

Rethinking Filicide through Freudian Psychoanalysis: A Comparative Perspective on Indonesian and Spanish Criminal Cases

**Indah Sri Utari¹, Ridwan Arifin², Ali Masyhar³, Valerio Sebastian⁴,
Souad Ahmed Ezzerouali⁵**

¹Universitas Negeri Semarang, Semarang, Indonesia, email: indahsuji@mail.unnes.ac.id

²Universitas Negeri Semarang, Semarang, Indonesia, email: ridwan.arifin@mail.unnes.ac.id

³Universitas Negeri Semarang, Semarang, Indonesia, email: ali_masyhar@mail.unnes.ac.id

⁴Sociedad Civil de Derecho y Políticas Públicas (SOCIPOL), Spain, email: valerio@socipol.org

⁵College of Law, United Arab Emirates University, UAE, email: sezzerouali@uaeu.ac.ae

Abstract

Filicide is one of the most complex forms of domestic homicide. Criminal law studies generally focus on the fulfillment of the elements of the crime and criminal responsibility. In contrast, psychiatric and criminological research focuses more on the psychological condition of the perpetrator. Consequently, there is still a gap in the legal literature regarding how subconscious psychological dynamics can explain filicide without shifting the principle of criminal responsibility. This study aims to fill this gap through a Freudian psychoanalytic analysis within a comparative criminal law framework, comparing the cases of Panca Darmansyah in Indonesia and José Bretón in Spain. The study uses normative legal methods with a comparative approach combined with psychoanalytic interpretation of court decisions, legal frameworks, and forensic findings. The results show that the Indonesian and Spanish criminal justice systems both determine criminal responsibility based on the perpetrator's cognitive and volitional capacities, despite the presence of deep psychological conflict. Meanwhile, the psychoanalytic analysis reveals that filicide develops through processes of repression, narcissistic injury, identity fragmentation, symbolic objectification of the child, and the redirection of aggression. This study demonstrates that criminal responsibility and subconscious motivation exist at different but complementary levels of analysis. The contribution of this research is the development of a psycho-legal framework that integrates Freudian psychoanalysis and comparative criminal law to enrich the legal analysis of filicide and support the development of forensic assessment and criminal justice policy.

Keywords: Comparative Criminal Liability; Child Protection; Filicide; Forensic Legal Psychology; Freudian Psychoanalysis.

1. INTRODUCTION

Criminal behavior is often explained through external influences such as economic hardship, social inequality, family conflict, or weaknesses in the criminal justice system. These factors undoubtedly shape the conditions under which violence may occur.¹ However, they do not fully explain why individuals exposed to similar circumstances

¹Melitta Schmideberg, "Psychological Factors Underlying Criminal Behavior." *Journal of Criminal Law and Criminology* 37, no. 6 (1947): 458-476. <https://doi.org/10.2307/1138956>; L. Mundia, et al. "Contributions of Sociodemographic Factors to Criminal Behavior." *Psychology Research and Behavior Management* 9 (2016): 147-156. <https://doi.org/10.2147/PRBM.S95270>; Steny Roby Waluya, "Child Prisoners and Their Attitudes: The Capture of Child Behavior Changes in Correctional Institutions." *Unnes Law Journal* 7, no. 2 (2021): 225-236. <https://doi.org/10.15294/ulj.v7i2.38688>

respond in fundamentally different ways. While some develop adaptive coping strategies, others engage in extreme forms of violence.² This suggests that criminal behavior is also influenced by internal psychological processes that operate beyond conscious awareness.³ Long-standing emotional distress, unresolved trauma, chronic resentment, and impaired emotional regulation may interact with external pressures to produce violent acts that appear irrational when viewed solely through legal or sociological perspectives, at this case, it is Filicide.⁴

Filicide—the killing of a child by a biological parent—represents one of the most disturbing forms of family violence because it violates the fundamental expectation that parents are protectors of their children. Although relatively uncommon, filicide has been documented across diverse cultural and legal settings, indicating that it is not an isolated phenomenon but a recurring form of homicide. Various previous studies have largely explained filicide through psychiatric disorders, domestic violence, socioeconomic adversity, parental stress, and family breakdown.⁵ While these perspectives have substantially advanced the understanding of parental homicide, comparatively little attention has been devoted to the unconscious psychological processes that may shape violent parental behavior, particularly in comparative cross-cultural settings.

The recurrence of filicide can be observed in both Indonesia and Spain, albeit in different cultural and social settings. In Indonesia, the case of Panca Darmansyah in Jakarta in 2023 drew national attention when he killed his four biological children in the context of severe marital conflict and ongoing domestic tensions. The children became victims within a deteriorating family system marked by violence and emotional breakdown.⁶ A comparable case occurred in Spain in 2011, when José Bretón killed his

²Astin Ratri Nur Anggraini Basuki, et al. “Minors and Crime: Law and Criminological Analysis on Theft by Children (Case of Central Java, Indonesia).” *Law Research Review Quarterly* 9, no. 1 (2023): 71-88. <https://doi.org/10.15294/snh.v5i2.31115>; Muhtar Hadi Wibowo, Ali Masyhar, and Anis Widyawati. “Progressionism Restorative Justice Policies in Achieving Rehabilitative Criminal Justice.” *Indonesian Journal of Criminal Law Studies* 9, no. 1 (2024): 117-138. <https://doi.org/10.15294/ijcls.v9i1.36420>

³Fabio Indio Massimo Poppi, “Abyssus Abyssum Invocat: Victim/Criminal Dynamics in the Construction of Successful Criminal Identities.” *Deviant Behavior* 46, no. 10 (2025): 1370-1386. <https://doi.org/10.1080/01639625.2024.2381070>

⁴S. Mezghiche, “The Criminal Behavior: Exploring Personal and Social Determinants: Theoretical Approach.” *Science, Education and Innovations in the Context of Modern Problems* 8, no. 3 (2025): 962-981. <https://doi.org/10.56334/sei/8.3.591>; Željko Bjelajac, “The Origin of Criminal Behavior in the Context of Developmental Risk Factors.” *Kultura Polisa* 21, no. 1 (2024): 18-42. <https://doi.org/10.51738/Kpolisa2024.21.1r.18b>; Sebastián Alejandro Morales, and Andrés Castillo. “The Case of Gender Violence in Mexico: Does the Judicial System Ensure Substantive Justice for Victims? El Caso de la Violencia de Género en México: ¿Garantiza el Sistema Judicial la Justicia Sustantiva para las Víctimas?.” *Crítica de la Justicia Sustantiva* 1, no. 2 (2025): 205-232.

⁵Yassine Chami, Mourad Benseghir, Mohammad Abdallah Alshawabkeh, and Viorizza Suciani Putri. “Between Reconciliation and Rights: The Judge Role in Child Advocacy in Algeria and Indonesia.” *Journal of Law and Legal Reform* 6, no. 1 (2025): 421-448. <https://doi.org/10.15294/jllr.v6i1.6901>; Muhammad Iqbal Baiquni, and Septhian Eka Adiyatma. “‘Keep It Within the Family’: Legal Intervention in the Social Normalization of Domestic Violence in Indonesian Communities.” *The Indonesian Journal of Legal Intervention in Social Problems* 1, no. 1 (2026): 31-70. <https://inleads.id/publications/index.php/IJLISPRO/article/view/27>; Sahid Kumaar, Ikram Muqorrobin, and Fathan Al-Faroq. “Gender Equality in Indonesia’s Legal System: Progress or Stagnation?” *Indonesia Discourse* 2, no. 1 (2025): 1-32. <https://doi.org/10.15294/indi.v2i1.23033>. See also Rasdi Rasdi, Winarsih Winarsih, Didik Purnomo, Sonny Saptaojie Wicaksono, and Ridwan Arifin. “An Ideal Model for Combating Child Sexual Violence.” *Lex Scientia Law Review* 10, no. 1 (2026): 493-520. <https://doi.org/10.15294/lslr.v10i1.42117>; Robi’atul Adawiyah, et al. “Power and Gender: Female Perpetrators of Child Sexual Abuse from Islamic Legal Perspective.” *Jambe Law Journal* 9, no. 1 (2026): 369-393. <https://doi.org/10.22437/9ke0x692>

⁶The Panca Darmansyah case concerns the prosecution of Panca Darmansyah, who murdered his four children—aged one, three, four, and six years—in Jagakarsa, South Jakarta, on 3 December 2021. After killing the children by suffocation, he reportedly attempted suicide by injuring himself before being discovered by neighbours. During the trial, the defence argued that the defendant suffered from psychological disorders that impaired his criminal responsibility. However, forensic psychiatric examinations concluded that he remained legally capable of understanding the nature and consequences of his actions. The court convicted him of premeditated murder under Article 340 of the Indonesian Criminal Code (KUHP) and imposed the death penalty, emphasizing the deliberate planning of the killings, the vulnerability of the child victims, and the aggravating breach of parental duty to protect them. The case

two children following the breakdown of his marriage. The act was widely interpreted as an extreme form of retaliatory violence directed at his former spouse, with the children positioned as instruments of unresolved relational conflict.⁷ Despite differences in cultural background, legal systems, and social context, both cases reflect a similar pattern in which children become the targets of violence emerging from unresolved adult conflict within the family structure.

Existing comparative studies have primarily focused on differences in legal responses, psychiatric diagnoses, or demographic characteristics of offenders. Comparatively few studies have explored whether similar unconscious motivational structures underlie filicide across different societies. This gap is particularly significant because external motives, such as divorce, financial stress, or domestic disputes, often describe the circumstances surrounding the crime rather than explaining why violence becomes directed toward one's own child.⁸ Understanding this distinction requires an analytical framework capable of examining the interaction between conscious behavior and unconscious psychic conflict.

From a legal perspective, both Indonesia and Spain prosecute filicide under the general provisions governing homicide rather than through a distinct criminal offence specifically addressing the killing of a child by a parent. In Indonesia, acts of filicide are generally prosecuted under the provisions of the Criminal Code (KUHP) concerning murder or aggravated murder, with judicial proceedings primarily focusing on establishing criminal liability and determining appropriate punishment.⁹ Similarly, the Spanish

has become a significant reference in Indonesian criminal law concerning criminal responsibility, mental illness defences, and violence against children. See Johana Jenniviera, et al. "Menganalisis Faktor dan Upaya Pencegahan Kekerasan dalam Rumah Tangga: Studi Kasus Panca Darmansyah." *Indonesian Journal of Islamic Jurisprudence, Economic and Legal Theory* 2, no. 4 (2024): 2185-2193. <https://doi.org/10.62976/ijjel.v2i4.811>. See also Fatah Rafi Ardiansyah, Hamidah Abdurrahman, and Kus Rizkiyanto. *Kekerasan dalam Rumah Tangga sebagai Pemicu Tindak Pidana Lainnya*. (Pekalongan: Penerbit NEM, 2024); Selly Dwining Maulidina, et al. "Analisis Segi Empat Kejahatan Pada Kasus Pembunuhan Massal Terhadap Anak Kandung: Studi Literatur." *HUMANITIS: Jurnal Homaniora, Sosial dan Bisnis* 2, no. 12 (2024): 1296-1304. <https://humanisa.my.id/index.php/hms/article/view/290>; Nurini Aprilianda, et al. "Re-conceptualizing Child Victim Rights: A Normative and Comparative Analysis of Victim Impact Statement in Indonesia's Juvenile Justice System." *Jambura Law Review* 7, no. 2 (2025): 442-467. <https://doi.org/10.33756/jlr.v7i2.30132>

⁷José Bretón was convicted of murdering his two children, six-year-old Ruth and two-year-old José, in Córdoba on 8 October 2011. Initially reporting them missing, Bretón prompted a nationwide search before forensic and investigative evidence established that he had sedated, killed, and incinerated the children to conceal the crime. Prosecutors demonstrated that the murders were motivated by revenge against his estranged wife during divorce proceedings, making the case a paradigmatic example of vicarious violence (*violencia vicaria*). In 2013, the Provincial Court of Córdoba convicted Bretón of two counts of premeditated murder and sentenced him to 40 years' imprisonment. The case has become a landmark reference in Spain regarding filicide, domestic violence, and criminal responsibility. See Ángela Cabrero Herráiz, "Personalidad psicopática y crimen (algunas reflexiones psicológicas, psiquiátricas, criminológicas y jurídico-penales a resultados del caso José Bretón)." *FORO. Revista de Ciencias Jurídicas y Sociales*, Nueva Época 15, no. 2 (2013): 125-155. http://dx.doi.org/10.5209/rev_FORO.2012.v15.n2.41489; Custodia Jiménez Martínez, "La contribución de la neurociencia en el derecho penal. A propósito del Síndrome de Medea en el 'Caso Bretón': ¿culpabilidad o inimputabilidad?." *Revista de Derecho y Proceso Penal* 37 (2015): 415-435.

⁸See Lauren Murfree, Andrea L. DeMaria, and Laura M. Schwab-Reese. "Factors contributing to filicide-suicide: differences between male and female perpetrators." *Child Abuse & Neglect* 129 (2022): 105637. <https://doi.org/10.1016/j.chiabu.2022.105637>; Giulia Milia, and Maria Noonan. "Experiences and perspectives of women who have committed neonaticide, infanticide and filicide: A systematic review and qualitative evidence synthesis." *Journal of Psychiatric and Mental Health Nursing* 29, no. 6 (2022): 813-828. <https://doi.org/10.1111/jpm.12828>; Anna Johnson, and Myrna Dawson. "Filicide and criminal justice outcomes: Are maternal and paternal perpetrators treated differently?." *Child Abuse & Neglect* 157 (2024): 107019. <https://doi.org/10.1016/j.chiabu.2024.107019>; Farhan Abdurrahman, Siti Haryanti Putri, and Galih Widodo Nugraha. "Minority Women in Indonesia: Intersectionality, Gender Justice, and Legal Discrimination Against Ethnic and Religious Minorities." *Indonesian Minority Justice Review* 2, no. 3 (2025). <https://doi.org/10.65815/fvs4gf84>; Ridwan Arifin, and Varun Chhachhar. "Theological Reflections on Gender Justice: How Indonesian Theology Confronts Gender Inequality and Violence." *Indonesian Theological Justice Review* 2, no. 3 (2025). <https://doi.org/10.65815/jzvr3228>

⁹See Bayu Suryo Aji, and Suparji Suparji. "Criminal Law Analysis of the Case of a Mother who Killed Her Two Children and Committed Suicide in Bandung." *Tasyri': Journal of Islamic Law* 5, no. 1 (2026): 217-232. <https://doi.org/10.53038/tsyr.v5i1.510>; Marhamah Lulu Mardlatillah, and Indra Yudha Koswara. "Tinjauan Kriminologi

Criminal Code classifies such acts under the offences of homicide (*homicidio*) or murder (*asesinato*), while allowing courts to consider the offender's mental condition only in relation to criminal responsibility or sentencing.¹⁰ Although these legal frameworks provide mechanisms for prosecution and punishment, they offer limited insight into the complex psychological processes that precede the offence. As a result, the legal treatment of filicide in both countries remains largely reactive, emphasizing culpability after the crime has occurred rather than addressing the unconscious motivational dynamics that may contribute to parental homicide.

This limitation highlights the need for analytical approaches capable of explaining not only how filicide is legally classified but also why parents ultimately direct lethal violence toward their own children. It is within this context that psychoanalytic theory offers an important complementary perspective. Freudian psychoanalytic theory offers such a framework. Freud proposed that human behavior is shaped not only by conscious reasoning but also by unconscious desires, repressed emotions, and internal conflicts among the id, ego, and superego.¹¹ From this perspective, violent behavior may emerge when instinctual impulses overwhelm ego regulation and moral restraint, particularly under conditions of prolonged psychological tension.¹² Concepts such as repression, displacement, narcissistic injury, and unconscious aggression provide a deeper explanation for criminal acts that appear disproportionate to their immediate external triggers. In cases of filicide, these concepts allow the analysis to move beyond observable circumstances and explore the psychological mechanisms through which unresolved conflict is transformed into lethal violence.¹³

Unlike previous studies, which examine *filicide* either through doctrinal criminal law or through psychiatric and psychological perspectives, this study develops a doctrinally grounded psycho-legal analysis that integrates Freudian psychoanalysis into comparative criminal law without displacing the established doctrine of criminal responsibility. Rather than treating unconscious psychological processes as a basis for reducing or negating criminal liability, this study conceptualizes them as an explanatory framework that complements legal reasoning by clarifying the relational and psychological dynamics underlying lethal parental violence. Through a comparative analysis of Indonesian and Spanish criminal law, the study demonstrates that psychoanalytic interpretation and doctrinal legal analysis operate at distinct yet complementary analytical levels. This approach constitutes the study's doctrinal originality by extending comparative criminal law beyond a purely normative assessment of culpability while preserving the autonomy and coherence of criminal responsibility as the central principle of criminal adjudication.

Terhadap Fenomena Filisida (Studi Kasus Pembunuhan Terhadap Anak oleh Orangtua Tunawisma di Bekasi).” *Jurnal Ilmiah Wahana Pendidikan* 12, no. 2 (2026): 78-85.

¹⁰See Irene Barón Picazo, et al. “El filicidio en España.: Situación y limitaciones para su estudio.” *Behavior & Law Journal* 7, no. 1 (2021): 13-22. <https://doi.org/10.47442/blj.v7.i1.86>; Sonia Benítez-Borrego, Joan Guàrdia-Olmos, and Alvaro Aliaga-Moore. “Child homicide by parents in Chile: A gender-based study and analysis of post-filicide attempted suicide.” *International Journal of Law and Psychiatry* 36, no. 1 (2013): 55-64. <https://doi.org/10.1016/j.ijlp.2012.11.008>

¹¹See Sigmund Freud, *General Psychological Theory: Papers on Metapsychology*. (New York: Simon and Schuster, 2008). See also Jorge Canestri, ed. *Psychoanalysis: From Practice to Theory*. (Hoboken, New Jersey: John Wiley & Sons, 2006).

¹²Stephen J. Costello, *The Pale Criminal: Psychoanalytic Perspectives*. (London: Routledge, 2018).

¹³See Yedija Otniel Purba, “Analisis Faktor-Faktor Kriminogenik Kasus Filisida di Indonesia dalam Perspektif Strain Theory.” *JCIC: Jurnal CIC Lembaga Riset dan Konsultan Sosial* 7, no. 2 (2025): 81-104; Taufik Suryadi, et al. “Autopsy Findings of the Case Child Murder: Is It Infanticide or Child Homicide? The Indonesian Perspective: A Case Report.” *Open Access Macedonian Journal of Medical Sciences* 11, no. C (2023): 1-5.

This study therefore rethinks filicide through a Freudian psychoanalytic perspective by comparing two criminal cases: *Panca Darmansyah in Indonesia and José Bretón in Spain*. Rather than treating the cases as isolated incidents, the study examines whether similar unconscious motivational dynamics can be identified despite differences in cultural background and legal systems. By integrating psychoanalytic theory with comparative criminology, the research seeks to demonstrate that filicide cannot be fully understood through external or rational explanations alone. Instead, it argues that unconscious intrapsychic conflict constitutes an essential dimension for interpreting parental homicide.

This study employs a qualitative comparative legal case study grounded in criminal responsibility theory, the doctrine of culpability, and comparative criminal law scholarship. It adopts a normative legal research method by examining primary legal materials, including judicial decisions, statutory provisions, and forensic expert evidence, complemented by secondary sources on criminal law doctrine, psychoanalytic theory, and comparative legal scholarship. The comparative framework is based on the Indonesian and Spanish criminal justice systems, selected because both cases involve paternal *filicide* committed under broadly comparable factual circumstances but adjudicated within different legal traditions, enabling an assessment of the consistency and limits of criminal responsibility across jurisdictions. The analysis combines doctrinal legal interpretation with comparative analysis and psychoanalytic interpretation. Criminal responsibility is first assessed through the legal criteria governing *mens rea*, cognitive and volitional capacity, and culpability in each jurisdiction. Freudian concepts—including the structural model of the id, ego, and superego, together with repression, narcissistic injury, displacement, and unconscious aggression—are then operationalized as analytical categories to interpret the offender’s psychological dynamics as reflected in judicial findings and forensic evidence. These psychoanalytic concepts are not employed to redefine legal responsibility but to explain the psychological mechanisms underlying the offender’s conduct while preserving the doctrinal framework of criminal liability. Through this integrated analytical approach, the study contributes to comparative criminal law by demonstrating how psychoanalytic interpretation can complement, rather than replace, doctrinal analysis of criminal responsibility in cases of parental homicide.

2. ANALYSIS AND DISCUSSION

2.1. Unconscious Motives and the Dynamics of Filicide: A Freudian Reading of the Indonesian and Spanish Cases

Freud’s psychoanalytic theory offers a distinctive framework for understanding criminal behavior by shifting analytical attention from observable conduct to the unconscious psychological processes that shape human action. Unlike positivist criminology, which primarily explains crime through biological predispositions or environmental influences, psychoanalysis contends that criminal behavior frequently originates in unresolved unconscious conflicts that remain inaccessible to conscious awareness.¹⁴ Within this framework, acts of extreme violence, including filicide, cannot

¹⁴See Sigmund Freud, “Formulations regarding the two principles in mental functioning.” In D. Rapaport, *Organization and pathology of thought: Selected sources*. (New York: Columbia University Press, 1951), pp 315-328. <https://doi.org/10.1037/10584-015>; Sigmund Freud, “The Ego and The Id (1923).” *TACD Journal* 17, no. 1 (1989): 5-22. <https://doi.org/10.1080/1046171X.1989.12034344>

be fully understood merely as rational decisions or legal violations. Rather, they emerge as manifestations of deeply repressed desires, unresolved childhood experiences, narcissistic injuries, and internal psychic struggles between instinctual impulses and moral constraints. Consequently, psychoanalysis does not seek to excuse criminal conduct but instead provides a deeper explanation of the psychological mechanisms through which destructive impulses are transformed into violent actions.

Central to Freudian theory is the concept of the unconscious, which encompasses memories, wishes, fears, and conflicts that have been excluded from conscious awareness through repression.¹⁵ These unconscious elements do not disappear; instead, they continue to influence emotions, thoughts, and behaviors indirectly. Freud argued that repression serves as a defense mechanism intended to reduce psychological anxiety by preventing distressing experiences from entering consciousness. Nevertheless, repressed material remains psychologically active and may eventually re-emerge in distorted forms, including aggression, compulsive behavior, or pathological violence.¹⁶ In cases of filicide, unconscious conflicts may accumulate over prolonged periods through marital discord, perceived failures of parental identity, financial stress, or emotional humiliation until the individual's capacity for psychological regulation becomes overwhelmed.

The structural model of personality further explains how unconscious conflict may culminate in violent criminal behavior. Freud conceptualized the psyche as consisting of the id, ego, and superego, each performing distinct yet interconnected functions.¹⁷ The id represents instinctual drives operating according to the pleasure principle and seeks immediate gratification of primitive desires. The superego embodies moral values, social norms, and internalized parental authority, functioning as the individual's conscience. The ego mediates between these competing forces while simultaneously responding to external reality. Psychological stability depends upon the ego's capacity to balance instinctual impulses with moral prohibitions. When this balance deteriorates because of overwhelming emotional stress or unresolved psychic conflict, destructive impulses originating in the id may override both rational judgement and ethical restraint, increasing the likelihood of extreme violence.¹⁸

Freud's later theory concerning the death drive (*Thanatos*) further enriches psychoanalytic interpretations of filicide.¹⁹ In *Beyond the Pleasure Principle*²⁰ Freud proposed that human beings possess not only life-preserving instincts (*Eros*) but also unconscious tendencies toward destruction, aggression, and a return to an inorganic state. Although controversial, the concept of the death drive has significantly influenced psychoanalytic understandings of severe interpersonal violence. Aggression, from this perspective, is not merely reactive but constitutes an intrinsic psychological force requiring continual regulation. Under conditions of intense emotional crisis, narcissistic injury, or profound psychological disintegration, destructive energy may be redirected either inward through self-harm or outward toward intimate family members. The

¹⁵See Freud, "Formulations regarding the two principles in mental functioning." In D. Rapaport, *Organization and pathology of thought: Selected sources*.

¹⁶Jean Laplanche, and Jean-Bertrand Pontalis. "The language of psycho-analysis." *The Language of Psycho-Analysis* 94 (1973): i-xv

¹⁷See Freud, "The Ego and The Id (1923)."

¹⁸See also Louis Brunet, "They think they find themselves: radical violence and narcissistic-identity suffering." *The International Journal of Forensic Psychotherapy* 1, no. 1 (2019): 21-31.

¹⁹See Maria Kli, "Eros and Thanatos: a nondualistic interpretation: the dynamic of drives in personal and civilizational development from Freud to Marcuse." *The Psychoanalytic Review* 105, no. 1 (2018): 67-89. <https://doi.org/10.1521/prev.2018.105.1.67>

²⁰See Sigmund Freud. *Beyond the Pleasure Principle*. (London: The Hogarth Press and the Institute of Psycho-Analysis, 1920).

coexistence of homicidal and suicidal behaviors observed in several filicide cases is therefore consistent with Freud's proposition that destructive instincts frequently operate simultaneously against both the self and significant others.²¹

Psychoanalytic scholarship has subsequently expanded Freud's original formulations by emphasizing narcissistic vulnerability as a critical determinant of interpersonal violence. Kernberg²² argues that individuals with fragile narcissistic structures frequently experience humiliation, rejection, or perceived abandonment as catastrophic assaults upon their identity rather than ordinary interpersonal disappointments. When self-esteem depends excessively upon external validation, threats to intimate relationships may provoke overwhelming rage that exceeds conscious emotional regulation. Such narcissistic collapse may transform loved ones into symbolic objects representing betrayal or personal failure. Violence therefore becomes less an expression of hatred toward the victim than an unconscious attempt to restore psychological control over a fragmented sense of self.²³ This perspective is particularly relevant to filicide, where children may become unconsciously incorporated into parental conflicts despite bearing no responsibility for those conflicts.

Within the psychoanalytic understanding of family relationships, children occupy a unique symbolic position that extends beyond their biological existence. Freud viewed parental attachment as intertwined with narcissistic investment, whereby children frequently become extensions of parental identity, aspirations, and emotional fulfillment.²⁴ Later object relations theorists similarly argued that parents unconsciously internalize children as psychological objects rather than perceiving them solely as autonomous individuals.²⁵ Under healthy psychological conditions, this narcissistic investment facilitates caregiving and emotional attachment. However, when parental identity becomes destabilized through marital dissolution, perceived betrayal, or overwhelming psychological distress, children may unconsciously shift from representing love and continuity to symbolizing loss, humiliation, or revenge. This transformation is particularly evident in revenge-driven filicide, where the child functions symbolically as an extension of the targeted parent rather than as the direct object of hostility.

These theoretical foundations provide an essential lens for examining the Indonesian case of Panca Darmansyah and the Spanish case of José Bretón. Although the factual circumstances, cultural contexts, and legal proceedings differ substantially, both cases reveal patterns that extend beyond conventional explanations based solely on criminal intent or psychiatric diagnosis. A Freudian interpretation suggests that the killings were preceded by prolonged unconscious psychological conflicts involving paternal identity, marital breakdown, emotional repression, and narcissistic injury. The subsequent sections therefore analyze each case through the interconnected concepts of unconscious motivation, repression, psychic conflict, and destructive instinct to demonstrate how psychoanalytic theory contributes to a more comprehensive understanding of filicide than conventional legal analysis alone.

²¹Erich Fromm, "The Question of Human Nature." *Cross Currents* 23, no. 2 (1973): 129-139. <http://www.jstor.org/stable/24457838>

²²Otto F. Kernberg, "On the treatment of narcissistic personality disorders." *Psyche* 29, no. 10 (1975): 890-905.

²³See Kernberg, "On the treatment of narcissistic personality disorders." See also Heinz Kohut, "Thoughts on narcissism and narcissistic rage." *The Psychoanalytic Study of the Child* 27, no. 1 (1972): 360-400. <https://doi.org/10.1080/00797308.1972.11822721>

²⁴See Sigmund Freud. *Freud's On Narcissism: An Introduction 1914*. (London, Yale University Press, 1991).

²⁵D. W. Winnicott, "A clinical study of the effect of a failure of the average expectable environment on a child's mental functioning." *The International Journal of Psycho-Analysis* 46 (1965): 81-87.

The case of Panca Darmansyah presents a compelling illustration of how unconscious psychological conflicts may culminate in extreme violence within the family. On 3 December 2021, Panca killed his four biological children in Jagakarsa, South Jakarta, before attempting to end his own life. During the criminal proceedings, public attention largely focused on questions surrounding his mental condition, financial hardship, and deteriorating marital relationship. Nevertheless, the court concluded that he retained criminal responsibility because forensic psychiatric evaluations established that he possessed the capacity to understand the nature and consequences of his actions. From a psychoanalytic perspective, however, legal sanity does not necessarily negate the existence of profound unconscious conflict. Freud²⁶ distinguished between psychosis, which may impair reality testing, and unconscious psychic processes that continue to shape behavior even in legally responsible individuals. Consequently, Panca's criminal responsibility under Indonesian law remains compatible with a psychoanalytic interpretation of his motivations.

Reports surrounding the case reveal that the offence occurred against the backdrop of prolonged marital conflict, emotional isolation, financial pressure, and perceived betrayal within the family. Although these circumstances do not independently explain the murders, psychoanalysis suggests that they may have functioned as external triggers activating unconscious conflicts accumulated over time. Freud maintained that traumatic experiences are rarely expressed directly; instead, they are transformed through repression into latent psychic tensions that persist beneath conscious awareness.²⁷ When repeated frustrations weaken the ego's capacity to regulate instinctual impulses, aggressive affect may erupt in disproportionate and seemingly incomprehensible forms. Thus, rather than interpreting the murders merely as impulsive reactions to immediate stressors, psychoanalysis encourages consideration of the cumulative psychological processes through which unresolved conflicts gradually undermine emotional regulation.

The relationship between paternal identity and narcissistic injury is particularly significant in understanding Panca's actions. Freud²⁸ argued that parenthood often becomes intertwined with narcissistic investment, whereby children represent not only objects of affection but also extensions of the parent's identity and aspirations. Modern psychoanalytic theorists similarly contend that disruptions to parental identity may produce profound narcissistic wounds, especially when individuals perceive themselves as having failed in socially valued familial roles.²⁹ In this context, marital breakdown and domestic instability may have threatened Panca's unconscious self-concept as husband and father. Rather than perceiving his children exclusively as independent individuals deserving protection, unconscious narcissistic processes may have transformed them into symbolic representations of his collapsing familial identity. Such a transformation does not diminish moral culpability but provides a deeper explanation of how parental affection can become displaced by destructive psychic forces.

The coexistence of homicide and attempted suicide in Panca's case further reinforces the relevance of Freud's concept of the death drive. Following the killings, Panca reportedly inflicted injuries upon himself in an apparent suicide attempt. Freud argued that destructive instincts frequently oscillate between self-directed and other-directed

²⁶See Freud, "The Ego and The Id (1923)."

²⁷See Sigmund Freud, "Observations on transference-love: Further recommendations on the technique of psycho-analysis III." *The Journal of Psychotherapy Practice and Research* 2, no. 2 (1993): 171-180.

²⁸See Freud. *Freud's On Narcissism: An Introduction* 1914.

²⁹Kernberg, "On the treatment of narcissistic personality disorders." See also Stephen A. Mitchell, and Margaret J. Black. *Freud and Beyond: A History of Modern Psychoanalytic Thought*. (New York: Basic Books, 2016).

aggression rather than existing as separate psychological phenomena.³⁰ Contemporary psychoanalytic literature likewise recognizes that severe family homicide is often accompanied by suicidal ideation because both behaviors originate from a shared process of psychic disintegration.³¹ Instead of viewing homicide and suicide as unrelated events, psychoanalysis interprets them as complementary manifestations of overwhelming destructive impulses directed simultaneously toward the external world and the self. This perspective helps explain why some perpetrators of filicide perceive death not merely as punishment but as the ultimate resolution of unbearable psychological conflict.

A parallel yet distinct psychoanalytic dynamic can be identified in the Spanish case of José Bretón. In October 2011, Bretón murdered his two young children during contentious divorce and custody proceedings before falsely reporting their disappearance to authorities. Unlike Panca's case, the evidence demonstrated a high degree of planning and deliberate concealment, including the incineration of the children's bodies to obstruct forensic identification. Prosecutors successfully argued that the murders constituted an act of revenge against his estranged wife. While criminal law appropriately categorized these acts as premeditated murder, psychoanalysis seeks to explain why the desire for revenge became directed toward the children rather than exclusively toward the marital partner. This question illustrates the added value of psychoanalytic inquiry beyond conventional legal analysis.

From a Freudian perspective, Bretón's actions may be interpreted as the externalization of narcissistic rage following severe injury to his masculine identity and perceived parental authority. Divorce frequently represents more than the dissolution of an intimate relationship; it may also threaten unconscious fantasies concerning control, possession, and self-worth. Kohut³² argues that individuals with fragile narcissistic structures often experience rejection not simply as interpersonal loss but as annihilation of the self. Under such conditions, the inability to restore narcissistic equilibrium may generate overwhelming aggression directed toward symbolic objects associated with the perceived source of humiliation. Because the children simultaneously embodied both paternal attachment and maternal continuity, they became unconscious instruments through which retaliation against the children's mother could be enacted. In psychoanalytic terms, the murders therefore represented an attack upon the symbolic extension of the former spouse rather than an expression of direct hostility toward the children themselves.

One of the most striking aspects of the Bretón case is the calculated effort to deceive investigators after the killings. Rather than immediately confessing, Bretón fabricated a narrative of disappearance and actively participated in the search for the children. Freud observed that defense mechanisms operate not only internally but also behaviorally, enabling individuals to preserve a coherent self-image despite profound moral transgressions.³³ Although deception in criminal cases is often understood strategically, psychoanalysis suggests that it may also reflect unconscious denial and splitting, whereby incompatible psychological realities are temporarily compartmentalized. The public performance of the grieving father can therefore be interpreted not only as an attempt to evade punishment but also as an unconscious effort to preserve a socially acceptable paternal identity despite the irreversible destruction he himself had caused.

³⁰See Freud, *Beyond the Pleasure Principle*.

³¹J. Reid. Meloy, *The Psychopathic Mind: Origins, Dynamics, and Treatment*. (London: Bloomsbury Publishing PLC, 1988).

³²See Kohut, "Thoughts on narcissism and narcissistic rage."

³³See Freud, "The Ego and The Id (1923)."

Together, the Panca Darmansyah and José Bretón cases demonstrate that filicide cannot be adequately explained through a single causal factor such as mental illness, economic hardship, or marital conflict. Instead, these factors interact with deeper unconscious psychological processes involving narcissistic vulnerability, repression, identity fragmentation, and destructive instinct. Freud's psychoanalytic framework reveals that extreme violence within the family often emerges when ordinary life crises become psychologically transformed into existential threats to the self. Although the legal systems of Indonesia and Spain appropriately addressed criminal responsibility through evidence of intent and capacity, psychoanalysis contributes an additional interpretive dimension by illuminating why certain individuals confronted with similar adversities resort to unimaginable violence while most others do not. This broader understanding underscores the importance of integrating psychoanalytic insights into interdisciplinary discussions of filicide, particularly in relation to forensic assessment, violence prevention, and the development of more nuanced criminal justice responses.

2.2. Filicide as Revenge, Possession, and Narcissistic Collapse: Comparative Psychoanalytic Insights

Although filicide is frequently classified according to legal intent or psychiatric diagnosis, psychoanalytic theory argues that such classifications often fail to explain the symbolic meaning attached to the victim by the perpetrator. Within Freudian psychoanalysis, violent acts committed against family members are rarely understood as isolated behavioral events. Rather, they represent the culmination of unconscious relational dynamics that have developed over time through attachment, identification, repression, and narcissistic investment.³⁴ Consequently, the child in cases of filicide cannot be regarded merely as the immediate victim of violence but also as a symbolic object through which unconscious conflicts involving power, identity, love, resentment, and loss are enacted. This symbolic dimension distinguishes psychoanalytic inquiry from conventional criminological explanations, which generally privilege observable motives over latent psychological processes.

One of the earliest systematic attempts to classify filicide was undertaken by Resnick³⁵ who identified several motivational categories, including altruistic filicide, acutely psychotic filicide, unwanted child filicide, accidental filicide, and spouse revenge filicide. Among these categories, revenge filicide occupies a distinctive position because the child's death is not primarily directed against the child but against another adult, typically the other parent. The child functions as a psychological intermediary whose destruction inflicts the greatest possible emotional suffering upon the intended target. Although Resnick's typology has been widely adopted in forensic psychiatry, it primarily describes behavioral motivations without fully explaining why a parent becomes capable of transforming a beloved child into an instrument of retaliation.³⁶ Psychoanalysis provides an additional explanatory layer by locating this transformation within unconscious processes of objectification and narcissistic collapse.

Freud's theory of narcissism offers an important foundation for understanding this phenomenon. In *On Narcissism*, Freud³⁷ argued that individuals inevitably invest

³⁴See Freud, "The Ego and The Id (1923)." See also Freud, *Freud's On Narcissism: An Introduction* 1914.

³⁵Phillip J. Resnick, "Child murder by parents: a psychiatric review of filicide." *American Journal of Psychiatry* 126, no. 3 (1969): 325-334. <https://doi.org/10.1176/ajp.126.3.325>

³⁶Resnick.

³⁷See Freud, *Freud's On Narcissism: An Introduction* 1914.

portions of their libido in external objects, particularly intimate partners and children, who become extensions of the self rather than entirely separate individuals. Parenthood therefore involves not only affection and responsibility but also unconscious narcissistic investment, through which parents project aspirations, identities, and emotional fulfillment onto their children. Under ordinary circumstances, this investment strengthens parental attachment and promotes protective behavior. However, when narcissistic equilibrium is severely disrupted by rejection, humiliation, or perceived abandonment, the same psychological investment may become a source of vulnerability. The child, previously representing hope and continuity, may unconsciously come to symbolize unbearable emotional pain because the parental self has become inseparable from the damaged family relationship.

Subsequent psychoanalytic theorists refined Freud's conception by emphasizing that narcissistic injury often produces intense aggression when the individual's self-cohesion depends excessively upon interpersonal recognition. Kohut argued that the collapse of self-esteem following experiences of rejection may evoke narcissistic rage, a defensive reaction characterized by overwhelming hostility toward perceived sources of humiliation.³⁸ Similarly, Kernberg maintained that pathological narcissism frequently involves primitive defense mechanisms, including splitting, projection, and devaluation, through which formerly loved individuals are transformed into persecutory objects.³⁹ These theoretical developments suggest that extreme family violence may occur not because parental affection disappears entirely but because unconscious defensive processes radically alter the psychological meaning attached to intimate relationships. The object of love becomes reinterpreted as the object of unbearable psychological injury.

This psychoanalytic understanding is particularly illuminating in analyzing the case of José Bretón. Judicial findings established that Bretón murdered his two children during contentious divorce proceedings with the apparent intention of inflicting irreversible emotional suffering upon their mother. Spanish criminal law appropriately characterized these acts as premeditated murder motivated by revenge. Nevertheless, the question remains why revenge against the spouse assumed the specific form of killing the children rather than directly attacking the estranged partner. From a psychoanalytic perspective, the answer lies in the symbolic position occupied by the children within the parental relationship. Because they simultaneously embodied paternal identity, maternal attachment, and the continuity of the family unit, the children became unconscious representations of the marital bond itself. Destroying them therefore represented the ultimate destruction of the relationship from which Bretón perceived himself to have been excluded.

Contemporary scholarship on vicarious violence (*violencia vicaria*) complements this psychoanalytic interpretation by explaining how perpetrators deliberately target children in order to maximize the psychological suffering of the other parent. Although the concept emerged principally within gender violence research⁴⁰, its underlying dynamics closely parallel Freud's understanding of displacement and symbolic aggression. The child's death functions not as an end in itself but as a communicative

³⁸Kohut, Heinz. "Thoughts on narcissism and narcissistic rage."

³⁹See Kernberg, "On the treatment of narcissistic personality disorders."

⁴⁰See Dahlia Putri Amanda, Damar Sinatrio Putra, and Siti Mahira Ahmad Mubarak. "Digital Identity Theft and Criminal Protection of Personal Data in Indonesia". 2026. *Indonesian Journal of Digital Crime and Criminal Justice* 2, no. 1 (2026): 107-46. <https://doi.org/10.68080/jdcej.v2i1.24>; Bambang Adji Pamungkas, "Feminist Legal Critique of Child Marriage Dispensation Practices in Indonesian Religious Courts". *The Indonesian Journal of Feminist Legal Studies* 1, no. 1 (2026): 33-82. <https://inleads.id/publications/index.php/IJFLS/article/view/2>.

act directed toward another adult, conveying domination, punishment, and irreversible emotional devastation. Psychoanalysis deepens this interpretation by demonstrating that such symbolic communication is not solely strategic or rational. Instead, it reflects unconscious attempts to restore a damaged sense of omnipotence through the absolute exercise of control over those who have become psychologically identified with the offending partner. Revenge therefore acquires both interpersonal and intrapsychic significance, simultaneously punishing the other parent while temporarily resolving the perpetrator's unconscious feelings of powerlessness.

In contrast, the Indonesian case of Panca Darmansyah presents a more psychologically complex configuration in which revenge appears intertwined with profound identity disintegration rather than constituting the sole motivational force. Unlike Bretón, whose actions exhibited extensive planning and concealment, Panca's offence occurred within a broader context of escalating domestic conflict, emotional instability, and subsequent attempted suicide. These circumstances suggest that the murders may have represented not only aggression directed outward but also aggression directed inward, consistent with Freud's concept of the death drive. Nevertheless, both cases converge upon a common psychoanalytic mechanism: the unconscious transformation of children from autonomous subjects into symbolic objects whose destruction becomes psychologically meaningful within the perpetrator's internal world. The distinction lies not in the existence of narcissistic injury itself but in the particular form through which that injury was expressed.

The psychoanalytic significance of filicide extends beyond revenge because the child frequently occupies a unique psychological position within the parent's internal world. Rather than existing solely as an independent individual, the child often becomes incorporated into the parent's unconscious self-representation through processes of identification and narcissistic investment. Freud argued that parental love is never entirely altruistic, as parents inevitably project unfulfilled ambitions, desires, and idealized images of themselves onto their children.⁴¹ This projection is not inherently pathological; indeed, it constitutes an important component of normal psychological development and family attachment. However, when parental identity becomes destabilized by marital breakdown or perceived personal failure, the unconscious distinction between the parent and the child may gradually erode. Under these circumstances, harming the child becomes psychologically conceivable because the child has ceased to exist exclusively as an autonomous person and instead functions as an extension of the parent's fractured identity.

Object relations theory substantially develops this Freudian insight by emphasizing that interpersonal relationships are mediated through internal representations of significant others rather than through direct engagement with objective reality.⁴² According to this perspective, individuals do not simply relate to external persons but to psychological "objects" constructed through earlier developmental experiences. Parents therefore interact not only with their actual children but also with unconscious meanings attached to those children. In healthy family relationships, these internal representations facilitate empathy, emotional regulation, and caregiving. Conversely, when unconscious conflicts dominate psychic functioning, these internal objects may become distorted by fear, resentment, humiliation, or aggression. Consequently, violence against a child may

⁴¹See Freud, *Freud's On Narcissism: An Introduction* 1914.

⁴²William Ronald Dodds Fairbairn, *Psychoanalytic Studies of the Personality*. (East Sussex, UK: Psychology Press, 1994). See also Winnicott, "A clinical study of the effect of a failure of the average expectable environment on a child's mental functioning."

reflect an attack upon an internal psychological object rather than hostility toward the child's actual characteristics or behavior.

This distinction is crucial because it explains why filicide frequently appears irrational from an external perspective. Legal analysis generally seeks observable motives capable of satisfying the evidentiary requirements of criminal responsibility, whereas psychoanalysis investigates symbolic meanings that may remain inaccessible even to the perpetrator. The child seldom provokes the violence through their own actions. Instead, the child unconsciously represents unresolved conflicts involving marital betrayal, parental inadequacy, narcissistic injury, or emotional abandonment. Freud argued that unconscious conflicts frequently become displaced onto substitute objects because confrontation with the source of anxiety is psychologically intolerable.⁴³ In filicide, displacement assumes its most tragic form, transforming innocent children into symbolic substitutes for conflicts originating elsewhere within the family system.

The contrast between José Bretón and Panca Darmansyah illustrates different manifestations of this unconscious process. Bretón's conduct reflected an instrumental use of his children as symbolic vehicles through which emotional devastation could be inflicted upon his estranged wife. His deliberate concealment of the murders and fabrication of the children's disappearance indicate sustained cognitive organization rather than psychological disintegration. From a psychoanalytic perspective, however, this apparent rationality does not contradict unconscious motivation. Instead, it suggests that unconscious aggression was successfully integrated into a coherent behavioral strategy, allowing revenge fantasies to be translated into carefully planned criminal action. The symbolic destruction of the children therefore became inseparable from the symbolic destruction of the marital relationship itself.

Panca Darmansyah, by contrast, appears to represent a different configuration of unconscious conflict. Publicly available evidence suggests that his actions occurred amid escalating domestic instability, emotional isolation, and profound psychological distress. Unlike Bretón, whose aggression remained primarily outwardly directed, Panca's subsequent suicide attempt indicates that destructive impulses were simultaneously directed toward the self. Freud's concept of the death drive provides an important interpretive framework for understanding this dual orientation of aggression. Rather than viewing homicide and suicide as separate behavioral phenomena, psychoanalysis interprets them as complementary expressions of psychic collapse in which the boundaries separating self-destruction from other-directed destruction become increasingly unstable.⁴⁴ Consequently, the murders may be understood not solely as acts of revenge but also as manifestations of overwhelming unconscious despair directed against the family as an extension of the self.

Despite these differences, both cases reveal a common psychoanalytic pattern: the gradual transformation of children from subjects possessing independent agency into objects carrying symbolic psychological meaning. This transformation does not occur instantaneously but develops through prolonged emotional conflict, repeated narcissistic injury, and the progressive erosion of empathic identification. Kernberg argues that severe narcissistic pathology often involves a diminished capacity to recognize the emotional separateness of others.⁴⁵ Individuals experiencing narcissistic collapse increasingly perceive intimate relationships through the lens of their own psychological

⁴³See Freud, "The Ego and The Id (1923)."

⁴⁴See Freud. *Beyond the Pleasure Principle*.

⁴⁵Kernberg, "On the treatment of narcissistic personality disorders."

needs, frustrations, and injuries. Consequently, children become valued or devalued according to their symbolic significance within the parent's internal world rather than according to their intrinsic humanity. Such psychological objectification represents one of the central mechanisms through which filicide becomes conceivable.

The comparative analysis also demonstrates that cultural differences between Indonesia and Spain do not fundamentally alter these unconscious dynamics. Although the legal systems, religious traditions, and social norms governing family life differ considerably, both perpetrators confronted perceived threats to paternal identity within the context of deteriorating intimate relationships. In each case, the father's authority, emotional security, and self-concept were profoundly destabilized by family conflict. Psychoanalysis therefore suggests that unconscious mechanisms of narcissistic injury operate across cultural boundaries because they derive from universal aspects of psychic development rather than from particular legal or social institutions. This observation does not imply that culture is irrelevant but instead indicates that cultural factors shape the expression of unconscious conflict without eliminating its underlying psychological structure.

These findings contribute to an important theoretical reconsideration of filicide. Existing criminological literature often distinguishes between revenge filicide, altruistic filicide, psychotic filicide, and other motivational categories as though they represent discrete behavioral phenomena. A Freudian perspective instead indicates that these categories frequently overlap because they emerge from common unconscious processes involving narcissistic vulnerability, repression, objectification, and identity fragmentation. Revenge may coexist with despair, possession with dependency, and aggression with self-destruction. Accordingly, the analytical value of psychoanalysis lies not in replacing legal or psychiatric classifications but in revealing the latent psychological continuity underlying apparently distinct forms of parental homicide. By shifting attention from behavioral typologies to unconscious relational dynamics, psychoanalysis offers a richer and more integrated explanation of why children become the ultimate victims of parental violence.

The comparative examination of the Indonesian and Spanish cases demonstrates that filicide should not be understood solely as an act of interpersonal aggression but also as the culmination of a prolonged process of symbolic transformation within the perpetrator's unconscious. In both cases, the children gradually ceased to occupy the psychological position of autonomous subjects deserving protection. Instead, they became invested with meanings derived from unresolved conflicts between the perpetrator and the surrounding family environment. From a Freudian perspective, this transformation constitutes a process of displacement, whereby emotions that cannot be directly expressed toward the source of frustration are redirected toward a substitute object.⁴⁶ The child therefore becomes a symbolic medium through which unconscious hostility is expressed, despite having no causal role in generating the underlying conflict.

⁴⁶See Freud, "Formulations regarding the two principles in mental functioning." In D. Rapaport, *Organization and pathology of thought: Selected sources*. See also Deni Setiyawan, et al. "Law Enforcement of Sexual Violence on Social Media: An Islamic Restorative Justice Perspective." *De Jure: Jurnal Hukum dan Syar'iah* 17, no. 1 (2025): 90-111. <https://doi.org/10.18860/j-fsh.v17i1.28185>; Yonna Beatrix Salamor, Ani Purwanti, and Nur Rochaeti. "Pengaturan Tentang Femisida dalam Hukum Pidana Indonesia (Kajian Perbandingan UU HAM dan UU TPKS)." *Litigasi* 25, no. 1 (2024): 95-109. <https://www.doi.org/10.23969/litigasi.v25i1.12520>; Rd Dewi Asri Yustia, Faris Fachrizal Jodi, and Firdaus Arifin. "Society, Technology, and Child Protection: Synergy in Monitoring Former Perpetrators of Sexual Offenses." *Jurnal IUS Kajian Hukum dan Keadilan* 14, no. 1 (2026): 182-200. <https://doi.org/10.29303/ius.v14i1.1854>

This symbolic transformation also reflects the instability of narcissistic investment within intimate family relationships. Freud maintained that parental affection is inseparable from the parent's own psychic development because children often represent the continuation of parental identity, aspirations, and emotional fulfillment.⁴⁷ Consequently, when family relationships deteriorate, the psychological significance attached to children may also change. Rather than symbolizing continuity and hope, children may unconsciously become associated with disappointment, humiliation, abandonment, or irreparable loss. The alteration is not located in the child's objective characteristics but in the unconscious meanings attributed by the parent. This distinction explains why filicide frequently appears incomprehensible to external observers while remaining psychologically coherent within the perpetrator's internal world.

The comparison between José Bretón and Panca Darmansyah further illustrates two distinct trajectories of narcissistic collapse. Bretón's conduct reveals an individual who retained substantial behavioral organization while directing aggression toward a carefully selected symbolic target. His actions demonstrate that unconscious motivation does not necessarily eliminate rational planning. On the contrary, psychoanalysis recognizes that unconscious desires may be pursued through highly organized behavior when the ego remains sufficiently intact to coordinate complex actions. The extensive efforts to conceal the offence suggest that reality testing was preserved even as unconscious revenge became the dominant organizing principle of behavior. Thus, psychoanalytic explanation complements rather than contradicts the legal finding of criminal responsibility.

Panca Darmansyah presents a different psychological trajectory in which aggression appears increasingly intertwined with psychic disintegration. Reports of emotional distress, domestic conflict, and attempted suicide indicate that destructive impulses were not exclusively directed toward external objects but also toward the self. Freud's theory of the death drive proposes that aggression may fluctuate between self-destruction and the destruction of others depending upon the individual's capacity for psychic regulation.⁴⁸ From this perspective, the murders and subsequent suicide attempt may be interpreted as different manifestations of the same destructive psychological process. The family became both the object and the extension of the collapsing self, rendering the distinction between self-directed and other-directed violence progressively less stable.

Despite these differences, both cases reveal a common sequence of unconscious psychological processes. The initial stage consists of prolonged emotional conflict that threatens the individual's self-concept as parent, spouse, or authority figure. This conflict is followed by repression, during which painful emotions remain unresolved rather than consciously processed. As emotional tension accumulates, narcissistic injury intensifies, weakening the ego's capacity to mediate between instinctual aggression and moral restraint. Children subsequently become invested with symbolic meanings connected to the unresolved conflict, allowing displaced aggression to be expressed against them instead of the source of frustration. Filicide therefore represents not an isolated emotional outburst but the final manifestation of a longer process of unconscious psychological deterioration.

This psychoanalytic sequence offers an important contribution to comparative criminal law because it explains why similar external circumstances produce dramatically different behavioral outcomes among different individuals. Divorce, financial hardship,

⁴⁷See Freud. *Freud's On Narcissism: An Introduction* 1914.

⁴⁸See Freud. *Beyond the Pleasure Principle*.

domestic disputes, and parental stress are relatively common experiences, yet only an extremely small proportion culminate in filicide. Explanations based exclusively upon social or economic variables therefore remain incomplete because they cannot adequately account for individual variation. Psychoanalysis fills this explanatory gap by focusing on the internal psychological organization through which external events acquire personal meaning. The decisive factor is not merely the existence of family conflict but the unconscious significance attached to that conflict within the perpetrator's psychic structure.

The comparative findings also suggest that legal concepts of intention and criminal responsibility operate at a different analytical level from psychoanalytic explanation. Criminal law appropriately asks whether the offender intentionally committed the prohibited act and possessed the capacity to understand its consequences. Psychoanalysis, by contrast, investigates why particular intentions emerge from particular individuals under particular psychological conditions. These inquiries are complementary rather than contradictory. A finding that an offender acted intentionally does not eliminate the relevance of unconscious motivation, just as unconscious motivation does not negate legal responsibility. Instead, psychoanalysis deepens legal understanding by revealing the latent psychological mechanisms through which criminal intent develops over time.

From a theoretical perspective, the present comparison supports a relational model of filicide in which violence emerges through the interaction of unconscious conflict, narcissistic vulnerability, and symbolic objectification. Within this model, children are neither random victims nor merely convenient targets. Rather, they occupy a unique symbolic position because they simultaneously represent biological continuity, parental identity, emotional attachment, and family legitimacy. When these symbolic meanings become reorganized through unresolved unconscious conflict, children may tragically become the primary objects of displaced aggression. This relational perspective extends beyond behavioral classifications by demonstrating that the psychological meaning of the victim is central to understanding the perpetrator's actions.

Accordingly, the principal contribution of a Freudian reading lies not in replacing criminological or psychiatric explanations but in enriching them through an analysis of unconscious relational dynamics. The Indonesian and Spanish cases illustrate that filicide cannot be fully understood solely by reference to legal intent, psychiatric diagnosis, or social stressors. Each of these dimensions captures an important aspect of the phenomenon. Yet, none independently explains the symbolic transformation through which a parent's protective relationship with a child becomes inverted into lethal violence. By foregrounding repression, narcissistic injury, displacement, and the instability of parental identity, psychoanalysis provides a deeper account of the pathways through which ordinary family conflict may, in exceptionally rare circumstances, culminate in extraordinary acts of violence. This perspective forms the conceptual bridge to the following discussion concerning the implications of psychoanalytic theory for criminal responsibility, forensic assessment, and the future development of criminal law.

2.3. Beyond Criminal Responsibility: Psychoanalytic Implications for Understanding Filicide in Criminal Law

The comparative psychoanalytic analysis of the Panca Darmansyah and José Bretón cases raises a broader jurisprudential question concerning the relationship between unconscious motivation and criminal responsibility. Criminal law has traditionally

focused on determining whether an offender possessed the requisite *mens rea* at the time of the offence. In contrast, psychoanalysis seeks to explain the unconscious processes through which intention itself develops. These inquiries operate at different analytical levels. Criminal law evaluates culpability according to normative standards of blameworthiness, while psychoanalysis investigates the latent psychological mechanisms underlying human conduct. Consequently, psychoanalytic explanation should not be interpreted as an alternative to legal responsibility but rather as a complementary framework that deepens understanding of how criminal intent emerges within complex psychological contexts.⁴⁹

This distinction is particularly significant because modern criminal law is fundamentally normative rather than deterministic. As Morse argues, criminal responsibility depends not merely upon the existence of mental abnormality but upon whether the defendant retained sufficient rational capacity to understand, deliberate, and control legally relevant behavior. Mental disorder alone neither excuses criminal conduct nor automatically negates culpability. Instead, legal systems distinguish between psychological explanation and legal excuse by asking whether the impairment substantially affected the defendant's capacity for rational agency at the moment of the offence. This approach reflects a central principle of criminal justice that individuals remain responsible unless recognized legal doctrines justify or excuse their conduct.⁵⁰

The distinction between explanation and excuse is especially relevant to psychoanalytic interpretations of filicide. Freud never argued that unconscious motives eliminate personal responsibility. Rather, psychoanalysis maintains that desires and conflicts beyond conscious awareness frequently influence human behavior. These unconscious determinants explain why individuals experience particular emotions, fantasies, or impulses but do not necessarily deprive them of the capacity to distinguish right from wrong. Consequently, psychoanalytic analysis contributes primarily to understanding the genesis of criminal behavior rather than determining its legal consequences. The legal question concerns whether the offender intentionally committed the prohibited act; the psychoanalytic question concerns why such intention developed in the first place.

This distinction becomes apparent when comparing the judicial outcomes in Indonesia and Spain. In the Panca Darmansyah case, forensic psychiatric evaluation reportedly concluded that although the defendant experienced significant psychological distress, he remained capable of appreciating the nature and consequences of his actions. Indonesian courts therefore found that the requirements for criminal responsibility remained satisfied, leading to his conviction for premeditated murder. Similarly, Spanish courts concluded that José Bretón acted deliberately, systematically, and with sufficient cognitive awareness to plan, execute, and subsequently conceal the murders of his children. Despite the markedly different factual circumstances, both legal systems reached a comparable normative conclusion: the existence of psychological conflict did not negate criminal responsibility because the defendants retained intentional decision-making capacity.

⁴⁹Stephen J. Morse, "Craziness and criminal responsibility," *Behavioral Sciences & The Law* 17, no. 2 (1999): 147-164. [https://doi.org/10.1002/\(SICI\)1099-0798\(199904/06\)17:2%3C147::AID-BSL336%3E3.0.CO;2-X](https://doi.org/10.1002/(SICI)1099-0798(199904/06)17:2%3C147::AID-BSL336%3E3.0.CO;2-X). See also Alec Buchanan, and Howard Zonana. "Mental disorder as the cause of a crime." *International Journal of Law and Psychiatry* 32, no. 3 (2009): 142-146. <https://doi.org/10.1016/j.ijlp.2009.02.007>; Janice Nadler, and Mary-Hunter McDonnell. "Moral character, motive, and the psychology of blame." *Cornell Law Review* 97 (2012): 11-43.

⁵⁰See Morse, "Craziness and criminal responsibility."

From a comparative legal perspective, these decisions illustrate an important convergence between civil law jurisdictions. Both Indonesian and Spanish criminal law recognize that psychological evidence may become relevant when assessing criminal responsibility, yet neither jurisdiction equates emotional disturbance with legal insanity. Instead, courts evaluate whether the accused possessed the cognitive and volitional capacities necessary for criminal liability. This doctrinal approach reflects a broader international tendency to separate psychiatric diagnosis from legal responsibility. A diagnosis of depression, personality disturbance, or emotional crisis may explain behavior clinically without satisfying the legal threshold required to excuse criminal liability.⁵¹

Psychoanalysis nevertheless offers an important contribution to this legal framework by expanding the evidentiary significance of behavioral history. Conventional criminal proceedings understandably concentrate upon events immediately surrounding the offence, including planning, execution, and post-offence conduct. Psychoanalytic inquiry instead reconstructs the offender's longer psychological trajectory, examining patterns of interpersonal relationships, unresolved childhood experiences, defense mechanisms, narcissistic vulnerabilities, and emotional regulation. Such analysis does not alter the legal elements of the offence but enriches judicial understanding of the offender's personality and motivational structure. Historically, psychoanalytic thinking significantly influenced the development of forensic psychiatry by encouraging experts to investigate unconscious motives rather than limiting assessment to overt symptoms or biological pathology.⁵²

The historical relationship between psychoanalysis and forensic psychiatry demonstrates that unconscious motivation has long occupied a place within criminal justice, although not always without controversy. During the twentieth century, psychoanalytic criminology shifted attention away from biological determinism toward the personality, developmental history, and internal conflicts of offenders. Scholars such as Franz Alexander and Hugo Staub argued that individualized justice required attention to the offender's unconscious motivations rather than merely the objective characteristics of the criminal act.⁵³ Although contemporary forensic psychiatry relies upon more empirically grounded diagnostic frameworks, the psychoanalytic emphasis on personality structure and motivational complexity continues to influence comprehensive forensic assessments in many jurisdictions.⁵⁴

From a doctrinal perspective, however, criminal courts must exercise caution when incorporating psychoanalytic evidence. One of the principal criticisms advanced by legal scholars is that unconscious motivation cannot be permitted to undermine the normative foundations of criminal responsibility. If every criminal action were attributed to unconscious determinants, the distinction between explanation and excuse would collapse, thereby eroding the concept of individual accountability upon which criminal law is founded. Morse therefore argues that legal responsibility should remain grounded in demonstrable impairments of rational capacity rather than speculative accounts of

⁵¹See Morse, "Craziness and criminal responsibility."

⁵²Willemijn Ruberg, "Infanticide and the influence of psychoanalysis on Dutch forensic psychiatry in the mid-twentieth century." *History of Psychiatry* 32, no. 2 (2021): 227-239. <https://doi.org/10.1177/0957154X21989174>

⁵³See Franz Alexander, *Psychoanalytic Therapy: Principles and Application*. Vol. 1946. (Lincoln, Nebraska: University of Nebraska Press, 1980); Franz Alexander, and Hugo Staub. *The Criminal and His Judges: A Psychoanalytic Insight into the World of Legal Paragraphs*. (London: International Psychoanalytic Publishing House, 1929).

⁵⁴Ruberg, "Infanticide and the influence of psychoanalysis on Dutch forensic psychiatry in the mid-twentieth century."

unconscious causation. The role of psychological evidence is to inform judicial evaluation rather than replace legal judgment.⁵⁵

Nevertheless, rejecting psychoanalysis as a complete defense does not diminish its value for criminal law. Instead, its principal contribution lies in strengthening preventive and forensic responses before violence reaches its most catastrophic form. The comparative analysis of Panca Darmansyah and José Bretón demonstrates that both offenders exhibited prolonged patterns of relational deterioration, emotional isolation, identity crisis, and escalating psychological conflict before the commission of filicide. These indicators may not satisfy legal thresholds for insanity, yet they remain highly relevant for violence risk assessment, forensic interviewing, family intervention, and multidisciplinary prevention strategies. Accordingly, psychoanalysis should be viewed less as a doctrine of legal excuse than as a framework for identifying the latent psychological processes that precede extreme familial violence.

The legal treatment of filicide in Indonesia and Spain demonstrates a significant convergence in their approach to criminal responsibility. Although both jurisdictions recognize that severe mental disorders may exclude or diminish criminal liability, neither legal system accepts psychological suffering or unconscious conflict as an independent defense. Instead, both systems adopt a normative conception of responsibility in which criminal liability depends upon the offender's cognitive and volitional capacity at the time of the offence rather than the mere existence of emotional disturbance.

Under Indonesian criminal law, the doctrine of criminal responsibility in the Panca Darmansyah case was governed by the former Indonesian Criminal Code (KUHP)⁵⁶ as the offences were committed prior to the full implementation of the new Criminal Code. Article 44 paragraph (1) of the former KUHP provides that a person whose act cannot be attributed to them because of defective mental development or mental illness shall not be subject to criminal punishment. Paragraph (2) further authorizes the court to order compulsory treatment in a psychiatric institution where the statutory requirements are satisfied. These provisions establish that Indonesian criminal law distinguishes between the existence of a mental disorder and criminal responsibility, requiring a judicial assessment of whether the disorder substantially impaired the offender's cognitive or volitional capacity at the time of the offence.

In the present case, however, the courts concluded that Panca Darmansyah remained criminally responsible for his actions. He was convicted under Article 44 of Law No. 23 of 2004 on the Elimination of Domestic Violence, Article 80 of Law No. 35 of 2014 amending Law No. 23 of 2002 on Child Protection, and Article 340 of the former KUHP concerning premeditated murder. The trial court imposed the death penalty, finding that the murders were committed deliberately against his four biological children, and the Supreme Court subsequently upheld this sentence. The judgment demonstrates that, despite evidence of psychological distress, the defendant was found to possess the requisite criminal intent (*mens rea*) and the capacity for criminal responsibility, thereby precluding the application of Article 44 of the former KUHP as a ground for exemption from punishment.

This doctrinal distinction was central to the judicial assessment of Panca Darmansyah. Although forensic psychiatric examinations indicated that the defendant suffered significant psychological distress associated with prolonged domestic conflict and

⁵⁵Stephen J. Morse, "Failed explanations and criminal responsibility: Experts and the unconscious," *Virginia Law Review* (1982): 971-1084. <https://doi.org/10.2307/1072887>

⁵⁶See Republic of Indonesia. *Undang-Undang (UU) Nomor 1 Tahun 1946 tentang Peraturan tentang Hukum Pidana*. Available online at <https://peraturan.bpk.go.id/Details/25029/uu-no-1-tahun-1946>

emotional instability, the court concluded that he remained capable of understanding the nature and consequences of his actions. Consequently, the requirements of Article 44 were not satisfied because the evidence did not establish legal incapacity (*ontoerekeningsvatbaarheid*). From a psychoanalytic perspective, this conclusion is not inconsistent with Freudian theory. Freud did not argue that unconscious conflict abolishes rational agency; instead, unconscious processes influence the formation of intention while leaving the individual legally accountable where cognitive awareness and volitional control remain intact.

Following the rejection of the defense under Article 44, the court convicted the defendant under Article 340 of the Indonesian Criminal Code, which provides, in relevant part, that “*whoever intentionally and with prior planning takes the life of another person*” is punishable by death, life imprisonment, or imprisonment for a maximum of twenty years. The essential legal elements are therefore (i) intent, (ii) prior planning (*voorbedachte raad*), and (iii) the unlawful taking of another person’s life. Indonesian jurisprudence consistently interprets prior planning as requiring an opportunity for calm reflection between the formation of intent and the execution of the offence. The offender need not deliberate for a prolonged period; rather, the evidence must demonstrate that sufficient time existed to reconsider the intended conduct before carrying it out.

Applying these elements, the court concluded that the killings of four children were not spontaneous reactions to emotional provocation. Instead, the sequence of events, the manner in which each child was killed, and the defendant’s conduct before and after the offence demonstrated deliberate planning sufficient to satisfy Article 340. Consequently, the presence of psychological distress functioned only as contextual evidence rather than as a legal excuse. Psychoanalytically, however, the same factual circumstances reveal a prolonged process of unconscious deterioration through which narcissistic injury, repression, and identity fragmentation gradually crystallized into premeditated violence.

Spanish criminal law adopts a comparable normative framework while organizing homicide offences through a different legislative structure. The Spanish Penal Code⁵⁷ distinguishes between intentional homicide (Article 138) and murder (*asesinato*) under Articles 139 and 140. Article 138 provides, in essence, that a person who intentionally kills another shall be punished for homicide. In contrast, Article 139 elevates the offence to murder when the killing is committed under aggravating circumstances, including treachery (*alevosía*), remuneration, deliberate cruelty, or to facilitate or conceal another offence. Article 140 prescribes enhanced penalties for particularly serious murders, including cases involving especially vulnerable victims such as young children.

The José Bretón case clearly satisfied the legal elements of murder under Spanish law. Judicial findings established that the killings were carefully planned, that the bodies were deliberately destroyed to obstruct forensic identification, and that the defendant fabricated a false account of the children’s disappearance to evade criminal responsibility. These circumstances demonstrated not only intentional killing but also a sustained effort to conceal the offence, reinforcing the conclusion that the murders reflected calculated criminal conduct rather than impulsive emotional violence.

The question of criminal responsibility was addressed under Article 20(1) of the Spanish Penal Code⁵⁸ which, in substance, exempts from criminal liability a person who,

⁵⁷See Spain. *Código Penal*, Ley Orgánica 10/1995. Available online at <https://www.boe.es/boe/dias/1995/11/24/pdfs/A33987-34058.pdf>

⁵⁸This article, originally stated that: *El que al tiempo de cometer la infracción penal, a causa de cualquier anomalía o alteración psíquica, no pueda comprender la ilicitud del hecho o actuar conforme a esa comprensión. El trastorno mental*

because of a psychological anomaly or mental disorder, is unable to understand the unlawfulness of the act or to act in accordance with that understanding. This provision adopts both a cognitive and a volitional standard, requiring courts to evaluate whether the accused lacked either intellectual appreciation of the wrongfulness of the conduct or the capacity for behavioral self-control.

In Bretón's case, psychiatric evidence did not satisfy this statutory threshold. The courts emphasized that the defendant demonstrated organized planning, purposeful concealment of evidence, and a sophisticated attempt to mislead investigators after the murders. These behaviors strongly indicated preserved cognitive functioning and behavioral control. Consequently, Article 20 did not operate as a ground for exemption from criminal responsibility. From a Freudian perspective, however, the preservation of rational planning does not negate unconscious motivation. Instead, it illustrates that unconscious aggression may coexist with intact executive functioning, allowing destructive fantasies to be translated into organized criminal behavior.

2.4. Toward an Integrated Psycho-Legal Framework for Understanding Filicide

The comparative examination of the Indonesian and Spanish cases demonstrates that neither criminal law nor psychoanalysis, when applied independently, is sufficient to explain the complexity of filicide. Criminal law provides a normative framework for determining culpability by examining the existence of criminal intent, premeditation, and legal responsibility.⁵⁹ Psychoanalysis, by contrast, investigates the unconscious psychological mechanisms through which destructive intentions gradually emerge. Each discipline therefore answers a fundamentally different question.⁶⁰ Criminal law asks whether the offender should be held responsible, whereas psychoanalysis asks how the offender's psychological development ultimately produced lethal violence. Rather than competing perspectives, these disciplines should be understood as complementary analytical frameworks capable of generating a more comprehensive understanding of filicide.

The Indonesian and Spanish cases illustrate this complementary relationship. Judicial reasoning in both jurisdictions focused primarily on whether the defendants possessed sufficient cognitive and volitional capacity to satisfy the legal requirements of criminal responsibility. Once these requirements were established, criminal liability followed regardless of the defendants' psychological suffering or emotional instability. Such an approach reflects one of the central principles of modern criminal law, namely that legal accountability depends upon rational agency rather than emotional normality. Nevertheless, this legal reasoning necessarily concentrates upon the offender's mental state at the moment of the offence. It therefore provides only limited insight into the developmental processes through which criminal intent was formed.

Freudian psychoanalysis fills this explanatory gap by reconstructing the gradual transformation of interpersonal relationships within the offender's unconscious.

transitorio no eximirá de pena cuando hubiese sido provocado por el sujeto con el propósito de cometer el delito o hubiera previsto o debido prever su comisión. [Anyone who, at the time of committing the criminal offense, due to any mental anomaly or impairment, is unable to understand the unlawfulness of the act or to act in accordance with that understanding. A temporary mental disorder will not exempt from punishment when it has been induced by the individual with the purpose of committing the crime or when the individual foresaw or should have foreseen its commission].

⁵⁹See Andrew Simester, *Fundamentals of Criminal Law: Responsibility, Culpability, and Wrongdoing*. (Oxford: Oxford University Press, 2021); T. Markus. Funk, "Rethinking culpability and wrongdoing (in the criminal law—and everyday life)." *University of Cincinnati Law Review* 92, no. 4 (2024): 1080-1107. <https://scholarship.law.uc.edu/uclr/vol92/iss4/12>

⁶⁰See Anthony W. Bateman, Jeremy Holmes, and Elizabeth Allison. *Introduction to Psychoanalysis: Contemporary Theory and Practice*. (London: Routledge, 2021).

Instead of viewing filicide as an isolated criminal event, psychoanalysis conceptualizes it as the endpoint of an extended psychological trajectory characterized by repression, narcissistic injury, displacement, identity fragmentation, and symbolic objectification. The comparison between Panca Darmansyah and José Bretón demonstrates that although the immediate motivations differed, both perpetrators experienced a progressive collapse of paternal identity in which children ceased to function as autonomous subjects and instead became symbolic extensions of unresolved intrapsychic conflict. This transformation constitutes the principal psychological mechanism linking family conflict to lethal violence. From this comparative analysis, an integrated psycho-legal model may be proposed, as explained in Table 1.

Table 1. Comparative Psycho-Legal Framework of Filicide

Analytical Dimension	Di-	Indonesian Case (Panca Darmansyah)	Spanish Case (José Bretón)	Comparative Interpretation
Primary external trigger		Domestic conflict, marital breakdown, financial stress	Divorce, custody dispute, marital separation	Family conflict initiates psychological destabilization
Dominant unconscious process		Identity disintegration and self-destructive impulses	Narcissistic revenge and symbolic retaliation	Both involve narcissistic injury manifested differently
Freudian mechanism		Repression, Thanatos, ego collapse	Displacement, narcissistic rage, symbolic aggression	Unconscious conflict precedes criminal intention
Symbolic meaning of the child		Extension of collapsing paternal identity	Instrument of revenge against the mother	Child transformed from subject into symbolic object
Legal evaluation		Premeditated murder; criminal responsibility maintained	Murder (<i>asesinato</i>); criminal responsibility maintained	Psychological explanation does not negate legal culpability
Contribution of psychoanalysis	of	Explains psychological pathway toward violence	Explains symbolic motivation behind revenge	Complements rather than replaces criminal law

Source: Panca Darmansyah and José Bretón case, analyzed by Authors

Table 1 demonstrates that the greatest analytical divergence between criminal law and psychoanalysis concerns the temporal focus of each discipline. Criminal law evaluates conduct retrospectively, concentrating upon legally relevant facts immediately surrounding the commission of the offence. Psychoanalysis adopts a developmental perspective, tracing the gradual evolution of unconscious conflict over months or even years before the offence occurs. Consequently, psychoanalysis contributes little to

determining the legal elements of murder but substantially enriches understanding of the psychological pathway through which those legal elements eventually materialize.

The proposed framework further indicates that unconscious conflict should not be interpreted as an alternative criterion of criminal responsibility. Instead, it should function as an additional dimension within forensic risk assessment. In both Indonesia and Spain, warning signs preceding the offences, including escalating domestic conflict, emotional withdrawal, identity crisis, and deteriorating family relationships, were evident long before the killings occurred. Although none of these indicators independently established criminal liability, together they reveal patterns of psychological deterioration that may inform preventive interventions. Accordingly, psychoanalytic assessment is likely to be most valuable before violence occurs rather than after criminal responsibility has already been established.

An important implication of the proposed framework concerns the role of forensic psychiatry within criminal proceedings. Contemporary forensic evaluations primarily assess cognitive capacity, behavioral control, and psychiatric diagnosis in order to determine criminal responsibility.⁶¹ The comparative findings of this study suggest that forensic assessment may also benefit from greater attention to relational dynamics, narcissistic vulnerability, and unconscious symbolic meanings associated with family relationships. Such factors do not constitute independent legal defenses but may improve violence risk assessment, particularly in cases involving severe domestic conflict and threats directed toward children.

From a criminal policy perspective, the comparative analysis also challenges the traditional assumption that filicide can be prevented primarily through punitive deterrence. Both perpetrators acted despite the existence of severe criminal sanctions in their respective jurisdictions, indicating that legal punishment alone cannot adequately address the unconscious psychological processes underlying extreme familial violence. Prevention therefore requires a multidisciplinary approach integrating criminal justice, forensic psychiatry, clinical psychology, and family welfare institutions.⁶² Early identification of escalating narcissistic injury, coercive family dynamics, and severe emotional disintegration may provide opportunities for intervention before unconscious aggression becomes translated into irreversible criminal conduct.

Furthermore, this study uses a *functional legal comparison* approach to analyze how the Indonesian and Spanish legal systems respond to the same legal problem, namely

⁶¹See Vlada Husieva, et al. "Psychiatric examination of a person in criminal proceedings." *Wiadomości Lekarskie* 2025, no. 12 (2025): 2801-2807. <https://doi.org/10.36740/WLek/214410>; O. P. Makarova, "Theoretical and legal principles of forensic psychiatric examination in criminal proceedings." *Law and Safety* 90, no. 3 (2023): 190-199. <https://doi.org/10.32631/pb.2023.3.16>. See also I. Dewa Made Suartha, I. Dewa Agung Gede Mahardika Martha, and Bagus Hermanto. "Between Mental Illness, Criminal Policy Reform, and Human Rights: Discourse on Reformulation of The Article 44 Indonesia Criminal Code." *International Journal of Criminal Justice Sciences* 17, no. 1 (2022): 1-21; Rospita Adelina Siregar, and Dyandra Eunike Nauli Sinaga. "The Role of Visum et Repertum (VeR) and VeR Psychiatricum (Legal Study of FD Murder Cases in Jakarta, 2023)." *Jurnal Wawasan Yuridika* 7, no. 2 (2023): 256-272; Nada Prima Dirkareshza, and Handar Subhandi Bakhtiar. "Position of Forensic Psychology in Determining the Mental Health of Criminal Offenders." *Journal Social Sciences and Humanioran Review* 2, no. 1 (2025): 1-8. <https://doi.org/10.64578/jsshr.v2i01.180>

⁶²See also Muhammad Aldi Fahrizal, Achmad Tarmidzi Taher, and Abdul Kareem Abu Sulaiman. "Supporting Community Justice: Legal Interventions in Addressing Domestic Violence and Child Abuse." *Lentera Masyarakat Hukum* 1, no. 4 (2024). <https://doi.org/10.65815/cy46bn83>; Satria Herlambang, and Antonius Xavier Eka Prasetya. "Children Behind Bars: A Human Rights Analysis of Juvenile Justice Practices in Indonesia." *Contemporary Issues on Indonesian Human Rights Law and Policy* 1, no. 1 (2024). <https://doi.org/10.65815/p3gflr91>

the determination of criminal liability in filicide cases involving the psychological complexity of the perpetrator. The functional comparative approach does not depart from the textual similarities between regulations, but rather compares how each legal system performs a specific legal function in solving similar problems.⁶³ In the context of this study, the legal functions that are compared include the construction of the doctrine of criminal responsibility, assessment of the elements of *mens rea*, culpability standards, and legal treatment of the psychological condition of the perpetrator. This approach is relevant because filicide not only raises questions about the fulfillment of the elements of the crime of murder, but also about the boundary between psychological explanations for criminal behavior and legal attribution of wrongdoing.

In criminal law theory, criminal liability is not only based on the existence of an unlawful act (*actus reus*), but also requires the existence of an inner state that can be blamed (*mens rea*) and the capacity to be responsible.⁶⁴ This principle shows that modern criminal law distinguishes between the cause of a criminal act and the normative basis for imposing a penalty. Thus, the perpetrator's psychological condition, personality disorder, or emotional conflict may explain why a criminal act occurred. Still, it does not automatically determine whether the perpetrator can be absolved of criminal liability. The difference between causal explanation and legal attribution is an important point in analyzing filicide cases, especially when the action is committed by parents against their own children.

In the Indonesian legal system, the construction of criminal liability is rooted in the principle of guilt (*schuld*), which requires the ability to be responsible, the existence of mistakes in the form of intentionality or forgetfulness, and the absence of a reason for criminal expungement.⁶⁵ The provisions regarding mental disorders as a reason for criminal removal are regulated in Article 44 of the Criminal Code, which states that a person cannot be convicted if, due to mental disorders or developmental disorders of the mind, he is unable to understand the unlawful nature of his actions or is unable to control his will. The norm shows that Indonesian criminal law uses a capacity-based responsibility model, namely that the legal consequences of psychological disorders depend on whether the condition eliminates the perpetrator's cognitive and volitional abilities, not solely because of psychological problems.

This approach is reflected in the case of Panca Darmansyah, which is one of the contemporary examples of the application of the doctrine of criminal responsibility in cases of child murder by parents. In the *South Jakarta District Court Decision Number 332/Pid.B/2024/PN. Jkt. Sel*, the defendant was found guilty of premeditated murder against his four biological children based on Article 340 of the Criminal Code. The Court considers that the elements of intentionality and prior planning (*voorbedachte raad*) have been fulfilled through a series of actions that show the existence of a conscious will before the criminal act is committed. These considerations show that the court places

⁶³Konrad Zweigert, and Hein Kötz. *Introduction to Comparative Law*. 3rd rev. ed. Translated by Tony Weir. (Oxford: Clarendon Press, 1998).

⁶⁴R. A. Duff. *Answering for Crime: Responsibility and Liability in the Criminal Law*. (Oxford: Hart Publishing, 2007); Andrew Ashworth, and Jeremy Horder. *Ashworth's Principles of Criminal Law*. 10th ed. (Oxford: Oxford University Press, 2022).

⁶⁵Moeljatno. *Asas-Asas Hukum Pidana*. (Jakarta: Rineka Cipta, 2008).

the process of forming a criminal will as the main aspect in determining the existence of *mens rea*. The decision was then strengthened through the *Jakarta High Court Decision Number 240/PID/2024/PT DKI*.

From the perspective of criminal law doctrine, the court's consideration in the case shows that psychological factors do not automatically remove criminal offenses. The perpetrator's emotional condition, interpersonal pressure, or internal conflict can only have legal consequences if it meets the normative standards regarding inability to be responsible as referred to in Article 44 of the Criminal Code. This approach is consistent with the view that criminal law does not punish a person solely because of the consequences caused, but because of actions that are morally and legally blamed on the perpetrator.⁶⁶ Thus, Indonesian law maintains a separation between the psychological aspect as an explanatory factor and the legal aspect as the basis for the attribution of error.

In contrast to Indonesia, the Spanish criminal law system developed a more storied approach to the relationship between psychological disorders and criminal liability. Under the Spanish Penal Code (*Código Penal*), in particular Article 20 on the grounds for the removal of criminal liability and Article 21 on the circumstances that mitigate the crime, certain mental conditions can serve as a reason for the full expungement of the crime as well as a factor that reduces the degree of guilt. This model reflects the concept of diminished responsibility, which is that the ability to be responsible is not always understood in binary terms between existence and non-existence, but can be analyzed based on the degree to which psychological disorders affect the ability to understand and control actions.⁶⁷

This approach can be seen in the case of José Bretón, which was examined up to the level of the Spanish Supreme Court through a ruling of July 18, 2014. In the case, the court upheld the defendant's criminal responsibility for the murder of his two children because it found that there was a deliberate, planned, and carried-out act with awareness of the consequences that would occur. Although there was a psychological examination of the defendant's personality condition, the court considered that it did not meet the legal standard to remove or reduce criminal liability. Thus, the Spanish courts affirm that the existence of certain psychological characteristics is not synonymous with the loss of legal capacity to be responsible.

Comparisons between Indonesia and Spain show that there are fundamental similarities in the doctrine of criminal liability. Both legal systems maintain the principle that a person can only be convicted if there is a legally attributable error. The main difference lies in the way each system accommodates psychological conditions. Indonesia tends to use a capacity threshold approach, namely whether the perpetrator is able or unable to be held responsible based on Article 44 of the Criminal Code. In contrast, Spain provides a more flexible mechanism through the concept of responsibility reduction, so that psychological disorders can be considered in determining the degree of error without having to remove responsibility entirely, as shown in Table 2.

⁶⁶George P. Fletcher. *Rethinking Criminal Law*. (Oxford: Oxford University Press, 2000).

⁶⁷Stephen J. Morse. "Mental Disorder and Criminal Responsibility." In *The Oxford Handbook of Philosophy of Criminal Law*, edited by John Deigh and David Dolinko. (Oxford: Oxford University Press, 2011).

Table 2. Comparative Implications on Filicide Case (Indonesia and Spain)

Dimensions	Indonesia	Spain	Comparative Implications
Basis of liability	The principle of guilt and responsibility	<i>Imputability</i> and error rate	Both maintain the principle of culpability
Psychological disorders	Article 44 of the Criminal Code as a reason for criminal expungement	Articles 20–21 of the Penal Code as grounds for criminal abolition or reduction	Spain has a wider gradation mechanism
Mens rea <i>analysis</i>	Focus on intentionality and planning	Focus on intentionality and capacity to understand actions	Conscious will become the main element
The role of forensic evidence	Supporting the judge's judgment	Integral part of legal evaluation	Psychology complements but does not replace the law

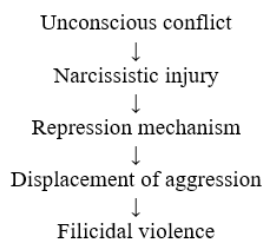
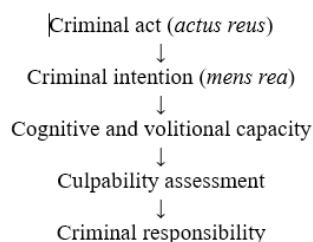
Source: Indonesian and Spanish Criminal Codes, analyzed by the Authors

In this study, Freud's psychoanalytic perspective is used as an interpretive approach to expand the understanding of the formation of criminal will, not as an alternative standard in determining criminal offenses. The concepts of id, ego, and superego are used to explain the internal conflict between impulsive impulses, rational control, and internal moral norms. Meanwhile, the concepts of repression, narcissistic injury, and aggression diversion (*displacement*) are used to analyze how certain psychological conflicts can be directed at victims who have a close emotional relationship with the perpetrator.⁶⁸ In the legal context, these concepts do not determine whether a person is criminally responsible, but help explain the psychological processes that may precede the formation of criminal intent. Thus, the integration between comparative criminal law and psychoanalysis in this study resulted in a two-level analytical model. The first level is normative legal analysis, which is the process to determine whether an action meets the requirements for criminal liability based on applicable law. At this stage, the court assesses the existence of elements of the criminal act (*actus reus*), the existence of criminal will or awareness (*mens rea*), the perpetrator's ability to understand and control his actions (*cognitive and volitional capacity*), and whether the perpetrator has a level of culpability.

The second level is psychological analysis, which aims to explain the internal processes that may contribute to the formation of criminal behavior. At this level, Freud's psychoanalytic theory is used not to determine whether the perpetrator is guilty or not, but to understand how unconscious conflicts, narcissistic injury, psychological defense mechanisms such as repression, and displacement can develop to produce acts of violence against children (*filicidal violence*). The relationship between the two levels of analysis can be described as shown in Figure 1.

⁶⁸Sigmund Freud, *The Ego and the Id*. (London: Hogarth Press, 1923); Otto F. Kernberg. *Borderline Conditions and Pathological Narcissism*. (New York: Jason Aronson, 1975).

Figure 1. Model of Psycho-Legal Approach for Filicide Cases

Psychological Dimension (Explanation of Criminal Behaviour)**Legal Dimension (Assessment of Criminal Responsibility)**

Source: Adopted from various sources, formulated by the Authors

This model shows that the psychological aspect and the legal aspect have different but complementary functions. Psychoanalysis explains why and how criminal behavior can develop, while criminal law determines whether the behavior meets the standard of error that allows a person to be criminally held accountable. In other words, psychological factors provide an explanation for the background of criminal acts, but decisions regarding criminal responsibility remain within the framework of legal doctrines regarding *mens rea*, capacity for responsibility, and culpability.

The doctrinal contribution of this research lies in the development of a psycho-legal framework that connects the psychological dimension and the normative dimension in filicide analysis. This framework allows comparative criminal law to understand that the act of killing a child is not only a violation of legal norms, but is also the result of complex psychological processes that can differ in each case. However, this approach still maintains the fundamental principle of criminal law that a conviction can only be imposed if the perpetrator's guilt can be proven based on applicable legal standards. Thus, this study expands the comparative criminal law study by showing that the differences between the Indonesian and Spanish legal systems in dealing with filicide lie not only in the different rules regarding criminal liability, but also in the way in which each legal system understands the relationship between criminal will, the psychological condition of the perpetrator, and the basis for imposing criminal responsibility.

3. CONCLUSION

This study concludes that filicide represents a complex form of parental violence that cannot be adequately explained solely through traditional legal, psychiatric, or criminological approaches. Through a functional comparative analysis of Indonesian and Spanish criminal law, this research demonstrates that both jurisdictions preserve the principle of criminal culpability by requiring the establishment of *mens rea*, capacity for responsibility, and legally attributable fault. However, they differ in their doctrinal

treatment of psychological impairment. Indonesia applies a more capacity-based model through Article 44 of the Criminal Code, while Spain adopts a more graduated approach through the doctrines of *imputabilidad* and diminished responsibility. The integration of Freudian psychoanalytic concepts further contributes an explanatory dimension by illustrating how processes such as narcissistic injury, unconscious repression, symbolic objectification, and displacement of aggression may contribute to the development of lethal parental violence. This psycho-legal framework does not replace the normative foundations of criminal responsibility; rather, it enriches comparative criminal law by providing a more comprehensive understanding of the relationship between offender motivation, psychological dynamics, forensic evaluation, and legal accountability. The findings have broader implications for criminal justice policy, forensic practice, and legislative development by encouraging more integrated approaches to judicial assessment, expert evaluation, criminal investigation, and violence prevention.

This study nevertheless acknowledges several limitations. The analysis is based on a limited number of case studies from Indonesia and Spain, which enables detailed doctrinal comparison but restricts broader generalization across diverse forms of filicide and socio-legal contexts. Moreover, the application of psychoanalytic concepts in legal analysis requires ethical caution, as unconscious psychological interpretations should not be considered definitive explanations of individual behavior or substitutes for empirically validated forensic methods. Future research should therefore expand this framework through empirical comparative studies involving forensic psychologists, psychiatrists, prosecutors, judges, and other criminal justice professionals to examine how psychological evidence is assessed and incorporated into legal decision-making. Such research may contribute to improving standards of forensic assessment, judicial evaluation of criminal responsibility, and investigative practices, while also informing evidence-based violence prevention policies. Ultimately, the development of an integrated psycho-legal approach offers a promising direction for comparative criminal law by balancing the need to preserve individual criminal accountability with the recognition of complex psychological and relational factors underlying lethal parental violence.

ACKNOWLEDGEMENTS

The authors would like to express sincere gratitude to Universitas Negeri Semarang (UNNES) for providing support and facilities throughout the preparation of this manuscript. Special thanks are extended to Sergi Fernandez Alejandro (*Sociedad Civil de Derecho y Políticas Públicas* – SOCIPOL, Barcelona, Spain) for his valuable insights during the initial stages of this manuscript and for their meticulous assistance in proofreading. Their constructive feedback has significantly contributed to improving the quality and clarity of this research. The authors also wish to acknowledge the Editorial Team of *Jurnal IUS Kajian Hukum dan Keadilan*, Universitas Mataram, for their guidance and professional support throughout the submission process. Gratitude is further extended to the anonymous reviewers, whose thoughtful comments and recommendations have greatly enhanced the rigor and comprehensiveness of this manuscript.

REFERENCES

Abdurrahman, Farhan, Siti Haryanti Putri, and Galih Widodo Nugraha. "Minority Women in Indonesia: Intersectionality, Gender Justice, and Legal Discrimination Against Ethnic and Religious Minorities". *Indonesian Minority Justice Review* 2,

no. 3 (2025). <https://doi.org/10.65815/fvs4gf84>

- Adawiyah, Robi'atul, et al. "Power and Gender: Female Perpetrators of Child Sexual Abuse from Islamic Legal Perspective." *Jambe Law Journal* 9, no. 1 (2026): 369-393. <https://doi.org/10.22437/9ke0x692>
- Aji, Bayu Suryo, and Suparji Suparji. "Criminal Law Analysis of the Case of a Mother Who Killed Her Two Children and Committed Suicide in Bandung." *Tasyri': Journal of Islamic Law* 5, no. 1 (2026): 217-232. <https://doi.org/10.53038/tsyr.v5i1.510>
- Alexander, Franz. and Hugo Staub. *The Criminal and His Judges: A Psychoanalytic Insight into the World of Legal Paragraphs*. (London: International Psychoanalytic Publishing House, 1929).
- Alexander, Franz. *Psychoanalytic Therapy: Principles and Application*. Vol. 1946. (Lincoln, Nebraska: University of Nebraska Press, 1980).
- Amanda, Dahlia Putri, Damar Sinatrio Putra, and Siti Mahira Ahmad Mubarak. "Digital Identity Theft and Criminal Protection of Personal Data in Indonesia". 2026. *Indonesian Journal of Digital Crime and Criminal Justice* 2, no. 1 (2026): 107-46. <https://doi.org/10.68080/jdccj.v2i1.24>.
- Aprilianda, Nurini, et al. "Re-conceptualizing Child Victim Rights: A Normative and Comparative Analysis of Victim Impact Statement in Indonesia's Juvenile Justice System." *Jambura Law Review* 7, no. 2 (2025): 442-467. <https://doi.org/10.33756/jlr.v7i2.30132>
- Ardiansyah, Fatah Rafi, Hamidah Abdurrachman, and Kus Rizkianto. *Kekerasan dalam Rumah Tangga sebagai Pemicu Tindak Pidana Lainnya*. (Pekalongan: Penerbit NEM, 2024).
- Arifin, Ridwan, and Varun Chhachhar. "Theological Reflections on Gender Justice: How Indonesian Theology Confronts Gender Inequality and Violence". *Indonesian Theological Justice Review* 2, no. 3 (2025). <https://doi.org/10.65815/jzvr3228>
- Ashworth, Andrew, and Jeremy Horder. *Ashworth's Principles of Criminal Law*. 10th ed. (Oxford: Oxford University Press, 2022).
- Baiquni, Muhammad Iqbal, and Septhian Eka Adiyatma. "'Keep It Within the Family': Legal Intervention in the Social Normalization of Domestic Violence in Indonesian Communities". *The Indonesian Journal of Legal Intervention in Social Problems* 1, no. 1 (2026): 31-70. <https://inleads.id/publications/index.php/IJLISPRO/article/view/27>.
- Basuki, Astin Ratri Nur Anggraini, et al. "Minors and Crime: Law and Criminological Analysis on Theft by Children (Case of Central Java, Indonesia)." *Law Research Review Quarterly* 9, no. 1 (2023): 71-88. <https://doi.org/10.15294/snh.v5i2.31115>
- Bateman, Anthony W., Jeremy Holmes, and Elizabeth Allison. *Introduction to Psychoanalysis: Contemporary Theory and Practice*. (London: Routledge, 2021).
- Benítez-Borrego, Sonia, Joan Guàrdia-Olmos, and Alvaro Aliaga-Moore. "Child homicide by parents in Chile: A gender-based study and analysis of post-filicide attempted

- suicide.” *International Journal of Law and Psychiatry* 36, no. 1 (2013): 55-64. <https://doi.org/10.1016/j.ijlp.2012.11.008>
- Bjelajac, Željko. “The Origin of Criminal Behavior in the Context of Developmental Risk Factors.” *Kultura Polisa* 21, no. 1 (2024): 18-42. <https://doi.org/10.51738/Kpolisa2024.21.1r.18b>
- Brunet, Louis. “They think they find themselves: radical violence and narcissistic-identity suffering.” *The International Journal of Forensic Psychotherapy* 1, no. 1 (2019): 21-31.
- Buchanan, Alec, and Howard Zonana. “Mental disorder as the cause of a crime.” *International Journal of Law and Psychiatry* 32, no. 3 (2009): 142-146. <https://doi.org/10.1016/j.ijlp.2009.02.007>
- Canestri, Jorge, ed. *Psychoanalysis: From Practice to Theory*. (Hoboken, New Jersey: John Wiley & Sons, 2006).
- Chami, Yassine, Mourad Benseghir, Mohammad Abdallah Alshawabkeh, and Viorizza Suciani Putri. “Between Reconciliation and Rights: The Judge Role in Child Advocacy in Algeria and Indonesia”. *Journal of Law and Legal Reform* 6, no. 1(2025): 421-448. <https://doi.org/10.15294/jllr.v6i1.6901>.
- Costello, Stephen J. *The Pale Criminal: Psychoanalytic Perspectives*. (London: Routledge, 2018).
- Dirkareshza, Nada Prima, and Handar Subhandi Bakhtiar. “Position of Forensic Psychology in Determining the Mental Health of Criminal Offenders.” *Journal Social Sciences and Humanioran Review* 2, no. 1 (2025): 1-8. <https://doi.org/10.64578/jsshr.v2i01.180>
- Duff, R. A.. *Answering for Crime: Responsibility and Liability in the Criminal Law*. (Oxford: Hart Publishing, 2007).
- Fahrizal, Muhammad Aldi, Achmad Tarmidzi Taher, and Abdul Kareem Abu Sulaiman. “Supporting Community Justice: Legal Interventions in Addressing Domestic Violence and Child Abuse”. *Lentera Masyarakat Hukum* 1, no. 4 (2024). <https://doi.org/10.65815/cy46bn83>
- Fairbairn, William Ronald Dodds. *Psychoanalytic Studies of the Personality*. (East Sussex, UK: Psychology Press, 1994).
- Fletcher, George P.. *Rethinking Criminal Law*. (Oxford: Oxford University Press, 2000).
- Freud, Sigmund “The Ego and The Id (1923).” *TACD Journal* 17, no. 1 (1989): 5-22. <https://doi.org/10.1080/1046171X.1989.12034344>
- Freud, Sigmund. “Formulations regarding the two principles in mental functioning.” In D. Rapaport, *Organization and pathology of thought: Selected sources*. (New York: Columbia University Press, 1951), pp 315-328. <https://doi.org/10.1037/10584-015>
- Freud, Sigmund. “Observations on transference-love: Further recommendations on the technique of psycho-analysis III.” *The Journal of Psychotherapy Practice and Research* 2, no. 2 (1993): 171-180.

- Freud, Sigmund. *Beyond the Pleasure Principle*. (London: The Hogarth Press and the Institute of Psycho-Analysis, 1920).
- Freud, Sigmund. *Freud's On Narcissism: An Introduction 1914*. (London, Yale University Press, 1991).
- Freud, Sigmund. *General Psychological Theory: Papers on Metapsychology*. (New York: Simon and Schuster, 2008).
- Freud, Sigmund. *The Ego and the Id*. (London: Hogarth Press, 1923).
- Fromm, Erich. "The Question of Human Nature." *Cross Currents* 23, no. 2 (1973): 129-139. <http://www.jstor.org/stable/24457838>
- Funk, T. Markus. "Rethinking culpability and wrongdoing (in the criminal law—and everyday life)." *University of Cincinnati Law Review* 92, no. 4 (2024): 1080-1107. <https://scholarship.law.uc.edu/uclr/vol92/iss4/12>
- Herlambang, Satria, and Antonius Xavier Eka Prasetya. "Children Behind Bars: A Human Rights Analysis of Juvenile Justice Practices in Indonesia". *Contemporary Issues on Indonesian Human Rights Law and Policy* 1, no. 1 (2024). <https://doi.org/10.65815/p3gf1r91>
- Herráiz, Ángela Cabrero. "Personalidad psicopática y crimen (algunas reflexiones psicológicas, psiquiátricas, criminológicas y jurídico-penales a resultados del caso José Bretón)." *FORO. Revista de Ciencias Jurídicas y Sociales, Nueva Época* 15, no. 2 (2013): 125-155. http://dx.doi.org/10.5209/rev_FORO.2012.v15.n2.41489
- Husieva, Vlada, et al. "Psychiatric examination of a person in criminal proceedings." *Wiadomości Lekarskie* 2025, no. 12 (2025): 2801-2807. <https://doi.org/10.36740/WLek/214410>.
- Jenniviera, Johana, et al. "Menganalisis Faktor dan Upaya Pencegahan Kekerasan dalam Rumah Tangga: Studi Kasus Panca Darmansyah." *Indonesian Journal of Islamic Jurisprudence, Economic and Legal Theory* 2, no. 4 (2024): 2185-2193. <https://doi.org/10.62976/ijjel.v2i4.811>.
- Johnson, Anna, and Myrna Dawson. "Filicide and criminal justice outcomes: Are maternal and paternal perpetrators treated differently?." *Child Abuse & Neglect* 157 (2024): 107019. <https://doi.org/10.1016/j.chiabu.2024.107019>
- Kernberg, Otto F. "On the treatment of narcissistic personality disorders." *Psyche* 29, no. 10 (1975): 890-905.
- Kernberg, Otto F. *Borderline Conditions and Pathological Narcissism*. (New York: Jason Aronson, 1975).
- Kli, Maria. "Eros and Thanatos: a nondualistic interpretation: the dynamic of drives in personal and civilizational development from Freud to Marcuse." *The Psychoanalytic Review* 105, no. 1 (2018): 67-89. <https://doi.org/10.1521/prev.2018.105.1.67>
- Kohut, Heinz. "Thoughts on narcissism and narcissistic rage." *The Psychoanalytic Study of the Child* 27, no. 1 (1972): 360-400. <https://doi.org/10.1080/00797308.1972.11822721>

- Kumaar, Sahid, Ikram Muqorrobin, and Fathan Al-Faroq. "Gender Equality in Indonesia's Legal System: Progress or Stagnation?" *Indonesia Discourse* 2, no. 1 (2025): 1-32. <https://doi.org/10.15294/indi.v2i1.23033>.
- Laplanche, Jean, and Jean-Bertrand Pontalis. "The language of psycho-analysis." *The Language of Psycho-Analysis* 94 (1973): i-xv
- Makarova, O. P. "Theoretical and legal principles of forensic psychiatric examination in criminal proceedings." *Law and Safety* 90, no. 3 (2023): 190-199. <https://doi.org/10.32631/pb.2023.3.16>.
- Mardlatillah, Marhamah Lulu, and Indra Yudha Koswara. "Tinjauan Kriminologi Terhadap Fenomena Filisida (Studi Kasus Pembunuhan Terhadap Anak oleh Orangtua Tunawisma di Bekasi)." *Jurnal Ilmiah Wahana Pendidikan* 12, no. 2 (2026): 78-85.
- Martínez, Custodia Jiménez. "La contribución de la neurociencia en el derecho penal. A propósito del Síndrome de Medea en el "Caso Bretón":¿ culpabilidad o inimputabilidad?." *Revista de Derecho y Proceso Penal* 37 (2015): 415-435.
- Maulidina, Selly Dwining, et al. "Analisis Segi Empat Kejahatan Pada Kasus Pembunuhan Massal Terhadap Anak Kandung: Studi Literatur." *HUMANITIS: Jurnal Homaniora, Sosial dan Bisnis* 2, no. 12 (2024): 1296-1304. <https://humanisa.my.id/index.php/hms/article/view/290>
- Meloy, J. Reid. *The Psychopathic Mind: Origins, Dynamics, and Treatment*. (London: Bloomsbury Publishing PLC, 1988).
- Mezghiche, S. "The Criminal Behavior: Exploring Personal and Social Determinants: Theoretical Approach." *Science, Education and Innovations in the Context of Modern Problems* 8, no. 3 (2025): 962-981. <https://doi.org/10.56334/sei/8.3.591>
- Milia, Giulia, and Maria Noonan. "Experiences and perspectives of women who have committed neonaticide, infanticide and filicide: A systematic review and qualitative evidence synthesis." *Journal of Psychiatric and Mental Health Nursing* 29, no. 6 (2022): 813-828. <https://doi.org/10.1111/jpm.12828>
- Mitchell, Stephen A., and Margaret J. Black. *Freud and Beyond: A History of Modern Psychoanalytic Thought*. (New York: Basic Books, 2016).
- Moeljatno, Moeljatono. *Asas-Asas Hukum Pidana*. (Jakarta: Rineka Cipta, 2008).
- Morales, Sebastián Alejandro, and Andrés Castillo. "The Case of Gender Violence in Mexico: Does the Judicial System Ensure Substantive Justice for Victims? El Caso de la Violencia de Género en México:¿ Garantiza el Sistema Judicial la Justicia Sustantiva para las Víctimas?." *Crítica de la Justicia Sustantiva* 1, no. 2 (2025): 205-232.
- Morse, Stephen J. "Craziness and criminal responsibility." *Behavioral Sciences & The Law* 17, no. 2 (1999): 147-164. [https://doi.org/10.1002/\(SICI\)1099-0798\(199904/06\)17:2%3C147::AID-BSL336%3E3.0.CO;2-X](https://doi.org/10.1002/(SICI)1099-0798(199904/06)17:2%3C147::AID-BSL336%3E3.0.CO;2-X).
- Morse, Stephen J. "Failed explanations and criminal responsibility: Experts and the unconscious." *Virginia Law Review* (1982): 971-1084. <https://doi.org/10.2307/1072887>

- Morse, Stephen J.. "Mental Disorder and Criminal Responsibility." In *The Oxford Handbook of Philosophy of Criminal Law*, edited by John Deigh and David Dolinko. (Oxford: Oxford University Press, 2011).
- Mundia, L. et al. "Contributions of Sociodemographic Factors to Criminal Behavior." *Psychology Research and Behavior Management* 9 (2016): 147-156. <https://doi.org/10.2147/PRBM.S95270>
- Murfree, Lauren, Andrea L. DeMaria, and Laura M. Schwab-Reese. "Factors contributing to filicide-suicide: differences between male and female perpetrators." *Child Abuse & Neglect* 129 (2022): 105637. <https://doi.org/10.1016/j.chiabu.2022.105637>
- Nadler, Janice, and Mary-Hunter McDonnell. "Moral character, motive, and the psychology of blame." *Cornell Law Review* 97 (2012): 11-43.
- Pamungkas, Bambang Adji. "Feminist Legal Critique of Child Marriage Dispensation Practices in Indonesian Religious Courts". *The Indonesian Journal of Feminist Legal Studies* 1, no. 1 (2026): 33-82. <https://inleads.id/publications/index.php/IJFLS/article/view/2>.
- Picazo, Irene Barón, et al. "El filicidio en España.: Situación y limitaciones para su estudio." *Behavior & Law Journal* 7, no. 1 (2021): 13-22. <https://doi.org/10.47442/blj.v7.i1.86>
- Poppi, Fabio Indio Massimo. "Abyssus Abyssum Invocat: Victim/Criminal Dynamics in the Construction of Successful Criminal Identities." *Deviant Behavior* 46, no. 10 (2025): 1370-1386. <https://doi.org/10.1080/01639625.2024.2381070>
- Purba, Yedija Otniel. "Analisis Faktor-Faktor Kriminogenik Kasus Filisida di Indonesia dalam Perspektif Strain Theory." *JCIC: Jurnal CIC Lembaga Riset dan Konsultan Sosial* 7, no. 2 (2025): 81-104.
- Rasdi, Rasdi, Winarsih Winarsih, Didik Purnomo, Sonny Saptoajie Wicaksono, and Ridwan Arifin. "An Ideal Model for Combating Child Sexual Violence". *Lex Scientia Law Review* 10, no. 1 (2026): 493-520. <https://doi.org/10.15294/lslr.v10i1.42117>.
- Republic of Indonesia. *Putusan Pengadilan Negeri Jakarta Selatan Nomor 332/Pid.B/2024/PN.Jkt.Sel.*
- Republic of Indonesia. *Putusan Pengadilan Tinggi DKI Jakarta Nomor 240/PID/2024/PT DKI.*
- Republic of Indonesia. *Undang-Undang (UU) Nomor 1 Tahun 1946 tentang Peraturan tentang Hukum Pidana*. Available online at <https://peraturan.bpk.go.id/Details/25029/uu-no-1-tahun-1946>
- Resnick, Phillip J. "Child murder by parents: a psychiatric review of filicide." *American Journal of Psychiatry* 126, no. 3 (1969): 325-334. <https://doi.org/10.1176/ajp.126.3.325>
- Ruberg, Willemijn. "Infanticide and the influence of psychoanalysis on Dutch forensic psychiatry in the mid-twentieth century." *History of Psychiatry* 32, no. 2 (2021): 227-239. <https://doi.org/10.1177/0957154X21989174>

- Salamor, Yonna Beatrix, Ani Purwanti, and Nur Rochaeti. "Pengaturan Tentang Femisida dalam Hukum Pidana Indonesia (Kajian Perbandingan UU HAM dan UU TPKS)." *Litigasi* 25, no. 1 (2024): 95-109. <https://www.doi.org/10.23969/litigasi.v25i1.12520>
- Schmideberg, Melitta. "Psychological Factors Underlying Criminal Behavior." *Journal of Criminal Law and Criminology* 37, no. 6 (1947): 458-476. <https://doi.org/10.2307/1138956>
- Setiyawan, Deni, et al. "Law Enforcement of Sexual Violence on Social Media: An Islamic Restorative Justice Perspective." *De Jure: Jurnal Hukum dan Syar'iah* 17, no. 1 (2025): 90-111. <https://doi.org/10.18860/j-fsh.v17i1.28185>
- Simester, Andrew. *Fundamentals of Criminal Law: Responsibility, Culpability, and Wrongdoing*. (Oxford: Oxford University Press, 2021).
- Siregar, Rospita Adelina, and Dyandra Eunike Nauli Sinaga. "The Role of Visum et Repertum (VeR) and VeR Psychiatricum (Legal Study of FD Murder Cases in Jakarta, 2023)." *Jurnal Wawasan Yuridika* 7, no. 2 (2023): 256-272.
- Spain. *Código Penal, Ley Orgánica 10/1995*. Available online at <https://www.boe.es/boe/dias/1995/11/24/pdfs/A33987-34058.pdf>
- Suartha, I. Dewa Made, I. Dewa Agung Gede Mahardika Martha, and Bagus Hermanto. "Between Mental Illness, Criminal Policy Reform, and Human Rights: Discourse on Reformulation of The Article 44 Indonesia Criminal Code." *International Journal of Criminal Justice Sciences* 17, no. 1 (2022): 1-21.
- Suryadi, Taufik, et al. "Autopsy Findings of the Case Child Murder: Is It Infanticide or Child Homicide? The Indonesian Perspective: A Case Report." *Open Access Macedonian Journal of Medical Sciences* 11, no. C (2023): 1-5.
- Waluya, Steny Roby. "Child Prisoners and Their Attitudes: The Capture of Child Behavior Changes in Correctional Institutions." *Unnes Law Journal* 7, no. 2 (2021): 225-236. <https://doi.org/10.15294/ulj.v7i2.38688>
- Wibowo, Muhtar Hadi, Ali Masyhar, and Anis Widyawati. "Progressionism Restorative Justice Policies in Achieving Rehabilitative Criminal Justice." *Indonesian Journal of Criminal Law Studies* 9, no. 1 (2024): 117-138. <https://doi.org/10.15294/ijcls.v9i1.36420>
- Winnicott, D. W. "A clinical study of the effect of a failure of the average expectable environment on a child's mental functioning." *The International Journal of Psycho-Analysis* 46 (1965): 81-87.
- Yustia, Rd Dewi Asri, Faris Fachrizal Jodi, and Firdaus Arifin. "Society, Technology, and Child Protection: Synergy in Monitoring Former Perpetrators of Sexual Offenses." *Jurnal IUS Kajian Hukum dan Keadilan* 14, no. 1 (2026): 182-200. <https://doi.org/10.29303/ius.v14i1.1854>
- Zweigert, Konrad, and Hein Kötz. *Introduction to Comparative Law*. 3rd rev. ed. Translated by Tony Weir. (Oxford: Clarendon Press, 1998).