



The Constitutionality of Legal Protection for People with Mental Disorders in Indonesia

Hafid Ma'ruf Haqiqi¹ 

¹ Universitas Islam Negeri K.H. Abdurrahman Wahid Pekalongan, Pekalongan, Indonesia

Article Info

Corresponding Author:

Penulis Korespondensi
✉ hafidmaruf123@gmail.com

History:

Submitted: xx-xx-xxxx
Revised: xx-xx-xxxx
Accepted: xx-xx-xxxx

Keyword:

[Constitutional Rights, People with Mental Disorders, Legal Protection.]

Kata Kunci:

[Hak Konstitusional, Orang Dalam Gangguan Jiwa, dan Perlindungan.]

Abstract

Human rights apply to every individual regardless of condition, including people with mental disorders (ODGJ) who hold equal status before the law (equality before the law). However, observations in Pekalongan City show that many ODGJ remain neglected on the streets without adequate protection from responsible parties. As Indonesian citizens, they are entitled to access medical treatment and a decent standard of living. This study aims to analyze legal protection for the constitutional rights of ODGJ and to identify the factors influencing such protection. The research employs an empirical legal approach combined with statutory and qualitative approaches. Data were collected through interviews, observation, and documentation, then analyzed using an interactive model. The findings reveal that legal protection for ODGJ by the Pekalongan City Government consists of two forms: preventive (prevention) and repressive (law enforcement). Although these efforts are implemented, their execution remains suboptimal and still faces shortcomings. The factors influencing the protection of ODGJ's constitutional rights, based on Lawrence M. Friedman's legal system theory, include legal substance (regulations that are not fully clear and applicable), legal structure (limited implementing institutions), and legal culture (stigmas and low public awareness regarding the rights of ODGJ).

Abstrak

Hak asasi manusia berlaku bagi setiap orang tanpa membedakan kondisi, termasuk orang dengan gangguan jiwa (ODGJ) yang memiliki kedudukan sama di hadapan hukum (equality before the law). Namun, hasil observasi di Kota Pekalongan menunjukkan masih banyak ODGJ yang terlantar di jalanan tanpa perlindungan memadai dari pihak yang bertanggung jawab. Padahal, sebagai warga negara Indonesia, ODGJ berhak memperoleh fasilitas penyembuhan dan jaminan hidup sejahtera. Penelitian ini bertujuan untuk menganalisis perlindungan hukum terhadap hak konstitusional ODGJ dan mengidentifikasi faktor-faktor yang memengaruhi perlindungan hukum tersebut. Jenis penelitian yang digunakan adalah hukum empiris dengan pendekatan perundang-undangan dan kualitatif. Data dikumpulkan melalui wawancara, observasi, dan dokumentasi, kemudian dianalisis dengan model interaktif. Hasil penelitian



Copyright © 2025 by As
Journal of Law and Hum

All writings published in this journal are personal views of the authors and do not represent the views of the publisher.



<https://doi.org/10.28918/ajlh.v5i1.1>

menunjukkan bahwa perlindungan hukum terhadap ODGJ oleh Pemerintah Daerah Kota Pekalongan terbagi dua: preventif (pencegahan) dan represif (penindakan). Meski telah berjalan, pelaksanaannya belum optimal dan masih banyak kekurangan. Adapun faktor yang memengaruhi perlindungan hak konstitusional ODGJ merujuk pada teori Lawrence M. Friedman, yaitu aspek substansi hukum (aturan yang belum sepenuhnya jelas dan implementatif), struktur hukum (lembaga pelaksana yang terbatas), dan budaya hukum (stigma serta kesadaran masyarakat yang rendah terhadap hak ODGJ).

Introduction

Human Rights are rights that are universally recognized as inherent to human beings by virtue of their nature and existence as human beings. They are declared 'universal' because these rights are integral to every person without distinction of skin color, gender, age, race, culture, religion, or belief. The rights themselves consist of the right to life, the right not to be tortured, enslaved, or arbitrarily detained, and the right not to be discriminated against before the law.¹ Human rights apply to everyone, meaning both the sick and the healthy have equal standing before the law (Equality Before The Law). Equality before the law signifies that every citizen must be treated justly, including persons with mental illness who are neglected and left homeless on the streets, both by the government and society itself

The provision in Article 1 paragraph (3) of the Constitution of the Republic of Indonesia of 1945 (UUD NRI 1945), which states that Indonesia is a state based on law (rechtsstaat), implies that all aspects of national, societal, and state life must be founded upon law.² A state based on law (rechtsstaat) is a state whose government serves the needs of the majority of its entire populace, without differentiating their origins, religions, or social backgrounds. A state based on law whose government effectively serves the needs of its people is a governmental obligation, not an excessive or privileged matter. Indonesia is a state based on law where the protection of human rights itself is fundamentally assured. All human beings must receive equal treatment and standing.

The 1945 Constitution of the Republic of Indonesia (UUD NRI 1945) mandates the state to guarantee a prosperous life, both materially and spiritually, for every citizen. Article 28D of the UUD NRI 1945 stipulates that, "Every person shall have the right to recognition, guarantee, protection, and fair legal certainty, as well as equal treatment before the law." Furthermore, Article 28H paragraph (1) of the UUD NRI 1945 states, "Every person shall have the right to live in prosperity, both physically and spiritually, to reside in and enjoy a good and healthy environment, and shall have

¹ Muhammad Ashri, *Hak Asasi Manusia: Filosofi, Teori & Instrumen Dasar* (CV. Social Politic Genius (SIGn), 2018).

² Perubahan Ketiga Undang-Undang Dasar Negara, "Republik Indonesia Tahun 1945," *Jakarta, Indonesia: Www. Mpr. Go. Id*, 2001.

the right to obtain healthcare services".³

The fundamental concept of health law possesses distinctive characteristics, namely its aspects pertaining to: (1) human rights (HAM); (2) international agreements; (3) legality at both the national and international levels; and (4) science and technology (S&T). Normatively, according to Law Number 18 of 2014 concerning Mental Health, Mental Health is defined as a condition in which an individual can develop physically, mentally, spiritually, and socially so that the individual realizes their own abilities, can cope with stress, can work productively, and is able to contribute to their community.⁴

Article 42 of Law of the Republic of Indonesia Number 39 of 1999 concerning Human Rights affirms that:

"Every citizen who is elderly, physically disabled, and/or mentally disabled shall have the right to receive care, education, training, and special assistance at the State's expense, in order to guarantee a dignified standard of living commensurate with human dignity, increase self-confidence, and enhance the capacity to participate in the life of society, the nation, and the state."

Persons suffering from mental illness fall under the category of mental disability. In accordance with the aforementioned Article, the rights of persons with mental illness are guaranteed to receive care and special assistance at the State's expense to ensure a dignified standard of living commensurate with their human dignity. This is further supported by Article 147 of Law of the Republic of Indonesia Number 36 of 2009 concerning Health, which states that: "(1) Efforts for the recovery of persons with mental health issues are the responsibility of the Government, Regional Governments, and the community; (2) Recovery efforts as referred to in paragraph (1) shall be carried out by authorized health personnel and in appropriate settings while respecting the human rights of the patients; (3) To treat persons with mental health disorders, special healthcare facilities that meet the requirements and comply with the provisions of the prevailing laws and regulations shall be utilized."⁵

This is also supported by Article 81 of Law of the Republic of Indonesia Number 18 of 2014 concerning Mental Health, which stipulates that: (1) The Central Government and Regional Governments are obligated to conduct rehabilitation efforts for persons with mental illness who are neglected, homeless, threaten their own safety and/or the safety of others, and/or disturb public order and/or security. (2) Persons with mental illness who are neglected, homeless, threaten their own safety and/or the safety of others, and/or disturb public order and/or security as

³ Nurul Qamar et al., *Negara Hukum Atau Negara Kekuasaan (Rechtsstaat or Machtstaat)* (CV. Social Politic Genius (SIGn), 2018).

⁴ Odilia Esem, "Perlindungan Hak Atas Pelayanan Kesehatan Bagi Orang Dengan Gangguan Jiwa Di Daerah Istimewa YOGYAKARTA Berdasarkan Undang Undang Nomor 18 Tahun 2014 Tentang Kesehatan Jiwa," *CHMK Health Journal* 3, no. 2 (2019): 40–50.

⁵ Republik Indonesia, "Undang-Undang Republik Indonesia Nomor 36 Tahun 2009 Tentang Kesehatan," *Jakarta Republik Indones*, 2009.

referred to in paragraph (1) include those who are: Incapable; Do not have a family, guardian, or curator; and/or whose family is unknown.

Based on the observational snapshot conducted by the researcher, a large number of persons with mental illness are still visible in Pekalongan City. Field facts often show persons with mental illness being neglected by the parties who should be responsible for providing facilities to these sufferers. Persons with mental illness, as Indonesian citizens, should also have the right to receive recovery efforts and live a prosperous life. This raises the question of the legal protection for the constitutional rights of persons with mental illness and the factors influencing it.

Metode Penelitian

This type of research is **Empirical Legal Research**. Empirical Legal Research is a legal research method that utilizes empirical facts gathered from human behavior, encompassing both verbal behavior obtained through interviews and real actions observed via direct observation. Empirical research is also used to observe the outcomes of human behavior, such as physical artifacts or archives.⁶ The approach used in this study is the statutory approach and the qualitative approach. The data collection techniques for this research include conducting interviews, observations, and documentation. The data analysis model employed in this study is the interactive model of Miles, Huberman, and Saldana, which begins with data condensation, data presentation, and conclusion drawing.⁷

Pembahasan

Legal Protection of the Constitutional Rights of Persons with Mental Illness by the Social Service Agency of Pekalongan City

In the process of data collection, the author conducted an interview with Mr. Mugiyono, S.Sos., as the Head of the Social Rehabilitation Division for North Pekalongan. The interview focused on how the legal protection of Persons with Mental Illness (ODGJ) is implemented in Pekalongan City, specifically referencing their right to receive protection and healthcare facilities from the government, as they are citizens requiring such protection. Therefore, the central and regional governments are obligated to provide services and assistance, as well as facilities for ODGJ, as this constitutes a part of protecting the dignity and humanity of ODGJ in their pursuit of recovery.

Mr. Mugiyono stated:

"The Social Service Agency of Pekalongan City, in providing services to Persons with Mental Illness (ODGJ) found on the streets or reported by the community,

⁶ Mukti Fajar and Yulianto Achmad, "Dualisme Penelitian Hukum Empiris & Normatif," *Yogyakarta: Pustaka Pelajar* 280 (2010).

⁷ Matthew B Miles, A Michael Huberman, and Johnny Saldana, "Qualitative Data Analysis: A Methods Sourcebook," (*No Title*), 2014.

employs a method of retrieving and isolating the individual, followed by providing referral assistance to Bendan Hospital or H. A. Zaky Djunaid Hospital for treatment and healthcare services. Subsequently, the Social Service Agency issues a recommendation letter for the exemption of medical costs through the Provincial Central Java Poor Health Cost Recommendation scheme. Once the individual is declared recovered, the Social Service Agency provides assistance for placement in an RPSBM (Community-Based Social Protection Home) for the rehabilitation of ex-psychotic patients."

Mr. Zamroni, as the Head of the Community-Based Social Protection Home (RPSBM), stated:

"At the RPSBM, when handling Persons with Mental Illness (ODGJ) who have been handed over by the Social Service Agency (Dinsos) or the Public Order Agency (SATPOL PP), they are first isolated until their condition stabilizes and they are able to communicate. Following this, they are integrated with other ODGJ. These individuals do not only originate from Pekalongan City; sometimes, they are patients who have been abandoned from outside the city. If they can communicate regarding their origins outside the city, they are returned to the relevant city's Social Service Agency for repatriation to their families. Doctor examinations here are conducted once every two weeks by a physician from Bendan Hospital. However, despite these efforts, facilities remain minimal, from the perspective of Human Resources (HR) to funding, which is considered insufficient. Consequently, the RPSBM still faces shortcomings, such as patients escaping."

According to Faisal, a community member, he stated:

"I still frequently see Persons with Mental Illness (ODGJ) walking along the roadside with emaciated bodies, sometimes half-naked or even completely naked. They are likely not local residents, perhaps abandoned from outside the city. Personally, I view ODGJ normally; I let them pass as long as they do not disturb or threaten me. Even if I wanted to greet them, I would be afraid of a poor reaction, or perhaps the ODGJ would not listen, or I would fear their response might be threatening to me."⁹

Based on these interviews, the efforts regarding handling and service provision as a form of legal protection have been executed effectively, ensuring their right as citizens to access healthcare facilities for recovery. However, these efforts cannot yet be classified as maximal, given several existing shortcomings within the RPSBM rehabilitation facilities. Furthermore, abandoned Persons with Mental Illness (ODGJ) are still observed on the streets, individuals who are sometimes abandoned from outside Pekalongan City.

Legal Protection of the Constitutional Rights of Persons with Mental Illness by the Pekalongan City Health Agency

In the data collection process conducted by the author, an interview was held with Ms. Citra Hanwaring Puri, S.Psi., as the Program Manager for Non-Communicable Diseases (PTM) and Mental Health (Keswa), regarding the role of the

Health Agency in providing legal protection for the constitutional rights of Persons with Mental Illness (ODGJ), specifically concerning the fulfillment of their right to health.

Ms. Citra stated:

"The role of the Health Agency itself in fulfilling the rights of ODGJ is through its services, specifically healthcare services via the Community Health Centers (Puskesmas). If an issue cannot be handled through the Puskesmas, the patient is then referred to a hospital. For the handling of ODGJ, the Health Agency collaborates with Bendan Hospital and H.A. Zaky Djunaidi Hospital for inpatient care, and for rehabilitation at the RPSBM, a doctor from Bendan Hospital makes a visit once a week to check the patient's condition and provide medication to the ODGJ patients undergoing rehabilitation there." She further stated, "The causes of mental disorders can be attributed to two factors: internal and external. The internal factors include genetics or biology, while the external factors are the problems encountered or the environment, which could stem from friends, parents, family, occupation, economic issues, illegal drugs, or the social environment. The age range for ODGJ is mostly 18 years and above, which is the adult or mature age group."

Based on the results of the interview, it is known that the Health Agency, in providing legal protection, fulfills the rights of ODGJ by providing healthcare services aimed at the recovery of ODGJ so they can live normally like the general public. She also explained the causes of mental disorders, which are grouped into two categories: external and internal. Internal factors are genetic or biological, while external factors include attitudes towards problems, economic issues, occupation, social environment, illegal drugs, and others.

Implementation of Legal Protection of the Constitutional Rights of Persons with Mental Illness by the Regional Government of Pekalongan City

In principle, regarding Human Rights (HAM), the State c.q. the Government holds the status as the duty bearer and individuals residing within its jurisdiction are the rights holders. The obligations incumbent upon the State are the obligation to respect, the obligation to fulfill, and the obligation to protect the human rights of its citizens. The obligation to respect is the State's duty to refrain from intervening, except under legitimate law. The obligation to fulfill is the State's duty to take necessary legislative, administrative, judicial, and practical steps to ensure the realization of human rights. The obligation to protect is to safeguard against violations committed by both state and non-state actors.⁸

Legal protection, according to **Satjipto Raharjo**, is when the law safeguards an individual's interests by granting a certain degree of measured authority to act in the context of those interests.⁹ Meanwhile, **Philipus M. Hadjon** defines legal protection

⁸ Rahayu Rahayu, "Perlindungan HAM," 2022.

⁹ Nanci Yosepin Simbolon and M Sh, "Pengantar Ilmu Hukum," *Pengantar Ilmu Hukum* 87 (2022).

as the safeguarding of human dignity and recognition of the fundamental human rights possessed by legal subjects, based on legal provisions, against arbitrary actions.¹⁰

The principle of legal protection against government actions is founded upon and derived from the concept of recognition and protection of human rights, because historically in the West, the emergence of concepts concerning the recognition and protection of human rights was directed at placing limitations and obligations on society and the government.¹¹

The legal protection in this study refers to the legal protection of Persons with Mental Illness (ODGJ) found on the streets. They are entitled to protection and facilities from the government because they are citizens who require protection. Therefore, the central and regional governments are obligated to provide assistance and facilities to ODGJ, as this forms part of protecting the dignity and humanity of ODGJ in their pursuit of recovery.¹²

To formulate the principles of legal protection in Indonesia, the foundation is **Pancasila** as the state ideology and philosophy.¹³ The conception of legal protection for the populace in the West stems from the concepts of *Rechtstaat* and the *Rule of The Law*. Using the Western conception as a framework for thought, and based on Pancasila, the principle of legal protection in Indonesia is the principle of recognition and protection of human dignity, which is sourced from Pancasila. The principle of legal protection against government action is founded upon and derived from the concept of recognition and protection of human rights because historically in the West, the emergence of concepts concerning the recognition and protection of human rights was directed at placing limitations and obligations on society and the government.¹⁴

Thus, one of the principles of a state based on law is the guarantee of legal protection for its citizens without exception, including ODGJ on the streets who require assistance and care from the central and regional governments, as this is part of their human rights. The healthcare facilities provided to them must comply with prevailing regulations, particularly **Law No. 18 of 2014 concerning Mental Health**.

ODGJ also have rights in the health sector, including the right to recovery, the

¹⁰ Philipus M Hadjon, *Perlindungan Hukum Bagi Rakyat Di Indonesia: Sebuah Studi Tentang Prinsip-Prinsipnya, Penanganannya Oleh Pengadilan Dalam Lingkungan Peradilan Umum Dan Pembentukan Peradilan Administrasi Negara* (Bina Ilmu, 1987).

¹¹ Retno Kusniati, "Sejarah Perlindungan Hak Hak Asasi Manusia Dalam Kaitannya Dengan Konsepsi Negara Hukum," *INOVATIF| Jurnal Ilmu Hukum* 4, no. 5 (2011).

¹² Muhammad Arifianto Surya Wicaksono and INDRI FOGAR SUSILOWATI, "Perlindungan Hukum Hak Penyandang Gangguan Jiwa Yang Menggelandang Di Kabupaten Jombang," *Novum: Jurnal Hukum* 6, no. 1 (2019).

¹³ Kukuh Prabowo, "Perlindungan Hukum Terhadap Pasien Yang Mendapat Penolakan Medik Dalam Perspektif Hukum Kesehatan Dan Hak Asasi Manusia," *Dinamika* 29, no. 2 (2023): 7734–48.

¹⁴ Hadjon, *Perlindungan Hukum Bagi Rakyat Di Indonesia: Sebuah Studi Tentang Prinsip-Prinsipnya, Penanganannya Oleh Pengadilan Dalam Lingkungan Peradilan Umum Dan Pembentukan Peradilan Administrasi Negara*.

right to obtain medication, and other rights, which the regional government must fulfill [8]. These facilities are mandated by Law No. 18 of 2014 concerning Mental Health. For ODGJ who have not yet been subjected to raids, extra effort is needed from the Pekalongan City Social Service Agency to conduct searches and provide rehabilitation, as this is their duty and responsibility. The community can also submit funding requests for ODGJ who have not been apprehended in raids, so they can be cared for properly by their families, certainly with the assistance of the Pekalongan City Health Agency.

Regarding legal protection, particularly for the Indonesian populace, Philipus M. Hadjon divides legal protection into two types ¹⁵:

Preventive Legal Protection

In Preventive Legal Protection, the legal subject is given the opportunity to file objections or state their opinions before a government decision takes definitive form. The objective is to prevent the occurrence of disputes. Preventive legal protection is highly significant for government actions based on the freedom to act, because the existence of preventive legal protection encourages the government to exercise caution in making decisions based on discretion. In Indonesia, there are no specific regulations yet concerning preventive legal protection.

Repressive Legal Protection

Repressive Legal Protection aims to resolve disputes. The handling of legal protection by the General Courts (Pengadilan Umum) and Administrative Courts (Peradilan Administrasi) in Indonesia falls under this category of legal protection.

The principle of legal protection against government action is founded upon and derived from the concept of recognition and protection of human rights, because historically in the West, the emergence of concepts concerning the recognition and protection of human rights was directed at placing limitations and obligations on society and the government. The second principle underlying legal protection against government action is the principle of the state based on law (*rechtsstaat*). In relation to the recognition and protection of human rights, the recognition and protection of human rights occupy a primary position and can be linked to the goal of the state based on law.¹⁶

According to Soerjono Dirjosisworo, there are various efforts for the general protection of the public¹⁷, including:

¹⁵ Hadjon, *Perlindungan Hukum Bagi Rakyat Di Indonesia: Sebuah Studi Tentang Prinsip-Prinsipnya, Penanganannya Oleh Pengadilan Dalam Lingkungan Peradilan Umum Dan Pembentukan Peradilan Administrasi Negara*.

¹⁶ J H Sinaulan, "Perlindungan Hukum Terhadap Warga Masyarakat," *Ideas: Jurnal Pendidikan, Sosial, Dan Budaya* 4, no. 1 (2018).

¹⁷ Arnold Sotarduga Silangit, Laili Furqoni, and Fanny Tanuwijaya, "Perlindungan Hukum Terhadap Korban Penganiayaan Yang Dilakukan Oleh Oknum Polri Saat Aksi Demonstrasi," *Interdisciplinary Journal on Law*,

- a. Protection of individuals from disturbances by other persons or groups in social life who, due to various factors, act harmfully.
- b. Protection of the individual suspect or defendant in a criminal case against the potential arbitrary actions of law enforcement officials.
- c. Protection of the community against the potential actions or inactions of its members.

Legal protection, according to Satjipto Raharjo, is when the law safeguards an individual's interests by granting a certain degree of measured authority to act in the context of those interests.¹⁸ The interests of a person protected by law include individuals with mental illness. They are entitled to receive healthcare services and facilities because their rights as citizens are equal.

Legal protection for Persons with Mental Illness (ODGJ) must be prioritized because ODGJ live discriminated against, and they can also pose a danger to themselves or others. Therefore, active engagement from the central and regional governments through the Social Service Agency and Health Agency is necessary to provide assistance and healthcare facilities so they can recover and return to normal.¹⁹

Speaking of legal protection, it is a direct consequence of a state based on law. "The Indonesian State is based on law (*rechtsstaat*) and is not based merely on power (*machstaat*)." The government operates based on a constitutional system and is not absolute.²⁰ Based on this, it can be stated that the system of the state based on law is our nation's choice, which subsequently causes the law to undergo development. This development includes developing legal instruments/provisions, strengthening law enforcement, and enhancing legal awareness, all aimed at strengthening the realization of the state based on law, stage by stage.²¹

The implementation of legal protection for ODGJ refers to Article 80 of Law No. 18 of 2014 concerning Mental Health, which states that:

"The Central Government and Regional Governments are tasked with and responsible for conducting management of ODGJ who are neglected, homeless, threaten their own safety and/or the safety of others, or disrupt public order and security."²²

This Article aligns with the main duties and functions (*tupoksi*) of the Social Service

Social Sciences and Humanities 3, no. 1 (2022): 16–33.

¹⁸ Agustinus Sihombing, *Hukum Perlindungan Konsumen* (CV. Azka Pustaka, 2023).

¹⁹ Halimah Basri, "PENANGANAN DAN PERLINDUNGAN HUKUM TERHADAP ORANG DALAM GANGGUAN JIWA (ODGJ) OLEH PEMERINTAH DAERAH DI KAB. BULUKUMBA PERSPEKTIF SIYASAH SYAR'IIYAH," *SIYASATUNA: JURNAL ILMIAH MAHASISWA SIYASAH SYAR'IIYAH* 5, no. 3 (2024): 622–34.

²⁰ Saukarto Sudjono, *Marmo, Penegakan Hukum Dinegara Pancasila*, Jakarta: Garuda Metropolis Perss (jaka: Garuda Metropolis perss, 1997).

²¹ Sudjono.

²² Esem, "Perlindungan Hak Atas Pelayanan Kesehatan Bagi Orang Dengan Gangguan Jiwa Di Daerah Istimewa YOGYAKARTA Berdasarkan Undang Undang Nomor 18 Tahun 2014 Tentang Kesehatan Jiwa."

Agency in handling ODGJ in Pekalongan City. Generally, the Social Service Agency collaborates with the Health Agency and the patients' families.

The role of the family in a child's growth and development is essential. It is within the family that a child is born, educated, and provided with a decent life, enabling the child to grow into an adult according to the parents' hopes. Every family expects mutual love and affection to create harmony and tranquility in life. The family serves as a refuge from various threats; the crucial role of the family is highly needed when dealing with the issue of legal protection for Persons with Mental Illness (ODGJ), especially those on the streets. Basic protection begins with the family of the ODGJ patient, provided through an approach or general understanding of the ODGJ. As a family, we must not ostracize our family members suffering from mental illness, as such exclusion will indirectly worsen the mental state of the ODGJ patient and trigger feelings of being unappreciated by their own family.²³

The role of the family, which should ideally accept all conditions, good and bad, instead turns into the opposite, causing the ODGJ patient to feel threatened within their own family. The necessity of socialization programs for the families of ODGJ patients is a primary factor in successfully providing legal protection for ODGJ neglected on the streets.

This early legal protection can be realized if there is cooperation between the Social Service Agency, the Health Agency, and the patient's family. The Social Service Agency, as the body responsible for managing ODGJ patients, must always be prepared to handle ODGJ patients on the streets. All actions taken by the Social Service Agency in apprehending ODGJ on the streets are based on Article 81 of Law No. 18 of 2014, which states:

- 1) The Central Government and Regional Governments are obligated to conduct rehabilitation efforts for ODGJ who are neglected, homeless, threaten their own safety and/or the safety of others, and/or disturb public order and/or security.
- 2) ODGJ who are neglected, homeless, threaten their own safety and/or the safety of others, and/or disturb public order and/or security, as referred to in paragraph (1), include ODGJ who are:
 - a) incapable;
 - b) do not have family,
 - c) a guardian or curator;
 - d) whose family is unknown.

The role of the Social Service Agency, which always collaborates with the Community Health Centers (*Puskesmas*) in their respective regions, is a reflection of legal protection for ODGJ patients. The *Puskesmas* always provides the best healthcare services for ODGJ patients, including conducting home visits, providing routine health check-ups, or supplying medication for ODGJ patients. Furthermore,

²³ Muhammad Wirasto Ismail, "Perlindungan Hukum Orang Dengan Gangguan Jiwa (ODGJ) Di Rumah Sakit Khusus Jiwa," *Wal'afiat Hospital Journal* 1, no. 1 (2020).

the Social Service Agency cooperates with the Public Order Agency (Satpol PP) when receiving reports regarding abandoned ODGJ on the streets. Following such reports, Satpol PP takes the ODGJ patient to the Social Service Agency where the ODGJ is then bathed, their hair and nails are cut, and they are questioned about their origins. If the patient cannot state their family's origin, they are then referred to the Community-Based Social Protection Home (RPSBM) for medical treatment or therapy. During the healing and treatment process, ODGJ patients are constantly reminded of their families so that when they recover, the Social Service Agency can immediately carry out the identification and repatriation process. In cases of severe ODGJ who can no longer remember their family, biometric testing at the Population and Civil Registration Agency (*Dinas Kependudukan dan Catatan Sipil*) is necessary to determine the ODGJ patient's address for repatriation

Various efforts for legal protection for ODGJ patients on the streets continue to be carried out to improve the welfare of the community, especially for ODGJ who require recovery.²⁴ Community participation is also highly needed, as stipulated in Article 85 of Law No. 18 of 2014, which states:

Community participation can be carried out by:

- a. Providing assistance in terms of personnel, funds, facilities, as well as means and infrastructure in organizing Mental Health Efforts.
- b. Reporting the existence of ODGJ who require assistance.
- c. Reporting acts of violence experienced and committed by ODGJ.
- d. Creating a conducive environment for ODGJ.
- e. Providing special skills training to ODGJ.
- f. Providing socialization to the public regarding the importance of the family's role in the recovery of ODGJ.
- g. Supervising service facilities in the field of Mental Health.

With community participation, the programs of the Pekalongan City regional government can be realized, with the hope that the number of neglected ODGJ on the streets can decrease, and the recovery process can proceed according to the duties and functions of the Social Service Agency and Health Agency, in collaboration with the ODGJ patient's family.

According to Mr. Mugiyono:

"The Social Service Agency's method for handling ODGJ on the streets or through citizen reports involves conducting an evacuation, followed by an assessment while isolating them at the Social Service Agency office. They are then referred to the nearest Puskesmas. If the Puskesmas cannot handle it, they are referred to Bendan Hospital or H.A. Zaky Djunaid Hospital for further

²⁴ Siska Ayu Ningsih and Shinta Shinta, "Perlindungan Hukum Terhadap Penderita Gangguan Jiwa Dalam Pelayanan Kesehatan Sesuai Dengan Peraturan Perundang-Undangan Di Indonesia," *Jurnal Ners* 7, no. 2 (2023): 1146–57.

examination, and then they will be sent to the Community-Based Social Protection Home (RPSBM) for care along with other ODGJ

Mr. Mugiyono also stated that the Social Service Agency collaborates with the Public Order Agency (SATPOL PP) in conducting the evacuation of ODGJ who disturb citizens or are reported by citizens on the streets.

According to Mr. Zamroni, as the Head of the RPSBM:

"At the RPSBM, after ODGJ are handed over by the Social Service Agency or SATPOL PP, they are isolated until their condition is stable and they can communicate. After that, they are integrated with other ODGJ. Doctor examinations here are conducted once every two weeks by a physician from Bendan Hospital. However, despite these efforts, facilities remain minimal, from the perspective of Human Resources (HR) to funding, which is considered insufficient. Consequently, the RPSBM still faces shortcomings, such as patients escaping."

Thus, the form and technical aspects of the initial handling of ODGJ on the streets are as follows: if there is a report from the community or an officer finds an ODGJ on the street, they will request the assistance of Satpol PP to evacuate the ODGJ and bring them to the Social Service Agency or the nearest Puskesmas for treatment and examination. Once identified (based on the type of illness), the Social Service Agency will provide a recommendation for referral assistance to Bendan Hospital or H.A. Zaky Djunaid Hospital, or they may be directly directed to the Community-Based Social Protection Home (RPSBM).

The procedure and process for sending a patient to Bendan Hospital, H.A. Zaky Djunaid Hospital, or the RPSBM must receive a recommendation from the Social Service Agency after the patient is identified from the examination results at the Social Service Agency or the nearest Puskesmas. Subsequently, the Social Service Agency issues a recommendation letter for the exemption of medical costs through the Provincial Central Java Poor Health Cost Recommendation scheme. This is the initial step to provide protection for ODGJ on the streets, ensuring their right to receive healthcare services is fulfilled.

It must be underscored that the facilities and handling at the RPSBM are still far from adequate. Significant improvements are needed, both in terms of infrastructure and services, given the lack of Human Resources and funding at the RPSBM. This is crucial as it pertains to the rights of ODGJ as citizens and constitutes a form of repressive protection from the government to achieve recovery and life welfare.

TABLE 1.2**NUMBER OF PERSONS WITH MENTAL ILLNESS (ODGJ) IN THE COMMUNITY-BASED SOCIAL PROTECTION HOME (RPSBM) OF PEKALONGAN CITY IN 2023.**

No.	Type	Gender		Total
		Male	Female	
1.	Psychotic	76	34	110
2.	Psychotic Homeless	54	42	96
Total		130	76	206

Source: RPSBM Pekalongan, 2023

The data indicates a high number of individuals with psychotic disorders or Persons with Mental Illness (ODGJ) referred to the RPSBM, totaling 206 people. Males dominate this population, which is attributed to the higher level of psychological stress experienced by men in navigating life. This stress is further exacerbated when men live below the poverty line, intensifying the mental health burden, particularly concerning the need to earn a living to meet the needs of themselves and their families.

According to Ms. Citra, "the psychological condition and life burden of men are higher than women's regarding seeking income to sustain their lives and families, especially if the man lacks a fixed income or is poor; this becomes a significant cause of mental health issues. Economic factors often lead men to experience higher stress levels compared to women."

Ms. Citra also stated that the cause of mental disorders can be attributed to two factors: internal and external. Internal factors include genetics or biology, while external factors are the problems encountered or the environment, which could stem from friends, parents, family, occupation, economic issues, illegal drugs, or the social environment. The age range for ODGJ is mostly 18 years and above, classifying them as adults or the mature age group. The number of ODGJ handled by the Health Agency, based on data from the Community Health Centers (Puskesmas) in Pekalongan City, amounts to 856 people. This figure is relatively low, with a ratio of 0.3% of the total population of Pekalongan City.

Based on the points above, it can be concluded that there are several contributing factors to mental disorder or madness: internal factors such as genetic or biological inheritance, and external factors such as attitudes in coping with problems, social environment, economy, occupation, illegal drugs, and others.

The provision of mental healthcare services for every individual and the guarantee of rights for ODGJ in Pekalongan City have not yet been realized optimally. The rights of ODGJ are often neglected socially, medically, and legally. Socially, stigma

still exists in the community, leading families to hide the presence of family members suffering from mental illness, thus limiting ODGJ's access to healthcare services. Medically, the high number of neglected ODGJ means that in addition to their mental health being impaired, their physical health is also compromised. Meanwhile, legally, existing regulations are not yet comprehensive, thereby hindering the fulfillment of ODGJ rights.²⁵

Law No. 18 of 2014 concerning Mental Health was established to ensure every individual can achieve a good quality of life, enjoy healthy psychological well-being, and be free from fear, pressure, and disturbances from others that could impair mental health. The role of the Social Service Agency and the Health Agency is crucial here, as they provide mental healthcare services to the public through a mental health service system spanning primary, secondary, and tertiary levels. Mental healthcare services are undergoing a fundamental shift from a closed-service to an open-service approach. In the management of mental disorders, the approach is transitioning from individual clinical care to socially productive care. This approach adheres to principles used in the provision of mental health, such as affordability, justice, human rights protection, integration, coordination, sustainability, effectiveness, and efficiency.²⁶

Referring to the law above, the actions that can be taken by the family to achieve a decent life for the ODGJ patient is to implement mental health efforts, specifically seeking treatment and care at healthcare facilities. Through outreach and socialization conducted by the Social Service Agency and the Health Agency, families are expected to assist in the recovery efforts previously undertaken at the psychiatric rehabilitation facility (RPSBM). The form of health provision when ODGJ patients are found on the streets involves the Health Agency and local Community Health Centers (Puskesmas) collaborating while adhering to basic healthcare services. If a patient requires further handling, it must be coordinated with the Social Service Agency for immediate reporting to the local RT or RW (community leaders). The Social Service Agency then observes the ODGJ patient, conducts an assessment or treatment, and eventually repatriates them to their family. The Puskesmas's provision of healthcare services must also be supported by the patient's family, enabling the trauma experienced by the patient or their family to subside over time.

Coordination and collaboration between the Pekalongan City Social Service Agency and the Health Agency are essential to provide legal protection for ODGJ on the streets. The Pekalongan City Regional Government, through these agencies, is obligated to provide rehabilitation efforts for ODGJ who are neglected, homeless, threaten their own safety and/or the safety of others, and/or disturb public order

²⁵ W Aryawati et al., "Intervensi Penderita OdgJ (Orang Dalam Gangguan Jiwa) Ringan Di Puskesmas Rawat Inap Permata Sukarame," *PREPOTIF: Jurnal Kesehatan Masyarakat* 6, no. 2 (2022): 1928–33.

²⁶ Dwi Indah Iswanti and Sri Puji Lestari, "Peran Kader Kesehatan Jiwa Dalam Melakukan Penanganan Gangguan Jiwa," *Jurnal Ilmu Keperawatan Jiwa* 1, no. 1 (2018): 33–37.

and/or security.

The State, specifically the Government, must fulfill its obligations under human rights law.²⁷ The first obligation is to respect (to respect), where the state or government must not discriminate against ODGJ in accessing healthcare facilities and must not limit their enjoyment of rights, especially concerning health. The second obligation is to protect (to protect), exemplified by Law No. 18 of 2014 concerning Mental Health, which is a form of government protection in guaranteeing the rights of ODGJ. The third obligation is to fulfill (to fulfill), meaning the provision of healthcare facilities such as Puskesmas, hospitals, and especially psychiatric hospitals, or in Pekalongan City, the Community-Based Social Protection Home (RPSBM) as a psychiatric rehabilitation center, is a form of fulfilling the State's obligation.

The form of legal protection is categorized as either preventive or repressive. Preventively, the regional government, through the Social Service Agency, conducts counseling, provides guidance to the public regarding poverty, homelessness, and begging, and equips them with job training. Furthermore, the Health Agency provides counseling on mental health. These are initial steps to prevent the existence of ODGJ on the streets.

Repressively, the government, through the Social Service Agency, conducts evacuation of ODGJ on the streets, collaborating with the Public Order Agency (Satpol PP) to bring them to the nearest Puskesmas for care. After their illness is identified, the Social Service Agency issues a recommendation letter for referral to Bendan Hospital or H.A. Zaky Djunaid Hospital to receive healthcare services and rehabilitation at the RPSBM until they recover. The final step taken by the Social Service Agency is to issue a recommendation letter for the exemption of medical costs through the Provincial Central Java Poor Health Cost Recommendation scheme.

Factors Influencing the Legal Protection of Constitutional Rights of Persons with Mental Illness in Pekalongan City

The author conducted interviews with the Social Service Agency and the Health Agency regarding the specific factors that could influence this matter:

Mr. Mugiyono (Social Service Agency) stated:

"There is currently **no derived local regulation** (*Peraturan Daerah*) yet governing mental health stemming from the national Law on Mental Health; this local regulation is still in the planning stages. Furthermore, while counseling efforts regarding the fulfillment of ODGJ rights have been carried out, they certainly have not been able to cover the entire population of Pekalongan City. We have conducted outreach in some sub-districts (*kelurahan*) in Pekalongan City, but not all of them. We hope that through this counseling, the community can establish good practices towards ODGJ without

²⁷ Yustina, Esem, and Siregar, "Prinsip-Prinsip Hak Asasi Manusia Dalam Pelayanan Kesehatan Dan Perlindungan Hak Kesehatan Bagi Orang Dengan Gangguan Jiwa."

discriminating against them." He added, "Community **awareness and sensitivity** are also necessary to create a healthy and equitable environment for all human beings without discrimination against ODGJ, so that ODGJ do not feel ostracized and can gradually recover in a supportive environment."³⁴

Mr. Zamroni (Head of the RPSBM) stated that the facilities at the ODGJ rehabilitation center are still inadequate in terms of the **building structure, funding, and the Human Resources (HR)** managing the rehabilitation center.

Furthermore, **Ms. Citra** (Program Manager for PTM Keswa, Pekalongan City Health Agency) also gave her opinion:

"We, from the Health Agency, in our efforts to legally protect the rights of ODGJ, only provide existing healthcare services in the form of Community Health Centers (*Puskesmas*) and Hospitals. In terms of prevention, we have conducted counseling on mental health targeting students at the school level, university students, and the general public, but naturally, we have not yet been able to cover the entire population of Pekalongan City."³⁶

From the data presented, it can be concluded that the factors influencing the legal protection of constitutional rights can be grouped into three categories: Legal Structure: The legal structure is not yet capable of adequately fulfilling the procurement of facilities and legal apparatus related to the rights of Persons with Mental Illness (ODGJ). Legal Substance: The absence of derivative regulations from the National Law, specifically a local regulation (Peraturan Daerah) that should regulate the rights of ODGJ in more detail, is a significant deficiency. Legal Culture: The prevailing legal culture in society needs to be built positively and friendly towards persons with mental illness (ODGJ).

In the operation of any legal system, factors or elements invariably influence the law, potentially preventing it from functioning properly. This phenomenon also applies to the legal protection of the constitutional rights of persons with mental illness in Pekalongan City. To identify the factors influencing the legal protection of ODGJ in Pekalongan City, we utilized the legal system theory of Lawrence M. Friedman, which states that the elements of a legal system consist of legal structure, legal substance, and legal culture.

According to Lawrence M. Friedman, the legal system is a unified whole consisting of three elements: legal structure, legal substance, and legal culture.²⁸

1. Legal Substance

Legal substance refers to all regulations or legal products formulated and generated by the legal structure itself, which can take the form of either written or unwritten legal products.

2. Legal Structure

Legal structure refers to the entire legal apparatus (*pranata hukum*) comprising

²⁸ L Friedman, "Sistem Hukum Perspektif Ilmu Sosial (Terj; M. Khozim, Ed.)," *Bandung: Nusa Media*, 2018.

the law formulation agents, the law implementation agents, and the law enforcement agents.

3. Legal Culture

Legal culture refers to the attitudes, behavior, and all human customs that form the social force of a society to either obey or violate the law.

Lawrence M. Friedman's Legal System Theory states that the elements of the legal system—legal substance, legal structure, and legal culture—have the primary objective of ensuring that the law can operate effectively and successfully. The three elements must perform their respective functions; by doing so, they will achieve the expected goal.²⁹

Factors Influencing the Legal Protection of Constitutional Rights of Persons with Mental Illness in Pekalongan City:

1. Legal Substance

The legal basis for the constitutional rights protection of Persons with Mental Illness (ODGJ) refers to Law Number 18 of 2014 concerning Mental Health, Law Number 36 of 2009 concerning Health, Law Number 39 of 1999 concerning Human Rights, and the 1945 Constitution of the Republic of Indonesia (UUD NRI 1945), which mandates the state to guarantee a prosperous life, both physical and spiritual, for every citizen. Article 28D of the UUD NRI 1945 stipulates that: "Every person shall have the right to recognition, guarantee, protection, and fair legal certainty, as well as equal treatment before the law."

However, Pekalongan City does not yet have a Local Regulation (Peraturan Daerah/Perda) specifically governing the rights of ODGJ. This absence is a crucial factor influencing the legal protection for ODGJ in guaranteeing their rights and welfare. The existence of such a Perda is essential to address the detailed regulation of their rights, particularly in Pekalongan City. This Perda regarding ODGJ rights is highly necessary to serve as a legal umbrella for implementing legal protection and ensuring their rights are guaranteed.

Based on legal substance, the absence of a Local Regulation (Perda) concerning ODGJ Rights is one of the hindering factors in the legal protection of the constitutional rights of ODGJ in Pekalongan City.

2. Legal Structure

The legal structure has a strong influence on the character of the legal culture. Legal culture is the mental attitude that determines how the law is used, avoided, or even abused. A legal structure that fails to guide the legal system leads to the disobedience of law. In other words, a legal structure that misuses the law creates a culture of legal distortion and abuse. The functioning of the legal structure is highly

²⁹ Askari Razak, "Mewujudkan Pemilu Adil Dan Bermartabat: Suatu Tinjauan Sistem Hukum Lawrence M. Friedman," *Fundamental: Jurnal Ilmiah Hukum* 12, no. 2 (2023): 471–88.

dependent on its practitioners, particularly law enforcement agencies.³⁰

Based on Article 75 of Law Number 18 of 2014 concerning Mental Health, "The Central Government and Regional Governments have the duty and responsibility for the organization of Mental Health Efforts." In this context, the legal structure of the regional government includes the Social Service Agency (Dinas Sosial) and the Health Agency (Dinas Kesehatan) of Pekalongan City.

Structurally, the Social Service Agency, as the entity handling ODGJ (both neglected and non-neglected), performs its function as the guarantor of ODGJ's constitutional rights through recovery and rehabilitation efforts to achieve their well-being. The Health Agency, as the organizer of health services, must ensure ODGJ receive the same rights in healthcare services as non-disabled individuals without any discrimination in service provision.

Structurally, the Social Service Agency can be either a hindering or a supporting factor, depending on its performance. The Social Service Agency, as the organizer of social welfare and ODGJ rights, has not been fully capable, both in terms of the procurement of a Perda (Local Regulation) regarding ODGJ rights (which should regulate matters in more detail and depth) and in the procurement of RPSBM facilities (as the ODGJ rehabilitation center under the Social Service Agency), which still suffer from shortages in Human Resources (HR), inadequate facilities, and insufficient funding. However, the Health Agency has performed reasonably well in providing healthcare services at Puskesmas (Community Health Centers) and hospitals.

Based on the analysis above, the legal structure still needs to enhance its performance in providing services and in formulating laws to support the effective implementation of the constitutional rights of ODGJ, covering both preventive and repressive protection.

3. Legal Culture

As stated by Lawrence M. Friedman, legal culture is the human attitude towards the law and the legal system, including beliefs, values, thoughts, and expectations. In other words, legal culture is the atmosphere of social thought and the social force that determines how the law is used, avoided, or misused. The legal system is powerless without legal culture. Thus, the status of legal institutions that generate regulations genuinely accepted and utilized by the community is heavily determined by the legal culture of the community concerned.³¹

Legal culture is closely related to the legal awareness of the community.³² The higher the legal awareness of the community, the better the legal culture created, and this can influence the public's current psychological view of the law. Simply put, the

³⁰ Soerjono Soekanto, "Faktor-Faktor Yang Mempengaruhi Penegakan Hukum," 2011.

³¹ Lawrence M Friedman, "American Law Introduction, Alih Bahasa Oleh Wisnu Basuki, PT," *Tata Nusa, Jakarta*, 2001.

³² Darji Darmodihardjo, "Penjabaran Nilai-Nilai Pancasila Dalam Sistem Hukum Indonesia," 1996.

level of community compliance with the law serves as an indicator of the law's effectiveness.³³ Besides relating to community factors, legal culture also pertains to the environment where the law is applied and enforced. In the context of law enforcement, the cultural factor influences the public's attitude and behavior upon learning that a regulation exists.

The community, which is often indifferent or lacking in concern towards ODGJ on the streets and tends to look down upon them, must overcome this stigma. This must be addressed through the role of the Social Service Agency, which should conduct counseling regarding the actions to take when encountering ODGJ on the streets and how to view or treat ODGJ in their environment. The Health Agency, for its part, conducts counseling for all segments of society regarding mental health to prevent the emergence of new ODGJ among the youth (Generation Z) who are prone to depression, as well as the older population.

Legal culture can potentially be a supporting factor by creating a healthy and ODGJ-friendly environment, meaning the community shares the same view regarding all human beings, and there is no societal grouping or exclusion of specific individuals or groups.

Conclusion

The legal protection provided for Persons with Mental Illness (ODGJ) by the Pekalongan City Regional Government, divided into preventive and repressive legal protection, has been implemented but is not yet maximal and still contains many shortcomings. Regarding preventive legal protection, the role of the Social Service Agency in poverty alleviation has not been uniform, and the role of the Health Agency in socializing the importance of attention to mental health in the community is still lacking, given that poverty and insufficient attention to mental health are major factors contributing to the existence of ODGJ. Regarding repressive legal protection for neglected ODGJ requiring evacuation and handling, the Pekalongan City Government has not optimally implemented it due to the lack of procurement of healthcare facilities and the availability of Human Resources (HR), which prevents the state from adequately fulfilling the constitutional rights of ODGJ.

The factors influencing the legal protection of the constitutional rights of ODGJ in Pekalongan City, based on Lawrence M. Friedman's Legal System Theory, are threefold: Legal Substance: Pekalongan City does not yet have a specific local regulation (Peraturan Daerah/Perda) dedicated to regulating the legal protection of ODGJ rights Legal Structure: The legal structure, represented by the Social Service Agency and the Health Agency, has not been entirely successful in performing its role, particularly concerning the procurement of the Perda and the provision of facilities necessary to improve services for ODGJ in achieving recovery. Legal Culture: The

³³ Siti Syahida Nurani, "Konstruksi Putusan Hakim Tindak Pidana Korupsi Yang Berprespektif Transendental," *Jurnal Ilmiah Ilmu Hukum*, 2018.

negative stigma towards ODGJ prevalent in the community significantly affects public practice. The community should instead refrain from viewing ODGJ negatively or discriminating against them, and should instead create a positive, supportive, and ODGJ-friendly environment to aid in their rehabilitation and recovery process..

References

- Aryawati, W, R O R Rudi, Zelda Nora Afriza, and D S Putri. "Intervensi Penderita Odgj (Orang Dalam Gangguan Jiwa) Ringan Di Puskesmas Rawat Inap Permata Sukarame." *PREPOTIF: Jurnal Kesehatan Masyarakat* 6, no. 2 (2022): 1928–33.
- Ashri, Muhammad. *Hak Asasi Manusia: Filosofi, Teori & Instrumen Dasar*. CV. Social Politic Genius (SIGn), 2018.
- Basri, Halimah. "PENANGANAN DAN PERLINDUNGAN HUKUM TERHADAP ORANG DALAM GANGGUAN JIWA (ODGJ) OLEH PEMERINTAH DAERAH DI KAB. BULUKUMBA PERSPEKTIF SIYASAH SYAR'IIYAH." *SIYASATUNA: JURNAL ILMIAH MAHASISWA SIYASAH SYAR'IIYAH* 5, no. 3 (2024): 622–34.
- Darmodihardjo, Darji. "Penjabaran Nilai-Nilai Pancasila Dalam Sistem Hukum Indonesia," 1996.
- Esem, Odilia. "Perlindungan Hak Atas Pelayanan Kesehatan Bagi Orang Dengan Gangguan Jiwa Di Daerah Istimewa YOGYAKARTA Berdasarkan Undang Undang Nomor 18 Tahun 2014 Tentang Kesehatan Jiwa." *CHMK Health Journal* 3, no. 2 (2019): 40–50.
- Fajar, Mukti, and Yulianto Achmad. "Dualisme Penelitian Hukum Empiris & Normatif." *Yogyakarta: Pustaka Pelajar* 280 (2010).
- Friedman, L. "Sistem Hukum Perspektif Ilmu Sosial (Terj; M. Khozim, Ed.)." *Bandung: Nusa Media*, 2018.
- Friedman, Lawrence M. "American Law Introduction, Alih Bahasa Oleh Wisnu Basuki, PT." *Tata Nusa, Jakarta*, 2001.
- Hadjon, Philipus M. *Perlindungan Hukum Bagi Rakyat Di Indonesia: Sebuah Studi Tentang Prinsip-Prinsipnya, Penanganannya Oleh Pengadilan Dalam Lingkungan Peradilan Umum Dan Pembentukan Peradilan Administrasi Negara*. Bina Ilmu, 1987.
- Indonesia, Republik. "Undang-Undang Republik Indonesia Nomor 36 Tahun 2009 Tentang Kesehatan." *Jakarta Republik Indones*, 2009.

- Ismail, Muhammad Wirasto. "Perlindungan Hukum Orang Dengan Gangguan Jiwa (ODGJ) Di Rumah Sakit Khusus Jiwa." *Wal'afiat Hospital Journal* 1, no. 1 (2020).
- Iswanti, Dwi Indah, and Sri Puji Lestari. "Peran Kader Kesehatan Jiwa Dalam Melakukan Penanganan Gangguan Jiwa." *Jurnal Ilmu Keperawatan Jiwa* 1, no. 1 (2018): 33–37.
- Kusniati, Retno. "Sejarah Perlindungan Hak Hak Asasi Manusia Dalam Kaitannya Dengan Konsepsi Negara Hukum." *INOVATIF/ Jurnal Ilmu Hukum* 4, no. 5 (2011).
- Miles, Matthew B, A Michael Huberman, and Johnny Saldana. "Qualitative Data Analysis: A Methods Sourcebook." (*No Title*), 2014.
- Negara, Perubahan Ketiga Undang-Undang Dasar. "Republik Indonesia Tahun 1945." *Jakarta, Indonesia: Www. Mpr. Go. Id*, 2001.
- Ningsih, Siska Ayu, and Shinta Shinta. "Perlindungan Hukum Terhadap Penderita Gangguan Jiwa Dalam Pelayanan Kesehatan Sesuai Dengan Peraturan Perundang-Undangan Di Indonesia." *Jurnal Ners* 7, no. 2 (2023): 1146–57.
- Nurani, Siti Syahida. "Konstruksi Putusan Hakim Tindak Pidana Korupsi Yang Berprespektif Transendental." *Jurnal Ilmiah Ilmu Hukum*, 2018.
- Prabowo, Kukuh. "Perlindungan Hukum Terhadap Pasien Yang Mendapat Penolakan Medik Dalam Perspektif Hukum Kesehatan Dan Hak Asasi Manusia." *Dinamika* 29, no. 2 (2023): 7734–48.
- Qamar, Nurul, Kaharuddin Syah Y Dt Amas, Rusli Dg Palabbi, Andi Suherman, and Farah Syah Rezah. *Negara Hukum Atau Negara Kekuasaan (Rechtsstaat or Machtstaat)*. CV. Social Politic Genius (SIGn), 2018.
- Rahayu, Rahayu. "Perlindungan HAM," 2022.
- Razak, Askari. "Mewujudkan Pemilu Adil Dan Bermartabat: Suatu Tinjauan Sistem Hukum Lawrence M. Friedman." *Fundamental: Jurnal Ilmiah Hukum* 12, no. 2 (2023): 471–88.
- Sihombing, Agustinus. *Hukum Perlindungan Konsumen*. CV. Azka Pustaka, 2023.
- Silangit, Arnold Sotarduga, Laili Furqoni, and Fanny Tanuwijaya. "Perlindungan Hukum Terhadap Korban Penganiayaan Yang Dilakukan Oleh Oknum Polri Saat Aksi Demonstrasi." *Interdisciplinary Journal on Law, Social Sciences and Humanities* 3, no. 1 (2022): 16–33.
- Simbolon, Nanci Yosepin, and M Sh. "Pengantar Ilmu Hukum." *Pengantar Ilmu Hukum*

87 (2022).

Sinaulan, J H. "Perlindungan Hukum Terhadap Warga Masyarakat." *Ideas: Jurnal Pendidikan, Sosial, Dan Budaya* 4, no. 1 (2018).

Soekanto, Soerjono. "Faktor-Faktor Yang Mempengaruhi Penegakan Hukum," 2011.

Sudjono, Saukarto. *Marmo, Penegakan Hukum Dinegara Pancasila. Jakarta: Garuda Metropolis Perss. jaka: Garuda Metropolis perss, 1997.*

Wicaksono, Muhammad Arifianto Surya, and INDRI FOGAR SUSILOWATI. "Perlindungan Hukum Hak Penyandang Gangguan Jiwa Yang Menggelandang Di Kabupaten Jombang." *Novum: Jurnal Hukum* 6, no. 1 (2019).

Yustina, Endang Wahyati, Odilia Esem, and Rospita Adelina Siregar. "Prinsip-Prinsip Hak Asasi Manusia Dalam Pelayanan Kesehatan Dan Perlindungan Hak Kesehatan Bagi Orang Dengan Gangguan Jiwa." *Medika: Jurnal Kedokteran Indonesia* 6, no. 1 (2020): 10–27.