

Type: **Research Article**

PROTECTION OF WOMEN IN LEGAL
CASES: OBJECTIVITY OF THE CASE
MONITORING PROCESS BY
PARALEGALS (COMPARATIVE STUDY
OF LBH APIK SEMARANG INDONESIA
AND AWARE SINGAPORE)

Ahmad Alif*

*Paralegal Legal Aid Institute (LBH) APIK Semarang
Poncowolo Timur I No.409A, RT.01/RW.06, Pendrikan Kidul,
Kec. Semarang Tengah, Kota Semarang, Jawa Tengah 50131,
Indonesia*

Benjamin Laura

*Association of Women for Action and Research (AWARE) Singapore,
Block 5 Dover Crescent #01-22, Singapore 13005*

*Corresponding email: law.ahmadalif@gmail.com

The presence of paralegals is like an oasis in the middle of a barren desert. The presence of paralegals especially in Indonesia is a new hope for those who want to obtain structural legal assistance (Bantuan Hukum Struktural, BHS), structural gender legal assistance (Bantuan Hukum Gender Struktural, BHGS) and clinical legal education. This study

The Indonesian Journal of International Clinical Legal Education

DOI: [10.15294/ijicle.v4i1.55776](https://doi.org/10.15294/ijicle.v4i1.55776)

Submitted: Sep 12, 2021 Revised: Nov 25, 2021 Accepted: Febr 2, 2022

Available online at <https://journal.unnes.ac.id/sju/index.php/iccle>

© 2022 Authors. This work is licensed under a Creative Commons Attribution—ShareAlike 4.0 International License (CC BY-SA 4.0). All writings published in this journal are personal views of the authors and do not represent the views of this journal and the author's affiliated institutions.



highlighted that paralegals from their point of view as human beings who have a subjective and objective side, especially in their role as paralegals in the Legal Aid Institute which is more involved with legal issues against women (LBH APIK Semarang). In its mission, LBH APIK Semarang to provide legal assistance and assistance for women who experience injustice, violence, and various forms of discrimination. As comparison, this study also found that, AWARE Singapore recognized as the leading women's rights and gender equality group in Singapore. AWARE provides a feminist perspective in the national dialogue. It has effectively advocated against laws, public policies and mindsets that discriminate against women. AWARE has contributed towards the strengthening of laws dealing with domestic violence.

Keywords: *Women Protection, Legal Aid, LBH APIK Semarang, AWARE Singapore*

I. INTRODUCTION

December 22, 1928 was the first time the Indonesian Women's Congress was held which brought together more than 1000 women to discuss issues, particularly in the enforcement of women's rights, both in normal marriages, underage marriages to divorce, and the vision of future women's movement. This spirit has intensified, especially in the last 3 windu where we often encounter movements that involve women and/or become the driving force behind them, such as Solidarity Perempuan (SP), the National Commission on Violence Against Women (Komnas Perempuan).

If the topic is re-raised, the author feels that it is very relevant to the situation and conditions that develop in this country, especially the many obstacles faced by these women seeking justice. Various studies show that women's access to justice is still very weak (UNDP, 2007:vii-xvi, The Asia Foundation, 2001:vx, Narayan, 2000:6-9, World Bank, 2004&2008). Weak access to justice further leads women to be further trapped in poverty (Dewi Novirianti, 2005:76). This is partly due to the fact that women often lose their rights to assets and resources when facing legal cases, especially when they are unable to obtain a fair case settlement. Various studies and reports have revealed various obstacles faced by women in accessing justice. The main obstacle generally is the low awareness and understanding of their legal rights (UNDP, 2007:81). Meanwhile, Dewi Novirianti (2009:357) underlined the three main

challenges of women in seeking justice, namely awareness of the law and women's rights, the limited capacity of state and non-state legal mechanisms and the role of mediators. To help the obstacles faced by women in accessing justice, the role of intermediaries such as paralegals, local elites, local activists and even organizations such as Non-Governmental Organizations (NGOs) that provide assistance, support and services to women becomes important. Especially in Indonesia, where trained lawyers are very expensive and transportation is often a barrier, paralegals are an important “tool” to increase women's access to justice. In general, paralegals are people who provide assistance to fight for justice in society. This work is carried out using existing regulations or other legal breakthroughs. This paper describes the role of paralegals in legal empowerment to increase women's access to justice.

II. LEGAL BASIS AND LIMITATION OF PARALEGAL IN INDONESIA

Whereas legal aid institutions have a very strategic role in addition to providing legal assistance, they also provide legal awareness, conduct legal socialization, and provide legal aid services for everyone who is involved or affected by legal problems, both as suspects and defendants, of course legal aid institutions are more focused in providing legal assistance as regulated in some provisions.

Article 56 Paragraph (1) of the Criminal Procedure Code contains: In the event that a suspect or defendant is suspected or charged with committing a criminal act which is punishable by death or a threat of fifteen years or more or for those who are unable to do so, they are threatened with a five-year sentence. years or more who do not have their own legal counsel, the officials concerned at all levels of examination in the justice process are obliged to appoint legal counsel for them.

Law of the Republic of Indonesia Number 16 of 2011 concerning legal aid Article 3 contains: *a.* Guarantee and fulfill the rights of Legal Aid Recipients to get access to justice; *b.* Realizing the constitutional rights of all citizens in accordance with the principle of equality under the law; and *c.* Ensuring certainty that the implementation of Legal Aid is carried out evenly in every territory of the Republic of Indonesia.

Realizing an effective, efficient and accountable judiciary, Law of the Republic of Indonesia Number 48 of 2009 concerning the provisions of Judicial Power Article 6 paragraph (2) contains: No one can be sentenced to a crime, unless the court because of the legal evidence according to the law is convinced that someone who is considered to be responsible, has been guilty of the act he is accused of; 4. Law No. 29 of 2009 concerning Judicial Powers Article 56 paragraph (1) reads: The state bears the costs of cases for justice seekers who cannot afford.

Circular Letter of the Supreme Court of the Republic of Indonesia Number 10 of 2010 concerning Guidelines for Providing Legal Aid.

Based on the handbook for paralegals published by the Free Legal Assistance Group (FLAG), which is a Legal Aid Institute in the Philippines, they formulated the scope of work of paralegals, among others.¹

A. Paralegal Jobs and Technical Skills

a. Basic Paralegal Functions

To assist advocates in preparatory work so that advocates can carry out their roles effectively in providing legal consultation, negotiation, drafting and legal assistance. In this case the author agrees because the Legal Aid Institute where legalists are sheltered can provide provisions and knowledge and expertise in the field of law all work handled before being handled by advocates can carry out their work on preparation, investigation, providing consultation to their clients first handled by paralegals before being handled by advocates, so that it is easier for advocates to solve these problems because all preparations are prepared in advance by the legalists and are then easier to be handled by advocates, so it is the duty of the legalists to assist and prepare materials for the interests of their defense which are championed by advocates, for that the role of the legalists is very helpful in the process. preparation to be used as a basis by an advocate.

b. Type of work

1) Office work related to running a legal aid organization and/or attorney's office. The types of office work are:

- a) Receiving guests or clients;
- b) Receiving or answering telephones;
- c) Receive and sort mail;
- d) Maintain schedule;
- e) Maintain case files including summary case files and completed case files;
- f) Maintain the library system.

That a legal must understand the stages of work so that if this stage is understood and understood and implemented to the maximum extent possible the legal will make it easier to carry out their duties because this stage will bring the

¹ A translation of the Paralegal Craftsmanship book published by the Free Legal Assistance Group (FLAG) and used for paralegal research by the LBH Bandung Community Legal Resources Development program with adjustments according to applicable law in Indonesia.

legalists towards a better and proportionate at least as a provision and invaluable experience for survival. law enforcement officers in carrying out their duties.

2) Field work related to cases being handled by advocates.

The types of field work are:

- a) Initial interviews with clients/witnesses;
- b) Do a fact-finding;
 - 1) Conduct interviews and obtain information from witnesses;
 - 2) Obtain copies of documents and data;
 - 3) Prepare a summary of case facts;
- c) Conduct legal and case research;
- d) Assisting lawyers in preparation for court;
 - 1) Reviewing factual information that compares this information with all data obtained so that data conformity is obtained;
 - 2) Obtain file summary, research. Legal opinions from other cases, which may be useful for the settlement of ongoing cases;
 - 3) Assist in court preparation;
 - 4) Prepare and submit requests to guarantee the presence of witnesses and written documents in court;
 - 5) Remind clients and witnesses of the position of the case;
 - 6) Make notes during the trial.
- e) Provide a written report;
- f) Create a draft:
 - 1) Letters, oaths and statements;
 - 2) Defense note;
 - 3) Other letters;
 - 4) Other documents.

With the steps provided by legal aid agencies so as to add enlightenment in the legal field because LBH always directs that legalists can take part at a minimum for people who require settlement at the community level for that the material presented is used as a guide for paralegals and must be understood by paralegals in carrying out their duties and providing wider legal knowledge as a basis for education in the field of law, so that paralegals can receive additional knowledge by taking shelter in the Legal Aid Institute.

- c. Basic knowledge
 - 1) The judicial system;
 - 2) The procedural law used;
 - 3) Evidence;
 - 4) Human rights;

- 5) Regulations relating to community problems in the fields of:
 - a) agrarian;
 - b) Farmer;
 - c) Fisherman;
 - d) Laborer;
 - e) The urban poor;
 - f) Culture;
 - g) The rights of the suspect/defendant.
- 6) Fact-finding and interview techniques;
- 7) Ability to create reports;
- 8) Effective use of time.

Legal aid in a broad sense can be interpreted as an effort to help disadvantaged groups in the legal field. This effort has three interrelated aspects, namely:² Aspects of the formulation of legal rules, the aspect of supervision of the mechanism to ensure that the rules are complied with; and aspects of public education so that the rules are lived up.

Regarding paralegals, according to Black Law Dictionary in his book, Mulyana WK stated that Paralegals are A person with legal skills, but who is not an attorney, and who works under the supervision of a lawyer or no isotherwise authorized by law to use those legal skills. Paralegal courses leading to dersed insuch specially are no afforded by many schools. Based on this understanding what is called a paralegal is someone who has legal skills but he is not a legal advisor (professional) and he works under the guidance of an advocate or who is judged to have legal ability to use his skills³ while according to Rifka Annisa Women's Crisis Center, Paralegals are people who provide assistance to fight for justice in society. This work is carried out using existing regulations or other legal breakthroughs.⁴

Then in the paralegal pocketbook published by The Indonesian Legal Resources Center (ILRC) it is explained that paralegals are one of the parties who can provide legal assistance in a broad sense other than advocates, lecturers and students. The function of paralegals is not intended to replace the function of advocates, but to cooperate in fulfilling access to justice for the poor and vulnerable groups. In Indonesia, paralegals are not a profession or a job, but a volunteer to work together. In Law Number 11 of 2012 concerning the Juvenile Criminal Justice System, the provision of legal assistance is carried out by community groups, social workers, companion volunteers, trade unions,

² Adnan buyung Nasution, op cit, p. 95

³ Mulayana W. Kusumah, Paradigms and Community Access to Justice, LBH Indonesia Foundation, Jakarta, 1991, p. 27.

⁴ Anis Hamim and Siti Roswati Handayani, Becoming Paralegals for Women Victims of Violence, Rika Annisa Women's Crisis Center, Yogyakarta, p. 3

lecturers, law faculty students and social welfare workers. Providing legal assistance by community groups.⁵

Meanwhile, the definition of paralegals among Legal Empowerment actors, for example, used by Stephen Golub, “paralegals are laypersons, often drawn from the group they serve, who receive specialized legal training and who provide various forms of legal education, advice, and assistance to the disadvantaged” (Golub, 2006:171). Vivek Maru provides a similar formula based on his experience developing the Paralegal program in Sierra Lion. It offers the definition of paralegal as, *'laypeople with basic training in law and formal government who assist poor and otherwise disempowered communities to remedy breaches of fundamental rights and freedom'* (Maru, 2006:29). In the Indonesian context, Law Number 16 of 2011 concerning Legal Aid does not provide an explanation of who a paralegal is.

The definition that is widely used as a reference in Indonesia is that used by Ravindran who, although he still feels the influence of 'legal positivists', has succeeded in formulating roles that include empowerment as follows: “a person who has basic knowledge of law, both procedural law (formal) as well as legal material l and motivation, attitudes and skills to: implement educational programs so that disadvantaged people are aware of their rights; facilitate the formation of people's organizations so that they can demand and fight for their rights; assisting in mediation and reconciliation in the event of a dispute; conduct preliminary investigations into cases that occur before being handled by lawyers.

After previously the author invited the reader to enter in 1928, now forward in 1968. The term Paralegal was first recognized in the United States since 1968, which defines Paralegal as a Legal Assistant whose job is to assist a legal person, namely a lawyer or notary, in providing legal advice to the public and is directly responsible to the public legal.

To become a Legal Assistant requires a certain quality of education, but cannot take legal action or legalize a legal act. Meanwhile, in Indonesia, paralegals are developed not in the sense of Legal Assistant as in the United States, but paralegals who work for certain communities. Paralegals are born through a series of comprehensive and continuous education in order to build their awareness, with the hope that they will be able to fight for the fulfillment of the human rights of their communities through the provision of legal aid services.⁶ Paralegals are basically not always someone with a law degree, as in the 1970s, many

⁵ Maria Rosalina, Paper on the Discussion on the Role of Social Workers from the Ministry of Social Affairs, Handling Children in Conflict with the Law, the Regional Indonesian Child Protection Commission (KPAID) of North Sumatra, Medan, Friday, February 14, 2014

⁶ Frans Hendra Winarta Op. Cit., p. 101.

have become paralegals and their existence has been recognized since the enactment of the law on the environment, the law on the settlement of industrial relations disputes, the abolition of domestic violence to increasingly recognized when the law on legal aid was born.

People who work in the world NGOs are part of paralegals, especially NGOs engaged in legal aid and legal awareness regarding civil and social rights of the community. They can be classified as paralegals, because their scope of work includes activities carried out by paralegals, such as legal consultation, client assistance, legal counseling and advocacy, where the target of their work is marginalized community groups. There are some NGOs that also create paralegals outside of their organizational structure. These paralegals are used as extensions of their hands to realize their programs. For example, LBH Bandung in implementing the Community Legal Resources development program (PSDHM), they educate labor and farmer communities to become paralegals, so that they understand their rights and obligations, and when these rights are violated, they can resolve the problem quickly and simply before the problem is transferred to LBH Bandung. These paralegals are non-formal in nature and because their status is not revoked from their own community and it is easier to communicate, any problems that arise can be handled immediately.

There are several things that must be remembered and considered in understanding the work context of paralegals, namely:

- 1) Paralegals are neither advocates nor “pokrol”;
- 2) Paralegals do not sell their services in providing legal assistance;
- 3) Paralegals have their main job as facilitator for potential development and legal consultation for marginalized communities (disadvantaged communities).

There are several characteristics of the profession as a paralegal that distinguish it from an advocate between other:

- 1) The paralegal profession is more voluntary and not profit-oriented;
- 2) Their status is non-formal because they are outside the components of the criminal justice system;
- 3) The target of their work is marginalized people.

Advocates here are partners of paralegals, where paralegals carry out their functions as facilitators and liaisons between the community as clients and advocates who will play a role when cases are transferred to court.

B. Scope of Paralegal Work

The scope of paralegal work includes: Carry out educational programs so that the disadvantaged community groups (*disadvantaged people*) aware of the rights; Facilitate the formation of people's organizations

so that they can demand and fight for their rights; Assist in mediation and reconciliation when there is a dispute; Conduct preliminary investigations into cases that occurred before being handled by lawyers; and Assisting advocates in making statements (claims/defense), collecting the required evidence and other relevant information in the case at hand.

In carrying out their profession, especially when handling a case, paralegals must also coordinate with law enforcement officers like:

- 1) Accompany clients during police examinations;
- 2) Monitor the progress of the case whether it has been handled quickly, appropriate and in accordance with applicable legal procedures, both at the police, prosecutor, court and trial levels;
- 3) Assist the police in collecting evidence;
- 4) Provide various suggestions in handling cases, for example being a witness in examinations and trials;
- 5) Carry out various activities to fill the void of various obligations that are not carried out by the State, such as various activities carried out by the Child Rights Advocacy Institute (LAHA) at the Kebon Waru Rutan, where various activities such as providing simple education, creating a play forum, opening a mini library, are carried out to try to assist child prisoners in obtaining their rights as children and as citizens, which should be provided by the State.

The involvement of paralegals in handling a case is mostly due to complaints from prospective clients to the institution where the paralegal is sheltered, after the problem is known, then the agency sends its paralegals to investigate the case and look for facts that are useful in defending the client. If the case is a collective case, apart from involving their paralegals, the agency also tries to involve their clients or local community leaders to become paralegals for themselves. So, while handling their own cases, they are also at the same time being educated to be able to become paralegals at least for themselves. Henceforth they will be included in legal education and training for paralegals.

At the beginning of the idea of paralegals at YLBHI, there were 2 (two) forms of paralegal education, Laurensius Arliman. Paralegal Education to the Community as a Form of Child Protection UIR Law Review Volume 01, Number 01, April 2017 67, namely direct education to paralegals, and education to educate someone to become an educator (training of trainers).

In its development, paralegal education experienced dynamics. During the 1980s, LBH generally conducted paralegal education based on communities that experienced human rights violations and were currently facing legal cases. In this case, paralegal education teaching materials are prioritized in the form of skills for the community to fight for their rights both in the judicial process and outside the judicial

process. So the knowledge taught is a specific science (Abdul Azis Sigalingging).

Then in the 1990s, paralegal education began to develop based on issues by inviting various communities in the community. Marked by the establishment of non-governmental organizations that specifically handle certain issues, such as WALHI, ICEL, and LBH Apik. WALHI and ICEL conduct paralegal training in the environmental field. Meanwhile, LBH Apik provides paralegal education on issues of domestic violence and the rights of women and children (Patra M. Zen). Equality before the law and the right to be defended by an advocate or legal adviser are human rights that need to be guaranteed in the context of achieving social justice, as well as a way to lift people out of poverty, especially in the legal field. And legal aid can guarantee and realize equality before the law by defending the rights of the poor.

Whereas formally, paralegals are only recognized when they are mentioned in the law on legal aid Number 11 of 2016, namely in Articles 9 and 10. However, when it comes to technical mechanisms and on what lines paralegals can assist, the law does not explain. In Article 9 and Article 10 Number 11 of 2016 concerning legal aid, the position of paralegals has now received formal recognition and legitimacy in the legal system in Indonesia, so that the existence of paralegals must also be recognized by law enforcement officials and other related institutions. There are several types of paralegals known, including:

1. Legal Aid is the provision of services in the field of law to someone who is involved in a case or case, which is characterized by the provision of free legal aid services, specifically for those who cannot afford it, and the main motivation is law enforcement by defending the interests and human rights of small people.
2. Legal Assistance, which is in addition to containing the meaning and purpose of providing legal aid services, is also known as an advocate who provides assistance both to those who are able to pay achievements and free of charge to the poor.
3. Legal Service, aims to provide assistance to community members whose operations aim to eliminate discriminatory facts in the enforcement and provision of services between poor people with low incomes and rich people who control sources of funds and positions of power. Legal service in its operations is more likely to resolve any dispute by way of peace.

The concept of legal aid along with socio-political developments can be divided into three, namely:

1. The concept of conventional-traditional legal aid is legal services provided to the poor individually. The nature of traditional legal aid is very passive, and the approach is very formal and legalistic. Passive in the sense of waiting for clients or the community to

complain about their problems without being responsive to legal conditions, while formal legalism in the sense of seeing the problems faced by the community or clients only from a legal perspective.⁷

2. The concept of constitutional legal aid is a concept that is more inspired by the thought of the rule of law, whose elements include the law being made the commander-in-chief (supreme of law), and respect for human rights. The rule of law characterizes the activities of constitutional legal aid, which include raising awareness of the rights of the poor as legal subjects and the enforcement and development of human rights values as the main pillar of upholding the rule of law. The concept of constitutional legal aid is more progressive than the concept of conventional-traditional legal aid. This can be seen from the concept of constitutional assistance, which is not only addressed to individuals, but also to members of the community collectively. In defending clients, advocates do not only use litigation.
3. The concept of structural legal aid, namely:⁸ *“The concept that was born as a consequence of our understanding of the laws of reality that we face is a product of social processes that occur on a certain pattern of relationships between the existing community infrastructure. Law is actually a superstructure that is always changing and is the result of interactions between community infrastructure. Therefore, as long as the inter-infrastructure lifestyle shows unequal symptoms, the results will make it difficult to realize a fair law.”*

The concept of legal aid that is suitable and often used in the legal aid movement is the concept of structural legal aid. The experience of LBH Jakarta brings us to an awareness that legal aid is essentially “a program that is not only a cultural action but also a structural action directed at changing an unfair social order towards a society that is unable to provide a comfortable breath for the majority group. Therefore, legal aid is not a simple matter, it is a series of actions to liberate the community from the shackles of the POLEKSOS structure which is full of oppression.

Structural legal aid means that it will be a series of programs, either through legal means or other lawful ways, which are directed towards changes in the relationships that form the basis of social life towards a more equal pattern of relationships. This is a prerequisite for the development of laws that provide justice for the majority of the poor in Indonesia, this means that the concept of structural legal aid is developed in the context of building a just and prosperous society. At the operational

⁷ Uli Parulian Sihombing, op cit. hlm. 2-3

⁸ Mochtar Kusumaatmadja, Functions and Development of Law in National Development, Bina Cipta, Bandung, 1986, Pg. 11.

level, the concept of structural legal aid will reach both rural and urban areas, for example, it is no longer limited to the defense of individual legal cases, but begins to selectively choose cases involving the collective community.⁹

But how the gait of paralegals abroad is the same as in Indonesia, the author tries to lift that from a superpower, The National Federation of Paralegal Associations (NFPA) of the United States defines paralegals as qualifications of people who have taken education, training and work experience to do substantive legal work. which requires knowledge of legal concepts and which are usually, but not exclusively, practiced by lawyers. Paralegals may be employed by lawyers, law firms, government agencies or otherwise or may be authorized by law, courts to do their work.

Substantively this work requires recognition, evaluation, organization, analysis and communication of relevant facts and legal concepts. Then in England, In England people can call themselves Paralegals without any qualifications. Paralegals are not a lawyer profession but do legal work regardless of who does it. The UK already has a National Association of Paralegal License (national paralegal licence body) but does not require paralegals to get permission and protection in carrying out their profession. In the legal jurisdiction of England (Wales), Paralegals provide legal advisory services, and there is no violation of the practice of legal aid as guaranteed by law such as performing services to assist lawyers (Solicitors Act 1974).

III. WOMEN PROTECTION: A DISCOURSE OF PRATICES IN RECENT DEVELOPMENTS

The Legal Resources Center for Gender Justice and Human Rights (LRC-KJHAM) Semarang, noted that throughout 2016 there were 496 cases of violence against women in Central Java. The number is spread in every district and city in Central Java. While the most cases occurred in Semarang City with 199 cases, followed by Kendal with 26 cases, Sragen with 17 cases, Blora with 17 cases, Magelang Regency and Surakarta City with 16 cases. Then in Pati there were 15 cases, Wonogiri and Salatiga City had 14 cases, Pekalongan City and Regency had 13 cases, Karanganyar and Grobogan and Demak each had 11 cases. Other areas under 10 cases.

⁹ *Ibid*, p. 12

Of the 496 cases, there were 871 victims and from that number it was known that 700 victims or 80.4 percent of them experienced sexual violence. For the age category, adult victims reached 30.40 percent while victims who were still children reached 29.50 percent. The age of the majority of the perpetrators is adults who reach 53.83 percent, the age of children is 4.70 percent, and elderly actors are 2.20 percent.¹⁰

LBH APIK is the Indonesian Women's Association Legal Aid Institute for justice. Formed on June 30, 2004 as a response to the needs of poor women in Semarang in particular in Central Java in general who are victims of injustice to take legal action.

Based on the values of justice, populist, equality, independence, emancipation, brotherhood, social justice, non-sectarianism, and rejecting violence and complying with the principles of environmental sustainability. LBH APIK Semarang provides legal assistance for children and women with the concept of Structural Gender Legal Aid (BHGS). It was initiated to fill the empty space, in an unequal structure and the poor were victims. As long as LBH APIK was formed, LBH APIK formed a just, prosperous and democratic society. Gender justice is manifested in the legal system, political system, economic system, social system, and culture as a whole. Deprived of women's rights.

The role of LBH APIK in assisting victims is as an advocacy, which is a form of action that leads to the defense, providing support or recommendations in the form of active support for victims. LBH APIK also conducts Class Action and Legal Standing lawsuits to defend cases of violations of human rights, labor, land, and the environment. LBH APIK can also request temporary protection for the benefit of victims because LBH APIK cooperates with government agencies and institutions. Such as the existence of a shelter, namely a safe house for temporary victim protection. As LBH APIK which has the task of assisting victims, LBH APIK will encourage victims to seek temporary protection from the police because the safety of the victim is very important for the victim and the victim's family. In helping victims who have requested assistance from LBH APIK.¹¹

In this case, the paralegals who are involved in assisting justice seekers are mostly women. The author is interested in bringing up this theme because the issue of women was chosen as a component in access to justice because of the existence of women as part of a disadvantaged group. There are many thoughts from women's studies with the result that there are still many women who are considered marginalized because of their physical strength and other supporting resources, which caused the writer to take this theme. This is not due to their mere sexuality as

¹⁰ Facts taken from the Central Java Tribune article entitled Semarang City Ranked First in Cases of Violence Against Women in Central Java on 7 March 2017 accessed on Thursday, 1 July 2021 at 02.35 WIB

¹¹ Journal of Law Soegijapranata Unika, p. 81

women, but more complicated because women have been placed in intersectional relations of race, class, colonialism, and naturism (Tong, 1998; Harding, 1987; Moore, 1998; Shiva & Wies, 1993).

Women are part of the disadvantaged group, because they are poor, backward, come from racial, ethnic, and religious minorities. The explanation of the marginalization of women in the literature above focuses on the absence of women's power in the relationship between themselves and those around them, including husbands, relatives (customary authorities) to the power elite in government. The absence of power prevents access to justice for this marginalized group, namely the women's group. Poor women, for example, have to leave the place where they were born, without adequate education and skills. Poor and uneducated women are prevented from having legal knowledge about their rights to be treated fairly before the law, to receive adequate legal services and assistance when in need, even often treated unfairly in the judicial process (Irianto, et.all, 2004; Irianto and Nurcahyo, 2006) The absence of equal access to justice experienced by women is also related to the issue of upholding the principle of "equality before the law" (equality before the law). in legal practice. Ideally, this principle can only be effective if everyone has equal access to resources and justice.

If a poor woman is forced to steal just a few packets of candy from the supermarket so her child can drink milk, then according to the principle of equality before the law, she should be sent to prison. Another example is when poor women are forced to leave their homelands, without adequate education and skills, to become domestic servants in other countries. Because their work is in the domestic sector, they are not protected by the labor laws of the host country. As a result, when they run away from their employer's house due to violence, the terms undocumented and illegal will be attached to them, and if their photos are immediately circulated in the media, the local police are authorized to arrest them as criminals. Indonesian lawyers can't help him, because they can't hold proceedings in other countries because they don't have a permit. while paying foreign lawyers in the country concerned is very expensive. This kind of thing certainly requires the completion of political diplomacy. How will the principle of equality before the law be applied in this unequal situation (Irianto, 2009:29).

DJ Ravindran in "Guidance for Paralegals" defines the role of paralegals as follows (Ed. Mulyana W. Kusumah et al, 1991; also in Benny K. Harman, et al 1992):

1. implement educational programs so that the disadvantaged community groups are aware of their basic rights;
2. facilitate the formation of people's organizations so that they can demand and fight for their rights;
3. assisting in mediation and reconciliation in the event of a conflict;

4. conduct preliminary investigations into cases that occur before being handled by lawyers;
5. assist lawyers in making statements of gathering required evidence and other information relevant to the case at hand.

In its implementation, the role of paralegals is more in non-litigation legal aid. It can be seen from the six paralegal functions above, all of which are non-litigation. Meanwhile, to carry out litigation functions, the role of paralegals is only to support the duties of advocates, because so far the position of paralegals is only to support the duties of advocates, because so far the position of paralegals is still outside the criminal justice system and does not have a license to proceed as an advocate.

Then when talking about the central role of paralegals in providing assistance to justice seekers, then there are at least x arguments that accompany it. Specifically, there are three reasons why the role of paralegals is very important in helping access justice. First, paralegals perform the role of "familiarization" of the legal system for poor and marginalized groups such as women. As translators, paralegals make the rule of law meaningful in such a way that it can be understood by women with procedures that feel more familiar (Lev, 2000: 146; Maru, 2006: 436).

Vice versa, paralegals make the formulation of problems, claims and interests of the layman in line with the logic and language known in the formal legal system. Second, paralegals are more accessible to women's groups. Besides being easy to find, legal services by legal professionals are cheaper than similar services provided by lawyers or advocates. Third, paralegals affect the power relations and bargaining position of women's groups which can be seen from changes in reactions and responses from other parties, including responses from government institutions and law enforcement officials. For example, the APIK Legal Aid Institute has a group of women paralegals who come from women victims of violence and who later become paralegals to help victims of violence in the communities where they live. The paralegals developed by LBH APIK provide information to women in the community regarding various existing cases and explanations such as knowledge of family law. Almost all LBH APIK in Indonesia have paralegal networks at the community level where their former clients (who later became paralegals) live (Dewi Novirianti, 2009:362).

With the problems that arise regarding the role of paralegals, especially in assisting legal issues for women, the authors try to examine what steps are needed so that the objectivity of paralegals can still be upheld:

1. It is necessary to develop and increase vigilance against abuse of power or authority in coaching, by doing ha; This, of course, will

- add to the scientific treasures of paralegals which can make paralegals determine and act accordingly by sticking to objectivity.
2. There needs to be a joint effort between the community and the government to overcome the problem of abuse of power or authority in coaching by imposing various kinds of sanctions for the development of truth, justice and welfare as the practice of Pancasila;
 3. It is necessary to carry out reforms in the field of law which are the legal basis for fostering, which develop truth, justice, and women's welfare to prevent victims of abuse of power or authority in fostering perpetrators.
 4. Access to justice is closely related to the term "legal empowerment". Initially, the emphasis of each term was different. Activities grouped under the term 'legal empowerment' focus on increasing the capacity of individuals to use the legal system to increase the control that disadvantaged citizens exercise over their own lives (Golub, 2003:3).

Meanwhile, the term access to justice emphasizes the need for systemic change (in terms of improving the functioning of legal institutions and overcoming social inequality) to enable individuals to make successful use of the law. However, recently the two concepts have begun to overlap because the definition of legal empowerment can also be used to refer to efforts to increase access to justice (Ward Berenschot and Adriaan Bedner, 2011:11). However, this has now changed. With the increasing variety of redress mechanisms in modern countries, the concept of access to justice has been broadened to include other forms of justice. Hezel Genn, among others, discussing media and mediation mechanisms which are alternative methods of access to justice outside the court mechanism (Hezel Genn & Sarah Beinaart, 1999:249-264). However, for Indonesians, access to justice involves a broader set of challenges.

In the Indonesian context, the combination of state law and justice systems (courts) and non-state (customary mechanisms or other local mechanisms) in many cases even more customary mechanisms play a role in dispute resolution at the local level (Keebet Benda-Beckmaann, 1986:153-159) . At least several studies have shown that the majority of cases and disputes brought before state legal mechanisms (courts) have previously gone through non-state justice mechanisms such as deliberation or mediation (World Bank Indonesia, May 2008).

Moreover, Sen (1995:266) asserts that access to justice in general also implies the existence of "freedom to achieve something" and specifically "the ability to function". Thus, access to justice is not only defined as access to case resolution, but also relates to a person's rights

and abilities to determine his life and future, namely his human rights as a human being.

To help the obstacles faced by women in accessing justice, the role of intermediaries such as paralegals, local elites, local activists and even organizations such as Non-Governmental Organizations (NGOs) that provide assistance, support and services to women becomes important.

Especially in Indonesia, where trained lawyers are very expensive and transportation is often a barrier, paralegals are an important "tool" to increase women's access to justice. In general, paralegals are people who provide assistance to fight for justice in society. This work is carried out using existing regulations or other legal breakthroughs. This paper describes the role of paralegals in legal empowerment to increase women's access to justice.

The position of paralegals in the criminal justice system in Indonesia is *out of the system*, so that their role is only limited to monitoring, supervising, and providing encouragement to the police, prosecutors, courts, correctional institutions to work quickly, precisely, and according to procedures. For example, from Rifka Annisa *Women's Crisis Center*, where paralegal monitoring can be done by asking the examiner (criminal sergeant officer), what the next police action will be on the victim, for example about the possibility that the victim will be asked for further information. Then, it can also be asked what the police plan for action against the perpetrators. You can suggest, for example, that the perpetrator be detained so as not to threaten the victim further. Record all information (especially about the planned date), from the police inspector. With this you can monitor the performance of the police (especially those concerned), whether they are professional or not.

One example of the relationship that has been built between paralegals and components of the Indonesian criminal justice system is the collaboration between the Child Rights Advocacy Institute (LAHA) and the Kebon Waru Rutan. Especially for child prisoners, because in Bandung there is no Correctional Institution (LP) specifically for children, they are accommodated in a special block at the Kebon Waru Rutan. LAHA in collaboration with the Kebon Waru detention center as well as with several NGOs and high school students, organizes coaching activities for child prisoners which in the nature of opening a play forum for children. LAHA also held a book raising and opened a mini library. The things they do are unstructured and spontaneous, such as holding a fundraiser to provide television for them.

IV. CONCLUSION

It is undeniable that the presence of paralegals is a hope for those who have the potential to be legally harmed, so with the emergence of Legal Aid Institutions in Indonesia, at least it will provide fresh air about the

principle that has been echoed so far, namely "All are equal in the eyes of the law", but problems based on facts arise when paralegals who has not touched the high flying hours, does not use objectivity and subjectivity according to its portion. So with this explanation, it is hoped that it can reduce the potential for errors that arise due to these misperceptions and assumptions.

V. REFERENCES

- Arliman, L. (2017). Pendidikan Paralegal Kepada Masyarakat Sebagai Bentuk Perlindungan Anak Yang Berkelanjutan. *UIR Law Review*, 1(01).
- Bedner, A. W., & Vel, J. A. (2010). An analytical framework for empirical research on Access to Justice. *Law, Social Justice and Global Development Journal*, 15(1).
- Buyung, N. A. (2007). *Bantuan Hukum di Indonesia*. Jakarta: LP3ES.
- Chan, J. S. (2020). The status of women in a patriarchal state: The case of Singapore. In *Women in Asia* (pp. 39-58). London: Routledge.
- Dewi, M. B. K., & Arifin, R. (2019). Emancipation and Legal Justice; Portrait of Women's Legal Protection In Indonesia. *Jurnal Cita Hukum*, 7(1), 101-114.
- Gunawan, Y., & Hafiz, M. B. A. (2021). Pendidikan Paralegal Bagi Masyarakat Sebagai Wujud Pemenuhan Hak Asasi Manusia Berkelanjutan. *Berdikari: Jurnal Inovasi dan Penerapan Ipteks*, 9(1), 87-97.
- Hamim, A., & Handayani, S. R. (2002). *Menjadi Paralegal Bagi Perempuan Korban Kekerasan*. Yogyakarta: Rifka Annisa Women's Crisis Center.
- Handayani, T. A., Prasetyo, T., & Rahmat, D. (2019). Legal Protection of Women Victims of Sexual Harassment in Indonesia. *UNIFIKASI: Jurnal Ilmu Hukum*, 6(2), 209-218.
- Haque, M. S. (2000). Representation of women in governance in Singapore: Trends and problems. *Asian Journal of Political Science*, 8(2), 59-87.
- Harding, S. (1986). The instability of the analytical categories of feminist theory. *Signs: Journal of Women in Culture and Society*, 11(4), 645-664.
- Irianto, S. (2006). *Perempuan di Persidangan: Pemantauan Peradilan Berperspektif Perempuan*. Jakarta: Yayasan Obor Indonesia.
- Martono, J. P. (2019). Dampak Peniadaan Paralegal Dalam Perlindungan Hukum Kepada Kelompok Masyarakat Miskin Pasca Putusan Mahkamah Agung Republik Indonesia Nomor 22 P/Hum/2018. *Law Review*, 18(3), 288-312.

- Maru, V. Between Law and Society: Paralegals and the Provision of Justice Services in Sierra Leone and Worldwide. *Yale Journal of International Law*, 31, 427.
- Maysarah, A. (2019). Perlindungan Hukum Bagi Istri Sebagai Korban Kekerasan dalam Rumah Tangga (Studi di LBH-APIK Medan). *Warta Dharmawangsa*, 13(3).
- Merry, S. E. (2017). 11 Human Rights and Global Legal Pluralism: Reciprocity and Disjuncture. *Mobile people, mobile law: Expanding legal relations in a contracting world*, 251. USA : Ashgate.
- Mulayana, W. K. (1991). *Paradigma dan Akses Masyarakat Terhadap Keadilan*. Jakarta: Yayasan LBH Indonesia.
- Nasution, A. B. (1977). Perluasan Bantuan Hukum untuk Si Miskin dan Peranan Sarjana Hukum di Negara-Negara Sedang Berkembang. *Jurnal Hukum & Pembangunan*, 7(5), 338-343.
- Nasution, A. B. (2007). *Bantuan Hukum Akses Masyarakat Marginal terhadap Keadilan, Tinjauan Sejarah, Konsep, Kebijakan, Penerapan dan Perbandingan*. Jakarta: LBH Jakarta.
- Piper, N. (2004). Gender and migration policies in Southeast and East Asia: legal protection and sociocultural empowerment of unskilled migrant women. *Singapore Journal of Tropical Geography*, 25(2), 216-231.
- Ravindran, D. J. (1989). *Buku Penuntun Untuk Pelatihan Paralegal*. Jakarta: Yayasan Lembaga Bantuan Hukum Indonesia.
- Rosalina, M. (2018). Aspek Hukum Paralegal Sebagai Pemberi Bantuan Hukum Terhadap Masyarakat Miskin Dan Marginal Dalam Mencari Keadilan. *Jurnal Hukum Kaidah: Media Komunikasi dan Informasi Hukum dan Masyarakat*, 17(2), 63-76.
- Sihombing, E. N. (2019). Eksistensi Paralegal dalam Pemberian Bantuan Hukum bagi Masyarakat Miskin. *Jurnal Ilmiah Penegakan Hukum*, 6(1), 70-77.
- Tong, R., & Botts, T. F. (2018). *Feminist thought: A more comprehensive introduction*. London: Routledge.
- Utami, L. T., Lestari, P., & Handoyo, E. (2017). Perjuangan Lembaga Swadaya Masyarakat Koalisi Perempuan Indonesia Kota Semarang dalam Membela Hak-Hak Buruh Perempuan di Kota Semarang. *Unnes Political Science Journal*, 1(2), 150-159.
- Winarta, F. H. (2013). *Pro Bono Publico*. Jakarta: Gramedia Pustaka Utama.
- Wulandari, C., & Wicaksono, S. S. (2014). Tindak pidana perdagangan orang (human trafficking) khususnya terhadap perempuan dan anak: Suatu permasalahan dan penanganannya di Kota Semarang. *Yustisia Jurnal Hukum*, 3(3), 15-26.

Conflicting Interest Statement

All authors declared that there is no potential conflict of interest on publishing this article.

Funding

None

Publishing Ethical and Originality Statement

All authors declared that this work is original and has never been published in any form and in any media, nor is it under consideration for publication in any journal, and all sources cited in this work refer to the basic standards of scientific citation.

Cite this article as:

Alif, A., & Laura, B. (2022). Protection of Women in Legal Cases: Objectivity of the Case Monitoring Process by Paralegals (Comparative Study of LBH APIK Semarang Indonesia and AWARE Singapore). *The Indonesian Journal of International Clinical Legal Education*, 4(1), 21-40. <https://doi.org/10.15294/ijicle.v4i1.55776>