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The Role of Forensic Psychiatry in Handling Victims and Perpetrators of Domestic Violence in the Indonesian Legal System

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ABSTRACT

This study explores the role of forensic psychiatry in handling victims and perpetrators of domestic violence within the Indonesian legal system. Domestic violence (DV) remains a significant social issue globally, and Indonesia is no exception. Despite legal protections in place, such as Law No. 23/2004 on the Elimination of Domestic Violence, there is a lack of comprehensive integration of forensic psychiatry in legal proceedings. This qualitative study, using a literature review approach, synthesizes findings from relevant scholarly articles, books, and legal documents related to forensic psychiatry's role in domestic violence cases. Data were collected through library research, focusing on both theoretical perspectives and empirical studies from various international contexts. The findings suggest that forensic psychiatry plays a critical role in assessing the psychological state of both perpetrators and victims, influencing legal outcomes, and facilitating rehabilitative strategies. However, the integration of forensic psychiatric practices in the Indonesian legal system is limited, primarily due to a lack of standardized procedures and trained professionals. The study emphasizes the importance of adopting forensic

KEYWORDS

Forensic psychiatry, Domestic violence, Qualitative research, Legal system.

psychiatric evaluations in domestic violence cases to improve the effectiveness of legal interventions and support victims' mental health needs. The research also recommends developing standardized guidelines for forensic psychiatric assessments and enhancing collaboration between the legal and mental health sectors. This study contributes to the understanding of how forensic psychiatry can improve the judicial handling of domestic violence cases and promote restorative justice.

1. INTRODUCTION

Domestic violence (DV) continues to be a significant social issue worldwide, with devastating effects on both victims and society at large. In Indonesia, domestic violence remains a pervasive problem despite the legal protections provided by Law No. 23/2004 on the Elimination of Domestic Violence (Arief, 2017). DV not only impacts the physical well-being of victims but also results in long-lasting psychological and emotional consequences. Forensic psychiatry, the application of psychiatric knowledge to legal matters, plays a crucial role in identifying, diagnosing, and managing mental health issues related to both victims and perpetrators (Canter & Youngs, 2012). This discipline has the potential to bridge the gap between legal frameworks and mental health care, but its integration into the Indonesian legal system remains underdeveloped (Perera & Verghese, 2011).

Despite the presence of legal frameworks aimed at protecting victims and prosecuting perpetrators of domestic violence, Indonesia faces significant challenges in the integration of mental health assessments into domestic violence cases. Research on the involvement of forensic psychiatry in the Indonesian legal system is limited, particularly regarding its role in evaluating perpetrators' mental states and the psychological needs of victims (Sukabdi, 2018). There is also a lack of empirical data concerning how forensic psychiatry can influence the effectiveness of judicial decisions and the long-term rehabilitation of both victims and perpetrators. A substantial research gap exists in understanding how forensic psychiatry can improve the legal process for domestic violence cases in Indonesia (Muniroh & Heydon, 2022).

This study is urgent given the rising incidence of domestic violence in Indonesia, which is compounded by the challenges of legal and psychological interventions. The World Health Organization (against Women, 2021) reports that violence against women, particularly intimate partner violence, remains one of the most under-reported forms of abuse globally, and Indonesia is no exception. While the legal system has made strides with the establishment of domestic violence laws, the lack of forensic psychiatric expertise means that many cases are inadequately handled, often resulting in re-offending and continued victimization (Muniroh & Heydon, 2022). The need to integrate forensic psychiatric evaluations in the judicial process is crucial not only for the effectiveness of the legal system but also for improving the mental health outcomes of those affected by domestic violence (Dowling et al., 2014).

Prior studies have explored the relationship between mental health issues and domestic violence but have often been limited in scope or context. Research by Howard et al. (2014) indicated that perpetrators of domestic violence frequently exhibit mental health disorders, such as antisocial personality disorder and depression, which can affect their culpability and rehabilitation potential (Howard et al., 2014). Similarly, Sullivan & Bybee (1999) found that psychiatric evaluations of victims of domestic violence are essential for providing appropriate therapeutic interventions and ensuring their safety (Sullivan & Bybee, 1999). However, few studies have focused on the specific role of forensic psychiatry within the Indonesian legal context, highlighting the novelty of this study in filling that gap (Sumampouw, 2023).

This study introduces a novel approach by combining legal and psychological frameworks in the Indonesian context, with an emphasis on forensic psychiatry's role in handling both victims and perpetrators of domestic violence. The novelty lies in exploring how forensic psychiatric evaluations can influence judicial decisions, impact the rehabilitation of perpetrators, and guide the provision of mental health support for victims (Strand et al., 1999). This research also proposes an integrative model that includes standardized forensic psychiatric practices in the Indonesian legal system, an area that remains underexplored in existing literature (King & Batagol, 2010).

The primary objective of this study is to explore the role of forensic psychiatry in handling victims and perpetrators of domestic violence within the Indonesian legal system. Specifically, the study aims to:

- Examine the integration of forensic psychiatric evaluations in domestic violence cases.
- Assess the influence of forensic psychiatric assessments on the legal outcomes for perpetrators.
- Explore the psychological needs of victims and how forensic psychiatry can address them within the legal context (Pemberton & Vanfraechem, 2015).

The significance of this research lies in its potential to improve the legal and psychological handling of domestic violence cases in Indonesia. By incorporating forensic psychiatry into the judicial process, this study could lead to more informed decision-making, enhanced rehabilitation of perpetrators, and better mental health outcomes for victims. The findings may also inform future policy recommendations, such as the establishment of training programs for legal and psychiatric professionals, the development of standardized evaluation protocols, and the integration of restorative justice practices (Zehr, 2015).

Forensic Psychiatry

Forensic psychiatry is a specialized branch of psychiatry that intersects with the legal system, focusing on the application of psychiatric knowledge in legal contexts, including assessments of mental state, criminal responsibility, and competence to stand trial (Bartol & Bartol, 2018). This field plays a crucial role in determining whether an individual's mental health condition can be a mitigating factor in criminal offenses, particularly in cases where perpetrators of violent crimes, including domestic violence, claim to have impaired judgment or capacity due to mental illness (Dobash & Dobash, 2003). Forensic psychiatrists are often called upon as expert witnesses in legal proceedings, where their evaluations influence court decisions regarding criminal responsibility, sentencing, and the need for psychiatric treatment (Van Es et al., 2020). In domestic violence cases, forensic psychiatry helps clarify the psychological condition of both victims and perpetrators, offering critical insight into the dynamics of abuse and the potential psychiatric disorders that may contribute to such

behavior (Henrichs et al., 2015). However, the integration of forensic psychiatry in legal systems varies widely across jurisdictions, and in many countries, including Indonesia, the field remains underutilized, leading to gaps in justice and care (Tully et al., 2024).

Domestic Violence

Domestic violence (DV) refers to a pattern of abusive behavior used by one individual to control or dominate another in an intimate relationship. It includes physical, emotional, sexual, and psychological abuse, often with the perpetrator exerting power and control over the victim (against Women, 2021). The World Health Organization (WHO) estimates that one in three women globally experience physical or sexual violence, with intimate partner violence being one of the most pervasive forms of abuse (against Women, 2021). Domestic violence not only affects the victims physically but has profound psychological consequences, including PTSD, depression, and anxiety disorders (Campbell, 2002). In the context of forensic psychiatry, understanding the psychological impact of domestic violence on victims is essential, as it can influence the legal process in cases of domestic violence (Karakurt et al., 2014). On the other hand, perpetrators of domestic violence often exhibit mental health issues such as substance abuse, personality disorders, and anger management problems, which forensic psychiatry can help identify and assess (Popa-Nedelcu et al., 2020). A key challenge in addressing domestic violence lies in the inadequacy of psychiatric evaluations within legal proceedings, which can result in inadequate interventions and increased recidivism among perpetrators. Furthermore, victims often face psychological trauma that requires specialized psychiatric care, which remains inaccessible in many legal systems (Campbell, 2002).

2. METHODS

This study adopts a qualitative research approach, employing a Literature Review method to explore the role of forensic psychiatry in handling victims and perpetrators of domestic violence within the Indonesian legal system. The qualitative approach was chosen to gain a deeper understanding of the complex intersection between legal processes, mental health, and the justice system in Indonesia. Through the literature review, this research aims to synthesize existing theoretical frameworks, empirical findings, and legal perspectives that are related to forensic psychiatry's involvement in domestic violence cases, specifically focusing on its potential application and challenges within the Indonesian context.

The data sources for this study include scholarly articles, books, reports, and relevant legal documents. These sources were gathered through comprehensive searches in academic databases such as Google Scholar, PubMed, and Scopus. The literature selected encompasses various disciplines, including forensic psychiatry, criminal law, psychology, and social work, to provide a holistic view of the issues at hand (Miller, 2012). The data collection process involved documentary research, which entailed reviewing and selecting key documents that address the role of forensic psychiatry in domestic violence cases, both from global and local perspectives. This also includes a detailed analysis of Indonesian legal documents related to domestic violence, such as Law No. 23/2004 on the Elimination of Domestic Violence, and the existing gap in the integration of forensic psychiatric evaluations in the legal proceedings.

For data analysis, the study employs thematic analysis, a widely used method in qualitative research to identify, analyze, and report patterns (themes) within data (Braun & Clarke, 2006). This method allows for an in-depth exploration of the themes that emerge from the literature, such as the psychological impact of domestic violence on victims, the mental health disorders associated with perpetrators, and the challenges faced by forensic psychiatrists in Indonesia. Thematic analysis was chosen because of its flexibility and ability to provide rich, detailed, and complex descriptions of the literature. The process involves coding the data to identify patterns related to forensic psychiatric practices, legal implications, and the intersections between mental health and criminal justice. Through this, the research aims to highlight the gaps in the current Indonesian legal framework and propose an integrative approach that could improve the handling of domestic violence cases from both a psychological and legal standpoint (Green & Thorogood, 2018).

Additionally, this study will examine how forensic psychiatric evaluations can potentially influence the legal outcomes for both victims and perpetrators, providing a clearer understanding of how mental health issues contribute to criminal responsibility and the rehabilitation process. It will also look into the institutional barriers that hinder the use of forensic psychiatry in domestic violence cases, such as the lack of trained professionals, the absence of standardized procedures, and limited collaboration between legal and healthcare institutions. The findings from this research are expected to contribute to the development of a more comprehensive model of handling domestic violence cases, integrating forensic psychiatric expertise into the legal process to ensure fair and effective interventions.

3. RESULTS AND DISCUSSION

In the process of conducting this literature review, a comprehensive search of relevant academic articles, legal documents, and psychiatric studies was performed. After an extensive screening process, a total of 10 articles were selected based on their relevance, quality, and contribution to understanding the role of forensic psychiatry in handling victims and perpetrators of domestic violence within the Indonesian legal context. These selected articles represent key findings from various studies that address forensic psychiatric evaluations, domestic violence, mental health disorders, and the integration of psychiatric expertise in legal proceedings.

The articles were selected after applying specific inclusion criteria, such as studies published in peer-reviewed journals, articles that included empirical data, and those that provided insights into both forensic psychiatric practices and legal frameworks. The final selection of articles has been summarized in the table below, which provides an overview of the authors, study titles, the country of origin, research methodology, main findings, and recommendations. This table serves as a key result of the literature review, synthesizing the core contributions to the research topic.

Table 1. Literature Data Results of Literature Studies

Author & Year	Article Title	Key findings
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(Mandarelli et al., 2019)	The Factors Associated with Forensic Psychiatrists' Decisions in Criminal Responsibility and Social Dangerousness Evaluations	Highlights the factors influencing forensic psychiatrists' decisions regarding criminal responsibility and social dangerousness, focusing on mental health disorders in perpetrators.
(Van Es et al., 2020)	Forensic Mental Health Expert Testimony and Judicial Decision-Making: A Systematic Literature Review	Concludes that forensic psychiatric expert testimony plays a crucial role in judicial decision-making, influencing legal outcomes and sentencing.
(Golding, 1999)	Intimate Partner Violence as a Risk Factor for Mental Disorders: A Meta-Analysis	Concludes that intimate partner violence significantly increases the risk of mental disorders, such as PTSD, anxiety, and depression, in victims.
(Melton et al., 2017)	Psychological Evaluations for the Courts: A Handbook for Mental Health Professionals and Lawyers	Emphasizes the importance of psychological evaluations for courts to provide mental health perspectives for both perpetrators and victims, supporting legal decisions.
(Fariña et al., 2014)	Assessment of the Standard Forensic Procedure for the Evaluation of Psychological Injury in Intimate-Partner Violence	Evaluates the standard forensic procedure for psychological injury assessments in intimate partner violence and the importance of standardization in such evaluations.
(Walvisch, 2023)	Sentencing Offenders with Self-Induced Mental Disorders: Towards a Theory of Meta-Culpability	Discusses the theory of meta-culpability regarding offenders who develop mental disorders due to their own actions and its impact on sentencing and criminal responsibility.

The table above provides an overview of the key articles selected for this literature review. These studies were chosen for their relevance to forensic psychiatry and its application in domestic violence cases. The findings highlight the significant role of forensic psychiatric evaluations in improving both legal outcomes and mental health interventions for victims and

perpetrators alike. Each of the selected studies brings a unique perspective to understanding the intersection of forensic psychiatry and the legal system.

Interpretation of Data

The findings from the selected articles indicate that forensic psychiatry plays a crucial and multifaceted role in both the assessment of perpetrators and the support of victims within domestic violence cases. The literature reveals a consistent emphasis on the necessity of psychiatric evaluations in understanding the psychological conditions of perpetrators, as many exhibit underlying mental health disorders, such as personality disorders and substance abuse, which significantly impact their behavior. Several studies, including those by Mandarelli et al. (2019), highlight the importance of forensic psychiatry in determining the criminal responsibility of perpetrators, potentially mitigating their culpability in cases where psychiatric conditions are a contributing factor (Mandarelli et al., 2019). These findings align with the increasing recognition of forensic psychiatric evaluations as vital for providing expert testimony that influences legal decisions and sentencing, as emphasized by (Van Es et al., 2020).

On the victim side, the literature consistently underscores the profound psychological impact of domestic violence, with victims frequently suffering from conditions such as PTSD, anxiety, and depression (Golding, 1999). These studies suggest that psychiatric support for victims is equally crucial, not only for their recovery but also for ensuring their safety and well-being in the long term. The role of forensic psychiatry in assessing the trauma experienced by victims and recommending appropriate interventions is well documented, and such evaluations are seen as essential for informing legal strategies, including protective orders and rehabilitation plans (Melton et al., 2017).

Additionally, the need for standardized forensic psychiatric practices is highlighted by several authors, including Fariña et al. (2014). These studies emphasize the importance of establishing protocols for forensic psychiatric evaluations in domestic violence cases, both to improve the quality of legal proceedings and to ensure that both perpetrators and victims receive the appropriate care and justice (Fariña et al., 2014). The literature also suggests that integrating forensic psychiatry into legal frameworks in countries like Indonesia would greatly enhance the judicial process, ensuring that mental health issues are adequately addressed and reducing the risk of reoffending (Walvisch, 2023).

In conclusion, the data reviewed from the selected articles clearly demonstrates the critical role of forensic psychiatry in domestic violence cases. The consistent findings across multiple studies indicate that forensic psychiatric evaluations are vital for both understanding the mental health of perpetrators and supporting the psychological recovery of victims. These evaluations not only influence legal outcomes but also provide essential mental health interventions, ultimately leading to a more comprehensive and effective approach to addressing domestic violence in the legal system.

Discussion

The findings from the literature review underscore the critical role of forensic psychiatry in understanding and addressing both the perpetrators and victims of domestic violence (DV).

As seen in the studies reviewed, forensic psychiatric evaluations are indispensable in providing a comprehensive understanding of the mental health conditions that influence criminal responsibility and behavior in DV cases (Hilton et al., 2019). Perpetrators of domestic violence often exhibit mental health disorders, such as antisocial personality disorder, substance abuse, and mood disorders (Taherifard & MIKAEILI, 2019), which complicate the legal process and necessitate psychiatric intervention. These findings align with the increasing recognition of forensic psychiatric evaluations as vital for providing expert testimony that influences legal decisions and sentencing, as emphasized by (Van Es et al., 2020).

On the victim side, the literature consistently underscores the profound psychological impact of domestic violence, with victims frequently suffering from conditions such as PTSD, depression, and anxiety (Lortkipanidze et al., n.d.). This is consistent with the theories of trauma-informed care, which emphasize the need for a comprehensive understanding of the victim's mental health in order to provide effective intervention (Green & Thorogood, 2018). Furthermore, Mackay (2023) explores how both victims and perpetrators of domestic violence experience profound emotional and psychological harm, reinforcing the need for specialized forensic psychiatric care to address the trauma faced by victims (Mackay, 2023). The application of forensic psychiatry to evaluate the psychological state of victims and recommending appropriate interventions is well documented and seen as essential for informing legal strategies, including protective orders and rehabilitation plans (Fariña et al., 2014). Additionally, Tsirigotis & Łuczak (2016) further elaborates on the role of emotional intelligence in marital decisions and how emotional resilience can influence the outcomes in domestic violence cases, emphasizing the need for comprehensive psychological evaluations (Tsirigotis & Łuczak, 2016). Studies by Graham-Bermann & Levendosky (1998) also highlight the significant link between childhood trauma and the psychological conditions that emerge in domestic violence cases, further supporting the need for early mental health interventions for victims (Graham-Bermann & Levendosky, 1998).

The need for standardized forensic psychiatric practices is highlighted by several authors, including (Glancy et al., 2015). These studies emphasize the importance of establishing protocols for forensic psychiatric evaluations in domestic violence cases, both to improve the quality of legal proceedings and ensure that both perpetrators and victims receive the appropriate care and justice. As Akinsulure-Smith et al. (2013) point out, addressing emotional intelligence and trauma resilience is crucial for both perpetrators and victims, as it can reduce the likelihood of future violence and help in rehabilitation efforts (Akinsulure-Smith et al., 2013). The literature suggests that integrating forensic psychiatry into legal frameworks in countries like Indonesia would greatly enhance the judicial process, ensuring mental health issues are adequately addressed and reducing the risk of reoffending (Raharjanti et al., 2023). Moreover, Zhu et al. (2024) demonstrate how trauma from domestic violence negatively impacts emotional intelligence in children, which reinforces the need for early intervention and psychological support to prevent long-term emotional and behavioral problems (Zhu et al., 2024).

In Indonesia, despite the legal frameworks established by Law No. 23/2004 on the Elimination of Domestic Violence, the implementation of forensic psychiatry remains underdeveloped. The lack of trained professionals and standardized procedures for conducting forensic psychiatric evaluations in domestic violence cases remains a significant challenge. Many perpetrators of domestic violence often go unexamined psychologically, hindering the justice process, particularly when determining the appropriate legal outcome or rehabilitation program (Grommon et al., 2017). This highlights a systemic gap where

mental health considerations are not fully integrated into legal proceedings, a situation that could be improved by adopting forensic psychiatric evaluations as a standard practice in the judicial process, as advocated by several scholars (Grommon et al., 2017).

From a theoretical perspective, the integration of forensic psychiatry into the domestic violence legal framework can be supported by Restorative Justice Theory, which emphasizes healing and rehabilitation for both victims and offenders, rather than focusing solely on punishment (Mills et al., 2019). Forensic psychiatric evaluations could facilitate this approach by offering rehabilitation strategies for perpetrators while ensuring the psychological recovery of victims. This highlights the importance of a holistic approach, where mental health issues are addressed alongside legal procedures, fostering a more balanced and restorative approach to justice.

In conclusion, the results of this literature review provide compelling evidence that forensic psychiatry has the potential to greatly improve the handling of domestic violence cases. However, the successful integration of forensic psychiatric evaluations into the Indonesian legal system requires a systemic shift in how mental health is considered within the justice process. Both victims and perpetrators stand to benefit from a more comprehensive, multidisciplinary approach that incorporates forensic psychiatry into the legal framework, addressing not only legal outcomes but also mental health needs. Implementing such a model could help close the gap between law and mental health, leading to more effective interventions and ultimately a more just system.

4. CONCLUSION

This literature review has demonstrated that forensic psychiatry plays a vital role in addressing domestic violence cases by providing critical psychological evaluations of both perpetrators and victims. The studies reviewed consistently highlighted the importance of forensic psychiatric assessments in understanding the mental health conditions of perpetrators, many of whom suffer from disorders such as antisocial personality disorder, substance abuse, and mood disorders. These conditions significantly influence their behavior and legal responsibility, underscoring the need for psychiatric evaluations to guide legal decisions. For victims, forensic psychiatry offers essential support, as many experience long-lasting psychological trauma such as PTSD, depression, and anxiety. Despite the potential benefits, the integration of forensic psychiatry into the legal system, particularly in Indonesia, remains underdeveloped. The current gap in standardized psychiatric procedures and the shortage of trained professionals hinder the ability to adequately address the psychological aspects of domestic violence within the judicial process.

In light of these findings, it is clear that the inclusion of forensic psychiatric evaluations in domestic violence cases can lead to more effective legal outcomes and provide a comprehensive approach to rehabilitation for both victims and perpetrators. However, the successful integration of forensic psychiatry into the Indonesian legal system requires structural changes, including the establishment of standardized procedures, the training of legal and psychiatric professionals, and a more collaborative approach between the legal and healthcare sectors. These efforts are essential to ensure that mental health issues are properly addressed in domestic violence cases, ultimately contributing to a more just and restorative legal system.

Recommendations for Future Research

Future research should focus on examining the barriers to integrating forensic psychiatry into the Indonesian legal system, including institutional challenges, training requirements, and the development of standardized protocols for psychiatric evaluations in domestic violence cases. Further studies could also explore the impact of forensic psychiatric evaluations on legal outcomes, particularly in terms of sentencing and rehabilitation strategies for perpetrators. Additionally, research could investigate the effectiveness of mental health support systems for victims of domestic violence, focusing on the integration of forensic psychiatric care into victim protection programs. Lastly, comparative studies between different countries could provide valuable insights into best practices for the inclusion of forensic psychiatry in domestic violence legal proceedings, offering practical recommendations for improving the application of mental health expertise in justice systems globally.

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6. AUTHORS' NOTE

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