



The Existence of Paralegal in Minimizing Violence Against Women in Jembrana District

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ABSTRACT

The role of paralegals in increasing public legal awareness has been widely studied. One of the important roles of paralegals in Bali, especially in the Jembrana Regency, is to minimize violence against women, which is still found in Bali, which is famous for upholding patrilineal lineages where there is an assumption that the position of men is higher than women. The aims of this research are to determine the increased awareness of the community in Tuwed Village, Melaya District, Jembrana Regency and understand about the protection of women in Tuwed Village, Melaya District, Jembrana Regency. The type of service carried out is empirical, so the type of writing approach is field data, which is used in this paper. Devotion is carried out by directly examining the spaciousness. The approach used is a case study approach. The result shows that The effectiveness of paralegals in preventing violence against women in Tuwed Village can be studied by linking the theory of Soerjono Soekanto, who argues that a law can be said to be effective if it meets five factors, namely, legal factors, law enforcement factors, facilities and facilities factors, factors society, and cultural factors. The role of paralegals in Tuwed Village can be said to be ineffective due to the lack of public knowledge about paralegals and lack of community knowledge related to violence against women, as well as constrained by factors of supporting facilities.

Keywords: Paralegal, Violence, Women, Law.

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I. INTRODUCTION

Studies show that women's access to justice is still very weak (UNDP, 2007), (Asia, 2001), (Deepa, 2000). Similarly, women's access to justice in Indonesia. Indonesia has a long history of accessing women to justice. History notes that the first Indonesian Women's Congress on December 22, 1928 was able to invite over a thousand women to discuss issues of women's rights enforcement in marriage and divorce, marriage of minors, women's education, and vision of the future women's movement (Blackburn, 2007). However, the women's movement to increase women's access to justice has surfaced since the last two decades as the growth of various women's organizations. The establishment of several women's organizations such as Solidaritas Perempuan (SP), the Legal Aid Institute of the Indonesian Women for Justice (LBH APIK), and the National Commission on Violence Against Women (Komnas Perempuan) became the momentum that encouraged the realization of access to justice for women in Indonesia. Talks on women's access to justice are particularly relevant because up to now Indonesian women still face many obstacles in accessing justice through legal and justice mechanisms. This lack of access to justice further leads women to be further trapped in poverty (Dewi, 2005). This is because, among other things, women often lose their rights to assets and resources when they have legal cases, especially when they can not get a fair cases.

The expression of justice in Law is a means to obtain peace and order in society. With the Law, it is hoped that the community can live just, peaceful, and peacefully. Peace can be obtained with legal awareness that the community can obtain equal justice and equality in the eyes of the Law.

However, the reality is that legal aid can only be felt by people who can afford it (Hendra, 2011). Access to justice for the poor in reaching the judiciary is still very far and difficult to do. The birth of Law, no 16 of 2011 concerning Legal Aid, essentially aims to facilitate the poor and marginalized to obtain justice in the eyes of the Law. One form of legal assistance that can be provided is through a paralegal. As a state of law, Indonesia protects and advances its citizens' general welfare. Thus, it is necessary to realize a just and peaceful society so that there will be no more violence, especially against women. The patriarchal culture in Indonesia is very high, which assumes that men are in a higher position than women, creating a stigma that men can act arbitrarily toward women.

The violence that appears in cases against women is now rife in Indonesia. From the count of cases that occurred in the January-July 2021 period, there were more than 2,500 cases of violence against women. Not only in big cities but cases of violence against women also occur in rural areas. Tuwed Village is one of the villages in Bali that has cases of violence against women, which have caught the attention of village officials. Tuwed Village is a village consisting of 4 Banjar Dinas and 8 Banjar Adat with a population of 3,795 people consisting of 1,808 men and 1,987 women. Judging from the village data, most of the people in Tuwed Village work as farmers. In particular, cases of violence against women in Tuwed Village in the past year have reached 25 cases, but 5 cases continue to be handled by law enforcement officials. Various forms of violence cases occur. One of the most common forms is domestic violence. The world has entered into a new millennium, but from the dawn of civilization till date, the woman of the patriarchal society of India continues to be oppressed and ill-treated. She is dependent, weak, exploited and faces gender discrimination in every sphere of life. The gender-based violence that threatens the well-being, dignity and rights of women, extends across social, cultural, economic and regional boundaries (Sharma, 2015).

The existence of paralegals helps the community in accessing justice, where strengthening paralegals is very important in every region in Indonesia so that the community can obtain justice thoroughly and evenly. Paralegals can be the main actors and are given a strategic role so that, in the long term, they can still assist victims of violence, especially violence against women. Based on the above background, the author raises the title; *The Existence of Paralegals in Minimizing Violence Against Women in Jembrana Regency*. The target of the activity is to increase public legal awareness, especially among women in Tuwed Village, Melaya District, and Jembrana Regency, and assist in preparing Awig-awig related to environmental conservation. The aims of this research are to determine the increased awareness of the community in Tuwed Village, Melaya District, Jembrana Regency and understand about the protection of women in Tuwed Village, Melaya District, Jembrana Regency.

II. METHOD

The type of service carried out is empirical, so the type of writing approach is field data, which is used in this paper. Devotion is carried out by directly examining the spaciousness. The approach used is a case study approach. Sources of data used in this service are primary data, namely data generated through direct interviews with informants, and secondary data, namely, data obtained through library studies such as books, laws, and regulations. The legal materials used in this service are primary legal materials, namely legal materials that are authoritative, such as laws, and secondary legal materials in the form of all publications and official books. The location of the service carried out by the author is in Jembrana Regency to maximize data acquisition. The data collection technique in this service is conducting a literature review to collect primary data and conducting field service (interviews and a list of questions). The data analysis used in this research is data by describing the applicable laws and regulations and is associated with theories related to service issues.

III. RESULT AND DISCUSSION

3.1 The Existence of Paralegals in Preventing Violence Against Women

A paralegal is implementing Law Number 16 of 2016 concerning Legal Aid. With the existence of paralegals, it is hoped that the community can access the law equally. According to Abdul Hakim, a paralegal can be interpreted as someone who helps advocates deal with legal issues. G. Nusantara Paralegals are people who have attended a lightning legal education course organized by the LBH

office, working as legal advisors for the poor or disadvantaged in development (G, 2005). Paralegals are different from advocates because paralegals can only provide legal assistance in the non-litigation area, while advocates can become legal assistants in both non-litigation and litigation areas.

Paralegal legal aid can focus its target on cases of violence against women. Violence against women is rampant in society. *Violence* is generally defined as the act of a person or group of people causing physical and psychological injury to others. Victims of violence can occur in a woman or a man but more often, are; violence against women. In the case of violence against women, it can be interpreted as a behavior or action that occurs based on differences in gender identity, which results in helplessness and physical, psychological, and sexual pain for a woman.

The existence of paralegals in providing legal assistance to victims of violence against women is Article 9-10 Number 16 of 2011 concerning Legal Aid, Constitutional Court Decision No. 88/PUU-X/2012 dated December 19, 2013, Government Regulation Number 42 of 2013 concerning Terms and Procedures Method of Providing Legal Aid and Distribution of Legal Aid Funds, and Permenkumhan Number 3 of 2021 concerning Paralegals in Providing Legal Aid.

Before being recruited to become a paralegal, several requirements must be met to become a paralegal, including the following:

- a. Must be Indonesian citizens;
- b. Must be at least 18 (eighteen years old);
- c. Must have the ability to read and write;
- d. Not a member of the Indonesian Military, Indonesian Police, or state civil apparatus and;
- e. Must meet the requirements that have been determined by the legal aid provider and do not conflict with the law.

Paralegals must carry out some ethics in their duties in paralegal relations with the community. They must trust, be patient, be open, inform what should be said and not mislead the public, maintain personal confidentiality in society, and so on. In carrying out their duties, paralegals have a code of ethics produced by professional organizations that bind their members. The ethics of paralegal relations with judicial and other powers must behave appropriately and follow the norms towards every official of judicial power and other powers (Daerobi, 2019). Paralegal ethics with colleagues must be on good terms, and paralegals are not allowed to seize cases handled by other paralegals. Moreover, the last is the paralegal relationship with advocates, and paralegal OBH must assist advocates in managing documentation and other important events.

The position of paralegals in the criminal justice system in Indonesia is out of the system, which means they are only limited to monitoring, supervising, and providing encouragement to the police, prosecutors, and courts to work appropriately and follow procedures. The function of paralegals is to facilitate the formation of community organizations, educate and raise awareness, conduct social analysis, and encourage community demands and documentation.

In providing legal aid for the poor, paralegals have their limitations. In Law Number 18 of 2003 concerning Advocates, the provision of legal assistance in a trial can only be carried out by advocates and cannot be carried out by paralegals. Therefore paralegals can only provide legal assistance if a case is settled out of court or non-litigation only.

3.2 The Effectiveness of Paralegals in Preventing Violence Against Women in Tuwed Village

Violence against women is very common around us. Many violence against women is caused by a lack of knowledge and public awareness of the law. As described above, violence against women is also rampant in Tuwed Village. The role of paralegals as legal aid providers is very important in suppressing cases of violence against women in Tuwed Village. Based on the results of an interview with Mrs. Erlin Cahya S as an Advocate and Chair of the Bali Posbakumadin, which oversees paralegals in Tuwed Village, according to her, one of the roles of paralegals in preventing violence against women, for now is by educating the community, this is done because there is no legal umbrella for protecting victims of violence against women. Education that can be provided by paralegals, such as conducting legal counseling. Legal counseling is an activity to disseminate information regarding legal norms and applicable laws and regulations to realize and develop public legal awareness.

Legal counseling is carried out with the hope that people will understand and know that violence is not a common thing to do, especially now that the definition of *violence* that is known to the public is only physical violence, even though, according to some literature violence can also be in the form of psychological, sexual and economic attacks. Paralegals have a very important role in educating the public about violence against women so that the public knows that such acts cannot be carried out because they are against the laws and regulations.

The role of paralegals is not only limited to providing counseling but there are several other paralegal roles, namely as follows:

1. Consultation is a dialogue in which there is an activity of exchanging information to make the consulted parties know more about a theme. Consultation can involve individuals and communities from an area (Mukti, 1998).
2. Mediation is a way of resolving disputes to reach a mutual agreement accompanied by a third party as an intermediary.
3. Community empowerment is a process to make people aware that they can do something and make people realize that ability and improve it.
4. Legal aid providers, described in Law Number 16 concerning Legal Aid, legal aid providers are community institutions or organizations that provide legal aid services.

In providing legal assistance, paralegals can act as legal assistants for victims experiencing legal problems. Paralegals can accompany cases of violence against women, cases of trafficking in persons, cases of violence against children, and so on. Among the cases mentioned above, one of the cases often encountered in the community and can be accompanied by a paralegal is the case of violence against women in the household scope. Domestic violence is all actions that cause uncomfortable feelings such as pain, injury, and intentionally damage physical and mental health, including not providing for the wife physically or mentally (Maidin, 2012). According to Law Number 23 of 2004 concerning of violence in household, domestic violence can be divided into four: physical violence, psychological violence, sexual violence, and neglect of the household. The causes of domestic violence are gender inequality, legal protection that has not been adequate, and the dominance of patriarchal values is still high, resulting in the frequent occurrence of domestic violence.

In addition to the cases mentioned above, several other common factors cause domestic violence: 1). Individual factors, such as the influence of alcohol, someone who has difficulty controlling his anger, someone from a low-income family, 2). Family factors, chaotic and disharmonious family life, lack of intimate relationships, 3). Community factors, poverty, and the environment with a high crime rate affect the desire to commit crimes, and 4). Another factor is the high patriarchal culture which assumes that men have a higher position than women. Domestic violence can occur anywhere. For example, the case of violence that occurred in one of the banjars in Tuwed Village, where interviews were conducted on several residents who were victims of domestic violence named Ni Luh Mayang (pseudonym), with the perpetrator Ni Nyoman Purusa (name Disguise). In this incident, Ni Luh Mayang married Ni Nyoman Purusa without being recorded in the Civil Registry, meaning their marriage was only legally valid. One day for some reason, Purusa as the husband of Mayang commits violence against his wife, which, according to him, is a natural act for a man as the head of the family who tends to rule over his family. The violence in question occurs both physically, such as hitting and slapping, and psychologically, such as berating, yelling, and threatening. Because Mayang is weak in every way, including not being able to read and write, she can only enjoy the violence perpetrated by her husband. This act has been reported with Kelian Adat but is returned and is expected to be resolved amicably. Mayang returned with her husband with a heavy heart as if nothing had happened.

From the cases described above, we know that many people still do not care about domestic violence, where they think it is still in the community. Privacy cannot be interfered with by any party. As a result, victims of violence are reluctant to report the violence they have experienced for fear of being ignored by the authorities. Lack of knowledge of the law is one of the factors that cause this to happen. This is where the role of paralegals to provide counseling is very necessary, with the hope that in the future, the community will be aware of the law so that cases of violence against women in the household scope do not occur again.

Seeing whether paralegals are effective or not in preventing violence against women can be studied through effectiveness theory. According to Soerjono Soekanto, five factors can affect the effectiveness of the law, namely legal factors, law enforcement factors, legal facilities or facilities, community factors, and cultural factors (Soerjono, 2007).

Judging from the legal factor itself, from a paralegal point of view, the legal basis is the Minister of Law and Human Rights Regulation Number 3 of 2021 concerning Paralegals in Providing Legal Aid, it can be said that it is relevant, seen from the law itself, it must contain three things, namely justice, certainty and expediency, with this regulation being the main bridge for the poor and marginalized to fight for justice, this regulation is also very useful and relevant to today's society, furthermore in terms of certainty which means clarity of norms, seen from this regulation it has provided the substance of norms firm and clear.

Furthermore, law enforcement factors that can determine the effectiveness of regulations, in involving the role of paralegals in preventing violence against women in Tuwed Village, actually the problem is in the law enforcement officers themselves, namely advocates, where it is very rare that there are even no advocates in Tuwed Village who want to provide legal assistance. free of charge to victims of violence, so their role must be optimized by paralegals.

Another factor that determines the effectiveness of legal regulations is the means and facilities to encourage, in knowing the effectiveness of paralegals in Tuwed Village, there are obstacles faced according to the author's observations, where the authors observe that there is still a lack of paralegals who are active in carrying out their roles to prevent violence against women such as the lack of counseling carried out by paralegals to the public regarding paralegals and violence. In addition, paralegals also do not get sufficient budget which is used for transportation and accommodation budgets. Community factors are also very important to determine the effectiveness of paralegals in preventing violence against women. Based on the results of interviews with five respondents from each Banjar representative in Tuwed, it turns out that only one respondent knows about paralegals. If seen from this, it can be concluded that only a small number of people know about paralegals. This can happen due to the uneven distribution of counseling and socialization about paralegals and violence against women carried out to the community, which results in a lack of knowledge and public awareness of the law. Furthermore, in terms of cultural factors, it is said that there is no problem because the existence of paralegals is actually for the needs and the good of the community itself.

Based on interviews and observations made with Soerjono Soekanto's theory, paralegals role of paralegals in Tuwed Village in preventing violence against women has not been effective. It can be concluded from the unfulfillment of some of the factors above, namely law enforcement factors, the community, and supporting facilities, that different solutions need to be found.

IV. CONCLUSION

A paralegal understands the law, both criminal and civil law, and provides legal assistance to the poor under the supervision of legal aid institutions. The rules regarding paralegals in preventing violence against women have been regulated in the Legal Aid Law Number 16 Years 2011 Regarding Legal Aid and Ministry of Law Regulation Number 3 of 2021 concerning Paralegals in Providing Legal Aid, in which both regulations contain the definition of paralegal, the requirements to become a paralegal, the rights and obligations of paralegals, and so on. In carrying out their duties, paralegals have a code of ethics produced by professional organizations that bind their members. Paralegals must apply this code of ethics following the agreement with the legal aid institution that houses them. In providing legal assistance, paralegals can only carry out their duties in the non-litigation realm, such as providing counseling, socialization, and so on. The effectiveness of paralegals in preventing violence against women in Tuwed Village can be studied by linking the theory of Soerjono Soekanto, who argues that a law can be said to be effective if it meets five factors, namely, legal factors, law enforcement factors, facilities and facilities factors, factors society, and cultural factors. The role of paralegals in Tuwed Village can be said to be ineffective due to the lack of public knowledge about paralegals and lack of community knowledge related to violence against women, as well as constrained by factors of supporting facilities.

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