

ANALYSIS ENHANCE OF SERVICE PEOPLES CONCERNING MENTAL HEALTH

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ABSTRACT

This study aims to analyze the legal protection of Persons with Mental Disorders (ODGJ) in the context of health services based on Indonesian Law No. 18/2014 on Mental Health. Legal protection is a human right that must be provided to every individual, including ODGJ, who require equal access to quality mental health services. This research uses the normative legal research method by examining legislation, doctrine, and legal principles relevant to the legal protection of ODGJ. In order to improve the legal protection of ODGJ, this study recommends several strategic steps, such as improving legislation, improving the quality and affordability of mental health services, and education and advocacy campaigns to reduce stigma and discrimination against ODGJ.

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1. INTRODUCTION.

Article 69 of Health Law Number 36 Year 2009 states that every person has the right to obtain quality and affordable health services. Therefore, health services for ODGJ must meet the same quality standards as health services for other people. In addition, Article 70 states that ODGJ have the right to obtain specific mental health services.

Mental Health Law Number 18 Year 2014. Mental Health Law Number 18 Year 2014 is a law that specifically regulates mental health services, including health services for ODGJ. This law affirms that everyone has the right to mental health services that meet quality standards and are free from discrimination. In addition, Article 15 emphasizes that mental health services for ODGJ must be integrated with general health services.

The Law on Persons with Disabilities No. 8/2016 provides legal protection for ODGJ in various aspects of life, including access to health services. Article 15 states that ODGJ have the right to obtain the same health services as other people without discrimination. In addition, Article 32 emphasizes that every person has the right to obtain accessible and understandable health information and services, including ODGJ.

Although there are many laws and regulations governing ODGJ. However, there are still many ODGJ who are neglected. Here are three examples of cases of People with Mental Disorders (ODGJ) in other cities in Indonesia:

- Case in Jakarta (2019): A 30-year-old man with severe mental illness was found wandering the streets of Jakarta. His family reported his disappearance to the authorities. After a search, the man was found and returned to his family. The family stated that the man had been diagnosed with schizophrenia and was under medical care.
- Case in Surabaya (2020): A 35-year-old woman was found to be mentally ill and loitering around a market in Surabaya. The woman was known to be suffering from major depressive disorder and had disappeared from her home. Upon discovery, the woman was taken to a mental health center by her family to receive the necessary treatment.
- Case in Medan (2021): A 40-year-old man was found in a confused and mentally disturbed state at the railway station in Medan. The police and volunteers were able to connect the man with his family, who later revealed that the man was suffering from bipolar disorder. Upon discovery, the man was taken to a psychiatric hospital for appropriate treatment.

These cases show that ODGJ can be found in various cities in Indonesia and require treatment.

2. METHODS

This research is normative juridical research, namely research that reveals a problem, situation or event by providing a comprehensive, broad and in-depth assessment from the point of view of legal science, namely by examining legal principles, legal principles, and legal systematics.

In collecting data, document studies were used, namely by studying secondary materials, both in the form of laws, other regulations, court decisions regarding health cases as well as books, papers, and journals related to those studied. The data obtained was then analyzed qualitatively, namely a method of data analysis that was not based on numbers or statistics, so that the data obtained in the literature study was then presented in logical sentences to obtain a description of Legal Protection for Persons with Upper Mental Disorders. Health Services Reviewed Based on Republic of Indonesia Law No.18 of 2014 Concerning Mental Health.

Facts on the ground:

1. There is still stigma and discrimination against ODGJ in society. This at times results in them being given unfair treatment or not even getting the same access in terms of health care, education, work, and social life.
2. Some ODGJ may experience unfair arrest or detention due to their mental disorder. Meireika repeatedly do not get their rights guaranteed by law, such as the right to get legal representation and adequate medical treatment.

While theoretically:

1. Human rights: According to the principles of human rights, ODGJ also have the same rights as other individuals. Meireika has the right to be respected, protected, and treated fairly by law. This includes the right to receive adequate health care, to live free from discrimination, and to participate in social and economic life.
2. The principle of non-discrimination: PLWHA have the right to receive the same legal protection as other individuals, without discrimination based on their mental health condition. This means that they cannot be treated differently or receive unfair treatment just because they have a mental disorder.
3. The principle of justice: ODGJ have the right to get equal access in terms of health care, education, work, and social life. Meireika should not be treated differently or be discriminated against simply because of their mental health condition.

In order to overcome problems in the field and apply the theories in the books, the government, the community, and health workers need to work together in increasing awareness of the rights of PLWHA, reducing stigma and discrimination, and ensuring fair access for them in all aspects of life.

3. RESULT AND DISCUSSION

Protection of People with Mental Problems (ODMK) and People with Mental Disorders (ODGJ) is a mandate of law as part of humanity which has been recognized in Indonesia. As in the Criminal Code and Law No. 18 of 2014 concerning mental health, there are several rights owned by ODMK and ODGJ to be treated properly and receive the best possible protection and care.

In its history, the law on mental health existed in 1966 but in 1992 the mental health law was repealed and merged into the health law. Even though at that time Indonesia was one of the few countries that had a mental health law.

There have been many incidents of suppression of the human rights of "Mad People", physical and mental violence have been accepted by people with mental disorders. It's so easy for us to meet them on the streets and around the neighborhood without attention and care. Even though the program for the protection of ODKJ has been planned and implemented, implementation in the field is still not effective and there tends to be shifting of responsibility by state officials.

Legal protection for people with mental disorders (ODGJ) is very important to maintain their rights as citizens and individuals. Following are some facts on the ground and existing theories regarding legal protection for ODGJ:

Facts on the ground:

1. There is still stigma and discrimination against ODGJ in society. This often results in them being given unfair treatment or even not getting equal access in terms of health care, education, work, and social life.
2. Some PLWHA may experience unjust arrest or detention due to their mental disorders. They are often denied rights guaranteed by law, such as the right to legal representation and medical care.

While theoretically:

1. Human rights: According to the principles of human rights, ODGJ also have the same rights as other individuals. They have the right to be respected, protected and treated fairly by law. This includes the right to receive adequate health care, to live free from discrimination, and to participate in social and economic life.
2. The principle of non-discrimination: PLWHA are entitled to receive the same legal protection as other individuals, without discrimination based on their mental health condition. This means that they should not be treated differently or receive unfair treatment just because they have a mental disorder.
3. Principle of justice: ODGJ have the right to equal access in terms of health care, education, work, and social life. Meireika should not be treated differently or be discriminated against simply because of their mental health condition.

To address problems in the field and apply the theories in the book, the government, community and health workers need to work together to increase awareness of the rights of PLWHA, reduce stigma and discrimination, and ensure fair access for them in all aspects of life.

Legal Protection For People With Mental Problems (Odmk) And People With Mental Disorders (Odgj) As Perpetrators Of Crimes

In the world of medicine and Law No. 18 of 2014 concerning mental health, people with mental disorders are divided into people with mental problems who are then called ODMK and people with mental disorders who are then called ODGJ. Which meaning is stated in article 1 letter b and c.

Article 1 letter b of the Law on mental health provides the understanding that "People with Mental Problems, hereinafter abbreviated as ODMK, are people who have physical, mental, social, growth and development, and/or quality of life problems so that they are at risk of experiencing mental disorders". Based on this article, we can conclude that what is meant by ODMK is a person who has problems both physically, mentally, and so on which causes the potential to have mental disorders due to these disorders.

Article 1 letter c of the mental health law states that "People with Mental Disorders, hereinafter abbreviated as ODGJ, are people who experience disturbances in thoughts, behaviors, and feelings in the form of a set of symptoms and/or changes in behavior that are significant, and can cause suffering and obstacles in carrying out the function of people as human beings. In circumstances as described in article 1 letter c of the mental health law, such is the condition that a person really can no longer control himself and his psyche.

However, in practice, in the world of law, the two terms tersebut, namely ODMK and ODGJ, are only one unit, that is, both of them have an element of not being accountable for their actions in criminal law.

4. CONCLUSION

Law no. 18 of 2014 is the main legal basis that regulates the protection of the rights of ODGJ in Indonesia, including the right to obtain adequate, integrated and quality mental health services. Law no. 18 of 2014 emphasizes the role of the government, community, and families in providing support and care for ODGJ. This regulation also regulates the mechanism for treatment and rehabilitation for ODGJ, and emphasizes the importance of prevention and management of mental health problems. Several implementing regulations, such as Government Regulation No. 22 of 2014 concerning Implementation of Mental Health and Regulation of the Minister of Health Number 59 of 2014 concerning Standards for Mental Health Services, supporting the implementation of Law no. 18 Tahun 2014 by regulating the implementation of mental health and service standards. Although Law no. 18 of 2014 has provided a fairly good legal framework to protect the rights of ODGJ, there are still challenges in implementation in the field, such as stigma and discrimination, lack of public knowledge, limited access to mental health services, and lack of family support.

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