

Analysis of the Implementation of the Rights of Patients with Mental Disorders to Access Health Services in Hospitalsn Prof. Dr. Muhammad Ildrem North Sumatra

Farhan¹, Muhammad Arif Sahlepi², Irsyam Risdawati³

Universitas Pembangunan Panca Budi, Medan, North Sumatra ^{1,2,3}

Corresponding email: drg.farhan1982@gmail.com

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ABSTRACT

The rights of patients with mental disorders are an integral part of efforts to provide fair and equitable health services. In this context, hospitals as health institutions have a responsibility to ensure that patients with mental disorders get their rights, including access to quality health services. This research focuses on the implementation of the rights of patients with mental disorders in obtaining access to health services at Prof. Dr. Muhammad Ildrem Hospital, North Sumatra. The main focus of this study is to evaluate the extent to which the rights of patients with mental disorders are guaranteed and fulfilled in the hospital service system. This study uses a qualitative approach with a descriptive type of research. Data was collected through in-depth interviews with relevant parties, such as medical personnel, patients with mental disorders, and hospital managers. In addition, direct observation of health service practices in hospitals is also carried out to get a more complete picture of the implementation of patient rights. This study aims to analyze the extent of the implementation of the rights of patients with mental disorders at Prof. Dr. Muhammad Ildrem Hospital. and to find out the factors that affect patients' access to health services, as well as to identify obstacles and challenges faced in the implementation of patients' rights. The results of the study show that although there are policies that support the protection of the rights of patients with mental disorders, their implementation in the field still faces various challenges. Some of the factors that affect access to health services for patients with mental disorders include social stigma against mental disorders, limited facilities and trained human resources, and lack of adequate understanding from some medical workers regarding the rights of patients with mental disorders. Conclusion of this study The implementation of the rights of patients with mental disorders at Prof. Dr. Muhammad Ildrem Hospital still needs to be improved, especially in terms of fulfilling access to health services in accordance with their rights. Social stigma and limited resources are the main obstacles that need to be overcome.

Introduction

Various insights are presented regarding the relationship between healthcare and legal considerations, especially in the context of digital healthcare. The growing role of digital platforms in providing mental health services, including online therapy and consultation applications, significantly improves accessibility, especially for those facing geographical, social, or economic barriers. This digital shift is increasingly relevant as technology facilitates access to mental health services in areas that have traditionally lacked such resources. However, the text also addresses related risks, such as potential data leaks, disinformation, and the challenges of maintaining ethical standards in virtual spaces¹. Mental disorders are one of the public health problems that are receiving increasing attention in Indonesia, both in terms of the large burden of disease and the social impact it causes. Rapid social, economic, and cultural changes, such as urbanization, economic pressures, changing family patterns, and increased competition in the world of work have contributed to the increasing risk factors for mental disorders in various age groups. This condition makes mental health no longer a fringe issue, but an integral part of national health development that demands systematic, planned, and sustainable treatment. Normatively, the right to mental health services has actually received strong guarantees in the Indonesian legal system. The 1945 Constitution of the Republic of Indonesia affirms that every citizen has the right to receive health services and that the state is responsible for providing adequate health service facilities. This constitutional guarantee was then affirmed in various laws, including the Law on Health, the Law on Mental Health, the Law on Hospitals, and the Law on Persons with Disabilities which position people with mental disabilities as subjects of rights that must be protected and fulfilled their rights.

In Law No. 17 of 2023, Article 74 specifically regulates mental health as part of health efforts. According to this article, mental health is a condition in which an individual can develop physically, mentally, spiritually, and socially so that he or she is aware of his or her abilities, is able to overcome the pressures of life, works productively, and contributes to his community. Mental health efforts are organized to achieve the highest degree of mental health through various promotive, preventive, curative, and rehabilitative efforts that are integrated in the national health system.² Although Law Number 17 of 2023 concerning Health no longer explicitly uses the term "ODGJ" in the text of the law, this Law adopts a definition of mental health that includes individuals with mental disorders according to certain criteria. ODGJ is defined in derivative regulations (such as Government Regulation No. 28/2024) as individuals who experience disturbances in thought, behavior, or feelings and can result in suffering and inhibition of social³ functioning.

At the level of health service facilities, People with Mental Disorders (ODGJ) still face various obstacles in accessing adequate services. These obstacles are not only related to the limitations of facilities and infrastructure such as treatment rooms, rehabilitation facilities, and the availability of drugs but also related to the quality of services and the acceptability of these services for patients and families. In some situations, ODGJ still faces covert rejection, unfriendly service, or service delays due to administrative and financing reasons. In fact, by law, hospitals and health workers are bound by the obligation

¹ Irsyam Risdawati, Muhammad Donni Lesmana (2025). Public Health and Law 5.0. Publisher PT Dewangga Energi Internasional Bekasi.

² https://id.wikisource.org/wiki/Undang-Undang_Republik_Indonesia_Nomor_17_Tahun_2023/

³ <https://aksetlaw.com/news-event/newsflash/6995/>

to provide quality, non-discriminatory, and fair services to every patient, including patients with mental disorders. Stigma and discrimination are non-medical factors that are very influential in worsening barriers to access. At the community level, ODGJ is often seen as "dangerous", "embarrassing", or "useless" individuals, so families often delay seeking professional help, and often even hide family members who have mental disorders. This stigma is not only alive in the general public, but to some degree can also be found in the health care worker environment, for example in the form of a lack of empathy, the use of derogatory terms, or the assumption that ODGJ patients are incapable of being involved in decision-making about themselves. As a result, the rights of ODGJ such as the right to information, the right to humane treatment, and the right to be free from violence and exploitation are not fully realized in practice.

In the context of North Sumatra Province, the Prof. Dr. Muhammad Ildrem Psychiatric Hospital in Medan plays a very strategic role. This hospital is the only psychiatric hospital owned by the North Sumatra Provincial Government, has the status of a type A Special Psychiatric Hospital and is the main reference for handling cases of mental disorders from various districts/cities. This position makes this hospital the spearhead of the implementation of various legal provisions related to the fulfillment of the rights of ODGJ patients, ranging from the right to access services, the right to quality treatment, to the right to rehabilitation and social reintegration. Thus, the success or failure to fulfill the rights of ODGJ patients in this hospital will greatly affect the face of mental health services at the provincial level as a whole. If examined further, access to services in psychiatric hospitals, including at the Prof. Dr. Muhammad Ildrem Psychiatric Hospital, is still faced with a number of complex root problems. Limited human resources trained in the field of mental health (psychiatrists, psychologists, psychiatric nurses, medical social workers), limited physical facilities ideal for recovery, and constraints on the availability of essential psychiatric drugs are problems that often arise. On the other hand, the limitation of financing guarantees both because patients have not been registered in the health insurance program and because of other administrative problems are often a real obstacle for ODGJ to obtain continuous care. Low understanding of mental disorders, both among the public and some health workers, reinforces the cycle of stigma, discrimination, and delay in treatment. This condition not only has an impact on the fulfillment of the rights of ODGJ patients, but also causes a heavy social and psychological burden for families.⁴

Families are often at the crossroads of economic limitations, social pressures due to stigma, and the moral responsibility to care for their mentally ill family members. In this situation, mental hospitals should not only function as a place of treatment, but also as a partner of the family and the community in realizing the fulfillment of the rights of ODGJ comprehensively.⁵ Therefore, a study on the implementation of the rights of patients with mental disorders to access health services at the Prof. Dr. Muhammad Ildrem Mental Hospital is important, both to identify gaps between norms and practices, as well as to formulate policy recommendations and improve the governance of mental health services in the future.

⁴ Indriawan, D., Wahyudi, S., & Handayani, S. W. (2025). Legal protection for people with mental disorders to get health services in Indonesia. *Journal of Law, Humanities and Politics*, 5(4), 3159–3173

⁵ Ismail, M. W. (2020). Legal Protection of People with Mental Disorders (ODGJ) in Special Psychiatric Hospitals. *Wal'afiat Hospital Journal*, 1(1)

LITERATURE REVIEW

The Right to Health as a Constitutional Right

The right to health for every Indonesian citizen is placed as a fundamental constitutional right in the 1945 Constitution. Article 28H paragraph (1) explicitly states that "everyone has the right to live a prosperous life in birth and mind, to live, and to have a good and healthy living environment and to the right to receive health services." This provision shows that the right to health is not just an ordinary normative right, but is part of the human rights protected by the constitution. With this mention, aspects of mental health as well as physical health are seen as an integral part of individual well-being, which must be respected, protected, and fulfilled by the state as part of the principles of the state of law and respect for human dignity⁶.

Furthermore, Article 34 paragraph (3) of the 1945 Constitution emphasizes the state's obligation to provide decent public health service facilities for all Indonesian people. This provision marks that the state not only guarantees the right theoretically, but also has a concrete responsibility to provide adequate facilities, infrastructure, service systems, and support so that the right to health is clearly accessible to the public. This affirmation is important in the context of mental health services, where efforts and facilities are often unevenly distributed across the region. This obligation reflects the country's constitutional commitment to address inequality in access to and quality of health services in the field.⁷ In the academic literature, the right to health is studied as part of human rights that must be comprehensively guaranteed by the state. Juridical studies state that it is a positive legal obligation for governments to fulfill citizens' health rights, including the provision of decent and easily accessible health service facilities without discrimination against vulnerable groups such as people with mental disorders. This fulfillment includes promotive, preventive, curative, and rehabilitative aspects of health holistically, so that every individual can enjoy health standards that are in accordance with human dignity⁸. Another legal view also emphasizes that the right to health in the Indonesian constitution reflects the principle of the welfare state which requires the active involvement of the state in realizing the highest degree of public health. In the context of implementation, national laws such as the Health Law and the national health insurance program policy are the embodiment of this constitutional mandate. It is hoped that constitutional recognition of the right to health will not only become a normative claim on paper, but will also be realized in policies and service practices that are fair, inclusive, and sustainable for all citizens.

Regulation at the Legal Level

Law No. 17 of 2023 concerning Mental Health regulates various important aspects related to the handling of mental health in Indonesia. In Articles 74 to 85, this law presents more in-depth guidelines regarding the protection, recovery, and strengthening of the mental health system for the community. These articles regulate the rights of individuals with mental disorders, accessible services, and the government's obligation to provide adequate facilities and support⁹. The main emphasis on these articles is to ensure that every

⁶ Najla, T. A., & Kansil, C. S. T. (2024). Legal Protection of Citizens' Health Rights: State Responsibility in the National Health System. *Journal of Education Religion Humanities and Multidididiplinary*, 2(2), 1425–1432

⁷ Habibur Rahman. (2025). The Right to Health as a Right That Cannot Be Restricted by the State and Its Implications in the National Health Insurance Program (JKN). *Journal of Criminal Law and Islamic Constitution*. 15(2).

⁸ Isriawaty, fheriyal. (2015). The State's Responsibility in Fulfilling the Right to Public Health Based on the Constitution of the Republic of Indonesia. *Journal of Legal Opinion*, 3(2), 1–10

⁹ Idaiani, S., et al. (2018). Mental health system in Indonesia: Challenges to meet needs. *Journal of Health Services Research and Development*, 2(2), 77–86

individual in need of mental health care gets proper and safe access. Article 74 regulates the right of patients to obtain dignified and non-discriminatory mental health services. This article emphasizes that patients have the right to treatment that is appropriate to their psychological condition, as well as protection from treatment that is detrimental to their rights as individuals. This article also regulates the importance of the role of the family in supporting patients, as well as ensuring the existence of mental health services based on the principles of human honor and dignity. More broadly, this article describes the state's commitment to pay serious attention to people's mental health.¹⁰

In Article 75, it is regulated regarding the government's obligation to provide integrated mental health service facilities. This includes the provision of services that are not only hospital-based, but also at the community and puskesmas level. This article underscores the importance of engaging various parties, from medical personnel to community organizations, to work together to ensure that mental health services are available at all levels of society, especially in areas with limited access.

Articles 76 to 78 continue the discussion of standards and procedures for mental health services, paying special attention to preventive, curative, and rehabilitative efforts. In these articles, it is explained how the mental health service system should be able to provide prompt and effective interventions for individuals who show symptoms of mental disorders, as well as provide rehabilitation programs for patients in need of long-term recovery. In addition, these articles also include education and community empowerment to prevent mental disorders through a family and community-based approach. Articles 79 to 85 highlight the various forms of support that must be provided to patients with mental disorders, ranging from legal protection, family involvement, to the right to personal medical records. These articles also regulate the recovery of patients' conditions through social and psychosocial rehabilitation programs, as well as the government's obligation to facilitate the availability of professionals trained in the field of mental health. This law emphasizes the importance of providing a supportive environment for individuals in recovery, as well as reducing the social stigma that is often inherent in people with mental disorders.¹¹

Articles 74 to 85 of Law Number 17 of 2023 reflect the progressive steps taken by the Indonesian government in responding to mental health challenges. By regulating various aspects from patient rights to strengthening the service system, this law is an important milestone in increasing awareness and access to mental health care in Indonesia. This is expected to reduce the stigma of mental disorders and create a society that is more concerned about the mental well-being of each member¹².

Government Regulation Number 28 of 2024

Government Regulation Number 28 of 2024 is an implementing regulation of Law Number 17 of 2023 concerning Health, which comprehensively regulates the implementation of health efforts, including mental health as an integral part of the national health system. In this Government Regulation, mental health is included as part of promotive, preventive, curative, and rehabilitative efforts that must be carried out in an integrated manner in order to improve the degree of public health. Mental health is seen not only as a treatment for mental disorders, but also as part of a comprehensive effort to achieve a good quality of

¹⁰ Law Number 17 of 2023 concerning Health.

¹¹ Undang-Undang Nomor 17 Tahun 2023 tentang Kesehatan

¹² Haliza, S. N. N. (2022). Analysis of Mental Health Services Challenges in Indonesia: A Literature Review. Depok: Faculty of Public Health, University of Indonesia.

life and free from psychosocial pressures, in accordance with the mandate of the Health Law which places mental health efforts as a priority part of inclusive health efforts throughout the life¹³ cycle. The Mental Health Section in Government Regulation Number 28 of 2024 provides a legal framework for the implementation of mental health efforts that includes aspects of service organization, service standards, and the involvement of various stakeholders. For example, the provisions in the PP stipulate that the implementation of mental health efforts must be structured, systematic, and sustainable, and include various forms of services ranging from prevention to rehabilitation. This provision is important to ensure that health care facilities, including mental hospitals and health centers, have clear legal guidelines to provide quality, affordable, and standard mental health services.

The Main Rights of ODGJ Patients at PP Hospital 28 th 2024 Article 148 covers (1) Quality Health Services (a) Getting services in facilities that are easily accessible and in accordance with mental health standards (b) Ensuring the availability of psychopharmaceutical drugs according to medical indications (c) Getting humane, fair, honest, and non-discriminatory services, while the right to Information and Consent is (a) Getting complete and honest information about mental health data, diagnosis, medical measures, risks, and alternatives (b) Giving consent or refusing medical measures, except in cases of emergency or severe mental disorder in which he is incapable of making a decision (c) Self-Managing his property and/or that is handed over to him and can only be revoked upon a court order. Protection and Security includes (a) Protected from neglect, violence, exploitation, stigma, and discrimination (b) Obtaining security and privacy for the illness they suffer, including medical data (c) Being able to be accompanied by family in critical condition. For the right to choose and file a complaint, it covers (a) Choosing a doctor and treatment class according to the rules (b) Requesting consultation with other doctors (c) Filing complaints about the quality of service, then for social and religious needs covering (a) Getting meaningful activities and social needs that are in accordance with the conditions (b) Carrying out worship according to religion/belief as long as it does not disturb other patients. Rights in Voluntary Care include being admitted as a voluntary patient, having the right to be informed of their status and being allowed to leave the hospital at any time unless there is an indication of serious physical danger.

Rights and Obligations of ODGJ

Based on Law Number 17 of 2023 concerning Mental Health, the rights and obligations of people with mental disorders (ODGJ) are clearly regulated in this law. ODGJ have the right to receive mental health services in accordance with medical and ethical standards, as well as equal access to the general public in terms of treatment and rehabilitation. Articles 74 to 85 underline the importance of these rights, including the right to privacy, the right to appropriate assistance, and the right to access inclusive services. Article 76 paragraph 3 reads that people at risk and mental disorders have the same rights as citizens. The law also emphasizes the importance of handling that focuses on the recovery and return of ODGJ to the community while respecting their dignity. Article 78 paragraph 1 reads "the rights of patients with mental disorders are served by medical personnel and health workers and other professionals who are competent and have professional authority in mental health" and paragraph 2 reads "strive for mental health to be carried out at the level of Family, Community and health facilities"

¹³ Government Regulation Number 28 of 2024 concerning Implementing Regulations

Furthermore, Article 80 reads "the right of a psychiatric patient who will be treated and hospitalized must have the consent of the patient in writing and if it is not possible, then it is permissible for a husband or wife, parents, children or siblings who are 18 years old, guardians or guardians, authorized officials in accordance with the applicable Law, and in paragraph 3 it reads "if all parties giving consent, then in the event of emergency handling can be carried out by the medical team" and paragraph 4 reads determined by the Named SP KJ or the medical person who handles the emergency unit and paragraph 5 reads "and ODGj if he has recovered, he has the right to determine the medical action to be taken.

RESEARCH METHODOLOGY

This study uses an analytical descriptive method to analyze the implementation of the rights of patients with mental disorders to access health services at Prof. Dr. Muhammad Ildrem Hospital, North Sumatra. This method aims to describe in detail the implementation of the rights of patients with mental disorders in obtaining treatment in accordance with applicable legal and regulatory standards. This study examines various related regulations and legal provisions, such as Law No. 17 of 2023 concerning Mental Health, to assess the extent to which patients' rights, such as the right to dignified care and the right to choose treatment, are implemented in hospital health services.

Results and Discussion

Implementation of the Rights of ODGJ Patients at Prof. Dr. Muhammad Ildrem Psychiatric Hospital

Services for ODGJ patients are an important part of the fulfillment of health rights regulated in the national health law, which affirms that people with mental disorders have the right to health services that are easily accessible, quality, and in accordance with medical standards. In general, the literature shows that the rights of people with disabilities include access to adequate medical care, non-discriminatory treatment, and clear information about the treatment and medical procedures performed on them¹⁴. This concept of rights is the basis for implementation in psychiatric hospitals such as Prof. Dr. Muhammad Ildrem Psychiatric Hospital. At the hospital service level, the implementation of the rights of ODGJ patients at Prof. Dr. Muhammad Ildrem Psychiatric Hospital includes efforts to ensure that all patients receive comprehensive mental health services starting from initial assessment, diagnosis, to promotive, curative, and rehabilitative treatment. This is in accordance with the principles of human rights-based mental health services, where patients are given space to be involved in decision-making and undergo the therapeutic process with dignity and clear legal protection¹⁵. Psychiatric hospitals ideally integrate multidisciplinary services involving psychiatrists, psychologists, nurses, and social workers to support the patient's medical and social needs.

However, empirical experience from research in several mental hospitals in Indonesia shows that the implementation of the rights of ODGJ patients often faces real obstacles, such as limited human resources that are competent in mental health, suboptimal

¹⁴ Ismail, M. W. (2020). Legal Protection of People with Mental Disorders (ODGJ) in Special Psychiatric Hospitals. *Wal'afiat Hospital Journal*, 1(1)

¹⁵ Ismail, M. W. (2020). Legal Protection of People with Mental Disorders (ODGJ) in Special Psychiatric Hospitals. *Wal'afiat Hospital Journal*, 1(1)

infrastructure, and social stigma against mental disorders that are still strong in the community. Studies have shown that stigma and discrimination can affect how patients are treated by health workers and their families, so the services received do not fully reflect the expected human rights principles¹⁶. Similar challenges are also likely to be experienced by the service facilities at Prof. Dr. Muhammad Ildrem Psychiatric Hospital, considering that national issues have not been fully resolved.

In addition, cooperation between psychiatric hospitals and other stakeholders such as the Health Office, Social Service, and health center is an important aspect in fulfilling the rights of ODGJ, especially in the context of referrals, family assistance, and patient reintegration into the community. This collaboration allows for social empowerment programs and ongoing support after patients leave hospital facilities, which are an essential part of the social rehabilitation and functional recovery of ODGJ patients¹⁷. The implementation of the rights of ODGJ patients at the Prof. Dr. Muhammad Ildrem Psychiatric Hospital is in principle in line with humanistic and rights-based mental health service standards, but still requires improvements in the form of continuous training for health workers, strengthening the service management system, and public campaigns to reduce stigma and discrimination against mental disorders. The implementation of these practices will strengthen the performance of hospitals in ensuring the rights of ODGJ in a more effective and humane manner in accordance with the applicable national mental health policy¹⁸.

Obstacles in the Implementation of the Rights of ODGJ Patients

In the implementation of the rights of patients with mental disorders (ODGJ) based on Law No. 17 of 2023 concerning Mental Health, there are several obstacles that need to be overcome to ensure that their rights are properly fulfilled. One of the main obstacles is the lack of trained human resources in the field of mental health. Many hospitals, especially those in certain areas, face difficulties in meeting the needs of medical personnel who specialize in mental health. This has an impact on the quality of care provided to patients, which is often not in accordance with the standards of service set by law. In addition, social stigma against ODGJ is still a major problem that affects the implementation of patients' rights. Although the law has affirmed the right of ODGJ to receive dignified and non-discriminatory services, the reality is that there are still many people who have a negative view of individuals with mental disorders. This not only hinders the access of ODGJ to decent health services, but also worsens their mental state, due to the shame and discomfort they feel while receiving treatment.

Limited health facilities are also a significant obstacle. Hospitals and other health care facilities often do not have adequate facilities or equipment to properly handle ODGJ patients. Sometimes, patients have to wait a long time to get the treatment they need, due to the limited capacity of the hospital. This is contrary to the mandate of the law which states that every ODGJ has the right to receive health services that suit their medical needs. Health financing is also an important obstacle in the implementation of ODGJ rights. Although the government has established several policies to ensure access to health

¹⁶ Wahyu, M. A., & Elven, T. M. A. (2020). Protecting the Rights of Mental Health Patients: Comparative Study between Indonesia and Taiwan. *Indonesian Comparative Law Review*, 2(2), 7–8.

¹⁷ Yonece Hamadi1, Nur Aedah, Agustina Ivonne Poli. (2025). Implementation of Policy for Handling People with Mental Disorders at Abepura Mental Hospital. *Journal of Public Policy*. 8(2).

¹⁸ Ismail, M. W. (2020). Legal Protection of People with Mental Disorders (ODGJ) in Special Psychiatric Hospitals. *Wal'afiat Hospital Journal*, 1(1)

services for ODGJ, many patients find it difficult to get such access due to cost issues. Especially in areas that are not covered by government health insurance, many ODGJ do not receive treatment that is in accordance with their rights. Thus, despite clear regulations, the issue of financing is still one of the main obstacles in ensuring the effective implementation of ODGJ rights.

Juridical Analysis of the Gap between Norms and Practices

Law enforcement is an empirical reality of how the law works in the reality of people's lives (law in action). That law enforcement is a process to realize the wishes of the law into reality. The wishes of the law are the thoughts of the law-making body formulated in the regulations of the law. The law enforcement process also extends to law-making¹⁹. Law No. 17 of 2023 concerning Mental Health provides a strong legal basis for the protection of the rights of patients with mental disorders (ODGJ), including the right to receive dignified health services in accordance with medical standards. However, while the norms set out in these laws are clear and comprehensive, there are significant gaps between norms and practices on the ground. One of the main gaps is the limitation of health facilities that are able to meet the standards of mental health services, especially in underserved areas. This leads to the inability of the health system to provide equal access for all ODGJ, as mandated by Law Number 17 of 2023 concerning Health.

Practices in hospitals and healthcare facilities often do not reflect the principles of nondiscrimination guaranteed by law. The stigma against ODGJ is still very strong in many circles of society, including in medical institutions. This hinders ODGJ from accessing services that are in accordance with their rights. For example, although the articles in this Law affirm that ODGJ have the right to safe and quality services (Article 75 and Article 76), the reality is that many patients experience discrimination or neglect of the right to proper treatment. In this case, clear legal norms are often not followed to the maximum in practice in the field.

In addition, there is a discrepancy between existing regulations and the capacity of human resources in handling ODGJ patients. According to the law, medical personnel trained in the field of mental health must be available in health facilities under Article 75, but the reality is that many hospitals lack medical personnel with specialized expertise in mental health. This causes mental health services to not be provided optimally, even resulting in patients experiencing delays in getting the right treatment. Therefore, although there are regulations governing the rights of patients with mental disorders, the incompatibility between legal norms and the reality on the ground requires more attention to ensure effective and equitable implementation throughout Indonesia.

Normative regulation of patients' rights to access health services in Indonesia

Indonesia's national development aims to realize the whole Indonesian people and the entire Indonesian society that is just, prosperous, prosperous, orderly and peaceful based on Pancasila and the 1945 Constitution. To realize a prosperous Indonesian society, it is necessary to continuously improve efforts in the field of medicine and health services²⁰. The importance of providing sufficient information to patients, which is their

¹⁹ Nugraha Manuella Meliala, Ismaida, Muhammad Arif Sahlepi. (2024). The Application of Restorative Justice by the Medan District Court to Realize Legal Certainty in the Settlement of Criminal Offenses. *Journal of Law, Humanities and Politics (JIHHP)*. Vol 3 (4).459-470.

²⁰ Fazizullah, Marlina, Muhammad Arif Sahlepi. (2022). Juridical Study of Narcotics Crimes Based on Law Number 35 of 2009 concerning Narcotics in the Banda Aceh Region. *Al-Hikmah Journal of Law and Society*. Vol.3(2). 304-325

human right. This is closely related to the principle of fairness, which requires transparency in communication between doctors and patients. The patient has the right to fully understand the medical procedures to be performed, including the risks, benefits, and alternatives available. Therefore, doctors are obliged to provide adequate explanations before obtaining consent, either orally or in writing²¹. This principle of fairness underscores the importance of respecting patients' autonomy and ensuring they can make decisions based on complete and accurate information. The normative regulation of the rights of patients with mental disorders in Indonesia includes the right to access safe, quality, affordable, and non-discriminatory health services as mandated by Law No. 17 of 2023 concerning Health. This regulation affirms that every individual, including ODGJ, has the right to receive proper mental health services and respect for their dignity in the treatment process, which also includes the right to information and education related to their health conditions. The fulfillment of these rights aims to encourage the creation of an inclusive health service environment, reduce stigma, and improve the quality of life of ODGJ patients through equal access to medical and rehabilitative services. This is supported by the principles of non-discrimination and equal rights enshrined in various national health regulations. Juridically, the normative regulation of this right is not only contained in Law No. 17 of 2023 but also related to broader human rights norms, such as the right to good health services guaranteed in the 1945 Constitution and other implementing regulations. This regulation serves as a legal basis to ensure that the government, health facilities, and medical personnel are responsible in providing access to mental health services in accordance with professional standards and patient rights. The existence of these provisions is also the basis for law enforcement efforts when the rights of ODGJ patients are not fulfilled, including the provision of administrative sanctions against health facilities that violate the terms of service²².

However, the ideal normative norm also faces the challenge of implementation in the field; Although the legal framework is adequate, research shows that there is still a gap between rules and practices, including in terms of the availability of facilities, competent human resources, and public and medical personnel's understanding of the rights of ODGJ. This condition shows the need to further strengthen regulations through regulatory harmonization, more intense socialization, and supervision of legal implementation so that normative arrangements do not only become legal texts but are truly realized in access to health services for ODGJ throughout Indonesia.

Conclusion

Law No. 17 of 2023 concerning Mental Health provides a strong legal basis to protect the rights of patients with mental disorders (ODGJ) in Indonesia, the implementation of these rights still faces various significant challenges. Key obstacles include the limited number of trained human resources in the field of mental health, lack of adequate facilities, and the social stigma that continues to be attached to patients with mental disorders. This stigma is often a major barrier to providing access to health services that are in line with patients' rights, even within the hospital environment. Discriminatory

²¹ Irsyam Risdawati. (2024). Informed Consent in Medical Practice with a Value of Justice Approach. Bekasi: PT Dewangga Energi International.

²² Fisca Amanda, Ramadhana, Majda El Muhtaj. (2024). The Fulfillment of the Health Rights of People with Abandoned Mental Disorders Reviewed from Law No. 18 of 2014 concerning Mental Health in the City of Medan. *Journal of Education and Teaching Review*, Vol 7 (4). 15257- 15268

practices and a lack of understanding of the importance of respecting the rights of mentally ill patients are still found in many health facilities. On the other hand, although there are regulations that clearly govern the right of ODGJ to receive dignified and non-discriminatory services, the gap between legal norms and realities on the ground suggests that there is still an urgent need to strengthen governance and resources in hospitals. This strengthening must include improving the competence of medical personnel in the field of mental health and the provision of facilities that meet the standards of mental health services. In addition, a reformulation of standard operating procedures (SOPs) and a clearer and more structured patient rights protection mechanism is needed to ensure that patients' rights are properly maintained during the treatment process.

To ensure more inclusive and equitable access to services, strengthening health insurance schemes such as BPJS Kesehatan is a very important step. The government must ensure that ODGJ can obtain adequate health insurance without discrimination, especially in areas that have limitations in health facilities and access. Stronger social support, both from the government, the community, and the family, is also needed to create a more supportive environment for the ODGJ recovery process. In addition, stigma reduction strategies through mental health education and literacy programs in the community and among medical personnel can reduce misconceptions and stigma against ODGJ, as well as pave the way for the community to be more open in providing support to patients with mental disorders. To achieve the optimal implementation of the rights of ODGJ patients, it is necessary to synergize between strong regulations, strengthening the capacity of health facilities, changing social attitudes, and increasing access to equitable and inclusive health services. With these measures, Indonesia can ensure that patients with mental disorders receive dignified, effective, and non-discriminatory services, and can function optimally in society.

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