

# Implementation of Policy of Fulfilling of People's Rights with Mental Disorder in the West Java Province, Indonesia

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**Abstract--***The purpose of this study was to analyze the implementation of policies on fulfilling the rights of people with mental disorders in West Java Province and the factors that influence them. The research method used in this study is a qualitative method. This research data collection using in-depth interview techniques, observation and study documentation. Data analysis was performed using the Milles & Huberman triangulation technique. Based on the results of the study note that the implementation of the policy fulfillment of the rights of people with mental disorders in West Java Province is still not optimal, this is due to the factor of minimal resources to run mental health services. In addition, there are still problems relating to the economic, social and political environment in fulfilling the rights of people with mental disorders.*

**Keywords--***Policy Implementation, Human Rights, People with Mental Disorders.*

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## I. INTRODUCTION

The 1945 Constitution of the Republic of Indonesia Article 28I paragraph (4) mandates "protection, promotion, enforcement, and fulfillment of human rights is the responsibility of the state, especially the government". In this way, the government protects a person's human rights from being violated by others. Mental disorders are a collection of abnormal conditions, both related to physical and mental "People with mental disorders are included in the category of mental disabilities, in accordance with the statement, people with mental disorders are guaranteed the right to receive special care and assistance at the expense of the State to guarantee a decent life according to his human dignity.

This is also supported by the Law of the Republic of Indonesia Number 36 the Year 2009 regarding Health Articles 147 and 149 stating that Article 147 (1) Efforts to cure mental health sufferers are the responsibility of the Government, regional government and the community. (2) The healing efforts as referred to in paragraph (1) shall be carried out by authorized health personnel and in the right place while respecting the human rights of sufferers. (3) To treat mental health sufferers, special health service facilities are used that meet the requirements and are in accordance with statutory provisions. Paragraph (2) which states that "the government, regional government, and the community are obliged to carry out treatment and care in health service facilities for people with mental disorders who are displaced, vagrant, threaten the safety of themselves and/or others, and/or interfere with public order and/or security".

The legal basis for fulfilling the rights of people with mental disorders is also found in the Law of the

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Republic of Indonesia Number 18 the Year 2018 Concerning Mental Health. Law Number 18 the Year 2018 concerning mental health article 80 states that the central government and regional governments are responsible for managing people with mental disorders who are displaced, vagrant, threatening their own safety or others, disturbing public order and/or public security.

With the articles clearly stated earlier, it can be concluded that the regional government is responsible for fulfilling the rights of people with mental illness, the right in question is the right to receive treatment and care and rehabilitation in order to obtain complete healing so that they can become productive human beings as a whole. social and economic. The rehabilitation carried out to cure people with mental disorders is social rehabilitation.

Mental disorders are one of the biggest health problems besides degenerative diseases, cancer and accidents. Mental disorders are also a serious health problem because the numbers continue to increase. Besides mental disorders are chronic diseases that require a long process of healing (Nasriati, 2017). In addition, there is also a lot of stigma in society related to people with mental disorders as research by Crisp et al., (2000); Graham et al. (2003); Jorm & Griffiths (2008); Reavley & Jorm (2011).

Research on people with mental disorders has been widely done (Wahlbeck et al., 2011; Shah et al., 2010; Jorm & Oh, 2009; Funk et al., 2005; Chen et al., 2012, etc). But until now no one has seen it from the perspective of policy implementation. This article seeks to see the fulfillment of the rights of people with mental disorders from the perspective of policy implementation. The researcher focused on this research in West Java Province, Indonesia. West Java Province is the province as the largest province in Indonesia, currently has a problem of people with mental disorder cases chained and put up quite high. It is estimated that until 2019, the number of people with mental disorders in West Java will reach 72 thousand people.

The most contributing factor to stocks in Indonesia is the economic status of households and ignorance of health facilities and dwellings that are far from urban areas (Idaiani, 2015). The results of other studies state that the reason for families to save their families with mental disorders is to avoid the adverse effects that will be caused. This is due to people with mental disorders often commit violence, be aggressive and endanger people and objects around them (Tyas, 2008).

The existence of confinement and chained without the fulfillment of the rights of people with mental disorders, this is clearly contrary to Law number 18 of 2014 concerning Mental Health, the right in question is the right to receive treatment and care and rehabilitation in order to obtain complete healing so that they can become socially and economically productive human beings. West Java Province since 2018 has had a regulation in the form of Regional Regulation West Java Province Number 5 of 2018 regarding the Implementation of Mental Health. With this regulation, it is hoped that services for ODGJ will be better in terms of preventive, promotive, curative and rehabilitative.

The purpose of this study is to analyze the implementation of the policy of fulfilling the rights of people with mental disorders and the factors that influence it. This research was conducted in West Java which is the province with the largest population in Indonesia.

## II. METHODOLOGY

The type of research used in this study is the Qualitative type (Patton, 1990; Cassell & Symon, 2004; Creswell & Poth, 2016). Data collection techniques are done in three ways, namely in-depth interviews, field observations and literature studies (Creswell & Miller, 2000). Data analysis is done inductively where the data obtained will be analyzed and developed into a basic assumption of research, then other data continues to be collected and drawn conclusions. Data analysis in this study uses the model of Miles and Huberman (1984). The data collected was analyzed through several stages, namely data reduction, data display and conclusion drawing/verification so that conclusions can be drawn.

## III. RESULTS

Every policy issued or established by the government must have a goal, the purpose of making public policy is basically to bring order in society to protect the rights of the community, to create peace and peace in society and to realize the welfare of the community (Montjoy & O'Toole, 1979). Law of the Republic of Indonesia Number 18 the Year 2018 concerning mental health, aims to ensure that everyone can achieve a good quality of life, enjoy a healthy mental life, free from fear, pressure, and other disorders that can interfere with mental health; ensuring that everyone can develop a variety of potential intelligence; provide protection and guarantee mental health services for people with psychiatric problems and people with mental disorders based on human rights; provide health services in an integrated, comprehensive and sustainable manner through promotive, preventive, curative and rehabilitative efforts for people with psychiatric problems and people with mental disorders; guarantee the availability and affordability of resources in mental health efforts; improve the quality of mental health efforts in accordance with the development of science and technology and provide opportunities for people with psychiatric problems and people with mental disorders to obtain their rights as Indonesian citizens.

The policy implementation of people with mental disorders can be seen from the policy standards and targets/size and objectives of the policy, resources, characteristics of the implementing organization, the attitude of the implementers, communication between related organizations and implementation activities, as well as the social, economic, social and political environment (Van Meter & Van Horn, 1975).

Performance of policy implementation can be measured by the level of success if the size and objectives of the policy are indeed realistic with the socio-culture that exists at the level of implementing the policy. When policy measures or policy objectives are too ideal (even too utopian) to be implemented at the community level, it is rather difficult to realize public policies to the point that can be said to be successful. The basic measures of service policy for the fulfillment of the rights of people with mental disorders refer to the legal basis established by the government which includes: Law Number 39 Year 1999 concerning Human Rights, Republic of Indonesia Law Number 36 Year 2009 Concerning Health, Republican Law Indonesia Number 18 of 2018 concerning Mental Health, and Regional Regulation of the Province of West Java Number 5 of 2018 concerning the Implementation of Mental Health. Based on the results obtained from the informants, basically all have known about the fulfillment of human rights, especially the fulfillment of the rights of people with mental disorders, this is consistent with the theory of Van

Meter and Van Horn (1975) which states that the implementer's understanding of the size and objectives of the policy determines success of the policy implementation process.

The success of the policy implementation process for fulfilling the rights of people with mental disorders in West Java Province also greatly depends on the ability to utilize available resources. Human resources (staff) have not been fully optimal in carrying out the implementation of policies on the fulfillment of the rights of people with mental disorders, one of which is caused by insufficient, adequate or incompetent resources in their fields. Infrastructure Facilities are inadequate in carrying out mental health rehabilitation services. running various rehabilitation service programs mandated by Law Number 18 of 2018 concerning mental health.

The focus of attention on implementing agencies includes formal and informal organizations that will be involved in implementing public policies. This is very important because the performance of policy implementation (public) will be very much influenced by the right characteristics and suitable for the implementing agencies. Van mater and Van Horn, in implementing a program, the characteristics of the implementers of the policy must be hard and strict in accordance with the rules and obey the applicable legal sanctions. There are several regulatory mechanisms found in the West Java Provincial Health Office in an effort to support the policy of fulfilling the rights of people with mental disorders.

Coordination is a powerful mechanism in the implementation of public policies. The better coordination of communication between the parties involved in an implementation process, the assumption of mistakes will be very small to occur and vice versa. To facilitate the delivery of mental health services, the Health Office has a program of meetings held by the *Puskesmas* to the Health Office once a quarter, and meetings held by the Health Office to the *Puskesmas* once a year or with the regional hospitals. By discussing various health problems.

The attitude of acceptance or management of the implementing agent will greatly affect the success or failure of the implementation of the policy fulfillment of the rights of people with mental disorders. This is very possible because the policies implemented are not the result of the formulation of local residents who are well aware of the problems and problems they feel. The policy implementers who are pleased with the fulfillment of the rights of people with mental disorders have known and understood the standards and objectives of mental health policies, but in practice the understanding is only carried out by a few people, meaning that the implementers themselves have different points of view, The recipient's attitude or rejection in terms of policy implementation greatly influences the success or failure of policy implementation. This is very possible because the policies implemented are not the result of feeling, but the public policy is top-down which very likely the decision-makers do not know that they are unable to touch the needs, desires or problems that are resolved.

The last thing that needs to be taken into account in order to assess the performance of public implementation in the perspective offered by Van Metter and Van Horn is the extent to which the external environment contributes to the success of established public policies. The non-conducive social, economic and political environment can be the culprit of the failure of the performance of policy implementation. Therefore, efforts to implement policies must also pay attention to the conducive conditions of the external environment.

The economic environment is the economic condition in the surrounding area, economic conditions have a

strong impact on the fulfillment of the rights of people with mental disorders. Implementation The fulfillment of the rights of people with mental disorders related to the economic environment is known that the economic environment of the families of people with mental disorders is mostly in the economic line downward. This greatly affects the psychiatric improvement program, if the community is prosperous, then it is possible that psychiatric problems can be overcome. The social environment is also called the sociocultural context, community habits greatly influence the success of the policy. Implementation of fulfilling the rights of people with mental disorders in West Java Province relating to the social environment is known to the family feeling ashamed if there is one family affected by a mental disorder so that a handler is imprisoned or chained so that his perception does not disturb others. While the political environment is the law, government agencies, and pressure groups that influence and limit organizations and individuals in carrying out the fulfillment of the rights of people with mental disorders. Implementation of the fulfillment of the rights of people with mental disorders related to the political environment is known that the attention of higher agencies is only done at the time of the activities carried out by the Health Service, but routine events of attention to the fulfillment of the rights of people with mental disorders have not been maximally implemented.

Based on the results of the study, it is known that the factors that influence the implementation of the policy of fulfilling the rights of people with mental disorders in West Java Province are human resources and the economic, social and political environment. The success of policy implementation depends on the ability to utilize available resources. Humans are the most important resource in determining the success or implementation of policies. Each stage of implementation requires quality resources in accordance with the work required by apolitically determined policies. Human resources are not yet fully adequate in carrying out mental health services were at the Regional General Hospital only a few doctors deal with psychiatric problems, factors related to resources as well, facility resources and funds that are not yet fully adequate and sufficient.

The Economic, Social, and Political Environment relating to the economic environment is known that the economic environment of families of people with mental disorders is mostly on the economic line down. This is very influential in psychiatric improvement programs. The social environment is known to the family to feel ashamed if there is one family affected by a mental disorder so that handlers are imprisoned or chained so that their perceptions do not disturb other people. The political environment is known that the attention of higher agencies is only done at the time of the event activities carried out by the Health Office, but the routine program of attention to the fulfillment of the rights of people with mental disorders has not been maximally implemented.

#### **IV. CONCLUSION**

The policy implementation of fulfilling the rights of people with mental disorders in West Java Province is still not optimal, it is seen from the resources to run mental health services that are not yet fully adequate, and there are still problems relating to the economic, social and political environment. Factors that influence the implementation of the fulfillment of the rights of people with mental disorders in West Java Province are resource factors, as well as economic, social and political environmental factors. The Government of West Java Province needs to pay attention to resources in fulfilling the rights of people with mental disorders, resources referred to human resources, infrastructure facilities, and funds so that mental health service activities can run optimally.

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