

Psycholegal Analysis of Offenders with a History of Childhood Trauma: A Case Study of Bangil District Court Decision Number 125/Pid.B/2020/PN Bil

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Abstract

This research aims to reconstruct the concept of mens rea (guilty mind) in criminal law through a psycholegal analysis of offenders with a history of extreme childhood trauma, utilizing a case study of Bangil District Court Decision Number 125/Pid.B/2020/PN Bil. Employing a descriptive-analytical qualitative method, this study integrates the disciplines of criminal law, trauma neuropsychology, and Lawrence Kohlberg's theory of moral development. The findings suggest that the prolonged latency period between the trigger event—witnessing the sexual assault of the offender's mother at the age of five—and the retaliatory act at the age of eighteen may not constitute a 'cooling-off period' for premeditation (voorbedachten rade), but rather a period of trauma incubation. The evidence is consistent with a neurobiological 'amygdala hijack' and hippocampal dysfunction, which likely impaired the defendant's prefrontal cortex, leading to a diminished capacity for the contextualization of memories. This analysis indicates a potential ground for the exclusion of criminal liability (schulduitsluitingsgrond) due to inner compulsion (vis compulsiva), which challenges the traditional construction of mens rea. From the perspective of Kohlberg's moral development, the defendant's actions are interpreted as a manifestation of the Universal Ethical Principle (Stage 6) to restore family dignity (Hifzhul 'Irdh) following the perceived failure of the formal legal system (Restorative Injustice). Consequently, the research recommends the integration of forensic psychological evaluations in judicial proceedings to better achieve substantive, victim-centred justice.

Keywords: Mens Rea, Chronic Trauma, Amygdala Hijack, Psycholegal, Substantive Justice.



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INTRODUCTION

Contemporary criminal law is frequently constrained by a legalistic-positivistic paradigm that prioritises procedural certainty over the attainment of substantive justice for victims of crime (Friedman, 1975). In numerous sexual violence cases, the state tends to 'appropriate' the conflict from the victim, reducing profound human suffering to a mere administrative breach of public authority (Christie, 1986). The imposition of restorative justice in severe cases, without due consideration for psychological recovery, often gives rise to a phenomenon described as 'restorative injustice' (Zehr, 1990). The failure of the state to provide adequate legal protection ultimately erodes the social contract and triggers extra-judicial responses from the community (Friedman, 1975).

Children who witness sexual violence against primary attachment figures, such as their mothers, bear the psychological burden of 'secondary victimisation', a consequence frequently overlooked by formal judicial systems (Herman, 1992). Prolonged exposure to extreme trauma in early childhood consistently precipitates Complex Post-Traumatic Stress Disorder (C-PTSD), which fundamentally impairs neurodevelopment and future decision-making processes (Schuller, 2002). This condition fosters chronic hyper-vigilance, trapping the individual in a cycle of intrusive memories perpetually activated by environmental triggers (Herman, 1992). In the absence of fair legal intervention, such trauma undergoes an incubation period that may erupt as a delayed survival mechanism (Schuller, 2002).

In traditional criminal law doctrine, the significant time lapse between a triggering event and a retaliatory act is often interpreted as evidence of premeditation, or *voorbedachten rade* (Friedman, 1975). However, a psycholegal perspective challenges this view by proposing the concept of 'Trauma Incubation' as a basis for reassessing the offender's intent (Schuller, 2002). Neurobiologically, individuals suffering from profound trauma may experience an 'amygdala hijack' that impairs prefrontal cortex control, rendering the act not a 'cold-blooded' plan, but an automatic survival response (Herman, 1992). Consequently, the element of *mens rea* (guilty mind) in cases of chronic trauma requires reinterpretation through a neuropsychological lens to account for the presence of impaired volition (Schuller, 2002).

Individual responses to systemic injustice can be understood through Lawrence Kohlberg's theory of moral development, particularly Stage 6: the Universal Ethical Principle (Kohlberg, 1981). At this level, an individual acts upon principles of profound justice that transcend formal legal rules perceived as failing to protect humanity (Kohlberg, 1981). From an Islamic legal perspective, defending family honour is an embodiment of *Hifzhul 'Irdh*, a primary objective of *Maqasid Syariah* (Al-Shatibi, 2003). Thus, the act of defending one's mother emerges as a 'moral necessity' to restore dignity where the state has failed (Kohlberg, 1981).

This research is critical in establishing a foundation for the reconstruction of legal policies towards a more victim-centred approach (Zehr, 1990). The integration of comprehensive forensic psychological reports is required to map the offender's 'trauma psychobiography', thereby enabling judges to exercise more humanistic discretion in their rulings (Friedman, 1975). Through this analysis, it is expected that the judicial system will recognise grounds for the

exclusion of liability (*schulduitsluitingsgrond*) for those acting under extreme psychological distress (Schuller, 2002). Ultimately, this endeavour aims to realise a form of justice that not only punishes but also restores the human dignity that has been violated (Zehr, 1990).

The case of *Bangil* District Court Decision Number 125/Pid.B/2020/PN Bil presents a legal anomaly that challenges the concept of substantive justice. The defendant, initials *M.M.R.*, was charged with the premeditated murder of the victim (initials: *Y*). Beneath the surface of this fatal incident, however, lies a harrowing reality: the victim was the perpetrator of sexual violence against the defendant's mother, an act the defendant witnessed at the age of five.

Legally, a period of ten to eleven years elapsed between the sexual assault and the homicide. Under conventional criminal law, this duration is typically interpreted as a 'cooling-off period' that validates the element of premeditation (*voorbedachten rade*) as stipulated in Article 340 of the Indonesian Criminal Code (KUHP). However, when viewed through a psycholegal lens, this interval is not a temporal void but a period of profound 'Trauma Incubation'. The defendant grew up with intrusive memories of the sexual violence inflicted upon his mother, whilst the legal system at the time failed to provide justice, resolving the case through informal 'family reconciliation' without imposing penalties on the perpetrator.

This systemic failure created what is termed 'Restorative Injustice'. When the state fails to fulfil its mandate to protect the dignity of its citizens, the moral and psychological burden shifts onto the shoulders of the victim—in this instance, the defendant as a 'secondary victim'. The defendant's act of aggression at the age of eighteen, when he reached physical maturity, reflects a 'delayed self-defence' mechanism.

In this study, the author utilises *Bangil* District Court Decision Number 125/Pid.B/2020/PN Bil as the primary material object. A rigorous analysis of trial facts, judicial considerations, and the psychological aspects underlying the defendant's actions will be conducted to offer a novel perspective on premeditated criminal acts stemming from chronic trauma. Therefore, this research is essential to reassess whether the construction of *mens rea* remains relevant when applied to an individual acting under the control of chronic trauma and the moral compulsion to restore family honour.

From the perspective of *Fikih Jinayah* (Islamic Criminal Law), although the defendant's act prima facie falls under *Qatl al-'Amd* (intentional homicide) for failing to meet the criteria of *Difa' al-Syari'* (immediate self-defence) due to the time lapse, Islamic law accommodates substantive justice by considering extreme psychological conditions (*Udzur*) that result in temporary incapacity of reason (*ihlal al-'aql*). This aligns with the fiqh principle that criminal acts driven by overwhelming psychological compulsion (*ikrah nafsiyyah*) or severe provocation (*istifzaz*) may negate the element of criminal intent (*qasd al-jina'i*), allowing for the defendant to be exempted from Qisas and receive a mitigated *Ta'zir* penalty based on the principle of public interest (*Maslahah Mursalah*) (Al-Zuhayli, 1985; Audah, n.d.).

The primary novelty of this research lies in an interdisciplinary approach integrating criminal law, trauma neuropsychology, and moral development theory to deconstruct the concept of *mens rea*. Unlike conventional studies that interpret the time lapse as evidence of premeditation, this research proposes the 'Trauma Incubation' perspective. The argument emphasises that this interval signifies a phase of chronic trauma incubation that triggers an 'amygdala hijack'—an automatic survival response rather than rational calculation. Furthermore, this study introduces the concept of 'Restorative Injustice' to narrate the

destructive impact of coerced reconciliation in severe sexual violence cases. This approach is validated using Kohlberg's theory to position the offender as a 'moral agent' at Stage 6 (Universal Ethical Principle) amidst the vacuum of formal legal protection.

Based on this background, this research addresses three core issues: Firstly, how does the accumulation of chronic childhood trauma (C-PTSD) influence the construction of *mens rea* in offenders who perform delayed self-defence? Secondly, to what extent did the failure of the legal system in addressing historical sexual violence contribute to the psychological state that triggered vigilantism (Restorative Injustice)? Thirdly, how can the offender's actions be validated as a manifestation of Kohlberg's Stage 6 morality (Universal Ethical Principle) when faced with a lack of state protection?

Aligned with these research questions, this study aims to provide a comprehensive analysis of the impact of chronic trauma on *mens rea* by dissecting how the accumulation of C-PTSD affects an offender's consciousness and free will in performing delayed self-defence. Furthermore, it aims to evaluate the impact of 'Restorative Injustice' by explaining the causal relationship between systemic failures in historical sexual violence cases and the emergence of extra-judicial actions. Finally, this research seeks to validate the offender's actions through Kohlberg's universal moral perspective to offer an ethical justification beyond positive law that is deemed to have failed in providing protection.

Theoretically, this research contributes to the development of forensic psychology literature regarding the nexus between chronic childhood trauma and adult aggressive behaviour, while strengthening interdisciplinary law-psychology discourse in Indonesia in understanding the construction of 'impaired volition' resulting from trauma. Practically, the findings are expected to serve as a guide for judicial discretion in considering trauma history as a mitigating factor or a ground for excuse, while encouraging the integration of trauma-informed psychobiographies in judicial proceedings. Socio-juridically, this research provides input for the reform of restorative justice policies to ensure they are not misused in severe sexual violence cases, while emphasising the importance of a 'victim-centred approach' to break the cycle of intergenerational violence.

While the psychological impact of chronic trauma, specifically Complex Post-Traumatic Stress Disorder (C-PTSD) is well-established in clinical literature, a significant research gap persists within the Indonesian criminal justice system. Current legal discourse remains dominated by a legalistic-positivistic paradigm, which largely ignores the 'trauma psychobiography' of offenders in judicial rulings. Consequently, the integration of trauma-informed perspectives into criminal liability assessments remains largely theoretical, lacking practical application in court decisions. Addressing this gap, the novelty of this study lies in its introduction of the 'Trauma Incubation' framework. Unlike conventional criminal law doctrine, which interprets a lengthy interval between a trigger and an act as a 'cooling-off period' for premeditation (*voorbedachten rade*), this research posits that such intervals represent an incubation phase of traumatic memories. This framework provides a new lens for reassessing *mens rea* in cases of delayed self-defence. Ultimately, this study contributes to the advancement of trauma-informed justice policy in Indonesia, advocating for the systematic incorporation of forensic psychological insights to ensure more substantive and humane judicial discretion.

THEORETICAL FRAMEWORK

This research employs an interdisciplinary approach, integrating three primary theoretical frameworks, conflict legal theory, trauma neuropsychology, and moral philosophy. to analyse

criminal liability under conditions of chronic trauma. These frameworks are not utilised in isolation but are synthesised to form a comprehensive psycholegal lens.

First, the Legal Perspective: Deconstructing Mens Rea amidst Systemic Failure. The legal foundation is rooted in the critique of legal positivism, which frequently neglects the victimological dimension of crime. Nils Christie's (1986) theory of 'Conflicts as Property' is utilised to analyse how modern judicial systems 'appropriate' conflict from the victim, transforming it into state property resolved through bureaucratic procedures. This systemic alienation is further exacerbated by Howard Zehr's (1990) 'Restorative Injustice', which posits that restorative justice imposed without the restoration of the victim's dignity constitutes a secondary form of legal injury. These theories collectively underpin the reinterpretation of *mens rea* in traditional doctrine, which presupposes free will, by questioning the validity of criminal liability (*Geen Straf Zonder Schuld*) when 'impaired volition' is present.

Second, the Psychological Perspective: Neuropsychological Mechanisms and Trauma Incubation. To bridge the gap between systemic failure and individual action, this research utilises Judith Herman's (1992) theory of Complex Post-Traumatic Stress Disorder (C-PTSD). Unlike conventional PTSD, C-PTSD arises from prolonged, repeated trauma, leading to emotional dysregulation and identity fragmentation. Neurobiologically, traumatic memories are stored sensorially rather than narratively, making them susceptible to '*amygdala hijack*' (Schuller, 2002). This research integrates Schuller's model to argue that the latency period is not a 'cooling-off period' but a phase of 'trauma incubation', where the amygdala the 'reptilian brain' assumes control, impairing the prefrontal cortex and triggering an automatic survival response. This mechanism provides the necessary psychological evidence to challenge the assumption of rational deliberation in mens rea construction.

Third, the Ethical Perspective: Universal Morality and *Maqasid Syariah*.

Ultimately, this framework provides a moral justification for actions that are prima facie unlawful. Lawrence Kohlberg's (1981) Stage 6 of Moral Development is utilised to analyse how an individual acts upon universal ethical principles, such as justice and human dignity, when formal systems fail. This is synthesised with the *Maqasid Syariah* framework specifically *Hifzhul 'Irdh* (protection of honour) which emphasises that the safeguarding of dignity is a primary necessity (*Dharuriyyat al-Khams*). Al-Shatibi (2003) maintains that actions taken to uphold *Izzah* (dignity) in the face of state failure may be viewed as a moral necessity. By aligning Kohlberg's universal ethics with Islamic jurisprudence, this research establishes that the defendant's actions were not a product of criminal intent, but a manifestation of moral agency in a vacuum of justice.

LITERATURE REVIEW

Research regarding the deconstruction of mens rea in the context of chronic trauma has emerged as a significant interdisciplinary focus; however, it remains constrained within the Indonesian criminal justice system. A review of criminal law literature reveals a dominance of the legalistic-positivistic paradigm, which prioritises procedural legal certainty over psychological context (Friedman, 1975). While foundational works by Christie (1986) and Zehr (1990) remain central to conflict theory and restorative justice, contemporary discourse has increasingly shifted towards 'trauma-informed justice' (e.g., Ford & Courtois, 2021; van der Kolk, 2014). Recent scholarship emphasises the necessity of integrating forensic psychiatry into the criminal justice framework, arguing that rigid legalistic procedures often fail to account for the neurobiological realities of C-PTSD (Kaiser et al., 2023).

Despite these advancements, there remains a notable deficiency in empirical studies within Indonesia that bridge the gap between trauma-informed neuropsychology and the judicial construction of *mens rea*. Previous research by Christie (1986) on ‘Conflicts as Property’ asserts that the state’s alienation of the victim’s needs precipitates extra-judicial responses, yet it does not address the neurobiological mechanisms of ‘amygdala hijack’ (Schuller, 2002) in cases of delayed self-defence. Furthermore, while Herman (1992) consistently demonstrates that repetitive trauma results in cognitive dysfunction, a synthesis of the existing literature highlights the need for a more profound analysis of how ‘Restorative Injustice’ (Zehr, 1990) contributes to the creation of prolonged legal injury. This study addresses these gaps by synthesizing modern forensic perspectives with classical legal theory and the perspective of *Maqasid Syariah* (Al-Shatibi, 2003) to provide a moral justification beyond positive law—an approach that distinguishes it from conventional studies that interpret an offender’s actions solely through the lens of legal positivism.

Table 1. Summary of Literature and Research Positioning

Authors (Year)	Core Focus	Findings/Perspective	Research Gap/Limit
Christie (1986)	Conflict Theory	Conflicts as state property	Focuses on systemic rather than individual psychology
Herman (1992)	C-PTSD & Trauma	Neurodevelopmental impact	Does not address legal liability/premeditation
Zehr (1990)	Restorative Justice	Secondary victimization	Lacks neurobiological integration
Kaiser et al. (2023)	Forensic Psychiatry	Trauma-informed justice	limited application in Indonesia

RESEARCH METHODOLOGY

This research adopts a qualitative, descriptive-analytical design, utilizing a psycholegal approach that synthesizes doctrinal legal analysis with forensic neuropsychological concepts. To ensure analytical rigour, the methodology is structured into three systematic phases:

First, Data Collection and Processing: The primary data consists of the *Bangil* District Court Decision Number 125/Pid.B/2020/PN Bil, including judicial considerations and witness testimonies. A purposive sampling strategy was employed to extract critical legal facts. Data were coded using thematic analysis, wherein narrative segments concerning the defendant’s childhood trauma and subsequent actions were categorized according to neurobiological and psychological markers (e.g., flashback indicators, cortisol-related physiological triggers).

Second, Analytical Framework (Triangulation): A thematic triangulation framework was applied to minimize researcher bias and enhance interpretive validity. The analysis followed a multi-lens process: (a) Legal lens: Analyzing the application of Article 340 of the Indonesian Criminal Code; (b) Psychological lens: Mapping the identified legal facts against established C-PTSD and ‘amygdala hijack’ criteria (Schuller, 2002); and (c) Ethical/Syariah lens: Interpreting the defendant’s actions via Kohlberg’s Stage 6 morality and the *Maqasid Syariah* principle of *Hifzhul ‘Irdh*.

Third, Validity and Reliability: Interpretive validity was ensured through a process of ‘constant comparative analysis,’ in which interpretations of the court’s judicial considerations were systematically compared against current forensic psychological literature. By maintaining this interdisciplinary rigour, the study ensures that the psychological characterization of the

defendant remains grounded in the evidentiary context of the decision rather than speculative diagnosis.

DISCUSSION AND RESULTS

Legal Perspective: The Positivistic Assessment of Premeditation

The *Bangil* District Court's verdict (Decision Number 125/Pid.B/2020/PN Bil) heavily relies upon a strictly legalistic-positivistic interpretation of Article 340 of the Indonesian Criminal Code (KUHP). Within this judicial construction, the ten-to-eleven-year interval between the primary traumatic event, the sexual assault of the defendant's mother, and the subsequent homicide is interpreted as a sufficient 'cooling-off period' (*voorbedachten rade*). The court posits that this temporal lapse provides the defendant with ample opportunity to reflect and calculate, thereby fulfilling the requirement for premeditation. Such a perspective adheres to a formalistic legal doctrine that prioritizes procedural certainty and temporal distance as conclusive evidence of rational intent. However, this analysis contends that such a construction remains detached from the victimological reality of the case. By isolating the act from its historical and psychological context, the court fails to address the underlying systemic failures, thereby reducing profound human suffering to an administrative breach of public authority. This approach demonstrates a disregard for the defendant's position as a 'secondary victim', whose actions may not be a manifestation of premeditated malice, but rather the culmination of prolonged, unresolved psychological injury.

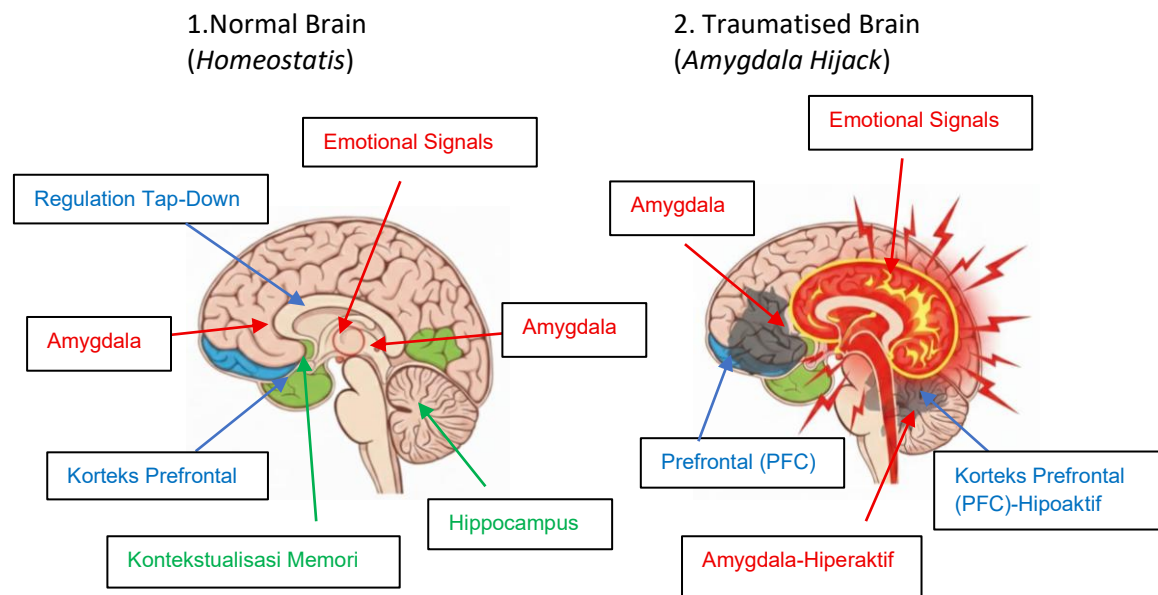
Neuropsychological Perspective: Pathological Adaptation to Chronic Trauma

The defendant's neural architecture exhibits profound pathological adaptations resulting from prolonged exposure to adverse childhood experiences (ACEs), which fundamentally restructured the neurobiological mechanisms governing emotional regulation. As illustrated in the functional brain dynamics analysis (Figure 2), the defendant's condition is characterized by a persistent state of 'amygdala hyperactivity' coupled with significant 'prefrontal cortex (PFC) hypofunction'. This neurobiological imbalance suggests that the amygdala (the brain's primary threat-detection center) has become hypersensitive to environmental stimuli that resemble past trauma, triggering an immediate and disproportionate fear response.

Figure 1. Functional Brain Dynamics in Homeostasis (Normal Brain)

Figure 2. Neurobiological Dysfunction in Chronic Trauma Conditions (Amygdala Hijack & C-PTSD)

Source: Images generated by the author using Google Gemini (Google, 2025) with the prompt: "Create a scientific and educational brain diagram showing the functional differences between the Prefrontal Cortex and the Amygdala in a state of homeostasis (normal brain) and a state of chronic stress (amygdala hijack)."



Description:

Figure 1. Functional Brain Dynamics in Homeostasis (Normal Brain): In a normal state, cognitive and emotional functions are governed by hierarchical interactions between brain structures, with the Prefrontal Cortex (PFC) acting as the executive control centre.

Prefrontal Cortex (PFC): Responsible for high-level executive functions, including logical reasoning, strategic planning, situational assessment, and emotional regulation. The PFC acts as a top-down regulator that modulates subcortical activity.

Amygdala: Serves as the centre for emotional processing, specifically in threat detection and the initiation of fear responses (fear conditioning). The amygdala acts as a bottom-up driver that generates initial emotional signals.

Hippocampus: Functions in the formation of declarative memory and the contextualisation of experiences. It is essential in distinguishing between real, present-day threats and past memory-based threats.

Mechanism: Upon exposure to a stressor, the amygdala activates the stress response, yet the PFC maintains cognitive control. The PFC processes emotional input from the amygdala and contextualises memories from the hippocampus to formulate rational and measured behavioural responses.

Figure 2. Neurobiological Dysfunction in Chronic Trauma (Amygdala Hijack & C-PTSD): In individuals with Complex Post-Traumatic Stress Disorder (C-PTSD), repeated exposure to trauma causes pathological adaptations in the nervous system, commonly referred to as an 'amygdala hijack'.

Amygdala Hyperactivity: This structure becomes hypersensitive to triggers resembling past trauma, resulting in excessive and disproportionate fear responses.

PFC Hypofunction: Functional activity of the PFC decreases, indicating that top-down emotional regulation is impaired. Logic is no longer capable of tempering intense emotional responses.

Hippocampal Dysfunction: Damage or reduced volume in the hippocampus leads to a failure in contextualising traumatic memories, causing the individual to feel as though past trauma is recurring (flashback).

Mechanism: When a trigger arises, the amygdala hijacks brain function by directly activating instinctive survival responses (fight-flight-freeze) through neural pathways that bypass the PFC. This results in impulsive behaviour driven by intense emotion rather than logical consideration.

Concurrently, the impairment of the hippocampus, resulting from sustained cortisol exposure, prevents the successful contextualization of traumatic memories. Consequently, the brain fails to distinguish between historical memory and present-day reality, causing the

defendant to experience vivid emotional flashbacks as if the trauma were recurring in real-time. This state, often referred to as an '*amygdala hijack*', indicates that the top-down executive control typically provided by the prefrontal cortex which is responsible for logical deliberation and impulse regulation has been systematically bypassed. This physiological '*hijack*' signifies that the defendant's actions were not the product of rational, calculated planning, but rather an automatic, reflexive survival response dictated by an impaired nervous system. Thus, the observed behaviour should be interpreted as a manifestation of a neuropsychological dysfunction rather than a product of conscious criminal intent.

Ethical and Moral Perspective: Kohlberg's Moral Agency and Maqasid Syariah

The defendant's actions signify a complex manifestation of moral agency, which, when analyzed through the framework of Lawrence Kohlberg's stages of moral development, transcends the conventional adherence to legalistic-positivistic rules. As illustrated in Figure 1, the defendant's conduct is situated at the apex of moral development: Stage 6 (Universal Ethical Principles). At this level, moral agents prioritize substantive justice, human dignity, and fundamental ethical imperatives over the rigid dictates of procedural law or social contract conventions. The defendant was not motivated by a desire to evade punishment or social stigma, but rather by an internal moral imperative to rectify a profound injustice—specifically, the violation of his mother's honor. In this context, the act serves as a manifestation of the defendant's personal commitment to universal human rights, even when such an act necessitates a departure from formal legal compliance.

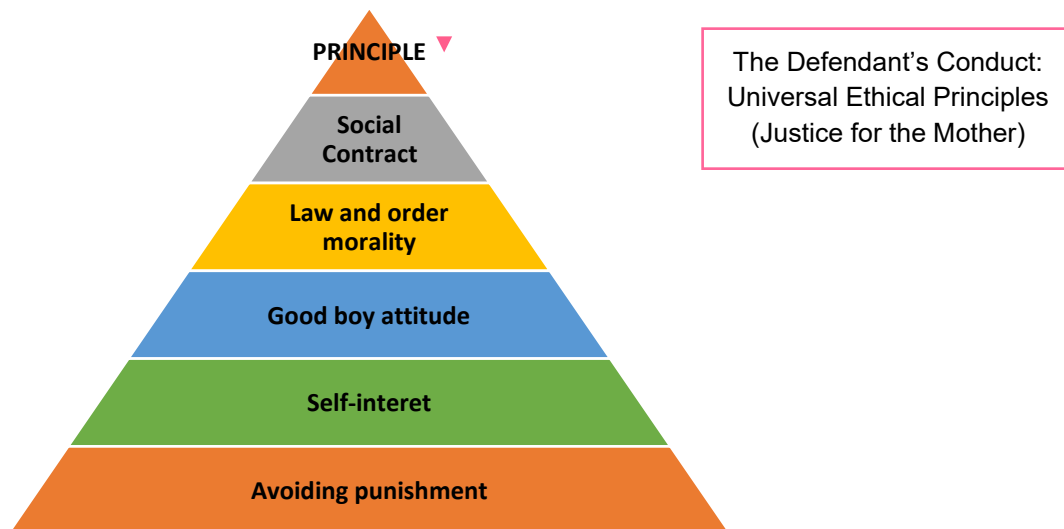


Figure 1. Kohlberg's Stages of Moral Development in the Case of Defendant MMR
Source: Author's analysis (2026)

Description of Figure:

Identification of Moral Stage: This diagram represents the pyramid structure of moral development stages according to Lawrence Kohlberg. The actions of the defendant; MMR, are identified as residing at the peak of the hierarchy: Stage 6 (Universal Ethical Principles).

Substantive Ethical Justification: At this level, the motivation for the action is no longer based on procedural compliance, fear of punishment, or mere social consensus. The defendant was driven by an internal imperative to uphold universal justice and human dignity—specifically, protecting his mother's honour (*Hifzhul 'Irdh*)—which is considered the highest moral principle, transcending rigid positive law.

Psycholegal Analysis: Academically, this position demonstrates that the defendant acted as a moral agent who prioritised substantive justice over conventional legal compliance (the legalistic view). This defensive act is justified as an attempt to restore justice which the preceding judicial system failed to facilitate.

This ethical orientation finds a profound intersection with the Islamic legal philosophy of *Maqasid Syariah*, particularly the principle of *Hifz al-'Ird* (the preservation of honor). Within the hierarchy of *Maqasid Syariah*, honor is recognized as a fundamental necessity (*Dharuriyyat al-Khams*), occupying a status that demands protection alongside religion, life, intellect, and property. The defendant's reflexive actions, while technically falling outside the strictures of positive procedural law, align with the substantive objective of ensuring justice for victims of sexual violence, a form of tyranny that the state failed to adequately address. Therefore, the defendant's moral agency should be interpreted as an attempt to uphold a higher order of justice. This synthesis suggests that when positive law fails to safeguard fundamental human values, actions driven by universal ethical principles and the preservation of sacred human dignity should be weighed with greater consideration, moving the discourse from retributive punishment toward a restorative paradigm that acknowledges the defendant's moral motivation.

Psycholegal Synthesis: Reinterpreting Mens Rea and Impaired Volition

The comprehensive synthesis of neurobiological, moral, and legal frameworks demonstrates that the defendant lacked the requisite *mens rea* (the guilty mind) essential for establishing premeditated homicide. While traditional legal positivism focuses exclusively on the actus reus and the temporal duration between events, a psycholegal approach necessitates a holistic examination of the defendant's cognitive and volitional capacity at the moment of the offense. The analysis confirms that the defendant's actions were not the product of a rational, calculated choice, but rather a reflexive 'survival response' triggered by an '*amygdala hijack*', a neurobiological phenomenon that effectively disabled the prefrontal cortex's capacity for logical deliberation. This finding directly challenges the judicial assumption of *willens en wetens* (the consciousness and will to commit a crime), as the defendant was operating under an internal reality distorted by profound psychological trauma.

Furthermore, when integrated with Kohlberg's framework of moral agency and the *Maqasid Syariah* objective of *Hifz al-'Ird*, the defendant's conduct emerges not as a criminal act of vengeance, but as an attempt to restore substantive justice in the face of systemic institutional failure. This synthesis highlights a critical intersection where cognitive impairment and moral imperative coalesce to negate the element of fault. The following table 2 systematically maps the convergence of these multidisciplinary lenses, providing a robust justification for the exclusion of criminal liability:

Table 2: Comparative Analysis of Psycholegal, Legal, and Islamic Perspectives on Criminal Liability

Analysis Components	Forensic Perspective	Psychology	Indonesian Perspective (Criminal Code/Law 1-2023)	Legal (Criminal)	Perspective of Islamic law (Jinayah Fiqh)
Basic Psychiatric Conditions	Chronic PTSD: PFC paralysis (rationality) & Amygdala hyperactivity (fear) due to <i>Amygdala Hijack</i> .		Temporary Mental Disorder: <i>Tijdelijke onkouslijksvatbaarheid</i> (temporary inability to take responsibility).		<i>Ihlal al-'Aql</i> (Temporary): Temporary loss of consciousness/common sense due to extreme psychological distress.

The Element of Intent (<i>Mens Rea</i>)	Absent/Automatic: An automatic <i>survival response</i> action , not cold revenge planning.	Defect of Will: The perpetrator does not have legal awareness (<i>kennis</i>) and freedom of action (<i>willen</i>).	Defect/Missing: Evil intentions (<i>qasd al-jina'i</i>) are lost because free will is lost in flashback.
Legal Basis of Forgiveness	Inability to Control Impulses: Neurobiological damage to the <i>Hippocampus</i> & PFC.	Excuse for Forgiveness: Article 44 of the old Criminal Code or Articles 38-39 of Law 1/2023 (Mental disorders).	<i>Udzur</i> /Emergency: Psychological emergencies (<i>dharurat nafsiyyah</i>) that are forgiven in fiqh.
Action Triggers	<i>Implicit Memory Trigger</i> : Environmental triggers reactivate past trauma (<i>flashback</i>).	Extreme Provocation: Past trauma that is triggered by the present situation.	<i>Istifzaz</i> : An impulse from the memory of extraordinary tyranny that triggers extreme anger/sadness.
Recommendation of the Decision	Rehabilitation/Release: The perpetrator does not deserve to be punished in a conventional criminal manner.	Released from Charges: Proven to have committed an act, but not convicted because it cannot be accounted for.	<i>Light Ta'zir/Diyat</i> : The punishment of <i>Qisas</i> is dropped, replaced by a <i>light Ta'zir/fine (diyat)</i> for the sake of benefit.

Source : Data processed by researchers based on the Author's analysis (2026)

Given the convergence of these findings, this synthesis strongly advocates for the application of *schulduitsluitingsgrond* (exclusion of liability). The defendant's autonomy was significantly compromised by *vis compulsive* (an unavoidable internal compulsion generated by the reactivation of chronic traumatic memories), which rendered him incapable of exercising free will (*vrije wil*). Consequently, treating the defendant as a typical offender within a retributive framework ignores the intersectional reality of his trauma and neurobiological dysfunction. A restorative justice approach is therefore the most legally and ethically defensible path, as it acknowledges the mitigation of criminal culpability through the lens of impaired volition, ultimately advancing the cause of substantive justice over rigid, purely procedural applications of the law.

Institutional Limitations and Policy Implications

The failure of the criminal justice system to account for the defendant's trauma highlights critical institutional limitations in the current investigation and adjudication processes. The following analysis outlines three areas for reform:

Police Investigation (The Gender-Blind Approach): The failure to adopt a gender-sensitive investigative lens during the initial sexual assault report directly contributed to the subsequent escalation of conflict. The absence of a multidisciplinary approach, ignoring the causal link between childhood trauma and adult aggressive behavior, reveals a significant gap in the investigative standard.

Prosecutorial Oversight (Evidentiary Deficiency): The prosecution's reliance solely on formalistic elements of the crime, without requesting an expert assessment of the defendant's Complex Post-Traumatic Stress Disorder (C-PTSD), indicates an evidentiary deficiency. A trauma-informed prosecution requires the integration of forensic psychological insights to provide a complete picture of the defendant's intent (*mens rea*).

Judicial Discretion (Victim-Centered Justice): While bound by positive law, the judiciary possesses the mandate to apply a 'Victim-Centered Justice' approach. The failure to treat the defendant's traumatic history as a mitigating factor or a ground for the exclusion of liability (*schulduitsluitingsgrond*) reinforces the necessity for a judicial paradigm shift that prioritizes substantive justice over rigid retributive enforcement.

CONCLUSION

This research demonstrates that the criminal conviction of defendant MMR represents a failure to integrate forensic neuropsychology, moral philosophy, and substantive justice principles into the judicial process. The analysis reveals that the defendant's actions were not a product of *mens rea* in the conventional sense, but were rather a reflexive 'survival response' resulting from Complex Post-Traumatic Stress Disorder (C-PTSD) and an '*amygdala hijack*'. By situating the defendant's moral agency at Kohlberg's Stage 6 and aligning his motivation with the *Maqasid Syariah* principle of *Hifz al-'Ird*, this study asserts that the pursuit of justice was fundamentally driven by a moral imperative to address systemic institutional failure.

Furthermore, the critique of law enforcement performance highlights a critical need for a paradigm shift toward 'trauma-informed justice'. The findings substantiate that the application of *schulduitsluitingsgrond* is not merely an academic exercise but a necessary legal tool to achieve substantive justice in cases where the defendant's volition has been negated by chronic trauma. Ultimately, this research advocates for a transition from a strictly retributive judicial approach to a restorative justice framework—one that acknowledges the intersection of neurobiological dysfunction and moral conscience, thereby ensuring that the legal system serves not only as an enforcer of rules but as a guardian of human dignity.

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