

Legal Protection "Pasung" of People with Mental Disorders Related to the Program of "Indonesia Bebas Pasung 2019"

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Abstract—The act of deprivation is a common symptom found in developing countries, including in Indonesia. The absence of the rule of law, low level of education, limited understanding of the symptoms of mental disorders, and economic limitations are the main factors for the occurrence of pasung. Focus of achievement is mainly on case finding and case management, but later it should be focusing on the continuity of this programme. Pasung-Free Indonesia Programme is a big entry point for developing a better mental health system in Indonesia. This type of research conducted is a type of empirical research (sociological judicial). Sociological or empirical law research is a research method conducted to obtain primary data. The goal is for the person concerned to recover quickly and be able to mingle with the community. One of them only underwent outpatient care without having to stay and stay at the RSJ. The reason is that the mental disorder he experiences is not as bad as the others and is currently able to communicate well.

Keywords—*pasung, mental disorders, pasung-free Indonesia Programme*

I. INTRODUCTION

Every human being is born with inherent rights naturally and must be protected by the state. Indonesia has legal protection for the rights of every citizen. Citizenship status creates a reciprocal relationship between citizens and their country [1]. On the other hand, the state has the obligation to provide protection to its citizens, to guarantee the rights of citizens and to promote a dignified and prosperous nation and state life and to uphold democratic rights and human rights based on good law, based on their inclusion in the law. The 1945 Constitution Post-Amendment, which is stated in Article 1 paragraph 3 which reads: The Unitary State of the Republic of Indonesia is a State of Law [2].

State law regulates the obligation to provide services to all citizens without exception, including people with mental disorders. Mental health also needs to be considered as physical health. The World Health Organization (WHO)

defines health as health as a state of complete physical, mental and social well-being and not more the absence of disease or infirmity [3]. The state protects its citizens from arbitrary and unlawful restricting actions against ODGJ such as shackles.

The practice of pasung towards people with mental illness can be found all over Indonesia. "Pasung" in Indonesian language refers to the physical restraint or confinement of "criminals, crazy and dangerously aggressive people". In its development, the term pasung was narrowed for those with mental disorders in the community. Furthermore, pasung is not only about physical freedom but also something to do with right to access health service, which will improve the function of people with mental disorder.

The impact of shackles is that the victim will experience limited space and movement like normal humans in general, automatically the rights mentioned above and other rights will not be obtained as a result of shackles. Deprivation of people suspected of having mental disorders is an act that is contrary to human rights. The act of deprivation is a common symptom found in developing countries, including in Indonesia. The absence of the rule of law, low level of education, limited understanding of the symptoms of mental disorders, and economic limitations are the main factors for the occurrence of pasung [4].

Currently, focus of achievement is mainly on case finding and case management, but later it should be focusing on the continuity of this programme. Pasung-Free Indonesia Programme is a big entry point for developing a better mental health system in Indonesia [5].

II. RESEARCH METHODOLOGY

In determining the success of the research, the objects and benefits of research are determined by the research methodology used. This type of research conducted is a type of empirical research (sociological judicial). Sociological or

empirical law research is a research method conducted to obtain primary data [6].

Data that will be used in this study are primary data, secondary data and tertiary data. Data collection techniques are observation, interview and literature review. The data that has been collected will be analyzed qualitatively by using sentence descriptions to explain the relationship between the existing theory and the reality in the field.

Meanwhile, viewed from its nature, this is descriptive research, which means the research is intended to provide a detailed, clear, and systematic description of the problems of the main research problem. In concluding, the author uses the deductive thinking method, in which conclusions drawn from a statement or general proposition into a specific statement or case [7].

III. RESULTS AND DISCUSSION

Mental disorders are one of the four main health problems in developed and developing countries, modern and industrial. The four main health problems are degenerative diseases, cancer, mental disorders and accidents [8].

People with mental health disorders are also called People With Mental Disorders (ODGJ). ODGJ are people who experience problems in thoughts, behavior, and feelings that are manifested in the form of a set of symptoms and significant behavioral changes that can cause suffering and obstacles in carrying out their functions as humans [9].

With a significant increase related to ODGJ and not optimal mental health services, it has an impact and allows the occurrence of deprivation of ODGJ in the community. Several studies have shown that the main reason for holding stocks in more than 90% of cases is the presence of violent behavior or restless conditions that threaten families and communities, and conversely people with mental disabilities/people with mental disorders are also threatened with violence from the environment [10]. The following is data on the incidence of shackles that occur in every province in Indonesia.

TABLE I. PASUNG CASE DATA 2018

No.	Province	Number of cases of pasung
1.	Aceh	90
2.	North Sumatra	427
3.	West Sumatra	134
4.	Riau	40
5.	Jambi	64
6.	South Sumatra	33
7.	Bengkulu	39
8.	Lampung	601
9.	Bangka Belitung Islands	15
10.	Riau islands	153
11.	DKI Jakarta	-
12.	West Java	131
13.	Central Java	106
14.	In Yogyakarta	325
15.	East Java	754
16.	Banten	24

17.	Bali	9
18.	West Nusa Tenggara	14
19.	East Nusa Tenggara	105
20.	West Kalimantan	38
21.	Central Kalimantan	30
22.	South Kalimantan	40
23.	East Kalimantan	139
24.	North Kalimantan	131
25.	North Sulawesi	-
26.	Central Sulawesi	202
27.	South Sulawesi	5
28.	Southeast Sulawesi	38
29.	Gorontalo	616
30.	West Sulawesi	117
31.	Maluku	17
32.	North Maluku	18
33.	West Papua	-
34.	Papua	3
	Amount	4458

Source: Indonesia Health Profile 2018

Pelalawan District Health Office (Diskes) Riau start promoting free programs stocks in 2019 for people with mental disorders.

Diskes formed a team to implement the free shackles program which has been running for the past month. The targets are Pelalawan residents who have mental disorders but are ostracized by the community and families by being shackled. Either locked in a special room to be tied up so as not to go anywhere [11]. Within two weeks, five Pelalawan residents with mental disorders were released from shackles. Then he was sent to the Tampan Hospital in Pekanbaru City to undergo intensive treatment. The residents who were expelled from the shackles came from Teluk Meranti, Langgam, Bunut, Pangkalan Lesung, and Bandar Sei sub-districts. deer.

The five residents with mental disorders were imprisoned for various periods of time, ranging from two years to five years. Residents do this because they are afraid of disturbing others in their daily lives. More over, this mental illness is mostly caused by pressure which can have bad implications so that a safer middle way is taken by means of confinement.

In the future, the Pelalawan Health Office will form mental health cadres and health posts in each sub-district to complete the free programstocks. Diskes appealed to the entire community of Pelalawan if any family member who had a mental disorder, immediately reported it to his side. In order to take evacuation and treatment steps to the Tampan Hospital. The Pelalawan Health Office ensures that every citizen who is released from shackles is taken to the RSJ and undergoes free treatment. All costs incurred are borne by Jamkesda which is integrated with BPJS Health [12].

There is around 15 (fifteen) people who were sent by the Pelalawan Health Office who are now being treated intensively by the Handsome Mental Hospital (RSJ) with better conditions because they are handled by professional people such as psychiatrists and nurses who are already experienced [13].

The Tampan Hospital guarantees to provide the best care according to the patient's needs for the sake of healing patients with mental disorders so that they can live well again in society [14].

TABLE II. RSJ TAMPAN PATIENT DATA 2020

No.	Patient at Handsome Hospital	Amount
1.	Take care of men's soul	173 people
2.	Take care of women's soul	60 people
3.	Treat Drugs	14 people
	Total	247 people

May 2020 data

Of the total 247 (two hundred and forty-seven) patients treated at the Tampan Hospital, they were admitted patients indications for care such as patients who endanger themselves, endanger others or endanger the environment. However, for patients who do not fall into the dangerous category, they can be treated as outpatients. Caring for patients today no longer has to be locked up or in cages. However, patients are given time for activities outside the room (yard) so they can socialize with fellow patients / health workers (doctors, nurses and other health workers) according to the patient's condition. This also includes therapy for the patient. So that the patient's mind becomes more open. The capacity of mental hospital patients is only about 250 (two hundred and fifty) people, so the current number of patients is the maximum capacity of the Tampan Hospital.

To emphasize that there are no more cases of shackling in the Pelalawan Regency and people with severe ODGJ disorders can receive services according to standards and take medication regularly, hereby the Pelalawan District Health Office with the support of the Pelalawan Regency Government in 2019 made a mental innovation, namely the formation of the Alert Post Cadre. Jiwa Desa with the name Selembayung Melayu (save, protect, people from the dangers of pasung through integrated services) in every working area of the Pelalawan District Health Center [15].

The Healthy Pelalawan Program is an intensive effort to create healthy conditions for the community and the environment, namely by improving the quality and service of health coverage, providing free services for all residents at the Puskesmas, providing guarantees for free referral services for the poor and reviving the culture of mutual cooperation in cleaning the residential environment and increase public awareness in implementing clean and healthy living behavior (PHBS).

In order for the Selembayung Melayu Innovation Activity to run well and maximally, the strategy that we do is

Because there are still many problems regarding the handling of ODGJ and Pasung that have not been achieved, such as:

1. There are still high cases of ODGJ in pasung who have not been released

2. The low achievement of SPM related to severe ODGJ services
3. The absence of cadres and mental health posts
4. There is no MOU with a mental hospital
5. The TPKJM (Community Mental Health Steering Team) has not yet been formed.

To support the Selembayung activity, the strategies that will be carried out are:

1. Form a Malay Selembayung Management Team
2. Make SOPs
3. The formation of a draft Perbup concerning the Eradication of Pasung
4. Establishment of Mental Health Posts in 3 Districts
5. Formation of Mental Alert Cadre
6. Conducting Mental Health Cadre Training
7. Forming the TP KJM team
8. MOU with RSJ

For the implementation of the 2024 Free Pasung Pelalawan, the Health Service through the Puskesmas will create and implement 1 Mental Alert Post per Puskesmas. Where the Health Center Officer will provide quick response services in cases of severe ODGJ and services to carry out treatment according to standards and carry out examinations for severe ODGJ and provide counseling and counseling to families.

A. Aim

1) *Short term goals*: The short-term goals to be achieved in the change project "Eradication of pasung through the Malay Selembayung Program (Save Protect Communities from the Danger of Pasung) in Pelalawan Regency" are described as follows:

- Handling of ODGJ cases according to standards
- Implementation of sustainable mental program planning and evaluation
- Establishment of mental health posts in every sub-district
- The formation of a mental alert cadre
- Mental health cadre training
- The formation of the TPKJM steering team
- MOU with RSJ

2) *Medium term goals*: The handling of the ODGJ case through the Malay Selembayung Program (Save Protect the Community from the Danger of Pasung) in Pelalawan Regency.

3) *Long term goals*: The achievement of the Pelalawan Regency is free from shackles in 2024

B. Benefit

The benefits derived from this change project are:

1. Pemerintah Kabupaten Pelalawan melalui Dinas Kesehatan dengan Program Selembayung Melayu akan mempercepat penanggulangan kasus pasung di Kabupaten Pelalawan
2. Terjalinnnya kerjasama lintas sektor dalam penanganan kasus belunggu ODGJ
3. Tercapainya penanganan kasus sesuai standar dan evaluasi berkelanjutan
4. Implementasi Pelalawan 2024 bebas belunggu

IV. CONCLUSION

Detention is contrary to the provisions of laws and regulations because the regulation regarding the prohibition of shackles for people with mental problems and people with mental disorders has actually been fully regulated in the laws and regulations in Indonesia, only its enforcement still needs to be improved. Then there is a need for community cooperation with the government to avoid deprivation of people with mental problems and people with mental disorders who should be protected [16]. It is recommended that the community and the government together overcome and reduce the existence of shackles by taking a persuasive approach and providing health insurance including mental health for every community on an ongoing basis.

The Pelalawan Health Office has succeeded in releasing 15 people with mental disorders in Pelalawan Regency. The program has only been running for 2 months. Later, people with mental disorders who were held in shackles by their families will be released by an integrated team formed by the Pelalawan District Health Office. Then he was sent to the Tampan Hospital in Pekanbaru City for treatment. The goal is for the person concerned to recover quickly and be able to mingle with the community. One of them only underwent outpatient care without having to stay and stay at the RSJ. The

reason is that the mental disorder he experiences is not as bad as the others and is currently able to communicate well.

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