

Implementation of Article 491 Paragraph 1 Criminal Code Against Perpetrators Abandonment of Crazy People in Ternate City

Muhammad Surya Syamputra

Fakultas Ilmu Hukum Universitas Khairun Ternate, Email: muhammadsurya971@gmail.com.

Ahmad Mufti

Fakultas Ilmu Hukum Universitas Khairun Ternate

Fahria

Fakultas Ilmu Hukum Universitas Khairun Ternate

Abstract

This study aims to find out how the implementation of Article 491 Paragraph 1 of the Criminal Code against perpetrators of neglect of insane people in Ternate City and to determine the factors that influence the implementation of Article 491 Paragraph 1 of the Criminal Code against perpetrators of neglect of insane people in Ternate City.

This research was conducted in Ternate City in North Maluku Province. The type of research used is empirical, namely by using an approach model by looking at the legal reality that occurs in the community. In this study, the type of data used is primary data sourced from the Ternate City Social Service, Ternate City Health Service, Ternate City Police and Sofifi City Mental Hospital. and secondary data obtained from library materials and regulations related to the title of the thesis. The data collection technique used is done by interview and literature study. Analysis of the data used is a qualitative analysis.

Based on the results of the research that has been carried out, it is concluded that the insane person is the responsibility of his guardian or his closest family so that he can maintain, treat, protect and protect the crazy person. However, if you look at it from the

According to the law, it is the government that is obligated, but according to the author, it is the family or guardians who are obligated to take care of the insane, in accordance with Article 491 of the Criminal Code which reads "Whoever is obliged to take care of a mad person who is dangerous to himself or to others. otherwise, allowing that person to wander around unguarded, shall be subject to a maximum fine of seven hundred and fifty rupiahs. If Article 491 of the Criminal Code states that it is threatened with a fine. So there is no reason to abandon crazy people, because the government's responsibility is only to provide medical facilities for people who have mental disorders or are insane.

Keywords: *Perpetrators, neglect, crazy people.*

Abstrak

Penelitian ini bertujuan untuk mengetahui bagaimana penerapan Pasal 491 Ayat 1 KUHP terhadap pelaku penelantaran orang gila di Kota Ternate dan untuk mengetahui faktor-faktor yang mempengaruhi penerapan Pasal 49 Ayat 1 KUHP terhadap pelaku penelantaran. orang gila di Kota Ternate.

Penelitian ini dilakukan di Kota Ternate Provinsi Maluku Utara. Jenis penelitian yang digunakan adalah empiris yaitu dengan menggunakan model pendekatan dengan melihat realitas hukum yang terjadi di masyarakat. Dalam penelitian ini jenis data yang digunakan adalah data primer yang bersumber dari Dinas Sosial Kota Ternate, Dinas Kesehatan kota Ternate, Polres Kota Ternate dan Rumah Sakit Jiwa Kota Sofifi

dan data sekunder diperoleh dari bahan pustaka dan peraturan perundang-undangan yang berkaitan dengan judul skripsi. Teknik pengumpulan data yang digunakan dilakukan dengan wawancara dan studi kepustakaan. Analisis data yang digunakan adalah analisis kualitatif.

Berdasarkan hasil penelitian yang telah dilakukan, disimpulkan bahwa orang gila menjadi tanggung jawab walinya atau keluarga terdekatnya agar ia dapat memelihara, merawat, melindungi, dan melindungi orang gila tersebut. Namun, jika Anda melihatnya dari Menurut undang-undang yang wajib itu adalah pemerintah, tetapi menurut penulis yang wajib memelihara orang gila itu adalah keluarga atau walinya, sesuai dengan Pasal 491 KUHP yang berbunyi “Barangsiapa yang wajib memelihara orang gila yang membahayakan dirinya sendiri atau orang lain, jika tidak membiarkan orang itu berkeliaran tanpa dijaga, dipidana dengan pidana denda paling banyak tujuh ratus lima puluh rupiah, jika Pasal 491 KUHP menyatakan bahwa diancam dengan denda, jadi tidak ada alasan untuk menelantarkan orang gila, karena tanggung jawab pemerintah hanya menyediakan fasilitas kesehatan bagi orang yang mengalami gangguan jiwa atau orang gila.

PRELIMINARY

The law is the whole collection of rules or principles in a common life: the overall rules of behavior that apply in a common life, which can be enforced by means of a sanction. On that basis, criminal law enforcement is present as the whole basis and rules adopted by the state in its obligation to enforce the law, namely by prohibiting what is contrary to the law (on recht) and imposing suffering on anyone who violates the prohibition¹.

In the midst of the development of this era, so many people with mental disorders are abandoned on public streets, not a few often disturb the public order that prevails in society. According to Law no. 18 of 2014 concerning Mental Health (UUKJ) in Article 1 number 3 states that "People with mental disorders, hereinafter abbreviated as ODGJ are people who experience disturbances in thoughts, behavior, and feelings that are manifested in the form of a set of symptoms and/or significant behavioral changes², and can cause suffering and obstacles in carrying out people's functions as humans.

According to R. Soesilo³ in his book entitled the Criminal Code, he stated that "Based on the Regulation on mental illness in L.N. 1897 No. 54, then at the request of the mentally ill person himself, his wife or husband, relatives or relatives due to marriage, or the prosecutor, by the local district court, the mentally ill person can be placed in a mental hospital. If the person seriously endangers public order, the prosecutor is even obliged to request his placement in the mental hospital to the district court. However, due to a lack of space, in practice many people who are dangerously mentally ill cannot be treated so that many wander around unguarded so that in fact the person who is obliged to look after them can be subject to an article." many cases have occurred In the explanation of the article, it is very clear that his wife or husband, blood relatives or family due to marriage are obliged to keep their crazy family from walking around unguarded⁴.

1 Suyanto, *Pengantar Hukum Pidana* (Yogyakarta: CV Budi Utama, 2018).

2 Umar Said Sugiarto, *Pengantar Hukum Indonesia* (Jakarta: Sinar Grafika, 2016).

3 R Soesilo, *Kitab Undang-Undang Hukum Pidana (KUHP)* (Bogor: Politeia, 1991).

4 Anggun Riska Amalita, Nayla Alawiya, and Nurani Ajeng Tri Utami, 'Perlindungan Hukum Terhadap Penderita Gangguan Jiwa Dalam Pelayanan Kesehatan Pada Struktur Peraturan Perundang- Undangan Indonesia', 2.1 (2019), 76.

North Maluku Province, precisely in the city of Ternate, which is very busy with community activities, will be very disturbed by the presence of crazy people who are very disturbing for their activities, so it requires sensitivity from the government and law enforcement in the city of Ternate regarding article 491 paragraph 1 above. So that were caused by insane people who were not taken care of by the people who were obliged to take care of or protect them.

In response to the above, it is necessary to conduct interviews to determine the condition of the relationship between people with mental disorders and their families. One of the family members in Ternate Tengah Subdistrict, Takoma Village, Mr. Jufri gave an explanation about their family members who suffer from mental disorders. At first he was active as usual, until the burden of thoughts and family problems that occurred caused depression and mental disorders. Even after the mental disorder he suffered, he experienced sexual harassment which further added to the burden on the sufferer's mind. "*We deliberately let him walk on public streets because when he is at home, he screams,*" said Pak Jufri.

According to the results of interviews with the Ternate City Social Service, there are many more people with mental disorders who have not been recorded because there are many crazy people whose identities are not clear and the whereabouts of their families are unknown⁵. Based on the description above, the author is very interested in conducting research with the title: "IMPLEMENTATION OF ARTICLE 491 SECTION 1 OF THE KUHP AGAINST PERFORMERS OF ALLOWING PEOPLE CRAZY IN TERNATE CITY".

Because so many crazy people are stranded on the public streets without anyone paying attention to them, especially to people who are obliged to take care of these crazy people. Definition of Implementation.

Implementation is an action or implementation of a plan that has been carefully and in detail. This implementation is usually completed once it is considered permanent. This implementation is not only an activity, but an activity that is planned and carried out seriously and refers to certain norms to achieve the objectives of the activity. Therefore, execution does not stand alone but is influenced by subsequent objects⁶

OVERVIEW OF CRIMINAL LAW

Definition of Criminal Law

It is difficult to provide a limit that can cover all the contents/aspects of the notion of criminal law because the content of criminal law is very broad which includes many aspects, which is impossible to fit within a boundary with a certain sentence. In providing limitations on the meaning of criminal law, usually only see from one or several sides, so that there are always certain sides or aspects of criminal law that are not included, and are outside of it. About how broad the content of criminal law is, it will be clearer after studying the types of criminal law which will be discussed later. Although there are always aspects of criminal law that are outside of it, it is still useful to first provide these limits. The benefit is that from this limitation it can at least provide an initial picture of the meaning of criminal law before understanding it further and more deeply.

5 Frans Maramis, *Hukum Pidana Umum Dan Tertulis Di Indonesia* (Jakarta: Raja Grafindo Persada, 2013).

6 Teguh Prasetyo, *Hukum Pidana* (Jakarta: Raja Grafindo Persada, 2016).

a. Elements of Article 491 Paragraph 1 of the Criminal Code

Article 491 of the Criminal Code Paragraph 1 which reads "With a fine of up to Rp. 750,-, punished: whoever is obliged to take care of a person who is dangerous to himself or to others, let that person walk everywhere without being awake. a. Whoever According to Article 10 Regulation Regarding Crazy People Stb 97/54 Year 1897, explains that his wife or husband, blood relatives or family because of marriage.

b. What is required

What is required as referred to in Article 491 Paragraph 1 of the Criminal Code has been regulated in Article 149 of the Health Law which reads: (1) People with mental disorders who are neglected, homeless, threaten the safety of themselves and/or others, and/or disturb order and/or or public security must receive treatment and care in health service facilities. (2) The Government, Regional Government, and the Community are obliged to provide treatment and care at health service facilities for people with mental disorders who are neglected, homeless, threatening the safety of themselves and/or others, and/or disturbing public order and/or security. (3) The Government and Regional Governments are responsible for the equitable distribution of mental health service facilities by involving the active participation of the community. (4) The responsibilities of the government and regional governments as referred to in paragraph 2 include financing for the treatment and care of people with mental disorders for the poor.

c. In criminology

A crime of public order is defined by Siegel as "a crime that involves acts that interfere with the operation of society and the ability of people to function efficiently", i.e. behavior that has been labeled criminal because it is contrary to norms, social values, and common habits
Leaving the Madman unattended

In the Mental Health Law Article 70 Paragraph 1 Numbers a and b stipulates that ODGJ has the right to: (a) obtain mental health services in easily accessible health care facilities; (b) Obtain mental health services in accordance with service standards Mental Health.

Responsibilities under the Mental Health and Health Act to Persons Who Mandatory to Take Care of Crazy People

In the explanation of Law Number 18 of 2014 concerning Mental Health, it is generally stated that the 1945 Constitution of the Republic of Indonesia guarantees that everyone can live in physical and spiritual prosperity and obtain health services by implementing health development. The goal of health development to be achieved is the realization of the highest degree of health. To achieve this goal, it is necessary to carry out various health efforts including Mental Health Efforts with promotive, preventive, curative and rehabilitative approaches. Effort

Mental Health must be implemented in an integrated, comprehensive and sustainable manner by the Government, Regional Government, and/or the community. In the mental health service system, it is regulated in Article 33 of the Health Law which reads: (1) To carry out Mental Health Efforts, the Government builds a tiered and comprehensive mental health service system (2) The Mental Health Service System as referred to in paragraph 1 consists of (a) basic mental health services; and (b) Referral Mental Health Services.

Overview of Crazy People

Definition of Crazy People

Crazy people are people who are mentally ill or have memory problems because there is a disturbance in their nerves. And usually, when we talk about crazy people, what comes to our mind is the state of someone who is very concerned; very crumpled; shabby clothes; some even do not wear any clothes in the sense of being completely naked. Likes to chatter or babble to his heart's content; sometimes even like to be angry and rage without clear reasons; as well as various other abnormal conditions according to the definition of healthy that we understand in general.

Legal Effectiveness Theory

1. Definition of Legal Effectiveness

Effectiveness comes from the word effective which implies the achievement of success in achieving the goals that have been set. Effectiveness is always related to the relationship between the expected results and the results actually achieved⁷. Effectiveness is the ability to carry out tasks, functions (operations, program activities or missions) of an organization or the like in which there is no pressure or tension between its implementation. So legal effectiveness according to the above understanding means that the effectiveness indicator in the sense of achieving predetermined goals or objectives is a measurement where a target has been achieved in accordance with what has been planned. Effectiveness Theory (Soerjono Soekanto) Law as a rule is a benchmark regarding appropriate attitudes or behavior. The method of thinking used is a deductive-rational method, giving rise to a dogmatic way of thinking. On the other hand, there are those who view the law as an attitude of action or behavior that is regular (steady). The method of thinking used is inductive-empirical, so that the law is seen as an act that is repeated in the same form, which has a specific purpose.

2. Factors Affecting Legal Effectiveness

According to Soerjono Soekanto that there are five factors, namely:

a. The legal factor itself

In the practice of administering law in the field there are times when there is a conflict between legal certainty and justice, this is because the conception of justice is an abstract formulation, while legal certainty is a procedure that has been determined normatively. In fact, a policy or action that is not completely based on the law is something that can be justified as long as the policy or action is not against the law. So in essence the implementation of law does not only include law enforcement, but also peace maintenance, because the implementation of law is actually a process of harmonization between the values of the rules and real behavior patterns that aim to achieve peace.

b. Law Enforcement Factor

In the functioning of the law, the mentality or personality of law enforcement officers plays an important role, if the regulations are good, but the quality of the officers is not good, there is a problem. Therefore, one of the keys to success in law enforcement is the mentality or personality of law enforcement by citing the opinion of J. E. Sahetapy who said: "In the context of law enforcement and implementation of law enforcement that the enforcement of justice without truth is a policy. Enforcement of truth without honesty is hypocrisy. Within the framework of law enforcement by every law enforcement agency (including human beings) justice and truth must be stated, must be felt and seen, must be actualized. In the above context concerning the personality and mentality of law enforcers, that so far there has been a strong tendency among the public to interpret the law as an officer or law enforcer, meaning that law is identified with the real behavior of officers or law enforcers. Unfortunately, in carrying out their authority, problems often arise because of attitudes or

⁷ Gurupendidikan.co.id, 'Implementasi', *Gurupendidikan.Co.Id* <gurupendidikan.co.id/implementasiadalah/> [accessed 23 March 2021].

treatments that are seen as exceeding authority or other actions that are considered to undermine the image and authority of law enforcement, this is due to the low quality of the law enforcement officers. This can result in not understanding the limits of authority. , due to lack of understanding of the law, resulting in abuse of authority in carrying out investigative duties and other police duties.

c. Facilities and Facilities Factor

Factors supporting facilities or facilities include software and hardware, one example of software is education. The education received by the police today tends to be practical conventional matters, so that in many cases the police experience obstacles in their goals, including knowledge of computer crime, in special crimes that have so far been given authority to prosecutors, this is because technically, the police are considered legally incapable and not ready.

d. Community Factors.

Law enforcement comes from the community and aims to achieve peace in society. Every member of the community or group has more or less legal awareness, the problem that arises is the level of legal compliance, namely high, moderate, or less legal compliance. The degree of community legal compliance with the law is one indicator of the functioning of the law concerned. The attitude of the public who are less aware of the police's duties, are not supportive, and in fact are mostly apathetic and consider law enforcement to be solely a police matter, and reluctance to be involved as witnesses and so on. . This is one of the inhibiting factors in law enforcement.

e. Culture.

In everyday culture, people often talk about culture. According to Soerjono Soekanto, culture has a very large function for humans and society, namely regulating so that humans can understand how they should act, act, and determine their attitudes when they relate to other people.

RESEARCH METHODS

Types of research

This research was conducted as an effort to obtain accurate and reliable data. The type of research used in this research is empirical legal research. Empirical legal research is a legal research method that uses empirical facts taken from human behavior, both verbal behavior obtained from interviews and real behavior made from direct observation. Empirical research is also used to observe the results of human behavior in the form of physical relics and archives⁸.

Research Location

The location of the research was carried out in Ternate City where there were research locations that the authors examined, including: Ternate City Social Service, Ternate City Health Service, Sofifi Mental Hospital and Ternate City Police.

The types and sources of data used in this study consisted of primary and secondary data⁹:

8 Bambang Sunggono, *Metode Penelitian Hukum* (Jakarta: Raja Grafindo Persada, 2015).

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

Types and Sources of Data

1. Primary data is original data or initial data obtained directly from the first source.
2. Secondary data, including official documents, books, research results in the form of reports and so on.
3. Source of Legal Material, Primary legal materials, namely binding legal materials, and consist of:
 - a) Legislation
 - b) Regulation of the Minister of Health Number 755 Year 2011 About maintenance Medical Committee in Hospital
 - c) Criminal Code
4. Secondary legal materials, namely materials that explain primary legal materials.

Tertiary legal materials, namely materials that can provide instructions or can explain primary legal materials and secondary legal materials. Such as books, literature, expert opinions, journals and others.

Data Collection Techniques

The data collection methods used in the study are as follows¹⁰:

Field Studies

Performed to obtain primary data using direct interview techniques with, the families of the insane, the community and the police. The author also uses a population and a sample, Population or universe, is a whole unit or human (can also be in the form of symptoms or events) that have the same characteristics. While the sample is The sample is part of the population that has characteristics similar to the population itself. Samples are also called samples. The calculated value obtained from this sample is called a statistic. Therefore, the author took 10 samples of families from insane people from 279 family populations of insane people, 5 community samples and those in the city of Ternate. 2. Library Study This method is done by means of a series of activities such as reading, taking notes, analyzing and reviewing library materials that are related to the problems to be researched. The literature study was conducted by obtaining data that are secondary:

- 1) Primary legal materials, namely binding legal materials that include:
 - a) Legislative Regulations¹¹
 - b) Regulation of the Minister of Health Number 755¹²
2. Year 2011 About Maintenance of the Committee
3. Medic At The Hospital Criminal Law Book

Data Analysis Techniques

The data analysis technique that the author uses is a qualitative descriptive research that is a process of searching and then compiling data systematically using relevant information sources to complete the data that the author wants, namely data from the interview process with the Social Services, the community and the Police and library studies. such as Law books related to the author's title.

10 Raharja.ac.id, 'Apa Itu Populasi Dan Sample Dalam Penelitian', *Raharja.Ac.Id* <<https://raharja.ac.id/2020/11/04/apa-itu-populasi-dan-sampel-dalam-penelitian/>> [accessed 10 April 2021].

11 *Peraturan Walikota Ternate Nomor 18 Tahun 2017 Tentang Tugas Dan Fungsi Dinas Sosial* (Indonesia: Pemerintah Kota Ternate).

12 Pemerintah Republik Indonesia, *Peraturan Menteri Kesehatan Nomor 755 Tahun 2011 Tentang Penyelenggaraan Komite Medik Di Rumah Sakit* (Indonesia: Kementerian Kesehatan RI).

DISCUSSION

Implementation of Article 491 Paragraph 1 of the Criminal Code against perpetrators of neglect of insane people in Ternate City

Crazy can be defined by loss of mind, damaged mind, or weakness of mind, so crazy people are people who have lost their minds or can't think what is good or bad to do. Many crazy people have committed crimes or committed crimes by taking the lives of others¹³.

According to the author from several interviews with the families of the insane and several people in the community, basically public knowledge regarding the threat of fines for neglecting the insane is still very minimal, plus there are many people who don't know much about the articles related to neglect of the insane. People also feel that it is not their duty and does not have an important role in giving the rights of the insane¹⁴. The lack of public understanding regarding the existence of Article 491 Paragraph 1 is certainly one of the factors that hinders the implementation of this article, therefore it is necessary to hold socialization from what I know is that crazy people also have rights, on the basis of those rights. then the rights of the insane must be protected¹⁵.

In my opinion, the author assumes that in Article 491 Paragraph 1 of the Criminal Code, more attention must be paid to the amount of fines in this article, namely Rp. 750.000,. many families of people with disabilities are less stressed about this article and many do not even know about the existence of this article, the negative stigma of society regarding the existence of crazy people on public roads is still so much, the lack of public awareness about the preservation of crazy people on public roads is of course a mistake. one action that is often found in the City of Ternate. This is certainly one of the obstacles to the implementation of Article 491 Paragraph 1, where public awareness is very lacking and there is a lack of public understanding regarding the importance of maintaining or giving their rights.

Mental health services for everyone as well as guarantees for the rights of People with Mental Problems, hereinafter referred to as ODMK and People with Mental Disorders, hereinafter referred to as ODGJ, cannot be realized optimally¹⁶.

The rights of ODMK and ODGJ are often neglected, both socially, personally and legally. Socially, there is still a stigma in the community, so families hide the existence of family members who suffer from mental disorders. This causes limited access for ODMK and ODGJ to health services. Meanwhile, legally, the existing laws and regulations are considered not yet comprehensive, thus hampering the fulfillment of the rights of ODMK and ODGJ.

13 Adami Chazawi, *Pelajaran Hukum Pidana Bagian I: Stelsel Pidana, Tindakan Pidana, Teori-Teori Pemidanaan Dan Batas Berlakunya Hukum Pidana* (Jakarta: Raja Grafindo Persada, 2012).

14 M. Ali Zaidan, *Menuju Pembaruan Hukum Pidana* (Jakarta: Sinar Grafika, 2015).

15 Eddy O.S Hiariej, *Prinsip Prinsip Hukum Pidana* (Yogyakarta: Cahya Atma Pustaka, 2014).

16 Nurhikmah and Arif Rahman, 'Pemenuhan Hak-Hak Terhadap Orang Gila', *Shautuna*, 2.1 (2020), 120.

The results of the research carried out by the author in the field, of the many cases of neglect, none of these cases has ever been criminalized. Research conducted by the author at the Ternate City Police Office found that none of the cases of shackles or neglect were legally processed, the reason being that there were no incoming reports. Even when the author asked about Article 491 Paragraph 1, the police said they didn't know. This proves that the socialization of this Article is still very lacking. It's a shame that since the existence of the Criminal Code until now in 2021, socialization related to this article is still very lacking¹⁷.

Factors influencing the implementation of Article 491 paragraph 1 of the Criminal Code against perpetrators of neglect of insane people in the City Ternate Implementation of Article 491 Paragraph 1 of the Criminal Code in the City of Ternate there are still several factors that hinder the process of implementing the article. According to Soejono Soekanto in the theory of legal effectiveness, he is of the view that a law can be said to be effective or not, it can be determined by several factors, including¹⁸:

Law Enforcement Factor

In the practice of administering law in the field, there are times when there is a conflict between legal certainty and justice, this is because the conception of justice is an abstract formulation, while legal certainty is a procedure that has been determined normatively. In fact, a policy or action that is not completely based on the law is something that can be justified as long as the policy or action is not against the law.

So in essence the implementation of law does not only include law enforcement, but also peace maintenance, because the implementation of law is actually a process of harmonization between the values of the rules and real behavior patterns that aim to achieve peace. Thus, it does not mean that every social problem can only be solved by written law, because there cannot be laws and regulations that can regulate all human behavior, the contents of which are clear to every citizen of the community they regulate and match the need to apply regulations and facilities. that supports it. In essence, the law has elements including statutory law, treaty law, juridical law, customary law, and scientific or doctrinal law.

According to the Head:

Jatanras Kota Ternate Mr. Heri Kiswanto, the public's minimal view regarding Article 491 Paragraph 1 resulted in a lack of public reports regarding the neglect of insane people caused by people who are required to look after crazy people, even if there are reports related to criminal acts committed by crazy people, the case only reached the stage of mediation or amicably.

Based on the description above, the author assumes that there are no people in Ternate City who report related to Article 491 Paragraph 1¹⁹ so that the police or law enforcement cannot process or follow up on problems that then occur by crazy people caused by negligence of people who are obliged to take care of them.

Factors Facilities and facilities

Factors supporting facilities or facilities include software and hardware, one example of software is education.

17 Ali Mahrus, *Dasar-Dasar Hukum Pidana* (Jakarta: Sinar Grafika, 2015).

18 Leden Marpaung, *Asas – Teori – Praktik Hukum Pidana* (Jakarta: Sinar Grafika, 2009).

The education received by the police today tends to be practical conventional matters, so that in many cases the police experience obstacles in their goals, including knowledge of computer crime, in special crimes that have so far been given authority to prosecutors, this is because technically, the police are considered legally incapable and not ready. Although it is also realized that the tasks that must be carried out by the police are very broad and many.

According to the author, the factors and facilities which later became an obstacle in dealing with neglect of the insane were still lacking. What we know at this time is that there is no Mental Hospital in Ternate city yet, the lack of these facilities has certainly led to the rise of crazy people who are not given their full rights.

Community Factors.

Law enforcement comes from the community and aims to achieve peace in society. Every member of the community or group has more or less legal awareness, the problem that arises is the level of legal compliance, namely high, moderate, or less legal compliance. The degree of community legal compliance with the law is one indicator of the functioning of the law concerned. The attitude of the community is less aware of the police's duties, does not support it, and in fact most of them are apathetic and consider law enforcement to be solely a police matter, and reluctance to be involved as witnesses and so on. This is one of the inhibiting factors in law enforcement.

According to the author, the community factor that occurred in the City of Ternate on the implementation of Article 491 Paragraph 1 of the Criminal Code is that people think that crazy people are the responsibility of their respective families and not the responsibility of the police. Thoughts that later emerged in the community about the negative stigma against crazy people are still very much, plus the government has never held a socialization on the importance of the role of society to protect and care for the insane.

Faculty of Culture.

In everyday culture, people often talk about culture. According to Soerjono Soekanto, culture has a very large function for humans and society, namely regulating so that humans can understand how they should act, act, and determine their attitudes when they relate to other people. Thus, culture is a basic outline of behavior that establishes rules about what to do, and what not to do. The five factors above are closely related, because they are the main things in law enforcement, as well as a benchmark for the effectiveness of law enforcement.

According to the author, the culture of the people who until now causing a negative negative stigma that arises against crazy people is still very broad in the community of Ternate City, the lack of ODGJ and ODMK. socialization of Article 491 Paragraph 1 of the Criminal Code, which the community has changed, shows the threat of fines, community culture for people who are required to be better, changing to keep the crazy people's views still sound foreign for the better, changing the ears of the people of the City of Ternate people's mindset so that there is no it becomes more open to reports that are received by the side against crazy people who are police officers so that the preservation or implementation of this article is not neglected on the streets until now. general. b. From some of the factors above According to the author, the culture of the

people who until now causing a negative negative stigma that arises against crazy people is still very broad in the community of Ternate City, the lack of ODGJ and ODMK. socialization of Article 491 Paragraph 1 of the Criminal Code, which the community has changed, shows the threat of fines, community culture for people who are required to be better, changing to keep the crazy people's views still sound foreign for the better, changing the ears of the people of the City of Ternate people's mindset so that there is no it becomes more open to reports that are received by the side against crazy people who are police officers so that the preservation or implementation of this article is not neglected on the streets until now. general. b. From some of the factors above.

CONCLUSION

The most important factor is the community factor. Based on the research results because of the public perception and discussion of the two that suffer from the above problems, it can be concluded that the soul is something that concludes as follows: threatening, therefore a. The public's knowledge of this kind of perception must be straightened out by the City of Ternate. So far, criminal sanctions for family actions still think that the neglect of crazy people is that the handling of sufferers is carried out by people with mental disorders who are given the obligation to take care of the house. The thing about caring for people who care for sufferers is that they are crazy to still be one of their own family and the lack of sensitivity in the community around takes care of crazy people. people with mental disorders Lack of socialization. The government's public perception of the importance of people with mental disorders in caring for and caring for mentally ill people (mental disorders) towards the community leads to stigma and is very rarely used for discrimination prevent stigma.

SUGGESTION

Based on the results of the discussion above, the authors outline the following suggestions:

- a. Article 491 Paragraph 1 of the Criminal Code must be further emphasized in its application due to the large number of crazy people who roam the public streets which are so dangerous for themselves and others, this article must also be socialized to the people of Ternate City who have very low public knowledge of threats to people who are required to protect themselves. crazy people, because as long as people don't know about this article, it's possible that the handling of crazy people will still be unresolved, because of their lack of knowledge.

The government must be more sensitive to the neglect of insane people in Ternate City, the government must also pay more attention to the human resources in the Sofifi Mental Hospital due to complaints from the Sofifi Mental Hospital about the lack of medical personnel and inadequate facilities. The government must socialize the importance of the rights of ODGJ and ODMK to the community so that public understanding of the role of protecting the insane can be implemented.

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