

Psychic Causation in Indonesian Criminal Law: A Normative Study Using A Material Offense Approach

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ABSTRACT

This paper examines psychic causality in Indonesian criminal law through normative legal research and a material offence approach. Classical criminal law tends to identify criminal causation through physical acts, such as stabbing, striking, or poisoning. However, contemporary criminal cases increasingly involve non-physical acts, including verbal intimidation, psychological pressure, threats, humiliation, coercive communication, and digital harassment, which may allegedly trigger severe psychological harm or even suicide. The central legal question is whether psychological pressure may be legally constructed as a cause of a prohibited result. This paper argues that psychic causality cannot be assessed solely through the *conditio sine qua non* theory because such theory is too broad when applied to psychological events. Instead, legal causation requires a combination of factual causation, adequate causation, objective foreseeability, and normative attribution. Indonesian law has recognized psychological suffering through several legal instruments, including the Criminal Code, the Domestic Violence Law, the Sexual Violence Crime Law, the Electronic Information and Transactions Law, and the new Criminal Code. Nevertheless, the main difficulty lies not in the existence of norms, but in proving the causal chain between the perpetrator's conduct and the victim's psychological condition. Therefore, forensic psychiatric expertise, psychological autopsy, medical records, digital evidence, and witness testimony are crucial to bridge legal certainty and scientific probability.

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1. INTRODUCTION

Classical criminal law initially operated more straightforwardly when the causal link in a criminal act could be observed physically. In cases of homicide involving a sharp weapon, for instance, the act of stabbing, the resulting wound, the hemorrhaging, and the victim's death can be explained through a relatively concrete causal relationship. A similar pattern is evident in cases of physical assault, where

consequences such as injury, permanent disability, or death can be traced through a visum et repertum (forensic medical report) and the testimony of forensic medical experts (Moeljatno, 2008; Chazawi, 2014).

Problems arise when the conduct in question does not take the form of a physical attack but rather involves psychological pressure. Acts such as insults, threats, intimidation, verbal pressure, emotional coercion, bullying, non-physical harassment, or the sending of intimidating electronic messages can cause serious psychological suffering. In certain situations, such pressure may trigger severe depression, trauma, a loss of the capacity to function, or even lead the victim to commit suicide (American Psychiatric Association, 2022).

The central question in this study is: when can psychological pressure be classified as a criminal offense, and when can such pressure be regarded as the legal cause of a specific criminal consequence? This question is crucial because criminal law requires more than merely proving the existence of hurtful words or actions; it must establish that the act satisfies the elements of the offense, bears a causal relationship to the consequence, and can be normatively attributed to the perpetrator (Hart & Honoré, 1985).

In material offenses, the consequence constitutes an essential element of the crime. Unlike formal offenses, which are consummated the moment the act is committed, material offenses require the occurrence of a prohibited consequence. Consequently, when psychological pressure is linked to consequences such as severe suffering, mental impairment, or death, the issue of proof does not end with the question of whether the perpetrator exerted such pressure; it also extends to whether that pressure was the legal cause of the resulting consequence (Kadish et al., 2017).

The first study proceeds from the thesis that psychic causality cannot be understood mechanically as the relationship between a knife and a wound. In psychology, the cause-and-effect relationship is influenced by many factors, such as the victim's psychological conditioning, trauma history, power relations, intensity of pressure, duration of the act, personal vulnerability, social conditioning, and other triggering factors. Therefore, proving psychiatric causation requires an interdisciplinary approach between criminal law, forensic psychiatry, forensic psychology, victimization, and the law of evidence (Sablone et al., 2024).

2. METHODS

This research employs a normative legal research method utilizing statutory, conceptual, and material offense approaches. The statutory approach is used to analyze provisions within the old Criminal Code (KUHP), Law Number 1 of 2023 concerning the Criminal Code, Law Number 23 of 2004 concerning the Elimination of Domestic Violence, Law Number 12 of 2022 concerning the Crime of Sexual Violence, Law Number 1 of 2024 concerning the Second Amendment to the Law on Electronic Information and Transactions, as well as criminal procedural law regarding evidence (Republik Indonesia, 2023; Republik Indonesia, 2004; Republik Indonesia, 2022; Republik Indonesia, 2024).

A conceptual approach is employed to examine theories of causation in criminal law—specifically the *conditio sine qua non* theory, the adequate causation theory, and the objective attribution theory. The material offense approach is adopted because the study focuses not merely on psychological pressure as an act, but rather on the relationship between that psychological pressure and the legally prohibited consequence (Rimmelink, 2003).

The primary legal materials used consist of statutory regulations. Secondary legal materials include books on criminal law, literature on causation theory and criminal evidence, legal journals, and literature on forensic psychiatry and psychology. Tertiary legal materials are used to a limited extent to clarify technical terms.

3. FINDINGS AND DISCUSSION

Causality as the Link Between Act and Consequence

In criminal law, causality serves as the link between the perpetrator's act and the prohibited consequence. Causality is particularly significant in material offenses because the consequence is not merely a factual outcome but an integral element of the criminal offense itself. If the consequence cannot be linked to the perpetrator's act, then criminal liability for that consequence is weakened (Fletcher, 1978).

Hart and Honoré explain that causation in law is not identical to causation in the natural sciences. The law asks not only "what caused the result," but also "which cause is relevant for the purpose of legal liability." Thus, criminal causation always involves a normative assessment, rather than a purely empirical one (Hart & Honoré, 1985).

In physical matters, the cause-and-effect relationship is often readily apparent. However, in psychological matters, this relationship is more difficult to prove because mental suffering does not always leave behind easily measurable physical traces. Mental disorders, trauma, depression, and suicide are complex phenomena that are frequently multifactorial in nature (Bhushan et al., 2023).

Conditio Sine Qua Non Theory

The *conditio sine qua non* theory posits that an event is considered a cause if, in its absence, the resulting consequence would not have occurred. This theory is useful for tracing the factual link between the perpetrator's actions and the outcome. In cases involving psychological pressure, the factual question is: would the victim have experienced the same psychological state or committed suicide even without the threat, intimidation, humiliation, or pressure exerted by the perpetrator (Moeljatno, 2008)?

A weakness of this theory is its overly broad scope. Almost any factor in the victim's life—such as family circumstances, psychiatric history, economic pressure, social relationships, or past traumatic experiences—could be considered a condition necessary for the outcome to occur. If all such factors were treated as legal causes, criminal liability would become unmanageable (Chazawi, 2014).

Therefore, in cases of psychic causation, the *conditio sine qua non* theory is appropriate only as an initial step to identify the factual relationship. This theory is insufficient to determine whether a consequence should be criminally attributed to the perpetrator (Rommelink, 2003).

Adequacy Theory

The theory of adequacy limits the scope of the cause-and-effect relationship by asking whether, based on common experience, a particular act could reasonably be expected to produce a specific consequence. Within this framework, not every factual factor automatically constitutes a legal cause; only those factors that reasonably, normally, and foreseeably give rise to the consequence are regarded as relevant causes (Rommelink, 2003).

In cases involving psychological pressure, the "adequate cause" theory is crucial. Judges must assess whether specific pressure could objectively be expected to cause severe psychological suffering or suicide. This assessment must not be conducted in the abstract; factors such as intensity, duration, frequency, power dynamics, the victim's position, the victim's dependency, the nature of the threat, and the social context must all be taken into account (Muabuay et al., 2026).

A single instance of harsh language in a spontaneous situation might be difficult to view as an adequate cause for suicide. However, repeated threats, systematic humiliation, pressure within power dynamics, emotional blackmail, threats to expose private or shameful information, or persistent digital intimidation can more readily be considered an adequate cause, especially when supported by expert testimony and electronic evidence (American Psychiatric Association, 2022).

Objective Attribution Theory

The theory of objective attribution emphasizes that a consequence can only be attributed to the perpetrator if that consequence is the realization of a prohibited risk created by the perpetrator. In other words, criminal law does not merely assess the factual connection; it must also evaluate whether the perpetrator created a normatively prohibited risk and whether that risk materialized into the consequence (Roxin, 2006).

In cases involving psychological harm, this theory helps limit the scope of criminal liability so that it does not become overly broad. Not all hurtful words are criminally punishable, nor can every instance of social conflict be cited as the cause of a mental disorder. Criminal law must restrict itself to actions that normatively exceed the bounds of reasonableness and create a serious risk to the victim's psychological integrity (Dressler, 2018).

Thus, the construction of psychic causation requires three layers of proof: first, a factual relationship; second, an adequate relationship; and third, objective attribution. These three elements must be interpreted cumulatively to ensure that criminal law avoids both over-criminalization and the failure to address serious psychological violence (Hart & Honoré, 1985).

The Normative Construction of Psychological Offenses in Indonesian Law Criminal Code Old: Article 304 jo. Article 306 KUHP

Under the old Criminal Code (KUHP), the concept of "leaving a person in a state of misery" is more accurately linked to clause 304 in conjunction with article 306, rather than article 305. article 304 governs the act of placing or leaving a person in a state of misery when the perpetrator is legally or contractually obligated to provide sustenance, care, or maintenance. If such an act results in serious injury or death, article 306 of the Criminal Code may serve as the basis for an aggravated penalty (Soesilo, 1995).

The relevance of this article regarding psychological causation lies in the phrase "state of misery." Conceptually, a state of misery need not be understood solely as physical suffering; it can be interpreted to encompass serious suffering within the context of a relationship of dependency. However, its application requires caution, as Article 304 stipulates the existence of a legal obligation or an agreement to care for, maintain, or provide a livelihood for the victim (Lamintang & Lamintang, 2014).

Therefore, this article is more relevant in the context of family, caregiving, care relationships, institutional relationships, or specific legal relationships that create a duty of protection. In the absence of a legal obligation or agreement, the construction of article 304 in conjunction with article 306 becomes weak (Chazawi, 2014).

Old Criminal Code: Article 34 regarding Inciting or Assisting Suicide

Regarding cases where psychological pressure leads to suicide, Article 345 of the old Criminal Code is more relevant than Article 344. Article 344 governs the taking of a life at the victim's request— a request clearly and earnestly expressed. This construction aligns more closely with homicide upon request, rather than situations where psychological pressure drives the victim to commit suicide (Soesilo, 1995).

Article 345 of the old Criminal Code governs the act of inciting, encouraging, or providing the means for another person to commit suicide, provided that the suicide actually occurs. In this context, the focus is not on a perpetrator who directly takes the victim's life, but rather on the perpetrator's contribution to the victim's decision to end their own life (KUHP, Pasal 345).

However, the application of Article 345 of the Criminal Code is not straightforward. Prosecutors must prove that the perpetrator's actions went beyond a mere ordinary conflict and actually involved elements of inciting, aiding, or providing the means for suicide. Remarks such as "it would be better to just die" may serve as indicators, but they are insufficient unless supported by context, intensity, power dynamics, psychological impact, and expert testimony (Chazawi, 2014).

Criminal Code National: Article 461 and Article 462 of Law Number 1 of 2023

The National Criminal Code updates the regulations regarding the taking of a life at the victim's request and the act of inciting or assisting suicide. Article 461 governs the taking of a life at the individual's own request—clearly and earnestly expressed—while Article 462 addresses anyone who incites or assists another person to commit suicide, or provides the means for them to do so, resulting in that person's death by suicide (Republik Indonesia, 2023).

Article 462 is significant in the study of psychological causality because the phrase "inciting" can encompass non-physical contributions to a decision to commit suicide. However, it must be emphasized that not all forms of emotional pressure can be classified as incitement to suicide. Such incitement must possess a normative quality that is sufficiently clear, serious, and intense, and capable of being legally proven (Hart & Honoré, 1985).

Thus, Article 462 of the National Criminal Code has the potential to be a more appropriate legal basis in cases of psychological pressure that lead to suicide, as long as the elements of the act, consequence, error and causal relationship can be proven (Roxin, 2006).

Law Number 23 of 2004 concerning the Elimination of Domestic Violence

The Law on the Elimination of Domestic Violence is a crucial instrument because it explicitly recognizes psychological violence. Article 7 of the Law states that psychological violence is an act that causes fear, loss of self-confidence, loss of the ability to act, a sense of helplessness, and/or severe psychological suffering in a person (Republik Indonesia, 2004).

The Law on the Elimination of Domestic Violence (UU PKDRT) demonstrates that Indonesian law recognizes psychological suffering as a criminally relevant consequence. However, the scope of the law is limited to the domestic sphere; consequently, its application depends on the relationship between the perpetrator and the victim. If psychological distress occurs within the context of a husband-wife, parent-child, or family relationship, or involves individuals within the domestic sphere, the UU PKDRT may apply as *lex specialis* (Barda Nawawi Arief, 2010).

A strength of the Law on the Elimination of Domestic Violence (UU PKDRT) is its ability to capture forms of violence that are not immediately visible. Violence is no longer understood solely as physical injury, but also encompasses fear, powerlessness, and mental suffering. However, proving such cases still requires expert testimony, medical records, and other supporting evidence (American Psychiatric Association, 2022).

Law Number 12 of 2022 concerning the Crime of Sexual Violence

The Law on Sexual Violence Crimes (UU TPKS) is relevant to cases of psychological violence that involve a sexual dimension. Article 5 of the Law addresses non-physical sexual harassment. This means that non-physical acts are punishable if they are sexual in nature and directed at a person's body, sexual desires, or reproductive organs with the intent to demean their dignity and self-worth (Republik Indonesia, 2022).

The Sexual Violence Crimes Law (UU TPKS) is not a general instrument covering all forms of psychological violence; rather, it serves as *lex specialis* within the context of sexual violence. Nevertheless, its existence demonstrates that modern criminal law increasingly recognizes that non-physical acts can inflict serious damage on a victim's dignity and psychological well-being (IJRS, 2023).

If non-physical harassment is linked to consequences such as severe depression, trauma, or suicide, law enforcement must still establish a causal link between the perpetrator's actions and the victim's condition. Thus, while the Sexual Violence Crimes Law (UU TPKS) serves as a relevant legal basis for the offense, proving the consequences still requires a causality-based approach and scientific evidence (Sablone et al., 2024).

Law Number 1 of 2024 concerning Electronic Information and Transactions

The ITE Law becomes relevant when psychological pressure is exerted via electronic means—such as WhatsApp, social media, email, direct messages, or other electronic systems. Article 29 of the ITE Law prohibits the transmission of electronic information and/or electronic documents directly to a victim that contain threats of violence or are intended to intimidate, while Article 45B stipulates the associated criminal penalties (Republik Indonesia, 2024).

In a digital context, psychological distress can arise from threats to expose private or embarrassing information, digital extortion, doxxing, cyberbullying, or repeated intimidation via electronic messages. Electronic evidence is crucial for establishing the content of threats, frequency of communication, timing of messages, account identities, patterns of harassment, and the escalation of the conduct (Casey, 2011).

However, electronic evidence must be rigorously scrutinized. Questions that need to be answered include: does the account actually belong to the defendant? Was the message truly sent by the defendant? Has the evidence been tampered with? Is the conversation presented in its entirety? And was the evidence obtained lawfully? In this regard, digital forensics experts play a crucial role (Casey, 2011).

Proof of Psychological Causation

Factual Causation

Factual causation examines whether the perpetrator's actions preceded and were connected to the victim's condition. In cases involving psychological distress, relevant evidence includes witness testimony, electronic messages, audio recordings, CCTV footage, call logs, social media posts, the victim's diary, medical records, and the history of psychological consultations (Chazawi, 2008).

Factual causation does not require demonstrating that the perpetrator's act was the sole cause. In cases involving psychological matters, consequences almost invariably arise from a multitude of factors. What must be proven is that the perpetrator's act was a significant factor in the chain of events leading to the consequence (Hart & Honoré, 1985).

Legal Causation

Legal causation addresses whether the factual connection is sufficiently relevant to warrant legal liability. At this stage, the theories of adequacy and objective attribution come into play. The judge must assess whether the perpetrator's actions could objectively be foreseen to cause severe psychological suffering or suicide (Rommelink, 2003).

This assessment must not be based solely on intuition. In matters involving psychological issues, the judge requires expert testimony to explain whether specific pressure could trigger a mental disorder, whether the victim was in a vulnerable state, and whether the resulting consequences fell within the scope of the risk created by the perpetrator (American Psychiatric Association, 2022).

Interruption of Causality

Causality interruption examines whether there are other factors that sever the cause-and-effect relationship. Such factors may include a history of severe mental illness, another more dominant conflict, substance use, other traumatic events, or internal factors of the victim that independently serve as the primary cause of the outcome (Sablone et al., 2024).

However, the presence of other factors does not automatically sever the chain of causation. In criminal law, the question is not merely whether other factors exist, but whether such factors are so dominant, independent, and unforeseeable that they negate the causal relevance of the perpetrator's actions (Hart & Honoré, 1985).

If the perpetrator is aware—or reasonably ought to be aware—of the victim's vulnerability yet proceeds to issue threats or exert severe pressure, the victim's vulnerability does not necessarily absolve

the perpetrator of liability. In certain contexts, that vulnerability actually reinforces the perpetrator's obligation to avoid creating serious psychological risk (Dressler, 2018).

The Role of Experts in Establishing Psychological Causation

Expert testimony serves as a bridge between law and science. In cases involving psychological causality, judges and public prosecutors cannot rely solely on lay assessments regarding depression, trauma, or suicide; psychological phenomena require scientific explanations from competent experts (Scott et al., 2006).

A forensic psychiatrist can explain a victim's diagnosis, the relationship between a traumatic event and a mental disorder, the severity of the disorder, and the likelihood of a specific event acting as a trigger. In a diagnostic context, the DSM-5-TR may serve as a reference for mental disorder classification, although its use must always be situated within clinical and forensic contexts (American Psychiatric Association, 2022).

Foreign psychology can explain coercive dynamics, power relations, coercive control, fear, helplessness, and emotional violence. Criminal law experts can explain the construction of the elements of tort, the theory of causation, and the limits of criminal attribution. An iTE expert or forensic scientist can explain the validity and authenticity of electronic evidence (Casey, 2011).

In cases where a victim has died by suicide, a direct examination of the victim is not possible. Therefore, the psychological autopsy method can be employed as a scientific approach. This method involves reconstructing the victim's psychological state prior to death through interviews with family, friends, and colleagues, as well as the examination of personal records, medical records, digital footprints, and other contextual evidence (Sablone et al., 2024).

A psychological autopsy does not yield mathematical certainty. However, this method can help elucidate risk factors, triggers, psychological conditions, and the potential influence of third parties on the victim's decision. Consequently, it can serve as a valuable tool for establishing psychological causation, provided it is employed carefully and transparently by competent experts (Jacobs & Klein-Benheit, 1995).

The Boundary Between Ordinary Conflict and Criminal Intimidation

One of the greatest challenges regarding psychological causation is distinguishing between ordinary conflict and criminal intimidation. Not every instance of harsh language, raised voices, reprimands, or arguments warrants criminal prosecution. Criminal law, acting as a *ultimum remedium* (last resort), must exercise caution to avoid criminalizing all unpleasant social interactions (Sudarto, 1990).

The threshold for criminal liability can be defined using several parameters. First is the intensity of the conduct. Utterances that threaten safety, seriously demean dignity, or instill genuine fear are closer to criminal acts than ordinary reprimands. Second are frequency and duration; repeated and systematic pressure carries greater weight than a single, spontaneous incident (Barda Nawawi Arief, 2010).

Third, power relations. Pressure exerted by a superior on a subordinate, an official on a staff member, a teacher on a student, a husband on a wife, or a perpetrator who holds economic control over a victim carries greater coercive force than conflict between equal parties. Fourth, victim vulnerability. Children, persons with disabilities, victims of sexual violence, victims of domestic violence, or individuals with a history of mental health disorders require a higher level of protection (World Health Organization, 2014).

Fifth, the nature of the threat. Threats involving violence, the exposure of damaging secrets, dismissal, eviction, or the cutting off of economic access carry a more serious, intimidating quality. Sixth, the resulting consequences. If there is medical evidence of severe depression, trauma, functional impairment, or a suicide attempt, the claim of psychological abuse becomes more compelling (American Psychiatric Association, 2022).

With these parameters, the "high tone" of an unofficial official becomes a criminal. However, a high tone can turn into an intimidation if it is accompanied by concrete threats, abuse of power, systematic insults, repeated pressure, or psychological consequences that can be scientifically proven (Dressler, 2018).

Model for Establishing Psychic Causality

A model for establishing psychic causality can be formulated as follows (Muabuay et al., 2026).

Evidentiary Stage	Legal Question	Primary Evidence
Identification of the Act	What form of psychological pressure did the perpetrator exert?	Psychiatric vision, medicine, hospitality tnesses, chat logs, recordings, CCTV, electronic documents
Identification of Consequences	What are the psychological or physical consequences for the victim?	Psychiatric evaluation report, medical records, expert testimony
Factual Causation	What is the act that precedes and is connected to the consequence?	Chronology, communication, witnesses, victim's records
Adequate Causality	Can the action be expected to cause consequences?	Criminal lawyer, forensic psychiatrist, forensic psychiatrist
Attribute Objective	What are the consequences of being exposed to the risk created by the perpetrator?	Relational analysis of power, intensity, duration, cointext
Interruption of Causality	Are there other factors that break the chain of cause and effect?	Medicine narration, psychological autoipsy, keluarga testimony
Legal Conclusion	Can the consequences be attributed to the defendant?	The judge's assessment of the entire evidence

This model demonstrates that establishing psychological causation cannot be done piecemeal. It is insufficient for the public prosecutor to merely prove that the victim received a threat, nor is it enough to simply prove that the victim committed suicide. What must be established is the chain connecting the act, the psychological state, the consequence, and the normative attribution to the perpetrator (Hart & Honoré, 1985).

Critical Analysis: Is a Specific Provision Needed for Psychological Abuse Resulting in Suicide?

From a normative standpoint, Indonesia could consider specific regulations addressing psychological abuse that leads to suicide. The underlying argument is that systematic and severe psychological violence—perpetrated within a power imbalance—can result in consequences just as serious as those of physical violence (Republik Indonesia, 2004; Republik Indonesia, 2022).

However, such specific provisions must be drafted precisely. If the wording is overly broad, criminal law risks criminalizing ordinary social conflicts. Factors to consider include: the presence of severe psychological pressure, the unlawful nature of the act, the intensity or systematic nature of the conduct, the perpetrator's awareness of the risks, the occurrence of suicide, and a causal link established through scientific evidence (Roxin, 2006).

Thus, the significance of the specific provision should not be interpreted as an unbounded expansion of criminal liability, but rather as an effort to define clearer boundaries between severe psychological abuse and ordinary conflict. The principles of legality, culpability, proportionality, and evidentiary standards must remain the primary safeguards (Hart & Honoré, 1985).

4. CONCLUSION

First, Indonesian criminal law recognizes psychological suffering as a reality warranting legal protection. This recognition is evident in the Law on the Elimination of Domestic Violence (PKDRT), the Law on Sexual Violence Crimes (TPKS), the ITE Law, and the National Criminal Code. However, this normative recognition does not imply that any instance of psychological distress automatically constitutes a material offense resulting in death or suicide (Republik Indonesia, 2023; Republik Indonesia, 2004; Republik Indonesia, 2022; Republik Indonesia, 2024).

Secondly, the primary issue regarding psychological causation is not merely a matter of legal norms, but rather the proof of a cause-and-effect relationship. Unlike physical violence, psychological pressure does not leave behind easily observable traces of injury. The connections between verbal remarks, threats, intimidation, trauma, depression, and suicide are complex and multifactorial (American Psychiatric Association, 2022; Sablone et al., 2024).

Third, in cases involving psychological pressure that leads to suicide, the construction of Article 345 of the old Criminal Code (or Article 462 of Law No. 1 of 2023) is more appropriate than that of Article 344 of the old Criminal Code (or Article 461 of the National Criminal Code). Articles 344 and 461 are better suited for the taking of a life at the victim's request, whereas psychological pressure driving someone to suicide aligns more closely with the concepts of inciting, assisting, or providing the means for suicide (KUHP, Pasal 345; Republik Indonesia, 2023).

Fourth, outside the book of the people of the merupakan kunci. Forensic psychiatrists, forensic psychologists, victims, victims, and digital forensic scientists include the understanding between perbuatan, coincidence, response, and attribution (Scott et al., 2006).

Fifth, the boundary between ordinary conflict and criminal intimidation must be determined using objective parameters: intensity, duration, frequency, power dynamics, victim vulnerability, the nature of the threat, the medium used, and demonstrable consequences. Through this approach, criminal law can protect victims of psychological violence without compromising legal certainty and the principle of culpability (Hart & Honoré, 1985; Dressler, 2018).

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