

## The Constitutionality of Citizens' Mental Health Rights: A Study of Suicide Prevention Policies in Gunungkidul Regency

*(Konstitusionalitas Hak Kesehatan Jiwa Warga Negara: Studi Kebijakan Penanggulangan Bunuh Diri di Kabupaten Gunungkidul)*

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**ABSTRACT:** The high suicide rate in Gunungkidul has caused the Regional Head to issue Regent Regulation Number 56 of 2018 as a policy to deal with suicide cases. This step is a concrete way to deal with and prevent massive suicides in a systematic way. The average number, which reaches 20 to 30 cases each year, shows that the problem of suicide is no longer an individual problem, but a social-human tragedy. This research will discuss how the implementation of suicide prevention policies is a form of the state's role in protecting citizens' constitutional rights in the field of mental health through an interdisciplinary approach as an integrated perspective to see the purpose of establishing a law. This research is included in empirical research and uses a socio-legal approach. Data collection was obtained through primary data including interviews, observation, documentation and secondary data through related literature studies. The results of the study show that in terms of effectiveness, the suicide prevention policy has not run optimally based on a comparison of suicide rates before and after the enactment of the policy. Factors that influence include the coordination of officials, facilities, and social support, apart from that the pandemic situation also has an effect. Conceptually and practically, suicide prevention policies are an effort to uphold citizens' constitutional rights through strengthening the mental health aspects of society by integrating formal and informal social control to achieve effective law according to its goals.

**ABSTRAK:** Angka bunuh diri di Gunungkidul yang cukup tinggi, menyebabkan Kepala Daerah mengeluarkan Peraturan Bupati Nomor 56 Tahun 2018 sebagai kebijakan untuk menangani kasus bunuh diri. Langkah tersebut menjadi wujud nyata untuk menangani dan mencegah masifnya bunuh diri secara sistematis. Jumlah rata-rata yang mencapai angka 20 hingga 30 kasus setiap tahun, menunjukkan persoalan bunuh diri bukan lagi masalah individu, melainkan telah menjadi tragedi sosial-kemanusiaan. Penelitian ini akan membahas bagaimana implementasi kebijakan penanggulangan bunuh diri, sebagai peran negara dalam melindungi hak konstitusional warga negara di bidang kesehatan jiwa, melalui pendekatan interdisipliner sebagai *integrated perspective* untuk melihat tujuan hukum ditetapkan. Penelitian ini termasuk ke dalam penelitian empiris dan menggunakan pendekatan sosio-legal. Pengumpulan data diperoleh melalui data primer meliputi wawancara, observasi, dokumentasi serta data sekunder melalui studi literatur terkait. Hasil penelitian menunjukkan dari sisi efektivitas, kebijakan penanggulangan bunuh belum berjalan optimal berdasarkan perbandingan angka bunuh diri pra hingga pasca ditetapkannya kebijakan tersebut. Faktor yang mempengaruhi antara lain koordinasi aparat, fasilitas, dan dukungan sosial, selain itu situasi pandemi turut serta berpengaruh. Secara konseptual dan praktik, kebijakan penanggulangan bunuh diri menjadi upaya penegakan hak konstitusional warga negara melalui penguatan aspek kesehatan jiwa masyarakat dengan integrasi pengendalian sosial formal dan informal untuk tercapainya hukum yang efektif sesuai tujuannya.

### Keywords:

constitutionality;  
Gunungkidul;  
mental health;  
policies;  
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### Kata Kunci:

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## 1. Introduction

The high number of suicide cases in Gunungkidul Regency, Special Region of Yogyakarta, has become a phenomenon that has raised the attention of all parties, in this case the Regent as the head of local administration, through the establishment of a suicide prevention policy in the Gunungkidul Regent Regulation (Perbup) Number 56 of 2018 concerning Suicide Prevention (Gunungkidul Regency Regional Gazette of 2018 Number 56). This rule was taken based on the consideration that the phenomenon of suicide cannot be considered as an ordinary occurrence, but has rather become a massive social problem and needs to be dealt with in a structured and systematic way. This can be seen from the description of the cases in the table below.

**Table 1. Average Suicide Cases**

No	Year	Number of Cases (In Years)
1	2001 - 2017	20 – 30 Cases/Year
2	2018	33 Cases
3	2019	33 Cases
4	2020	29 Cases
5	2021	38 Cases

*Source: IMAJI, GK Police & News*

**Table 2. Suspected Factors for Suicide**

No	Allegation Factor
1	Psychological Factor: Mental Pressure such as Depression
2	Economic Factor
3	Health Factors: Pain that does not go away
4	Family Problem Factor

*Source: IMAJI, GK Police & News*

The general description of the problems above, viewed from the perspective of legal theory, will lead to how the mechanism for protection and safety of a person's soul is a constitutional right that must be guaranteed by the state, in this case the government, through policy instruments. This framework of thought is a legal relationship and human rights that go hand in hand. Law becomes an instrument or tool, while human rights are one of the basic substances of how law is directed and functioned. Legal protection is the basic construction of why a rule is considered necessary to exist or exist in society as an object to be regulated. In addition, the function of law as a means of protection can be used for social control or social engineering in accordance with the purpose for which the regulation was stipulated, so that society can be directed according to legal objectives.

Literature studies on studies with similar themes show the need for national policy elaboration on mental health protection and its correlation with the phenomenon of suicide.<sup>1</sup> On the other hand, a study of the effectiveness of suicide prevention policies in Gunungkidul shows that the implementation of regulations in the field has not been maximized by looking at the influencing factors.<sup>2</sup> In its development, the Gunungkidul Regency Regulation No. 56 of 2018 concerning Suicide Management was amended with the Regional Head Regulation Number 18 of 2022. After this change, in terms of implementation, results were found that were not optimal due to factors of facilities and apparatus.<sup>3</sup> Suicide seen from the aspect of human rights shows that the principle of human rights

- 1 Nadya Khozi Thalib. "Ratio Legis Dalam Pembentukan Peraturan Bupati Gunungkidul Nomor 56 Tahun 2018 tentang Penanggulangan Bunuh Diri." (Skripsi, Universitas Atma Jaya Yogyakarta, 2020).
- 2 Enggar Wijayanto, "Analisis Kebijakan Pemerintah Kabupaten Gunungkidul Dalam Menanggulangi Kasus Bunuh Diri (Studi Peraturan Bupati Gunungkidul Nomor 56 Tahun 2018)" (Skripsi, Universitas Islam Negeri Sunan Kalijaga Yogyakarta, 2022).
- 3 Beta Nur Rendra, "Analisis Yuridis dan Implementasi Peraturan Bupati Nomor 18 Tahun 2022 tentang Perubahan Atas Peraturan Bupati Gunungkidul Nomor 56 Tahun 2018 tentang Penanggulangan Bunuh Diri Terhadap Pengendalian Bunuh Diri di Kabupaten Gunungkidul" (Skripsi, Universitas Islam Indonesia Yogyakarta, 2022).

regarding mental health and safety is an integral part of the relevant laws and regulations.<sup>4</sup> Problems of citizens such as suicide cases are inseparable from how the function of the state which has the primary responsibility for administering health affairs both through social security and operational support facilities.<sup>5</sup>

From the various explanations above, the significance of the study in this study will discuss the implementation of Gunungkidul Regional Government policies in responding to and overcoming the problem of suicide in terms of protecting citizens' constitutional rights guaranteed by the constitution and laws and regulations under it to provide protection and realize prosperity live physically and spiritually, as mandated in Article 28H paragraph (1) of the 1945 Constitution of the Republic of Indonesia. The main focus of this research emphasizes the responsibility for protecting mental health, with a high enough suicide rate in Gunungkidul to examine the function of government policy in engineering society to comply with legal objectives. In addition, solving problems based on a socio-cultural approach into an integrated interdisciplinary perspective is the second focus of this research. This can be understood, namely the importance of bringing a new paradigm, especially in the development of human resources, which does not only meet physical needs, without paying attention to psychological and spiritual needs. The case of suicide and the existence of a suicide prevention policy in Gunungkidul Regency is a small illustration of why and to what extent the state needs to be present to pay attention to the welfare of its citizens holistically.

The discussion will be divided into two discussions. In the first discussion, policies on suicide prevention and protection of mental health rights will be elaborated in detail. Furthermore, the implementation of constitutional rights in efforts to strengthen mental health in Gunungkidul Regency will be discussed in depth in the second part.

## 2. Research Method

This type of research uses empirical models or field research based on case studies. The approach used is socio-legal, namely looking at the workings of law with various social science approaches.<sup>6</sup> The way to collect information or research data is carried out through interviews, observation, and documentation as primary data. Furthermore, this research is supported by library data which includes laws and regulations, books, scientific papers, news, and other sources that support the analysis in this study. Data analysis techniques use qualitative methods, namely looking at the contents of legal regulations which are used as references in solving problems that are the object of study.<sup>7</sup>

## 3. Discussion

### 3.1 Policy on Suicide Prevention and Protection of Mental Health Rights

The phenomenon of suicide that occurs massively in the Gunungkidul Regency area every year encourages the Regional Government, in this case the Regent, to issue policy breakthroughs to deal with the cases that occur. The issuance of a policy on suicide prevention is a strategic step for the Regional Government to suppress and minimize the risk of similar suicides. The existence of this policy is a manifestation of the attention of the state through the Regional Government in addressing problems that occur in society, as well as being a legal umbrella for efforts to deal with them in a structured and systematic manner.

This is inseparable from the factor of citizens' rights which are included in human rights to be fulfilled properly. Article 28H paragraph (1) of the 1945 Constitution of the Republic of Indonesia states that "every person has the right to live in physical and spiritual prosperity, to have a home and to have a good and healthy environment and has the right to obtain health services".

More specifically, Law Number 18 of 2014 concerning Mental Health provides a definition of mental health which in essence is a state of how a person or individual can develop themselves both physically, mentally,

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4 Siti Ngainnur Rohmah, "Upaya Preventif Terhadap Perilaku Percobaan Bunuh Diri dalam Tinjauan Hak Asasi Manusia," *ADALAH Buletin Hukum & Keadilan* 4, no. 3 (2020).

5 Lefri Mikhael, "Tanggung Jawab Negara dalam Pemenuhan Hak Atas Kesehatan Jiwa Dihubungkan dengan Hak Asasi Manusia," *Jurnal HAM* 13, no. 1 (27 April 2022): 151, <https://doi.org/10.30641/ham.2022.13.151-166>.

6 Jonaedi Efendi dan Jhonny Ibrahim, *Metode Penelitian Hukum Normatif Dan Empiris* (Jakarta: Kencana, 2016), 153.

7 Zainuddin Ali, *Metode Penelitian Hukum* (Jakarta: Sinar Grafika, 2019), 107.

spiritually and socially and has the ability to cope with pressure, be productive at work, and have a role in a particular community.<sup>8</sup> The understanding given by the Mental Health Law provides an understanding that mental health is closely related to the condition of individuals to develop themselves in a particular community and to be able to make a real contribution with other individuals. Therefore, one of the objectives of having mental health efforts in Article 3 letter a is to guarantee that “Everyone can achieve a good quality of life, enjoy a healthy mental life, free from fear, pressure and other disturbances that can interfere with mental health.”<sup>9</sup>

Judging from the legislative process, the establishment of Gunungkidul Regency Regulation Number 56 of 2018 as amended by Regulation of Regency Number 18 of 2022 with reference to Law Number 23 of 2014 concerning Regional Government. In it, regional heads have the authority to set regional head regulations.<sup>10</sup> In addition, in the Gunungkidul Regional Regulation Number 6 of 2016 concerning Regional Government Affairs, Article 4 Paragraph (1) letter b states that basic health services are mandatory matters that must be carried out by local governments.<sup>11</sup> Therefore, there is authority that must be carried out by the Regional Head, especially in carrying out health affairs for the community, classified as basic or primary needs.

From the ratio legis aspect, the Suicide Prevention Policy in Gunungkidul is a legal requirement regarding guarantees for life protection and social welfare both materially and morally. This can be measured from the background which is the trigger for the massive suicide rate in the region. From a philosophical basis, matters of mental health and safety are aspects that are protected by the Constitution, especially regarding Human Rights (HAM), so that a life of physical and spiritual prosperity is a basic need for every citizen whose fulfillment must be protected and guaranteed.

Furthermore, from a sociological basis, Regent Regulation Number 56 of 2018 seeks to reduce the high death rate due to suicide, because this has occurred massively and over a long period of time, so concrete efforts are needed to solve problems that threaten the safety of individual souls in a community. public. The occurrence of suicide cases in the near future, and massive ones, of course, must be seen as a social tragedy whose resolution requires efforts from all parties, especially from the local government. This means that the formation of these policies is a complex legal requirement in society that must be addressed. The last aspect regarding the juridical basis, seen from the theory of the norm level, the District Head's Regulation on Suicide Prevention is included in the type of legislation that is recognized for its existence. This is based on the basis of higher laws and regulations.<sup>12</sup> Therefore, it is the responsibility of the regional head to form a regional head regulation, especially the Gunungkidul Regent, in order to overcome the problem of suicide in his jurisdiction.

However, the main significance in this paper is how the implementation of suicide prevention policies is seen from the function of protecting citizens' constitutional rights related to mental health. In terms of substance, Gunungkidul Regency Regulation No. 56 of 2018 regulates various provisions and mechanisms for dealing with suicide. According to Article 1 number 6, Suicide Prevention is “efforts aimed at overcoming the problem of suicide including prevention, outreach, treatment, and social rehabilitation.”<sup>13</sup>

To carry out these efforts, Article 1 point 14 describes the Suicide Management Team formed by the Regent to formulate various efforts and strategies to address and prevent suicides through cross-sectoral coordination.<sup>14</sup>

One of the important objectives of this policy can be seen in Article 2 paragraph (2) letter d, namely tackling suicides and/or attempted suicides and recovering suicide survivors and/or people affected by suicides. Furthermore, efforts to prevent suicide are more specifically explained in Article 6 paragraph (1) where prevention can be carried out by: a. Public health Office; b. Hospital; c. Public health center; d. Health workers; e. Health Cadres; f. Public; and g. Family. Meanwhile, paragraph (2) explains as follows:

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8 Article 1 point 1, Law Number 18 of 2014 concerning Mental Health.

9 Article 3 letter a, Law Number 18 of 2014 concerning Mental Health.

10 Article 246 paragraph (1), Law Number 23 of 2014 concerning Local Government.

11 Article 4 paragraph (1) letter b, Gunungkidul Regional Regulation Number 6 of 2016 concerning Regional Government Affairs.

12 Maria Farida Indrati, *Ilmu Perundang-undangan 1 Jenis, Fungsi, Materi Muatan Edisi Revisi* (Yogyakarta: Kanisius, 2020), 23.

13 Article 1 number (6), Gunungkidul Regency Regulation No. 56 of 2018 concerning Suicide Prevention as amended by Regional Head Regulation Number 18 of 2022

14 Article 1 number (14), Gunungkidul Regency Regulation Number 56 of 2018 concerning Suicide Prevention as amended by Regional Head Regulation Number 18 of 2022.

- a. Early detection of suicide risk in the community;
- b. Improvement of the basic ability of families to prevent suicide in order to overcome the risk of suicide;
- c. Communication, information, and education to the public about community mental health resilience and the risk of suicide and its attempts; and
- d. Monitoring of people at risk of suicide, suicide survivors, and people affected by suicide and their families.

From these various normative reviews, the main issues regarding suicide that often occur in Gunungkidul Regency cannot be simply attributed to one factor, instead a holistic approach is needed to obtain an objective view apart from what happens outside of a human's reason. Often the problem of suicide is only seen as an individual psychic phenomenon along with internal problems that are difficult to reveal through a wider lens, so this encourages the perception of the wider community with the "Suicide" paradigm as a personal or "individual" problem. However, the fact is that there are various root causes that can cause someone to think about committing suicide.<sup>15</sup>

Through interviews with relevant parties at the research location, the perpetrator's background is the first aspect that must be examined to find out why a person intends to end his life in tragic ways. Various methods were used to commit suicide including hanging himself, drinking poison, jumping into a luweng (a large and deep hole in the middle of a forest), and jumping into a well. However, of all these factors, the most common method of suicide is hanging. The age of the perpetrators of suicide can be divided into young, middle age, and old age categories.

Furthermore, the root of the trigger that can lead a person to try to end his life can be classified into two, namely factors from within the person himself (internal) and external factors concerning the circumstances in which the person is located (external). Internal factors in this case are seen as the perpetrator's personal changes to the surrounding environment from being cheerful to being more reserved, often resorting to self-isolation, and reluctance to socialize for long periods of time. In addition, changes can also be seen physically (physiologically) such as looking thin and lack of self care. External factors include family and local society.<sup>16</sup> In addition, a person's tendency to commit suicide cannot be identified clearly and specifically, this is due to the paradigm of covering oneself and the outward appearance that looks normal. The persistence of the stigma that talking about suicidal ideation means a lack of sanity or a lack of faith is still a challenge to the effectiveness of suicide prevention programs. Such a stigmatization model has the potential to cause someone to be reluctant to open up about what they really feel.<sup>17</sup>

Factors that cause suicide above are influenced by things such as chronic or prolonged illness, elderly whose children have migrated, relationship problems in the household, and romance.<sup>18</sup>

From a psychological point of view, based on interviews with psychologists, there are three important aspects why suicide has the potential to occur, namely: a. Low mental health literacy, b. Openness and communication, and c. affective function.<sup>19</sup> On the other hand, suicide cases in Gunungkidul cannot be separated from the myth that has developed and is quite firmly rooted in society, namely the myth about Pulung Gantung which is considered a sign of impending suicide.<sup>20</sup> If you look at it, the cumulative number of suicides in Gunungkidul in the last 20 years is as follows:

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15 Soetji Andari, "Fenomena Bunuh Diri di Kabupaten Gunungkidul," *Sosio Konsepsia* 7, no. 1 (30 Januari 2018): 92–108, <https://doi.org/10.33007/ska.v7i1.1141>.

16 Results of interviews with representatives of IMAJI GK, a non-governmental organization that focuses on helping suicides in Gunungkidul, in November 2021.

17 Ayu Ariyana Mulyani dan Wahyu Eridiana, "Faktor-Faktor yang Melatarbelakangi Fenomena Bunuh Diri di Gunungkidul," *SOSIETAS* 8, no. 2 (7 Januari 2019): 512, <https://doi.org/10.17509/sosietas.v8i2.14593>.

18 Mulyani dan Eridiana, "Faktor-Faktor yang Melatarbelakangi Fenomena Bunuh Diri di Gunungkidul."

19 Interview with Mrs. AP, a psychologist in Gunungkidul Regency, in November 2021.

20 Tatag Maulana Ali, "Studi Kasus tentang Bunuh Diri di Gunung Kidul: Antara Realitas dan Mitos Pulung Gantung," *Wacana* 13, no. 1 (11 Februari 2021): 82–103, <https://doi.org/10.13057/wacana.v13i1.192>.

**Table 3. Suicide Case Rate Between 2001-2017**

No	Year	Number of Cases
1	2001	18 Cases
2	2002	26 Cases
3	2003	29 Cases
4	2004	29 Cases
5	2005	27 Cases
6	2006	30 Cases
7	2007	39 Cases
8	2008	37 Cases
9	2009	28 Cases
10	2010	27 Cases
11	2011	28 Cases
12	2012	30 Cases
13	2013	25 Cases
14	2014	19 Cases
15	2015	33 Cases
16	2016	33 Cases
17	2017	33 Cases

*Source: IMAJI Foundation, 2021.*

**Table 4. Suicide Cases in 2018-2021**

No	Year	Number of Cases
1	2018	33 Cases
2	2019	33 Cases
3	2020	29 Cases
4	2021	38 Cases up to December

*Source: IMAJI and Gunungkidul Police, 2021.*

The latest data in 2022 records the number of suicides reaching 30 cases, in this case there is a decrease from the previous year.<sup>21</sup> However, there is still stagnation in the average number of cases above 20. In terms of implementation in the field, the existence of Regent Regulation Number 56 of 2018 has not been fully optimal if you look at the comparison of the accumulated suicide rate that occurred between before the issuance of the regulation, until after. The ineffectiveness of the suicide management policy is due to the hampered local action plans due to the COVID pandemic situation and regional elections, the inadequate number of law enforcement resources due to the size of the area, health support facilities, social support, and community culture in responding to the new paradigm of solving the problem of suicide based on a structured and systematic matter with regard to the delivery model of policy substance.<sup>22</sup> These results are in line with the concept of legal effectiveness which can be influenced by several factors such as: 1. Legal factors, 2. Law enforcement, 3. Facilities or facilities, 4. Society, and 5. Culture.<sup>23</sup> These five factors need to be seen on an ongoing basis, because one factor with another will be interrelated.

Apart from that, to carry out the suicide prevention program, a special team has been formed under the regent's authority, namely the "Dare to Live Task Force". The team is tasked with suppressing and preventing

21 "Tercatat 30 Kasus Bunuh Diri Dilaporkan di Gunungkidul Selama 2022," *Tribun News*, 2 Januari 2023, <https://jogja.tribunnews.com/2023/01/02/tercatat-30-kasus-bunuh-diri-dilaporkan-di-gunungkidul-selama-2022>., diakses 5 Januari 2023.

22 Interview with IMAJI Representatives.

23 Serlika Aprita, *Sosiologi Hukum* (Jakarta: Kencana, 2020), 167.

similar cases from happening again through cross-sectoral coordination. However, the existence of this team has not shown a maximum role, when viewed from the pre- and post-suicide rates of suicide prevention policies. Situation factors due to the Covid-19 Pandemic have also hampered the implementation of suicide prevention programs, due to restrictions on social interaction and mobility between regions to suppress the spread of the corona virus.<sup>24</sup> However, the local government has made policy changes in Gunungkidul Regency Regulation No. 18 of 2022, where Article 1 point 14 has changed the definition of a suicide prevention team, becoming a Community Mental Health Implementation Team (TP-KJM).<sup>25</sup>

The above problems are affected by the lack of cross-sectoral coordination which has not been maximized.<sup>26</sup> Article 6 paragraph (1) of Regent Regulation Number 56 of 2018 explains how the structure of handling suicide is seen from who and what authority they have.<sup>27</sup> The function of the apparatus as law enforcers plays a central role, how can the policies that have been set be well understood by the community through socialization or various other approaches.<sup>28</sup> The next supporting factor for effectiveness is the means or facilities to support the policy, in this case not being maximized to reach the Gunungkidul area with a sizeable area. These facilities are specifically related to health facilities such as mental hospitals, and/or counseling clinics that actually exist but are not optimal. This is caused by another factor, namely the number of human resources, especially those with a mental health background, including psychologists and psychiatrists, which still needs improvement.

Other factors such as community participation in the implementation of suicide prevention policies have a role that can be directed to foster support and achieve optimism in individuals. The pattern of approach taken in a formally structured manner by law enforcement officials is often constrained by the public's understanding of the main issues that occur. This, according to Emile Durkheim, is caused by the social system not only seen from a collective aspect, but needs to be reviewed from the role of each individual in the community because each individual occupies a position and has a role.<sup>29</sup> This opinion explains how the identity of an individual who has merged with his community causes suicide to be seen as a personal matter regardless of the situation around which the individual is located, considering that orientation towards suicide does not only come from internal factors but can also be influenced by external factors. The importance of directing social functions to create support for people at risk of suicide, suicide survivors, and people affected by suicide is simply aimed at minimizing the risk of similar events happening again. The process of outreach and monitoring of mental health, and education on suicide risk prevention and mental health development. However, in this case, the Covid-19 Pandemic situation is a separate obstacle in carrying out the functions as described above, considering that in 2020 to 2021, Covid-19 cases are still quite high.

In addition, cultural factors become one of the determinants of how policies should be implemented. Friedman in his conceptual theory of the legal system explains that the existence of law has a correlation with non-legal factors, which Friedman calls social forces. That context is what is ultimately called legal culture, where the culture contains social values and attitudes.<sup>30</sup> The need for integration of law enforcement in society cannot be separated from developing norms, other than rules or policies made by the government. Only the application of formal structural-based policies will reduce flexibility in this case, legal culture can be conceptualized as an approach to conveying legal norms contained in a policy by state officials, and directing it to the public to raise legal awareness so that the objectives of the policy can be achieved properly. This is related to law as a social system, so it is necessary to accommodate various aspects such as culture, social groups, social institutions, power, authority, social processes and existing social changes.<sup>31</sup>

From the point of view of legal protection as the aim of tackling suicide in Article 2 Paragraph (2) letters e and f in Gunungkidul Regent Regulation Number 56 of 2018, namely: 1) Eliminate discrimination and stigmatization

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24 Interview with Representatives of the IMAJI Foundation, November 2021.

25 See Article 1 point (14), Gunungkidul Regency No. 18 of 2022 concerning Amendments to Gunungkidul Regency Regulation Number 56 of 2018 concerning Suicide Prevention.

26 "Pergerakan Satgas Berani Hidup untuk Tekan Angka Kasus Bunuh Diri di Gunungkidul Terbilang Minim," *Tribun News*, 2 Maret 2021, <https://jogja.tribunnews.com/2021/03/02/pergerakan-satgas-berani-hidup-untuk-tekan-angka-kasus-bunuh-diri-di-gunungkidul-terbilang-minim>, diakses 2 Januari 2023.

27 See Article 6 paragraph (1) Gunungkidul Regency Regulation Number 56 of 2018.

28 Interview with IMAJI.

29 James M. Henslin, *Sosiologi dengan Pendekatan Membumi*, 6 ed. (Jakarta: Erlangga, 2007), 7–8.

30 Lawrence M. Friedman, *Sistem Hukum: Perspektif Ilmu Sosial* (Bandung: Nusamedia, 2019), 17.

31 Soerjono Soekanto, *Pokok-Pokok Sosiologi Hukum* (Jakarta: Rajawali Pers, 2020), 170–71.

of suicide perpetrators, suicide survivors and people affected suicide incidents, and 2) Increasing understanding, awareness, and community empowerment in efforts and prevention of suicide.<sup>32</sup> Suicide incidents are not only related to individual matters, but can have implications for the surrounding conditions. The existence of a suicide prevention policy is seen from its aim to provide protection accommodation in line with the basic principles of human rights, namely freedom from fear and discriminatory treatment. The need for local government efforts to strengthen people's awareness and attitudes towards mental health issues through psychoeducation programs and integration between factors such as active participation-based suicide prevention communities, as well as strengthening the function of puskesmas to provide counseling services so that they are more controlled are the primary aspects that must be considered.<sup>33</sup>

Therefore, to achieve a safe, orderly and prosperous situation, it is necessary to foster a culture of caring for the surrounding situation, especially in facing and anticipating the potential for similar cases of suicide to occur again through local government intervention through officials who are authorized in suicide prevention policies. . As stated in Law Number 18 of 2014 concerning Mental Health, Article 4 paragraph (1) concerning mental health efforts includes: 1) promotive, 2) preventive, 3) curative, and 4) rehabilitative.<sup>34</sup> Promotive and preventive efforts place more emphasis on control aspects in order to minimize potential problems caused by a disturbed mental health condition, while curative and rehabilitative treatment focuses on control when problems occur related to a person's mental health. The need for continuous inter-sectoral efforts is the main thing in determining suicide prevention strategies and minimizing the risks and impacts that may occur from a suicide event.

Some of the descriptions above illustrate how forms of social control can be divided into two, namely social-formal and social-informal. The existence of a Perbup mechanism as a Gunungkidul Regional Government policy to address the issue of suicide is a form of formal control through written institutions and regulations, while creating social community-based support is an informal form of control.<sup>35</sup> This idea has something in common with the concept of law as a social engineering tool by Roscoe Pound, which starts from the function of law enforcement to provide a new paradigm or change an old perspective on a matter that is not in accordance with the objectives of the law to be in accordance with the reasons for the rules set.<sup>36</sup> This will lead to a positive legal culture that can support the regularity of people's lives, but it is necessary to prepare community resources that are able to understand and implement the concept of these rules.<sup>37</sup>

### **3.2 Implementation of Constitutional Rights in Efforts to Strengthen Mental Health in Gunungkidul Regency**

When viewed from a broader escalation, issues regarding mental health in Indonesia need to receive comprehensive attention. Based on Basic Health Research data for 2018, 19 million people aged 15 years experience mental-emotional disorders, and 23 million people over 15 years experience depression. In addition, based on sample registration data, in 2016 as many as 1,800 people or 5 people commit suicide every day and are of productive age.<sup>38</sup> Even though there is a Mental Health Act, in its implementation, derivative regulations are still needed as an effort to implement mental health. These regulations are needed to determine the direction of state policies on aspects of mental health to help people cope, reduce the high risk of mental health problems.<sup>39</sup>

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32 Lihat Pasal 2 ayat (2), Perbup Gunungkidul Nomor 56 Tahun 2018 sebagaimana diubah dengan Perbup Nomor 18 Tahun 2022.

33 Indriyati Eko Purwaningsih, Ryan Sugiarto, dan Sulistyo Budiarto, "Sikap masyarakat Gunungkidul terhadap perilaku bunuh diri ditinjau dari jenis kelamin dan tingkat pendidikan," *SOSIOHUMANIORA: Jurnal Ilmiah Ilmu Sosial Dan Humaniora* 8, no. 2 (12 Agustus 2022): 173–88, <https://doi.org/10.30738/sosio.v8i2.12440>.

34 Pasal 4 ayat (1), Undang-Undang Nomor 18 Tahun 2014 tentang Kesehatan Jiwa.

35 Soerjono Soekanto, *Sosiologi Suatu Pengantar* (Jakarta: Rajawali Pers, 2019), 180.

36 Akhdiat Hendra dan Rosleny Marliani, *Psikologi Hukum* (Bandung: Pustaka Setia, 2011), 290.

37 Manan Abdul, *Aspek-Aspek Pengubah Hukum* (Jakarta: Kencana, 2009), 95.

38 "Kemenkes Beberkan Masalah Permasalahan Kesehatan Jiwa di Indonesia," [kemkes.go.id](https://kemkes.go.id), Oktober 2021, <https://sehatnegeriku.kemkes.go.id/baca/rilis-media/20211007/1338675/kemenkes-beberkan-masalah-permasalahan-kesehatan-jiwa-di-indonesia/> diakses 2 Januari 2023.

39 "Jaminan Kesehatan Jiwa Perlu Aturan Turunan Dalam UU No 18 Tahun 2014," [ugm.ac.id](https://ugm.ac.id), Desember 2021, <https://ugm.ac.id/id/berita/22128-jaminan-kesehatan-jiwa-perlu-aturan-turunan-dalam-uu-no-18-tahun-2014> diakses 2 Januari 2023.

The description of the problem above shows that the issue of mental health viewed from the aspect of the constitutional rights of citizens as guaranteed by the Constitution Article 28H paragraph (1) needs to look at the broader meaning of physical and mental well-being, which can be seen from two main parameters, namely physical and mental health/spiritual. The urgency of both needs to be considered in order to achieve a good quality of life for citizens in terms of productivity. In this case, one of the functions of the constitution is to protect the basic rights of people's lives which are included as human rights.<sup>40</sup> The aspect of the relationship between mental health and human rights lies in the existence of human dignity which is often marginalized, especially for someone with psychiatric problems.<sup>41</sup>

From the various presentations of these problems, the convergence of studies on the implementation of suicide prevention policies in Gunungkidul Regency shows concrete reasons for overcoming or responding to existing problems in society. In the progressive legal approach according to Satjipto Raharjo, law is not only interpreted as a mere rational and formal concept, but also pays attention to the welfare of society through the active role of state administrators.<sup>42</sup> In this case, Gunungkidul Regent Regulation Number 56 of 2018 as amended by Perbup Number 18 of 2022 concerning Suicide Management provides legal certainty in addressing suicide as a social problem which cannot be solved in a sectoral and monodisciplinary manner, but requires cross-disciplinary coordination. sectoral and scientific disciplines to move together to solve the problem of suicide that occurs in individuals holistically. This policy is useful for control and systematic social engineering in order to achieve change through efforts that have been regulated to suit its objectives, namely to overcome and prevent similar incidents. This aspect needs to be reaffirmed on the grounds that suicide cases cannot be seen only as an individual's problem with himself. This makes it difficult to find a solution to the problem at hand. This means that suicide can basically be influenced by various factors as described in the previous sub-discussion.

Even though there have been various laws and regulations that regulate how the principles of citizen welfare are regulated, in the practical realm solving problems such as the suicide case in Gunungkidul cannot only rely on existing regulations, but strengthening social support is a collaborative step to solve problems. root cause better. This has been emphasized in the changes to the suicide prevention policy by the local government, where Article 1 number 14, Gunungkidul Regent Regulation Number 18 of 2022 as a change from Regent Regulation Number 56 of 2018 has stated an idea about tackling community mental health problems and suicide using multidisciplinary approach.<sup>43</sup>

The urgency of a multidisciplinary approach as stated in the Regent Regulation above is in line with the information presented by research sources as an integrative effort to solve the problem of suicide which is very complex and its solution requires cross-sectoral and scientific collaboration. In this case, growing support through education on mental health issues is a basic factor that needs to be strengthened in order to create sensitivity about the surrounding situation, especially for an individual who has a vulnerability to commit suicide. Vulnerability can be seen from changes in attitude and physical condition of individuals. This support can come from the closest circle such as family and society.<sup>44</sup> This form of support is expected to be able to influence psychological well-being which is obtained through close interaction both physically and emotionally.<sup>45</sup> To create a healthy soul, it can be started from the family, considering that the role of the family is so central to giving birth, protecting, determining status, nurturing and affection,<sup>46</sup> so that individuals are better prepared to enter and contribute to certain communities.

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40 King Faisal Sulaiman, *Teori dan Hukum Konstitusi* (Bandung: Nusa Media, 2017). hlm 27.

41 Majda El Muhtaj, "Menegaskan Kembali Hak Kesehatan Jiwa Sebagai Hak Asasi Manusia," *HUMANITAS: Jurnal Kajian dan Pendidikan HAM* 8, no. 1 (2017). hlm 92.

42 Sajtipto Raharjo, *Membedah Hukum Progresif* (Jakarta: Kompas, 2006). hlm 9-10.

43 See Article 1 number (14), Gunungkidul Regency Regulation Number 18 of 2022 concerning Amendments to Regency Regulation Number 56 of 2018.

44 Summary of Interview with Representatives of the IMAJI Foundation and the Lentera Jiwa Forum.

45 Faizah Najlawati dan Indriyati Eko Purwaningsih, "Kesejahteraan psikologis keluarga penyintas bunuh diri," *JURNAL SPIRITS* 10, no. 1 (15 November 2019): 5, <https://doi.org/10.30738/spirits.v10i1.6531>. hlm 21.

46 Shermina Oruh, "KAU MAU KEMANA (Refleksi Sosiologis terhadap Integritas Upaya Kesehatan Jiwa)," preprint (Open Science Framework, 4 Desember 2021), <https://doi.org/10.31219/osf.io/ut6jq>.

For example, in the context of suicide, adolescents who, at their age, have weak family support, have a higher risk of committing suicide.<sup>47</sup> The basic construction of the development of this support can be started by changing and building the paradigm of the importance of literacy and education about mental health. Integration of the role of suicide prevention as described in Article 6 paragraph (2), Gunungkidul Regency Regulation No. 56 of 2018 which has been amended by Decree Number 18 of 2022, provides space for the community's role in making this policy effective. The integration of these roles can be viewed from 4 factors that can be a protective element of suicide prevention, namely connectedness, spirituality, hope and shame.<sup>48</sup> These four factors in their application can be started by forming connectedness and spirituality as a foundation that has a major influence on one's mental condition, support from religious leaders as a psycho-religious approach can direct and foster hope for life and start a new life.<sup>49</sup>

Based on the author's observations and dialogue with sources, psycho-religious construction needs to emphasize re-actualization in conveying religious messages in accordance with the current problematic context. The existence of suicide as a humanitarian problem, if viewed in a doctrinal way, will stop at the point of right or wrong without touching on other aspects that are suspected of causing a person to experience depression and commit suicide. This allegation when viewed from a scientific perspective such as psychology and sociology will certainly provide a different picture in addressing the core of the problem. However, the main urgency lies in how to convey religious messages as motivation to address life as a challenge that can be overcome properly.<sup>50</sup> This is a contemporary social need regarding humanitarian crises, especially in the study of a problematic through religious interpretation as a solution that is integrated and scientific interconnection.<sup>51</sup>

If psycho-religious support and social support has been going well, then it is necessary to direct state policies in health services as part of human rights. The responsibility of the state in health services includes fulfillment, maintenance and improvement of health facilities and services evenly.<sup>52</sup> In this case it is necessary to optimize the national health insurance or (JKN) as a priority program for community empowerment.<sup>53</sup> Another thing that needs to be considered in suicide prevention, especially in Gunungkidul, is that it cannot be separated from the pulung myth, which will obscure objective facts about the cause of suicide, which is thought to be caused more by depression.<sup>54</sup> Pulung Gantung is a public opinion or belief that there is a sign that someone will commit suicide if a pulunggantung (flying fireball) falls in a certain place, giving rise to the assumption that someone will commit suicide. However, the issue of the pulung hanging myth is a big challenge for law enforcement officials, how to provide a new perspective regarding the concept of mental health as an urgent problem that requires attention and support from all parties, including the community,<sup>55</sup> so that the myth does not cause the subject matter of suicide to be biased in its prevention.

The effectiveness of formal legal policies must deal with the reality, especially regarding legal knowledge in society which is often inadequate, so that an understanding of the goals, functions and expected benefits of a policy has not been fully achieved.<sup>56</sup> Therefore, it can be understood that studies on implementing suicide

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47 Sri Utami Pajarsari dan Ni Made Ari Wilani, "Dukungan Sosial terhadap Kemunculan Ide Bunuh Diri pada Remaja," *Widyacakra Journal of Psychology and Humanities* 1, no. 1 (2020): 37–39.

48 F A Nurdianto, "Masih ada harapan: Eksplorasi pengalaman pemuda yang menangguk bunuh diri," *Persona: Jurnal Psikologi Indonesia* 9, no. 2 (25 Desember 2020): 376–79, <https://doi.org/10.30996/persona.v9i2.3995>.

49 Wulida Litaqia dan Iman Permana, "Peran Spiritualitas dalam Mempengaruhi Resiko Perilaku Bunuh Diri: A Literature Review," *Jurnal Keperawatan Respati Yogyakarta* 6, no. 2 (25 Mei 2019): 622, <https://doi.org/10.35842/jkry.v6i2.305>.

50 Results of dialogue with representatives of IMAJI.

51 M. Amin Abdullah, *Multidisiplin, Interdisiplin, & Transdisiplin Metode Studi Agama & Studi Islam di Era Kontemporer* (Yogyakarta: IB Pustaka, 2020), 119.

52 Mikho Ardinata, "Tanggung Jawab Negara terhadap Jaminan Kesehatan dalam Perspektif Hak Asasi Manusia (HAM)," *Jurnal HAM* 11, no. 2 (28 Agustus 2020): 328–30, <https://doi.org/10.30641/ham.2020.11.319-332>.

53 Flora Pricilla Kalalo dan Theodorus H W Lumunon, "Kajian Yuridis Implementasi Kebijakan Negara Terhadap Jaminan Kesehatan Bagi Warga Negara Dalam Perspektif Hak Asasi Manusia," *Lex Administratum* 10, no. 1 (2022).

54 Faika Rachmawati dan Tri Suratmi, "Mitos Bunuh Diri di Gunungkidul Daerah Istimewa Yogyakarta (DIY)," *Jurnal Bidang Ilmu Kesehatan* 10, no. 1 (30 Juni 2020): 32–44, <https://doi.org/10.52643/jbik.v10i1.761>.

55 "Mitos pulung gantung dan upaya menangani kasus bunuh diri di Gunung Kidul," *BBC News*, 10 September 2017, <https://www.bbc.com/indonesia/indonesia-41194325> diakses 30 Maret 2023.

56 Salman Alfarisi dan Muhammad Syaiful Hakim, "Hubungan Sosiologi Hukum Dan Masyarakat Sebagai Kontrol Sosial," *Jurnal Rechten : Riset Hukum dan Hak Asasi Manusia* 1, no. 2 (2019): 26, <https://doi.org/10.52005/rechten.v1i2.37>.

prevention policies in Gunungkidul Regency and strengthening mental health efforts as a citizen's constitutional right must be carried out through integration of roles in an interdisciplinary approach to address problems without focusing on law enforcement factors. Collaborative efforts with the community to achieve legal effectiveness that are synergized and integrated in a sustainable manner are absolutely necessary. Local government policies are a form of formal support, while social factors can be directed as substantial support. This is a new view as well as an actual breakthrough, that the study of legal science can no longer close itself from reality or various problems of life in society in various aspects including social, cultural, economic and others. In this case, the science of law can actually develop and provide support, especially solving a structured and systematic policy-based problem without ignoring the real needs themselves.<sup>57</sup>

#### 4. Conclusion

Gunungkidul Regent Regulation Number 56 of 2018 concerning Suicide Management as amended by Gunungkidul Regent Regulation Number 18 of 2022 concerning Amendments to Regent Regulation Number 56 of 2018 is a progressive step from the Regional Government in order to overcome the problem of high suicide rate in the society. In terms of effectiveness, this policy has not been realized optimally, due to several factors, namely cross-sectoral coordination of law enforcement, inadequate mental health facilities or facilities, and the not yet optimal community-based approach to create social support for someone who is at risk of committing suicide. themselves or those affected by suicide.

Conceptually and practically, the suicide prevention policy in Gunungkidul Regency is a form of implementation of fulfilling constitutional rights and community empowerment, especially regarding mental health efforts that are integrated into a sustainable manner which is one of the responsibilities of the state, in this case the local government. The aspect of community empowerment based on an integrated perspective needs to be strengthened to support the implementation of policies to achieve goals in order to create a physically and mentally prosperous society, as mandated in the state constitution.

Effort integration can be carried out by combining formal forms of social control through written rules and the role of the apparatus to foster a new paradigm or culture of the importance of maintaining mental health with intervention efforts in the form of outreach and monitoring, while taking into account the values developing in society. On the other hand, the role of the community is an informal form of social control through active involvement in implementing policies through social support, so that policy implementation is not only legal-formal, but substantial-collaborative in nature to achieve the effectiveness of existing laws.

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57 Ridwan Ridwan, "Hukum dan Perubahan Sosial: (Perdebatan Dua Kutub Antara Hukum Sebagai Social Control dan Hukum Sebagai Social Enginnering)," *Jurnal Jurisprudence* 6, no. 1 (6 Januari 2017): 28, <https://doi.org/10.23917/jurisprudence.v6i1.2993>.

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#### FIELD DATA

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**Author's Statement:**

**Conflict of Interest** - In this case, the authors state that there is no conflict of interest in the process of planning, implementing, compiling and publishing this research.

**Authenticity of Writing** - The author declares that the article is the author's original work; the article is free from plagiarism by including sources of quotations according to the specified rules; and the manuscript has never been published in another publisher/journal and/or is not being processed in the editorial board of another journal.