humanitarian grounds in the case of former East Kalimantan Governor Syaukani. These examples require distinctions between investigation, prosecution, judicial proceedings, and other forms of

[8] Republic of Indonesia, Law No. 1 of 2023 on the Criminal Code, arts. 38–39.

[9] Rahardian Ayu Saputri and Yosua Fernando, “Eradication Efforts by Police on Criminal Act of Abortion Committed by Children at Regional Area of North Sumatera Police Station,” *Jurnal Ilmu Hukum Prima* 1, no. 1 (2018): 89, https://jurnal.unprimdn.ac.id/index.php/IHP/article/download/303/199.

[10] Erdianto Effendi, “Relevansi Pemeriksaan Calon Tersangka Sebelum Penetapan Tersangka Sebagaimana Ketentuan Kitab Undang-Undang Hukum Acara Pidana,” *Undang: Jurnal Hukum* 3, no. 2 (2020): 267–288, https://doi.org/10.22437/ujh.3.2.267-288.

[11] Abintoro Prakoso, *Diskresi Kewenangan Polisi pada Tahap Penyidikan* (Yogyakarta: Aswaja Pressindo, 2019).

sentence relief. They illustrate the debate but do not, without the relevant decisions, establish a general legal power to terminate an investigation because of illness.[12]

Reliance on Article 44 alone to discontinue proceedings creates a difficulty: the provision concerns substantive responsibility, whereas termination requires a procedural legal basis. Reported cases nevertheless show different responses, including termination at the investigation or prosecution stage and judicial orders for psychiatric treatment. Table 1 summarizes the examples discussed in the cited literature.

Table 1. Reported Handling of Cases Involving Mental Disorders or Intellectual Disabilities

No.	Case	Reported Response by the Competent Authority
1.	Former President Soeharto. On May 11, 2006, the South Jakarta District Attorney's Office reportedly terminated proceedings following a finding of permanent illness described as mixed non-fluent aphasia, affecting communication. The cited account discusses reliance on Article 44 of the former Criminal Code.	Proceedings terminated at the prosecution stage
2.	Lisa, Cakung, East Jakarta. The cited account concerns a mother who fatally stabbed her child and underwent a psychiatric assessment at Kramat Jati Police Hospital.	Proceedings reportedly terminated at the investigation stage
3.	Ferdiansyah bin Sukardi, Kaur Regency, Bengkulu, 2014. The case concerned the killing of his mother, Suyanti, and an alleged offense under Article 44(3) of Law No. 23 of 2004 on the Elimination of Domestic Violence.	Ordered by the court to receive treatment at a psychiatric hospital
4.	Rudini bin Wasman, Kaur Regency, Bengkulu, 2014. The case concerned the killing of his father, Wasman, and an alleged offense under Article 44(3) of Law No. 23 of 2004 on the Elimination of Domestic Violence.	Ordered by the court to receive treatment at a psychiatric hospital
5.	Riduan Maisa bin Andi Rifa'i, Kaur Regency, Bengkulu, 2015. The case concerned the stabbing of Susila Nurhayati and an alleged offense under Article 351(1) of the former Criminal Code.	Ordered by the court to receive treatment at a psychiatric hospital
6.	Ali Yusuf, also known as Usuf or Kucui, Padang, 2018. The case concerned an assault on his parent, Syamsuar, and alleged offenses under Article 44(1) and (2) of Law No. 23 of 2004 on the Elimination of Domestic Violence.	Ordered by the court to receive treatment at a psychiatric hospital

Source: Therry Gutama and Fadillah Sabri, 2024. The examples are reported in secondary literature.

Table 1 illustrates variation in the reported responses. Two cases ended during investigation or prosecution; four proceeded to court and resulted in orders for

[12] Therry Gutama and Fadillah Sabri, "Penghentian Penuntutan terhadap Pelaku Gangguan Jiwa Berat Berkaitan dengan Proses Peradilan Pidana di Indonesia," *UNES Law Review* 6, no. 4 (2024): 12194–12208.

psychiatric treatment. This limited set of examples suggests differences in institutional interpretation. It does not establish how most law enforcement officials approach such cases.

The argument for continuing proceedings rests on the criminal justice system's functions of establishing what occurred and determining culpability. Public accountability may favor judicial examination even where an offender has a mental disorder. The dualistic approach supports a distinction between proof of the prohibited act and assessment of responsibility.[13]

Responsibility for persons with mental disorders brings criminal law into contact with psychiatry and public protection. Article 44 of the former Criminal Code provided for non-punishment where an impairment prevented attribution of the act and permitted a judicial order for psychiatric treatment.[14]

Reported attacks on religious leaders have prompted skepticism when perpetrators were described as having mental disorders. Judicial examination may help address uncertainty by allowing the evidence of responsibility to be assessed openly. The Lisa case, also listed in Table 1, illustrates a different response. According to the account discussed in the manuscript, police arranged a psychiatric assessment after the death of her child, then discontinued proceedings and arranged hospital treatment. The legal significance of this account depends on the underlying records and the procedural basis for the decision.

The Lisa example is presented as an instance in which a psychiatric assessment influenced a decision at the investigation stage. It differs from cases resolved through a judicial treatment order. Such reported variation shows that medical findings may affect several stages of proceedings, while leaving open the question of the proper legal basis for each decision.[15]

The cases involving Ferdiansyah bin Sukardi, Rudini bin Wasman, Riduan Maisa bin Andi Rifa'i, and Ali Yusuf followed a different reported course. They proceeded to trial and resulted in psychiatric treatment orders. The literature describes a one-year probationary period, with the prosecutor implementing the order after the judgment became final. These examples illustrate the distinction between an early decision to discontinue proceedings and a court's determination of responsibility and treatment. They do not, by themselves, establish that Article 44 conferred an identical termination power on investigators, prosecutors, and judges.

The competing argument invokes the principles of a prompt, simple, and affordable justice process. The article argues that full proceedings may impose unnecessary burdens where a properly established impairment makes punishment legally unavailable and no further judicial determination is required. It also emphasizes the suffering experienced by the person and their family. That humanitarian argument requires an individualized assessment; it cannot rest on the

[13] Mary A. Watt, "Guido and the Guilty Mind: Mens Rea and Actus Reus in Inferno 27," *Forum Italicum* 53, no. 2 (2019): 318–326, https://doi.org/10.1177/0014585819831969.

[14] Ikhsan Alfarisi, "Psikater dalam Sistem Peradilan Pidana," *AL WASATH Jurnal Ilmu Hukum* 1, no. 1 (2020): 47–56, https://journal.unusia.ac.id/index.php/alwasath/article/view/30.

[15] Ramona Coman, "Quo Vadis Judicial Reforms? The Quest for Judicial Independence in Central and Eastern Europe," *Europe-Asia Studies* 66, no. 6 (2014): 892–924, https://doi.org/10.1080/09668136.2014.905385.

assumption that every person with a mental or intellectual disability is exempt from punishment.[16]

Judges rely on clinical expertise when assessing a person's mental condition. Investigators can likewise obtain a psychiatrist's opinion at an early stage. An early assessment may clarify diagnosis and participation needs, while the legal consequences remain for the competent authority to determine under the applicable law.

Other grounds of justification or excuse, including self-defense, compliance with a lawful order, statutory authority, or necessity, may involve different legal assessments. A court may reach a conclusion different from that of investigators or prosecutors after evaluating the evidence and the applicable criteria.[17]

The humanitarian position developed in this article emphasizes the suffering associated with severe impairment and the restrictions that may accompany psychiatric hospitalization. Treatment can involve close supervision and substantial limits on liberty. The article argues that these consequences should inform a proportionate response and that imposing additional punishment may be unjust where legal responsibility is absent. Whether time spent in treatment has any legal effect on a later sentence depends on the applicable rules; illness itself does not automatically amount to a sentence served.[18]

A dualistic framework also seeks to balance the interests of victims and persons accused of an offense. Investigators and prosecutors perform state functions, while the court assesses disputed grounds of justification or excuse impartially. The adversarial limits of the investigation stage make access to defense rights and procedural safeguards important.[19]

An open trial allows a defendant to contest the allegations and present a defense. Clinical assessment may establish a mental condition early in proceedings, but diagnosis must still be distinguished from the legal consequences of that condition.[20] The article therefore proposes examining whether termination "by operation of law" could encompass humanitarian circumstances in which an independently assessed illness prevents participation in questioning or proceedings.[21]

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[16] Le Thi Hong Luong and Caitlin Wyndham, "What We Know about Human Traffickers in Vietnam," *Anti-Trafficking Review*, no. 18 (2022): 33–48, https://doi.org/10.14197/atr.201222183.

[17] Mindaugas Bilius, Žaneta Navickienė, and Vilius Velička, "Hate Crimes: Evaluation of Lithuanian Courts' Decisions in the Light of the Practice of the European Court of Human Rights," *Baltic Journal of Law & Politics* 14, no. 1 (2021): 22–47, https://doi.org/10.2478/bjlp-2021-0002.

[18] Roosmarijn M. S. van Es et al., "Opening the Black Box of Judicial Decision-Making in Cases with Forensic Mental Health Reports: A Qualitative Study from the Netherlands," *Journal of Forensic Psychology Research and Practice* 25, no. 1 (2025): 55–80, https://doi.org/10.1080/24732850.2023.2249455.

[19] Pratiwi Hozeng, Fajar Sugianto, and Tomy Michael, "Telaah Profiling Subjek Hukum yang Terkait Tindak Pidana Kriminalitas," *Court Review* 1, no. 2 (2021): 1–11.

[20] Isaac Taylor, "Justice by Algorithm: The Limits of AI in Criminal Sentencing," *Criminal Justice Ethics* 42, no. 3 (2023): 193–213, https://doi.org/10.1080/0731129X.2023.2275967.

[21] Muhammad Rizky Kaisar and Chepi Ali Firman, "Pertanggungjawaban Pidana Pelaku yang Melakukan Tindak Pidana dalam Keadaan Tidak Sadar Diri (Trance) Menurut Perspektif Hukum Pidana Indonesia dan Hukum Pidana Islam," *Bandung Conference Series: Law Studies* 3, no. 1 (2023), https://doi.org/10.29313/bcsls.v3i1.4944.

The proposed interpretation seeks to avoid unnecessary proceedings while preserving an appropriate response to the offense. The article's humanitarian reasoning views serious illness as a source of suffering that may weigh against further punitive intervention. Its legal analysis traces a movement from Article 44 of the former code toward the more differentiated approach in Articles 38 and 39. That approach distinguishes mitigation from exemption from punishment and allows treatment measures in the circumstances prescribed by law. The resulting framework seeks proportional responsibility, public protection, and respect for the person's rights and dignity.[22]

The article also discusses responses outside criminal punishment, including customary resolution and theological perspectives. In the Islamic perspective invoked here, illness may be understood as a form of atonement. This ethical argument treats the suffering associated with illness as relevant to a humane response. It remains distinct from the legal requirements governing responsibility, treatment, and termination of proceedings and does not itself supply a statutory ground for discontinuance.[23]

Limitations and Scope of the Findings

The assessment must establish the timing and nature of an impairment, the competent clinical and legal evaluation, and the resulting procedural consequence and means of review. Temporary inability to participate, permanent inability to participate, and non-responsibility at the time of the act may require different responses. Disability cannot be equated with death as a legal ground for termination. The proposed humanitarian interpretation remains a normative argument where procedural law does not expressly provide the suggested mechanism.

Conclusion

This study proposes that termination “by operation of law” be examined as a possible humanitarian response where an independently established mental condition prevents a suspect from participating in proceedings. The proposal is grounded in proportionality and the principles of a prompt, simple, and affordable justice process. It requires a defensible statutory basis, competent medical assessment, and protection of victims and the public; diagnosis or disability alone is insufficient. Responsibility at the time of the offense must remain distinct from present capacity to participate. Article 44 of the former Criminal Code addressed non-attributability and allowed judicial treatment orders. Articles 38 and 39 of the national Criminal Code provide a more graduated framework, distinguishing possible mitigation and measures from circumstances in which punishment is excluded. The article's argument for avoiding unnecessary proceedings must therefore be applied through these separate substantive and procedural inquiries. A proportionate response considers the prohibited act (*daad*), the offender's legally relevant capacity (*dader*), rehabilitation, public protection, and human dignity.

[22] Mirko Bagaric, *Punishment and Sentencing: A Rational Approach* (Routledge, 2001).

[23] Fariaman Laia, “Tinjauan Yuridis Pemidanaan Pelaku Tindak Pidana Persetubuhan terhadap Anak,” *Jurnal Panah Keadilan* 2, no. 1 (2023): 69–84.

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