

# Study on the Implementation of the Rights of Patients with Mental Disorders in Access to Health Services Based on Health Law No. 17 of 2023 in Hospitals

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## Abstract

This study aims to analyze the implementation of the rights of patients with mental disorders in accessing health services based on Health Law No. 17 of 2023 in hospitals. In the law, there are provisions that guarantee the right of patients with mental disorders to get decent, safe, and non-discriminatory health services. However, there are still challenges in the implementation of this policy in the field, especially related to facilities and quality of services provided to patients with mental disorders in hospitals. This research focuses on measuring the extent to which hospitals can fulfill these rights in accordance with the provisions of the Health Law. The method used in this study is a qualitative approach with in-depth interviews with medical personnel, hospital management, and patients with mental disorders and their families. The data obtained was analyzed to evaluate the suitability between the policies implemented in hospitals and the principles contained in the law related to the rights of patients with mental disorders. The results of the study show that although there are efforts to improve the quality of health services for patients with mental disorders, there are still shortcomings in terms of fulfilling the right to access services in accordance with the applicable legal provisions. Furthermore, this study identifies several factors that affect the implementation of the rights of patients with mental disorders, including limited facilities, lack of trained human resources, and lack of awareness from hospitals about the importance of non-discriminatory treatment of patients with mental disorders. In addition, there are also cultural factors and social stigma that are still developing in society, which also affect the provision of health services for patients with mental disorders. Therefore, this study provides recommendations related to the efforts that need to be made by hospitals and the government in ensuring fairer and more comprehensive access to health services for patients with mental disorders. In conclusion, although Health Law No. 17 of 2023 provides a strong legal basis for the fulfillment of the rights of patients with mental disorders, implementation in the field still faces various challenges. Therefore, there is a need to evaluate and improve the health service system in hospitals, as well as strengthen regulations and policies that support the fulfillment of the rights of patients with mental disorders so that they can receive services that are equal to other patients.

**Keywords:** Rights of Patients with Mental Disorders, Health Services, Health Law No. 17 of 2023

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## **Introduction**

### **Explanation of the Importance of Patients' Rights in Obtaining Access to Health Services**

The right of patients to access health services is one of the basic principles in a humane and equitable health system. Every individual, without exception patients with mental disorders, has the right to obtain health services that are in accordance with their medical needs. Quality healthcare includes not only the physical aspect, but also the psychological and social aspects. Patients with mental disorders, who often experience social stigma and discrimination, require sensitive and professional treatment. According to the World Health Organization (WHO), patients with mental disorders have the right to non-discriminatory treatment and to receive adequate services that can support their recovery and reintegration into society (WHO, 2013). The importance of fulfilling the rights of patients with mental disorders is also emphasized in various national regulations, including the Health Law in Indonesia. In this context, the patient's rights include not only the right to a proper diagnosis and treatment, but also the right to be protected from adverse treatment as well as the right to receive adequate health services in hospitals and other health facilities. According to Nursalam (2018) in her book *Nursing Management: Applications in Clinical Practice*, the fulfillment of patient rights in the context of mental disorders must be paid more carefully to it, considering that patients in this condition often have difficulties in communicating and understanding the care they need.

The provision of appropriate access to health services for patients with mental disorders is not only related to government policies, but also involves the role of hospitals, medical personnel, and the wider community. Neglect of patients' rights, especially those related to mental disorders, can worsen a patient's mental health condition and prolong his or her recovery. As the understanding of the importance of mental health grows, awareness to protect the rights of mentally ill patients is also increasing. This is in line with the opinion of Sadock & Sadock (2007) in Kaplan & Sadock's *Synopsis of Psychiatry*, which emphasizes that the rights of patients with mental disorders must always be respected and fulfilled in order for the healing process to take place optimally.

### **An overview of health regulations in Indonesia,**

Health regulations in Indonesia are regulated by various laws and government regulations that aim to provide legal protection and certainty for all citizens in getting access to proper and quality health services. One of the latest regulations is Health Law No. 17 of 2023, which replaces Health Law No. 36 of 2009. Health Law No. 17 of 2023 aims to improve the quality and reach of health services in Indonesia, by emphasizing the importance of patient rights, equal access to health services, and protection of people's mental and physical health. This law also regulates various aspects related to patients' rights, the provision of health facilities, and the regulation of competent medical personnel to serve the community professionally and ethically. More specifically, Health Law No. 17 of 2023 also includes policies that support public health, including protection for patients with mental disorders. In this context, this regulation affirms the rights of patients to receive health services that are in accordance with standards, as well as regulates the procedures and procedures that must be followed by hospitals and health facilities in providing services. This aims to create a more inclusive health system, where all levels of society, including individuals with mental disorders, can have equitable and quality access to health services.

The selection of topics related to the implementation of the rights of patients with mental disorders in access to health services in hospitals is based on the importance of ensuring equal and non-discriminatory treatment of patients with mental disorders. Patients with mental disorders often face greater challenges in accessing health services that meet their needs, both in terms of facilities, trained medical personnel, and social stigma that is still growing in society. On the other hand, Health Law No. 17 of 2023 provides a strong legal basis to ensure that the rights of patients, including patients with mental disorders, can be optimally fulfilled. This study

aims to evaluate the extent to which this policy is implemented in hospitals and to identify possible barriers to the provision of fair and quality services for patients with mental disorders. Through this study, it is hoped that solutions can be found to improve the accessibility and quality of health services for this group of patients.

This research has high relevance in the context of improving the health service system for patients with mental disorders, given the urgent need to improve the quality of health services that are inclusive and responsive to the psychological condition of patients. Although there are regulations that guarantee the rights of patients with mental disorders, implementation in the field often encounters various obstacles, such as limited facilities, lack of trained medical personnel, and the social stigma inherent in patients with mental disorders. Through this research, it is hoped that it can provide deeper insight into the challenges faced by hospitals in fulfilling the rights of patients with mental disorders and offer policy recommendations that can improve the health care system. Thus, this research contributes to efforts to create a fairer, more equitable, and quality healthcare system for all patients, especially those facing mental disorders.

### **Problem Formulation**

1. How is the implementation of the rights of patients with mental disorders in accessing health services in hospitals based on Health Law No. 17 of 2023?
2. What are the obstacles faced in the implementation of the rights of patients with mental disorders in hospitals?
3. What is the role of the Health Law No. 17 of 2023 in improving access to health services for patients with mental disorders?

### **Research Objectives**

The purpose of this study is to analyze the implementation of the rights of patients with mental disorders in accessing health services based on the Health Law No. 17 of 2023, focusing on the extent to which hospitals have fulfilled these rights in accordance with applicable regulations. This research also aims to identify the challenges and obstacles faced by hospitals in providing equitable and inclusive health services for patients with mental disorders, both in terms of policies, facilities, and human resources. In addition, this study will provide practical recommendations to improve the implementation of the rights of patients with mental disorders in hospitals, so that patients receive proper services and in accordance with the standards set by legal regulations, and support their recovery optimally.

### **Research Benefits**

The benefits of this research are very significant for various related parties. For hospitals, this study provides input to improve the quality of health services for patients with mental disorders, focusing on fulfilling patients' rights in accordance with applicable legal provisions. For policymakers, this study provides valuable information regarding the effectiveness of the Health Law No. 17 of 2023 in protecting the rights of patients with mental disorders, as well as identifying areas that need to be improved in its implementation. For the community, this research contributes to raising awareness of the importance of the rights of mentally ill patients in the health system, as well as encouraging more inclusive and non-discriminatory treatment of individuals with mental disorders, which can ultimately create a society that is more concerned and respectful of mental health.

### **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 dignity

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. 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 dignity. 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 support. The main emphasis on these articles is to ensure that every 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.

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.

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 member

### **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 life and be free from psychosocial pressure, in accordance with the mandate of the Health Law which places mental health efforts as a priority part of inclusive health efforts throughout the life 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"

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**

#### **Implementation of the Rights of Patients with Mental Disorders in Hospitals**

The implementation of the rights of patients with mental disorders in hospitals based on the Health Law No. 17 of 2023 stipulates that patients with mental disorders have the right to receive health services that are equivalent to other patients, including humane, safe, and non-discriminatory treatment. Hospitals as health service providers have an obligation to ensure that the rights of patients with mental disorders are fulfilled in accordance with the provisions of the law. This includes access to adequate healthcare facilities, the fulfillment of medical needs, and the protection of patient privacy and dignity. Health Law No. 17 of 2023 also requires hospitals to provide medical personnel who are trained in handling patients with mental disorders and ensure that the services provided are rehabilitative and support patient recovery in a safe environment. However, despite the clear legal framework, the implementation of the rights of patients with mental disorders in hospitals is inseparable from various achievements and

obstacles. In some hospitals, there are efforts to improve the quality of services for patients with mental disorders, such as the provision of more friendly treatment rooms for patients with mental disorders, as well as the training of medical personnel in handling patients with these special needs. However, the main obstacle faced is the limitation of facilities and human resources. Some hospitals still lack trained medical personnel to treat mental disorders comprehensively, and there is still a social stigma towards patients with mental disorders that can affect the quality of services provided.

In addition, although there are already policies governing the rights of patients with mental disorders, another challenge that arises is the lack of awareness and understanding among medical workers and the general public regarding the importance of non-discriminatory treatment of patients with mental disorders. Some hospitals have not been able to fully implement these principles, especially in areas with limited health facilities. Therefore, periodic evaluations of the implementation of this policy are needed to ensure that the rights of patients with mental disorders can be optimally fulfilled and that hospitals can provide services in accordance with the standards set by Health Law No. 17 of 2023.

### **Factors Affecting Implementation**

Internal factors that affect the implementation of the rights of patients with mental disorders in hospitals include human resources, staff training, and the hospital's own policies. Human resources who are trained and have specialized expertise in dealing with patients with mental disorders are essential to ensure that the services provided are in accordance with the set standards. Training hospital staff in understanding the specific needs of patients with mental disorders, both medically and psychologically, is also a key factor in improving the quality of services. In addition, hospital policies that support equitable and inclusive treatment for patients with mental disorders also play a major role in encouraging effective implementation. Without clear and supportive policies, patients' rights will not be able to be implemented to the fullest.

On the other hand, external factors such as government regulations, community support, and available facilities also affect the implementation of the rights of patients with mental disorders in hospitals. Government regulations that regulate the protection of patients' rights, such as Health Law No. 17 of 2023, provide a strong legal basis for hospitals to carry out their obligations. However, the effectiveness of these regulations is highly dependent on proper implementation on the ground, which requires support from various parties. Community support, including raising awareness of the importance of the rights of mentally ill patients, is also important to reduce the social stigma that is often an obstacle to treatment. In addition, the availability of adequate facilities, such as specialized treatment rooms and appropriate medical equipment, also greatly affects the quality of services provided to patients with mental disorders.

### **The Impact of Implementation on Access to Health Services**

The implementation of the rights of patients with mental disorders in accordance with Health Law No. 17 of 2023 has a significant impact on the quality and sustainability of access to health services for these patients. With legal protections that ensure patients' rights to equal and quality services, patients with mental illness can receive better medical care, which has a direct impact on improving their well-being and recovery. The implementation of these rights can also reduce social stigma and discrimination against patients with mental disorders, so that they feel more valued and accepted in the health system. In addition, the implementation of good patient rights can encourage hospitals to improve facilities and training for medical personnel, ensure sustainable and non-discriminatory access for patients with mental disorders in the long term, and create a health care system that is more inclusive and responsive to mental health needs.

### **Analysis of Conformity with Health Law No. 17 of 2023**

The implementation of hospital policies in providing health services for patients with mental disorders needs to be analyzed to assess the extent of its conformity with the provisions listed in Health Law No. 17 of 2023. This law emphasizes the importance of protecting patients' rights to equal, safe, and non-discriminatory services, as well as access to adequate medical facilities. Hospitals, as healthcare providers, are expected to meet the standards set by the law, including the provision of medical personnel trained in handling patients with mental disorders and treatment spaces that suit their needs. Although some hospitals have implemented policies that comply with these provisions, challenges such as limited facilities, lack of staff training, and social stigma towards patients with mental illnesses remain barriers to achieving full compliance. Therefore, there is a need for evaluation and improvement efforts so that hospital policies can be more in accordance with the provisions of the law and ensure that the rights of patients with mental disorders are optimally fulfilled.

### **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 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-making. 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 services. The importance of providing sufficient information to patients, which is their 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 writing. 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 service.

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 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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