

Legal Protection of Mental Hospital Patients Who Experienced Acts of Violence Committed by Medical Personnel (A Study at Dr. Arif Zainudin Regional Mental Hospital Surakarta, Indonesia)

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Abstract

Every citizen, including mental hospital patients, has the right to legal protection, as they are vulnerable to experiencing acts of violence by medical personnel. This study aims to analyze the legal protection for people with mental health conditions who once experienced acts of violence committed by medical personnel. This study used sociological research methods with a descriptive qualitative research approach. This study used primary and secondary sources of data. The authors collected data through observation and interviews. The data in this research were analyzed and then described as narrative texts. The results showed that people with mental health conditions could obtain legal protection from acts of violence committed by medical personnel if they truly experienced bad treatment. It ensures that people with mental health conditions obtain their rights as citizens to be equally treated before the law. In undergoing their tasks, medical personnel must follow the SOP (Standard Operating Procedures), which includes prioritizing patient safety and comfort to keep patients from rebelling when their illnesses recur.

Keywords: Indonesia; legal protection; medical personnel; mental hospital; people with mental disorders

1. Introduction

The Republic of Indonesia is a legal state. Article 1 Clause (3) of the 1945 Constitution reads "that every Indonesian citizen is required to obey the applicable legal regulations." Every citizen has the same rights and position before the law without exception. The creation of this law aims to maintain order and justice in society and regulate human behavior in carrying out their daily lives (Wahyuni et al., 2022). Humans are creatures that ultimately have privileges regarding rights attached to each individual due to their nature (Arifin & Lestari, 2019).

The Preamble of the 1945 Constitution states that Indonesia aims to protect all citizens, advance the public welfare, give meaning to the nation's life, and participate in order based on independence and social justice (Agustina, 2015). Legal protection is an act to protect people from the arbitrary acts of authorities. Legal protection aims to realize order and peace so that humans can enjoy life according to their dignity (Setiono, 2004).

The principle of justice recognizes that every human being has the same dignity. Everyone has rights and obligations. They have the right to grow and develop to perfect themselves as humans. Article 28D clause (1) of the 1945 Constitution states that "Everyone has the right to fair protection and legal certainty and the same treatment before the law" (Aji, 2015). This protection applies to everyone, including people who suffer from mental disorders. The protection is provided through adequate health service guarantees from mental hospitals, rehabilitation homes, and mental health clinics. These facilities should be in good condition, and their development must be updated to the medical world's standards (K. J. Pangestu, Sugiarta, & Dinar, 2020).

Mental health problems can make a person lose productivity. People with mental health disorders require support from their family members to quickly recover and become well. Mental health disorders can occur to anyone, including young people, adults, and older adults (Rinawati & Alimansur, 1970). People who suffer from mental disorders must obtain health services and protection. Article 3 of Law No. 18 of 2014 concerning Mental Health guarantees everyone a healthy soul. Everyone has the right to be free from the pressure that disturbs their mental health (Amalita, Alawiya, & Utami, 2020).

One health service facility that supports health efforts is the hospital. In hospitals, there are medical personnel and their scientific instruments. Medical workers work with these existing medical technologies to provide quality health services (R. W. Pangestu, 2021).

Every medical action taken at the hospital must obtain prior approval from the patient or the patient's family to anticipate risks and undesirable things from happening. Suppose the patient is an incompetent person and in an emergency state. In that case, medical measures can be carried out without asking for approval in advance (The Government of the Republic of Indonesia, 2009).

The gap in this research is that some mental hospital medical staff actions could be or could appear to be acts of violence to patients. Sometimes, medical workers need to hold or bind patients forcibly. They may talk to patients with high voices or put them in some cramped room. Handling mental health patients is not the same as general patients. Therefore, the medical staff from mental health hospitals are vulnerable to criminal prosecution if family or public protest against this treatment.

Based on the description above, this research aims to analyze the legal protection of mental hospital patients who experienced acts of violence committed by medical personnel.

2. Research Method

This study is descriptive qualitative research (Soerjono, 2003). The research method used in this study was the sociological juridical research method (Sunggono, 2007). This study aims to obtain legal knowledge from its object directly by studying the related aspects and analyzing legal protection against people with mental disorders that suffered from acts of violence by medical personnel. This study occurred at the Dr. Arif Zainudin Regional Mental Hospital, Surakarta, Indonesia. Data sources in this study included primary data collected from observation and in-depth interviews. The

secondary data were obtained from library data, where the authors analyzed sources such as laws, journals, books, and other data such as research reports, theses, and proceedings. The primary data were obtained from observation and in-depth interviews (in-depth interviews) with respondents (Dimiyati & Wardiono, 2004) from the doctor of Dr. Arif Zainudin Regional Mental Hospital and a police officer from the Surakarta Regional Police Force under the name Bripka W.

3. Results and Discussions

Legal protection is an obligation that the government must meet, as the government must guarantee every citizen's right to security (Tuage, 2013). Legal subjects can be distinguished from the tendency of preventive and repressive actions. As a result, legal protection is categorized as a law that includes justice, legal certainty, order, peace, and benefits. The 1945 Constitution stipulates that the state is responsible for human rights (The Government of the Republic of Indonesia, 1945).

Human rights are universal rights attached to humans because of their nature. "Universal" refers to these rights applying to all individuals without distinguishing skin color, sex, age, race, and religious culture or beliefs. Human rights include the right to life, the right not to be arbitrarily tortured, enslaved, or detained, and the right not to be discriminated against by the law. Every citizen must be treated fairly, including people with mental disorders (Muhammad, 2018).

The state must provide good services to its citizens (Qamar et al., 2018). Given that it concerns the protection of human beings, all humans must obtain the same treatment. One of the problems still occurring in society is the number of people with mental disorders that roam on the streets and even disturb public order. People with mental disorders do not gain welfare (Ismail, 2020). Therefore, social service officers must bring these people with mental disorders to mental rehabilitation homes or local mental hospitals. So that people with mental disorders may obtain rights following their honor as humans. Based on Law Number 13 of 2006 concerning Witnesses and Victims' Protection, people must obtain shelter to feel safe from surrounding threats (Muhandar, Abdullah, & Thamrin, 2010).

At Dr. Arif Zainudin Regional Mental Hospital, Surakarta, medical personnel always undergo maximum efforts to carry out their duties. They try as much as possible to fulfill health services well (Nuryati & Amir, 2022). The fulfillment of protection for people with mental health conditions requires cooperation from various parties involved, especially from medical staff. So far, at Dr. Arif Zainudin Regional Mental Hospital, there have been no cases of violence against people with mental health conditions committed by medical personnel.

In treating their mental health patients, the medical personnel in this hospital follow the SOPs (Standard Operating Procedures). When carrying out actions, the medical staff are guided by hospital principles prioritizing mental patients' quality and internal and external safety (Amalita et al., 2020). The hospital always ensures the safety and comfort of people with mental health conditions, starting from the safety of buildings; the clothing materials worn by patients must not hurt the skin; and the food intake given to patients is also very well considered.

Table 1 illustrates violent acts committed by medical personnel in handling patients.

Table 1. Violent efforts carried out by medical personnel on mental health patients

No.	The Act of Violence	Goal	Law
1.	Forcibly binding patients	Preventing danger	Article 2 and Article 3 of Law No. 29 of 2004 on Medical Practices
2.	Forcibly holding patients	Preventing danger	Article 2 and Article 3 of Law No. 29 of 2004 on Medical Practices
3.	Forcibly anesthetizing patients	Calming patients	Article 7 of Law No. 35 of 2009 concerning Narcotics
4.	Putting patients in the rehabilitation room	Rehabilitating patients	SOP of the Mental Hospital and Informed Consent

Protection involves informed consent or therapeutic transactions and action approval documents. Informed consent is an agreement regarding the doctor's actions against his patients in oral or written form. Written informed consent is only an inauguration of what has previously been agreed upon (Busro, 2018). The hospital may approve medical workers to make forced efforts such as forcibly binding patients, holding patients, anesthetizing patients, and inserting patients in rehabilitation rooms.

Such forced efforts aim to protect patients and other people from dangerous actions committed by patients. The patient's family is asked to approve the informed consent because the patient is unaware of making decisions. In this case, the medical personnel are responsible for providing information that can easily be understood by the patient's family (Soekanto, 1989).

Article 89 of the Criminal Code states, "Making people faint or helpless is an act of violence." Fainting is a condition where someone becomes unconscious. Meanwhile, helplessness is one's lack of strength or energy to fight (Soesilo, 1991). In dealing with people with mental health conditions that experience a disease recurrence, medical personnel treat patients so they do not become violent. The patients are soothed with anesthetic injections or drugs so they will not commit acts that endanger themselves or others. Medical personnel should carry out this act, and is not violent (Bila & Sulistyanta, 2022).

Medical personnel could be classified as criminals carrying out measurable violence, such as forcibly binding or anesthetizing a raging patient. However, to assess whether or not the actions of medical personnel are under the SOP (Standard Operating Procedures), there needs to be some information from the reporter. So, in handling cases, the police do not necessarily confirm that it is an act of violence, considering that mental hospital patients may act abnormally. Thus, making forced efforts so patients do not rampage, fight, and shout through forceful anesthesia or binding is considered reasonable and common as long as the action does not hurt or endanger the patient. In handling cases of violence, the police force also sees the aspects of the case. They consider many provisions and articles governing health and SOPs on handling ODGJ. Then there must be a determination on whether or not the victim truly has a mental disorder using a psychiatric test (M. A. S. Wicaksono & Susilowati, 2019).

Based on medical record data at Dr. Arif Zainudin Regional Mental Hospital, there is an annual increase in the number of inpatients. Therefore, the government must

prioritize health services for the community, including services for people with mental disorders. The availability of health services in various regions is expected to make people feel they have the right to health, including physical and mental health. In health services, medical personnel play an important role in checking and treating patients to determine whether the patient has truly recovered or still requires treatment (Majid, 2023).

The actions of medical personnel on people with mental health conditions usually create misunderstanding, which makes patients feel that they are being treated badly. The treatment carried out by medical personnel aims to prevent people with mental health conditions from rebelling and endangering themselves or others. It cannot be denied that people with mental health conditions experience mental disorders, causing them to be unable to do activities like normal people. This mental disorder is a symptom of suffering (distress) and weakness/limitations (disability) contained in humans that cause an increased risk of death. The causes of this mental disorder include biological, psychological, and social factors (Y. I. Wicaksono, 2016). These factors influence and affect each other, causing patients to experience mental disorders (Rinawati & Alimansur, 1970).

Suppose medical personnel are proven to have committed acts of violence or negligence against mental health patients that are against the Code of Ethics and treatment SOPs (Rinawati & Alimansur, 2016). In that case, there must first be a reporter who feels disadvantaged from this case. Then, the two parties will follow up with the SOPs related to the malpractice. So, there are rarely any cases of violence against people with mental health conditions carried out by medical personnel. Even if there are parties who are harmed (people with mental health conditions), it is difficult to report such a case. Violence committed by medical personnel against people with mental health conditions will not be processed directly by the police. However, they will first consider the provisions and articles governing health, especially those concerning treating people with mental disorders.

In a dispute between people with mental health conditions and medical personnel, the hospital will seek mediation from the patient's family. This effort allows the issue to be mediated and persuasively resolved. The mediation process is carried out by gathering the involved parties. Then the case is analyzed in advance and is internally resolved by finding the best solution. Usually, disputes occur due to a lack of good communication between medical personnel and patients, so patients feel that the medical personnel mistreats them.

In this case, the medical personnel may invite people with mental health conditions to hold two-way talks. So the patients become focused on discussing their issues and feel well-considered by the medical personnel (Syahbana, 2022). Thus, disputes due to the bad treatment carried out by medical personnel against their mental patients rarely enter the realm of law (Simanjuntak, 2017). However, on the contrary, if there are acts of violence by patients against medical personnel, the latter will obtain protection in the form of insurance borne by the state.

Even though there are no records or reports of violence, it can be justified if medical personnel perform forced anesthesia on patients or forcibly secure them by

binding and giving sedatives if people with mental health conditions endanger themselves, others, or medical officers. If the patient lashes out and forced efforts are carried out, the medical personnel fill out the report provided that will be shown to the patient's family. So far, there has been no complaint over the forced actions as violence, as there is an understanding that forced efforts in the form of anesthetizing, binding or sedating patients are sometimes required to prevent them from endangering their surroundings and that the methods or dosages are according to SOPs.

4. Conclusion

Based on the results of research conducted by the author, the protection of people with mental health conditions who experienced violent treatment committed by medical personnel can occur. Still, medical staff always strive to apply the principle of patient safety. Such a principle has become the medical workers' guidance in their obligations. Article 2 and Article 3 of Law No. 29 of 2004 on Medical Practices, Article 2 and Article 3 of Law No. 29 of 2004 on Medical Practices, Article 7 of Law No. 35 of 2009 on Narcotics discuss the SOPs of the mental hospital, and informed consent.

Every Indonesian citizen is required to obey the applicable legal regulations. There are regulations set at the Dr. Arif Zainudin Mental Hospital, Surakarta. So far, no medical personnel have treated patients through violence. Medical personnel treat people with mental health conditions properly and follow the hospital's SOPs.

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