

# HANDLING THE PHENOMENON OF SHACKLES IN NGANJUK REGENCY

Riyana Purwasari

Postgraduate Program, Police Studies, Police Science College PTIK, Jakarta

E-mail: riyanapurwasari69@gmail.com

Citation: Riyana Purwasari, *Handling the Phenomenon of Shackles in Nganjuk Regency*, Management Technology and Security International Journal, pages 447-459, <http://doi.org/10.47490/mtsij.v3.i1.447459>

Received on 1 June 2021, Accepted on 6 December 2021, Published on 21 February 2022

## ABSTRACT

*This paper describes the phenomenon of shackles done citizens residing in Nganjuk Regency, what the implications of the phenomenon of the shackles to the security and public order in Nganjuk Regency are, and the efforts done by each stakeholder in order to handle it. The phenomenon of shackles in Nganjuk Regency has an influence on the security and public order. The handling efforts done against the roots of the problem are not only reducing the problems that will reappear at any time, but they are also eliminating the dangers against the safety of the citizens. The author employs the qualitative approach. The author also employs several data collection techniques, such as interviews, observations, and document reviews. In order to analyse the problems, the author uses deviant behaviour theory, communication theory, management theory, coordination theory, community policing concept, human rights violation concept and shackles concept. Based on the results of the research, the author recommends the related agencies to increase activities related to health problems, especially mental health to Nganjuk communities so that they are more aware of the importance of health for their lives, including mental health, to form a small task force in each village whose task is to handle and monitor health and social problems, including shackles, and to establish units for handling handle social problems, especially shackles whose members consist of Polri personnel, the local health service and social service.*

**Keywords:** *human rights violations, social security disturbances, shackles*

## 1. INTRODUCTION

People having mental disorders, also known as ODGJ in *Bahasa* is the official term for people who are having mental disorders based on Law Number 18 of 2014 regarding Mental Health. The handling efforts of an ODGJ are carried out medically and non-medically. Medically means that such effort is carried out by the family by conducting treatment

through regular drug administration and regular check-ups with a psychiatrist. However, apart from the medical treatment, the family of an ODGJ provides non-medical treatment in the form of shackles or shackles. There are various reasons why the families use shackles, including preventing ODGJs from committing violent acts that can be considered dangerous to themselves and

others, preventing ODGJs from leaving their homes and disturbing other people, and preventing ODGJs from hurting themselves, such as committing suicide. Moreover, they use shackles because of their ignorance and inability to treat ODGJs when they have a relapse. Poverty factor and the low level of family education are also other causes for shackling the ODGJs.

Based on data obtained from the Regency District Health Office of Nganjuk in 2021, the number of ODGJs who are still in shackles is twenty people; fifty-three people are free from shackles; fourteen people are still being treated; eight people are dead, and three people are missing. If compared with the same data in 2015, the number of cases of shackling even reached 93 cases, and in subsequent years, it gradually decreased. Based on the data, it can be seen that there has been a decrease in the number of shackles in Nganjuk Regency. However, it cannot be denied that shackled phenomenon still occurs. The phenomenon of shackling done by residents looks like the theory of icebergs on the sea surface. This mean that the data on shackling obtained through screening results in various regions do not precisely show the actual data because many cases of shackles are not monitored by the government. This phenomenon is caused by most of ODGJs' families who are still ashamed and consider the condition a disgrace to them that must be hidden and covered from public as well as limited funding and lack of knowledge about handling mental disorders.

People use shackles when they are unable to provide care for their family members having mental disorders. In addition to, they are also worried about the effects of treatment and want to avoid the stigma attached to mental patients or in general to protect their family members

and society from aggressive behaviour committed by their family members who are experiencing mental disorders. The aggressive actions taken by ODGJs even though in a state of shackles still create worries and feelings of insecurity to their families and local residents. This sometimes occurs when the ropes or wooden blocks used to shackle are loose so that the ODGJs can free themselves easily or when the ODGJs go berserk. Sometimes, the simple shackling equipment made by the family is damaged and doesn't work so that the ODGJs can go away and even unconsciously hurt their family members nearby. This condition can annoy and disturb their families as well as the surrounding community. Therefore, such phenomenon of shackles turns out to be related to social welfare as well as having implications on security and social security, in the forms of unrest, insecurity, and even criminal acts that can occur ranging from violence to murder. However, in the context of criminal liability, criminal sanctions or punishment can be imposed on ODGJs as stated by article 44 paragraph (1) of the Criminal Code, "Anyone who commits an act that cannot be accounted for because of mental disorder or mental disabled in its growth or is disturbed due to illness cannot be punished."

Realizing the magnitude of the risks that may be caused by the actions taken by ODGJs, added by the fact that they cannot be punished for their actions have increased the concerns of their families and members of the community in the surrounding environment. The implications of the shackled phenomenon ultimately impact the main tasks of the National Police as stated in Law No. 2 of 2002 concerning Indonesian National Police, namely establishing and maintaining security and public order,

enforcing laws, serving and protecting community. Anxiety and insecurity as well as criminal acts that occur as a result of ODGJs' actions, both before and after being shackled affect the security and social security situation in the area. Therefore, the efforts done by the National Police and related stakeholders in order to reduce the implications of shackling on security and public order are crucial. Such efforts are manifested in the forms of pre-emptive, preventive, curative and rehabilitation actions. Through these efforts, it is highly expected that the number of shackles will decrease so that, at the same time, it will have an effect on reducing the implications of the phenomenon on security and social security.

Based on the explanation in the previous paragraphs, the research questions are: formulation of the problem of this research is, (1) How is the phenomenon of shackling by residents in Nganjuk Regency?; (2) What are the implications of the phenomenon of deprivation by residents on security and public order in Nganjuk Regency?; and (3) What are the efforts done by the National Police in assisting the handling of the shackling phenomenon?

## **2. LITERATURE REVIEW**

### **2.1 Deviant Behaviour Theory**

The study employs the theory of deviant behaviour in order to analyse the phenomenon of shackling. According to deviant behaviour theory, proposed by Horton and Hunt (1996), there are some limitations on deviant behaviour: (1) deviant behaviour is a behaviour that some people consider to be despicable and beyond the limits of tolerance; (2) deviant behaviour is behaviour that is

declared as a violation of a group/society norms; (3) deviant behaviour is an act called deviant if the act is declared deviant, so that deviation is not the quality of an action but it is a consequence of the existence of regulations and the application of sanctions by the community.

Furthermore, the forms of deviant behaviour in general are nonconforming actions (not in accordance with existing values and norms) and antisocial actions (against public habits/public interest). In order to be accepted by a group a society, individuals must obey a number of rules that live and develop in their society. For this reason, the community exercises social control over its citizens so that the behaviour of most of its community members is within the framework of social order. Institutions functioning and playing the roles in the process of social control include police, courts, customs, religion, educational institutions and community leaders. Shackling is included in the forms of deviant behaviour where the behaviour and actions deviate from the norms and rules that apply in the community. The deviation must be prevented, controlled and handled so that it does not develop and can be resolved properly. Cesare Beccaria in *Crime and Punishment* (1764) as quoted by Charles H. Mc Chaghy (1976), states that it is better to prevent crimes than to punish them. This is the ultimate goal of a good law as a measure tool of good and evil in life. This is a human art leading to the greatest happiness and the smallest sadness.

## 2.2 Communication Theory

In this study, the author uses communication theory in establishing coordination and fostering relationships between stakeholders and the community, especially for residents who carry out shackling. The term communication comes from Latin word, namely *communicatus* which means to share or to belong together. Its nature is *communis* which means common or together. Thus, communication according to the lexicographer (language dictionary expert), refers to an effort aimed at sharing to achieve togetherness (adapted from Marhaeni Fajar (2009). Based on the opinion of Marhaeni Fajar, communication activities will take place well if the communicating parties (two or more people) are both involved and have the same attention to the topic or message being communicated. Therefore, through open communication between the two parties, it will be able to create a good relationship. According to Lasswell in Effendy (2003), communication is basically a process explaining who says what, with what channel, to whom, and with what results. Elements of communication, according to Lasswell (2003) are (1) who, (2) says what, (3) in which channel, (4) to whom, and (5) in what effect.

## 2.3 Management Theory

In relation to management, the activity of handling the shackling phenomenon refers to the management theory presented by Terry (2000) in *Principles of Management*. Management is a process of activities to achieve predetermined goals through other people and available

means by carrying out the planning, organizing, implementing, leadership, motivating and controlling processes. A management system has the elements needed to run an organization. There are six elements in management, namely: men, materials, machines, methods, money, and markets. According to Terry, there are four main functions that must be emphasized in the management process, namely planning, organizing, actuating and controlling.

## 2.4 Coordination Theory

Indeed, in implementing or organizing something, in the context of management or processes, we need coordination between stakeholders. According to Terry, coordination is a synchronous and regular effort to provide the right amount and time, and direct the implementation to produce a uniform and harmonious action on a predetermined target. The terms of coordination, according to Terry include: (1) sense of cooperation—a feeling of working together, and viewed by section, (2) rivalry—in large companies, competition is often held between departments, so that they compete with each other for progress, (3) team spirit—each part must respect each other, and (4) esprit de corps—the interlocking parts will be more excited. Furthermore, in order to coordinate activities to be effective, the following points should be considered:

- a. There must be a clear division of labour within the organization or program in question.
- b. There must be a great work spirit among officials or workers (healthy informal relationships within the

organization concerned) should be continuously fostered).

- c. There must be a sufficient contact and relationship facilities for all parties within the organization and outside the cooperative effort are fostered and developed.
- d. There must be a preparation of coordination from the initial stages of the activity or program concerned and then maintained as a continuous process.

## **2.5 Community Policing**

In relation to how to deal with the impact of security and social order disturbances caused by shackled phenomenon, the author uses community policing concept to analyse the efforts made by Polri. According to Sutanto (2004) in his work: *Community Policing: The New Philosophy of the Police*, community policing generally refers to a contemporary approach to policing that emphasizes on community elements as stakeholders in securing themselves. This means that the police and the community are trying to identify and solve community security problems. Community policing aims to become a guideline for Polri members to carry out the community policing activities effectively, efficiently and the realization of a partnership between police and community based on a mutual agreement to deal with social problems that can disrupt public order and security in order to create a sense of security, order and peace. Community policing strategy is the implementation of proactive policing that emphasizes equal partnerships in preventing crimes, solving social problems that have the potential to

generate disturbances to security and public order in order to improve legal compliance and the quality of life of the community.

## **2.6 Human Rights Violation**

The issue of shackling citizens is one of the forms of human rights violations against. The concept of human rights violations according to Article 1 Number 6 of Law No. 39 of 1999 concerning Human Rights is every act of a person or group of people including state officials, whether intentional or unintentional or negligence that legally reduces, hinders, limits and or revokes the human rights of a person or group of people that are guaranteed by law and do not get or are feared that they will not get a fair and just legal remorse based on the applicable legal mechanism. According to Law No. 26 of 2000 concerning Human Rights Courts, human rights violations are every act of a person or group of people including state officials, whether intentional or negligent, which legally reduces, hinders, limits, and or revokes the human rights of a person or group of people guaranteed by law, and it is not obtained, or it is feared that it will not obtain a fair and correct legal settlement, based on the applicable legal mechanism.

## **2.7 Shackling**

Shackling is an action against an ODGJ in order to limit his or her freedom. Shackled ODGJs are locked by chaining their foot to a pillar or wooden blocks so that they cannot go anywhere. Shackling is a form of treatment that deprives them of their freedom and opportunity to receive adequate care and at the same time

ignores their dignity as human beings. In Indonesia, the word *pasung* (shackle) refers to physical restraint or confinement of criminals, that is, people with mental disorders and those who commit acts of violence that are considered dangerous (Broch, in Minas & Diatri, 2008). Physical restraint on individuals with mental disorders has a long and heart-breaking history. The forms of shackling include being confined in pet cages; cooped up in the house; his legs or neck in chains; and one or both of its legs is inserted into a wooden block that is perforated.

### 3. METHODS

The author employs the qualitative approach. Using this approach, the researcher can understand and explain how the phenomenon of shackling of residents in Nganjuk Regency. The information that will be explored in this research includes a description of the occurrence of shackles in Nganjuk Regency; the implications of shackles phenomenon related to the problems caused by ODGJ before and after the shackles are carried out, as well as the efforts in handling the shackles. Based on the information/data obtained above, the researcher determines several data sources, both primary data and secondary data. Primary data are data obtained from direct interviews with several informants involved in this study, namely (1) police personnel from Nganjuk Police Resort, (2) government officials from Social Service and Health Office of Nganjuk Regency, and (3) people of Nganjuk Regency in the context of the family of shackled ODGJs as well as residents living around their homes. Besides, the author is going to conduct interviews with community leaders. Then secondary data, namely data

obtained through library research on various kinds of readings, namely by reviewing literature, articles, and applicable laws and regulations as well as other sources related to the problem and research objectives. The secondary data are data obtained from observations and literature studies either through books, magazines, articles, laws and regulations or the writings of experts related to the problems above. The data collection techniques in this study were carried out by in-depth interviews, descriptive data analysis and observation.

### 4. RESULTS AND DISCUSSION

The phenomenon of shackling done by residents in Nganjuk Regency occurs in almost all sub-districts in Nganjuk Regency carried out by the residents against ODGJs who are considered dangerous and disturbing and create unrest in the community. The shackles are carried out in various forms and ways, including tying the ODGJ's legs in chains, placing both ODGJ's feet on a beam, placing the ODGJ in a closed room where the door is made of iron bars so that the ODGJ cannot get out. Various forms of shackles are carried out by the family for various reasons, including economic reasons, social reasons, ignorance of the community, as well as despair and resignation to the situation at hand. The large number of shackles that occur in Nganjuk Regency cannot be separated from the environment around where the ODGJ lives. Families who carry out shackles will be more or less affected by the views of the community where they live in dealing with problems that often arise as a result of actions taken by ODGJ.

Shackling phenomenon has implicated several things on security and public order in Nganjuk Regency. The

mental condition of ODGJs is uncertain. Sometimes it is stable, but suddenly if there is a trigger it can become uncontrollable. This is something to worry about because when the emotions, thoughts and actions of ODGJ are out of control, they can do harmful actions, both to themselves and to others around them. Incidents often occurring are carried out by ODGJs when their conditions are not controllable, among others are beatings their family members in the same place where they live, destroying goods around them and even actions taken by ODGJ can threaten the safety of the lives of residents as well as the community around them. In dealing with this situation, the community has so far resolved it in a familial way and not through a legal process because the community knows that ODGJ cannot be subject to legal sanctions.

Departing from the community's understanding that ODGJ cannot be punished, the settlement is carried out amicably in the form of a request for compensation to the family and other demands to prevent the act from happening again. When viewed from a legal point of view, the phenomenon of shackles is a form of action that violates criminal law and violates human rights. Shackling is an act that violates the law which can be subject to a criminal sanction. The 1945 Constitution, Article 28 i paragraph (1) states that, "the right to life, the right not to be tortured, the right to freedom of thought and conscience, the right to religion, the right not to be enslaved, the right to be recognized as a person before the law, and the right not to be prosecuted on the basis of retroactive law are human rights that cannot be reduced under any circumstances."

In addition, in Law No. 36 of 2009 concerning Health, articles 148 and 149 state, "ODGJ have the same rights as

citizens. ODGJs who are neglected, homeless, threaten the safety of themselves and/or others, and/or disturb public order and/or security are required to receive treatment and care at health service facilities." Furthermore, Law No. 18 of 2014 concerning Mental Health, Article 86 states "everyone who intentionally does deprivation, neglect, and or violence against ODGJ or other actions that violate the laws of ODGJ shall be punished in accordance with statutory regulations." In line with this, Article 333 of Criminal Code (KUHP) states that 'anyone who intentionally and unlawfully deprives a person of liberty, or continues the deprivation of someone's liberty, or continues such deprivation of liberty, shall be punished by a maximum imprisonment of eight years.'

The presence of police to handle the shackles phenomenon is part of the implementation of police's duties, namely to protect and serve the community and to maintain public order which will be disrupted by the presence of shackles that disturbs residents. Various things have been done by Polri in handling reports or public complaints both at the police station and complaints through *Bhabinkamtibmas* officers against actions taken by ODGJ that are detrimental and harmful to both physically and materially, ranging from legal examinations to the police being a mediator in a deliberation settlement. However, it is still considered by the community that this is not an action that solves the problem but only temporarily reduces the problem. The presence of police in the community is very much needed. In addition to the implementation of services to the community, this is also a precautionary measure to prevent the development of potential disturbances in the community into real disturbances. But the most important thing here is that the

community feels helped by the presence of police in the midst of the community in dealing with the existing problems.

Repressive actions taken by Polri, both in the application of the rule of law and direct action in handling ODGJs rampage that can endanger the safety of the surrounding residents are considered to be maximal. The community feels helped by the presence of police in the community in dealing with the anarchic actions carried out by ODGJs, but the feelings of concern and insecurity exist when the officers are not present. If it is left unchecked, the unrest occurring in the community will affect social life in the neighbourhood where the ODGJ lives, starting from the exclusion of the family, disrespectful behaviour and even more to insult the family of the ODGJs committed by people who are emotional over the actions of the ODGJ that can endanger the ODGJ themselves and the residents. The problems in the end become social problems that cause social unrests for the community which finally make the security and public order in the environment not conducive. This is the responsibility of Polri to resolve problems not only after they occur, but also by addressing the root cause of the problems. The community wants more actions from Polri to solve the problems they face so that people can live calmly and safely and the security and public order in their environment can run well according to community expectations.

Indeed, this requires real efforts to deal with this shackling phenomenon. This cannot be done by Polri alone, but it also requires efforts from all stakeholders to jointly deal with this problem. The efforts made to deal with the shackling phenomenon include: making standard operational procedures (SOP) in handling shackled victims, which is started from the

presence of the community reporting to the head of the neighbourhood or village officials about the whereabouts of the victims/citizens who have been shackled. Then the heads of neighbourhood or villages inform the *Bhabinkamtibmas/Babinsa* officers. The next step is three pillars of the village (*Bhabinkamtibmas*, *Babinsa* and the village head) are visiting the shackled people. They will try to make the family understand the consequences based on the legal perspective so that they are allowed to be brought to a mental hospital. They then collect data on names, brief biographies of victims, introduction from community health centre, then recommendations from the regency health office to be brought to Menur or Lawang mental hospitals and Rejoso Nganjuk Health Centre. Then, they bring the shackled to hospital by a car, a bus, or an ambulance.

The efforts of Polri in handling the shackling phenomenon here are also inseparable from the reference to community-based mental health management, meaning that Polri is only here to support and assist in handling or can be called a driving force in the implementation of handling the shackling phenomenon in the community. Handling carried out by Polri includes pre-emptive, preventive, curative and rehabilitative efforts.

Pre-emptive efforts aim to improve mental health levels and prevent mental disorders in the form of counselling activities and healthy living development activities so that they can live productively and harmoniously. This is done by all parts of the task force of the police function from the top leadership level to the executors at the lower level. The police do this through visiting the people's homes, outreach activities related to the



importance of maintaining health, and include mental health.

In terms of preventive measures, Polri conducts data collection on shackled ODGJ, including seeking information regarding ODGJ in Nganjuk Regency who have the potential or who often commit acts of violence or destruction that become a source of unrest for the community so that follow-up planning is carried out in further handling. In this case, the officer informs the head of each unit, both the function and police sectors to be used as report material, which is then followed up by the head of police by coordinating with the relevant agencies for further handling. Something that also really important that must be done in this case is an approach to the family so that they allow their shackled family member to be evacuated and given health care. Indeed, such approach must be carried out in an educative and persuasive manner.

Curative efforts are services that aim to treat and heal ODGJ so that their health can be cured. In this curative effort, Polri are supportive and assisting the Health Service officers as the main organizer who understands how to handle shackled victims from a medical perspective. The police are here to help how in this effort it can run smoothly and does not cause noise in the community and can endanger the community. At this stage, Polri assists the evacuation process such as assisting the health department in controlling shackled victims when they rebel and refuse to be evacuated. This is done to prevent casualties and minimize the risks during the evacuation to hospitals for treatment. In addition to the evacuation, curative efforts in care and treatment supported from Polri are assisting in communicating and providing information from the hospital where the shackled persons are being treated as well

as information from the health office regarding the development of the resident's health condition to the family. In addition, Polri also helps and assists the family who wants to visit their family at hospitals. The presence of family members who come to visit is a psychological medicine that can help restore the mental health of the shackled ODGJs.

Rehabilitative efforts are various educational, vocational, and social efforts aimed at restoring the functional abilities of a person with a disability (impairment, disability, and handicap) as optimally as possible so that they can live productively and re-integrate into their society. Polri mobilizes the community and all community apparatus to assist the rehabilitation process, both through community activities and educational activities to the community on how to behave with those who have a history of mental problems. Of course, in this case Polri coordinates with the Social Service and the Health Service. Involving the community activities makes it easier to socialize with the community which of course the acceptance and support from the community itself affects the recovery of the mental condition of the residents who have been shackled. In addition, the role of the stakeholders in Nganjuk district is to provide employment and capital to residents who have experienced these mental problems.

These efforts, however, cannot be separated from factors that can support the implementation of activities to handle this shackling phenomenon. Indeed, there are also factors that hinder the implementation. Supporting factors can help smooth the process of handling the shackling phenomenon so that the results obtained can be maximized. The supporting factors in handling the phenomenon of shackles are the roles of

the leadership of each unit, both from the police, in this case the head of resort police, as well as from the head of regional and even provincial units through each head of the service, both social service and the health service. The decisions and actions taken by the leaders affect the wise direction for handling, including support and motivation for members/personnel to carry out the assigned tasks. The roles of the unit leadership in matters outside the organization is to support the successful handling of shackles by coordinating with the top leadership units in each service, which is then followed up by the lower levels. This is important because the members in the field cannot do it because they are not policy makers. In addition, especially in the police organization, in this case Nganjuk Police Resort, there are supporting factors in efforts to handle the shackling phenomenon, among others, in terms of human resources, Nganjuk Police Resort has personnel with different abilities according to the tasks carried out by each function. Handling this shackling phenomenon does not involve only one function, but the entire functions of the police in Nganjuk Police Resort. The functions of one and another complement each other and the division of tasks are carried out according to their respective fields starting from planning to implement the evaluation of activities. The involvement of *Bhabinkamtibmas* officers who are spread out in over 284 villages in Nganjuk Regency is assisted by police sectors in carrying out the handling, starting from the top-level leadership to the executive level. They all carry out their respective duties and roles. Of course, there are also external factors that can assist in handling this phenomenon, including mass media which can assist in providing an overview of the public's point of view that the act of shackling is wrong.

Media can help in accelerating the dissemination of the information. If the community knows and understands that shackling is a violation and wrong act, both in terms of law and morals, then the community will consciously support the handling of the shackling phenomenon.

Furthermore, external factors can support the efforts to handle this shackle phenomenon in the forms of public participations. Public participation in handling the shackled phenomenon is at every stage of the handling effort. In a pre-emptive effort, helping to disseminate information about health care and understanding about shackles, whether it is just from small-scale conversations such as within the family to a larger scope, for example at community meetings at the village hall. In a preventive effort, the community helps provide information to police officers about shackles in their neighbourhoods. In a curative effort, the community helps approach the ODGJs' families to refer their family members who are shackled to be treated at hospitals because they usually have more confidence in people close to them and those they know. In this case, Polri synergizes with the village apparatus, which in Nganjuk Regency a village head is still highly valued by the residents. In addition to assisting in approaching families, the community also assists in carrying out evacuations so that with many community members helping the evacuation process it can run more easily but still paying attention to the safety and security of residents. In rehabilitative efforts, involving in community activities will make it easier to socialize with the community, and of course the acceptance and support from the community will affect the recovery speed of the mental condition of the shackled ODGJs. In addition, the role of stakeholders in

Nganjuk district is to provide employment and capital to residents who have experienced these mental problems.

In addition to the supporting factors, there are also obstacles faced in the implementation of the handling. The obstacles faced can be an inhibiting factor in the implementation of the handling of this shackling phenomenon. As for the obstacles faced, among others, the culture of Nganjuk Regency community still upholds customs so that often the problem solving does not reach the members of Polri. In addition, people tend to be silent when they have the problem. They keep silent so that the problem continuously becomes a burden in their lives. For this reason, many Nganjuk people experience mental disorders and are resolved by shackles. This can be seen from the case in Nganjuk Regency that there has been no prominent event as a public upheaval to express aspirations. It is as if Nganjuk people just accept what are the rules in Nganjuk Regency.

Educational facilities provided by Nganjuk government are adequate but the location of educational facilities such as schools are mostly located in the middle of the city, while in remote areas of Nganjuk Regency it is very limited, long distances and the lack of facilities and infrastructure make people in remote areas reluctant to continue their education level to higher educations. Such condition has an impact on the education level of Nganjuk community. Obstacles in obtaining the opportunity to take education at a higher level have resulted in the education level of the Nganjuk community, especially between people living in cities and in remote areas so that their views and insights in dealing with a problem in society refer to things that can be done easily and appropriately with their capabilities. In addition, the level of

education affects how the public perceives the handling of the problems faced, both in the administrative process, legal processes and institutions that can be asked for assistance in handling these problems.

The existing health facilities and infrastructures in Nganjuk Regency are sufficient; there are quite a number of public and private hospitals that provide health services in Nganjuk Regency, but special health care facilities in dealing with ODGJs are very limited and the distance from Nganjuk city to the place is very limited and far enough so that this becomes an obstacle for people who want to refer ODGJs for medical treatment in mental hospitals. In addition to the healing period where the facilities and infrastructure are limited, during the recovery period there are also obstacles in the facilities and infrastructures. Nganjuk Regency does not yet have an ex-psychotic rehabilitation social institution. So far, during the recovery period, patients are always referred to social institutions in Keras, Kediri Regency, Caruban Social Institutions, Grati Social Homes in Pasuruan and PMKS Sidoarjo.

## **5. CONCLUSIONS AND RECOMMENDATIONS**

### **5.1 Conclusions**

Based on the research results, it can be concluded that the imprisonment of ODGJs through shackling occurs in almost all sub-districts of Nganjuk Regency. The existence of ODGJ in the family is a burden in itself for the family. Sanctuary is the last solution when the inability and hopelessness of the family in dealing with family members who have mental disorders. Shackling are deviant behaviour and violation of the law that can be subject to criminal sanctions. However, the

various reasons that families have for holding shackles are reasons for justification by the family and the surrounding community. The family felt that the shackles are carried out for the good and the safety of the ODGJs' family members. The community also assumes that shackles are carried out in order to prevent ODGJs from committing destructive actions that can endanger the safety of those people around them. The phenomenon of shackles in Nganjuk Regency has an influence on the security and order of the people. The shackles that occur in the community are initiated by the presence of ODGJs in the community who take actions beyond their control, thus leading to destructive actions that can harm and threaten the safety of those people around them. This will affect the sense of security and tranquillity in the lives of residents. ODGJs are potential disorders whose existence in the community is the root of the problem that has the potential to cause symptoms of a psychiatric disorder that he suffers at the time of relapse in the form of destructive actions that endanger others. The act of depriving ODGJs is also a potential disturbance. Efforts must be made immediately to prevent the potential disturbances from developing into threshold disturbances and eventually becoming real disturbances. The problem with the phenomenon of deprivation from a legal perspective that becomes a potential disturbance is the position between the perpetrator and the victim because from a legal point of view, the phenomenon of shackles is that both parties whether residents/families who carry out shackles can become the suspects or victims as well as ODGJ.

Those who experience shackles can become victims and suspects of a criminal act. Persuasive actions and handling problems in a deliberation and family manner have been carried out by Polri. However, this does not solve the existing problems, but only reduces the number of the problems. Anxiety and feelings of insecurity still overshadow the residents around their residences who carry out the shackles. Therefore, what is sought and expected here is solving the root problems not just reducing problems that will re-emerge at any time and endanger the safety of residents. The National Police refers to the Police Operational Management taking actions to handle the phenomenon of shackles in the form of pre-emptive, preventive, curative and rehabilitative actions.

## **5.2 RECOMMENDATIONS**

Based on the conclusions, the author suggests the relevant agencies to:

- a. Increase activities related to health problems, especially mental health to Nganjuk communities so that they are more aware of the importance of health for their lives, including mental health. This needs to be understood by both the government and the community that health problems can become social problems which in turn can have an impact on security and security issues. The losses suffered are not only felt by themselves but can also harm others;
- b. Form a small task force in each village whose task is to handle and monitor health and social problems, including shackles. This

- small task force is under the leadership of the village head and the police. Meanwhile, social and health services acts as supervisors. This can facilitate the task of the police in seeking information and conducting surveillance by mobilizing existing patrons in the community;
- c. Establish units to handle social problems, especially in handling the phenomenon of shackles, whose members consist of Polri personnel, the Health Service and the Social Service. This is done in order to facilitate coordination and communication as well as reduce administrative processes so that handling can be carried out more effectively and the results obtained can be maximized.

Sutanto dan Sulisty H. 2004. *Community Policing: Falsafah Baru Kepolisian*. Jakarta: Grafika Indah.

#### **Laws**

Kitab Undang-Undang Hukum Pidana (KUHP)

Undang-Undang Republik Indonesia Nomor 18 tahun 2014 tentang Kesehatan Jiwa

Undang-Undang Republik Indonesia Nomor 2 tahun 2002 tentang Kepolisian Negara Republik Indonesia

Undang-Undang Republik Indonesia Nomor 26 Tahun 2000 tentang pengadilan HAM

Undang-Undang Republik Indonesia Nomor 39 Tahun 1999 tentang Hak Asasi Manusia.

## **REFERENCES**

### **Books**

- Effendy, Onong Uchjana. 2003. Ilmu, teori dan filsafat komunikasi. Bandung: Citra Aditya Bakti.
- Fajar, Marhaeni. 2009. *Ilmu Komunikasi Teori dan Praktik*. Yogyakarta: Graha Ilmu.
- H.McCaghy, Charles. 1976. *Deviant Behaviour: Crime, Conflict and Interest Groups*. New York: Mac-Milan.
- Minas, H dan Diatri,H. 2008. *Pasung: Physical Restraint and Confinement of the Mentally Ill in the Community*. International Journal of Mental Health System.
- Paul B. Horton dan Chester L. Hunt. 1996. Ciri-Ciri Perilaku Menyimpang pada Remaja. Jakarta
- Terry, George R. 2000. *Principles of Management*. Alih Bahasa: Winardi. Bandung: Penerbit Alumni.