

Research Article

'Aisyiyah's Posbakum Strategy in Optimising Legal Aid for Women and Children

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Abstract.

This paper focused on the 'Aisyiyah Legal Aid Post (Posbakum) under the Regional Leadership of 'Aisyiyah Central Java, which has been accredited by the Ministry of Law and Human Rights and has provided legal aid services to the poor, including women, children and people with disabilities. The establishment of the 'Aisyiyah Legal Aid Post was a decision of the 46th Congress in Yogyakarta, born out of 'Aisyiyah's concern for law enforcement and justice in society and as a means of fighting for the rights of people who were violated or faced legal problems, especially women and children. This paper explains the strategies and efforts made by the Legal Aid Post 'Aisyiyah Regional Leader of 'Aisyiyah Central Java, in providing services and legal assistance for victims during and after receiving assistance. In addition, it also explains the strategy for institutional strengthening. Data were obtained through documentation studies and open interviews with informants of Posbakum Regional Leader of 'Aisyiyah Central Java Management. Data analysis was carried out using a qualitative descriptive method with a normative approach. The results showed that the Legal Aid Post 'Aisyiyah Central Java provides services to law seekers in the form of both litigation and non-litigation cases. Litigation cases included victim assistance in case settlement, court proceedings and post-litigation assistance. Meanwhile, non-litigation cases included several activities, like legal consultation, research, and community empowerment. The implementation of advocacy and assistance for women, children and disabled victims of violence aimed to heal trauma, protect women from violence and neglect, protect the rights of women and their children and provide legal defence and protection. The victim assistance strategy used a collaborative approach involving curative and preventive. The collaborative approach is psychological and religious. After providing assistance in court, Legal Aid Posts (PosBakum) assisted victims through psychological and medical rehabilitation of victims, raising awareness of victims so that their rights can be protected, providing training on life skills for victims so that they have technical skills and expertise both in the community and family environment to earn an income that can be used to support themselves and their families. In an effort to strengthen institutions and implement the programmes carried out, the Legal Aid Post (Posbakum) built synergy between all parties to gain a good perspective from law enforcement officials in order to help women with disabilities who are victims of sexual violence get justice. This synergy was achieved through the Fogus Group Discussions with law enforcement officials, facilitators and the community. Additionally, an audience with the Central Java Regional Office of the Ministry of Law and Human Rights was offered.

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A workshop was conducted for accredited legal aid organisations throughout Central Java in providing legal aid with the Regional Office of the Ministry of Law and Human Rights. They campaigned for the fulfilment of disabled rights in accessing justice, such as having special legal officers trained to handle disabled issues because they need special knowledge and handling. Moreover, they submitted aspirations to provincial parliaments during recess and provided input for draft regulations and bills. Also, conducting education and training. Lastly, make Memorandum of Understanding with networks for case assistance.

Keywords: 'Aisyiyah, Legal Aid Post, Victim Assistance, Women and Children, strategy

1. Introduction

The National Commission for Women (2020) stated that cases of violence against women and gender-based violence (KGB), March-May 2020 there were: 218 cases of violence against girls, 51% cases of sexual abuse/incest/rape; 24% of cases of abuse and the remaining 25% are a mixture of cases such as trafficking, deprivation of children's rights, kidnapping of children, neglect and children not having the right to leave from school; 243 cases of KGB in the public domain, 45% cases of rape/obscenity; 11% sexual exploitation; 15% of human trafficking cases; 10% abuse and 19% others such as sexual orientation coercion; 24 KGB cases in the state domain, 53% sexual harassment; 33% of rape cases and 14% of criminal cases. One case of sexual violence experienced by a 16 year old girl was a TNI member; 129 cases of online violence from SAFENet, 71% threats, 23% sexual harassment and 6% others. The data above appears to be data recorded based on reports received by Komnas. Many cases in the field are not recorded, especially if the cases occur at home (1).

Meanwhile, the Assistant Deputy for Protection of the Rights of Women Workers and TIP at the National Seminar "Advocacy and Socialization of the Role of Women in Strengthening Tolerance and Preventing Violence and the Crime of Human Trafficking" on 30 August 2023 said that in 2020-2021 there were 1.8 million reports of exploitation cases online child sexual abuse material (CSAM) to the National Center for the Missing and Exploited Children (NCMEC). This figure is almost twice as large as 2020 data (986,648 reports). (2)

Of the various cases above, there were some cases that went to court, and some did not go to trial in court. In an effort to resolve the various problems above, whether submitted to court or not, it requires the participation of parties who understand legal

issues to provide assistance to them, especially poor groups or those who are weakened (*mustadh'afin*).

In fact, legal protection is a constitutional mandate as stated in Article 27 paragraph (1) of the Constitution of the Republic of Indonesia which states "All citizens have equal status under the law and government and are obliged to uphold the law and government without exception." This principle is also regulated in Article 28D The Constitution of the Republic of Indonesia which states "Everyone has the right to recognition, guarantees, protection and fair legal certainty as well as equal treatment before the law". This principle is the constitutional basis for granting the right to legal aid which is fulfilled by the state, which is realized through Law Number 16 of 2011 concerning Legal Aid (hereinafter referred to as the Legal Aid Law), as the government's effort to fulfill citizens' constitutional rights to access justice and equality before the law

The provision of Legal Aid as mandated by the Legal Aid Law is provided by legal aid institutions or community organisations that provide legal aid services. From 2019 to 2021, the Government has verified and accredited 524 legal aid organisations. This number increased compared to the period 2013 to 2015 which was only 310 Legal Aid Organisations and the period 2016 to 2018 which amounted to 405 legal aid organisations. In addition, on the side of Legal Aid Recipients and Legal Aid Activities, there has also been a continuous increase, until July 2019 the total number of litigation legal aid recipients has reached 36,250 people and the total number of non-litigation legal aid activities is 8,104 activities. This number will increase in accordance with the increasing public awareness of the importance of the right to legal aid and the increasing public confidence in resolving the legal problems they face through litigation and/or non-litigation processes (3).

'Aisyiyah is one of the women's mass organisations that plays an active role in legal services assistance and has been listed in the BPHN of the Ministry of Law and Human Rights of the Republic of Indonesia. This is in line with the statement of Nevey Farida, Chairperson of the Advocacy and MHH Services Division of PP 'Aisyiyah (4) that in an effort to assist litigants in legal matters, the Central Leadership of 'Aisyiyah through the Legal and Human Rights Assembly has a concern to help litigants, especially the *mustadh'afin*, to get assistance. To this end, the Legal and Human Rights Council established a programme to establish Legal Aid Centres known as 'Aisyiyah Legal Aid Posts (Posbakum) spread across various regions in Indonesia. By 2022, the Legal and Human Rights Council of 'Aisyiyah will have 24 Legal Aid Centres at the provincial level and 1 Posbakum at the central level. The Law and Human Rights Council has been established in 34 provinces in Indonesia (5). As for the Legal Aid Post (Posbakum)

'Aisyiyah which has been accredited by the Ministry of Law and Human Rights, there are 7 spread across several regions, namely Posbakum 'Aisyiyah in Jakarta, Central Java, East Java, Bengkulu, Bangka Belitung, West Sumatra, and Central Kalimantan. For this reason, the study in the research focuses on accredited Posbakum 'Aisyiyah under the Regional Leadership of 'Aisyiyah Central Java because Posbakum PWA Central Java has been established since 2002.

Research on legal aid for the poor has been conducted by several researchers, among others: The 2019 Research Team from the Consultation and Legal Aid Centre of the Faculty of Law, Muhammadiyah University of Yogyakarta consisting of Sigit Fajar Rohman, et al concluded that the Bantul Regency Government has not been fully able to provide legal aid for people who are unable to, among others, there is no Regional Regulation governing the provision of assistance as well as limited human resources and budget factors that are not fully adequate (6). Meanwhile, Ahyar Ari Gayo in his research entitled *Optimisation of Legal Aid Services for Poor Communities* examines the problems that cause the suboptimal provision of legal aid for the poor and the strategic efforts that need to be made in the implementation of legal aid for the poor. The results of his research found that the problems that caused the suboptimal provision of legal aid for the poor were due to the small budget for each assistance per case, the small number of accredited Legal Aid Organisations and the absence of standardised guidelines for the implementation of legal aid services (7).

The results of research by Mustakim Mahmud, Muhammad Salam Amrullah, Ardianto Agamalla Court on "Implementation of Legal Aid for the Poor" concluded that the Implementation of Legal Aid for the Poor is not yet optimal, and local governments must form Regional Regulations on Legal Aid for the poor.(8)

Another study conducted by Joko Sutrisno in his dissertation entitled "Reconstruction of Legal Aid Regulations for the Poor Based on Justice Values" concluded that legal aid recipients are still limited and access to legal aid is still limited due to the lack of socialisation of the existence of legal aid by the central government / BPHN, local governments, lack of financial support from local governments, lack of role of universities and mass organisations in encouraging the formation of Legal Aid Institutions at the district level. Joko also mentioned that it is difficult for LBH and Community Organisations to qualify as legal aid providers (3)

There is no researcher concerned on examining the Posbakum of the 'Aisyiyah Organisation and the types of legal aid provided and its strategies in optimising legal aid for women and children. Therefore, this research focuses on the Optimisation of the Legal Aid Post of 'Aisyiyah PWA Central Java as a Community Organisation that

provides Legal Aid services and has been accredited. Therefore, this research is aimed to describe the types of legal aid provided by Posbakum 'Aisyiyah Central Java and its strategies in optimising legal aid for women and children.

2. Research Method

The research conducted is field research (Field Research). There are two data sources used, namely primary data and secondary data. Primary data is data obtained directly from the field research location (field research). While secondary data is in the form of data supporting primary data which includes literature, books, previous research, archives, documents related to Posbakum activities. Primary data was obtained from field research by conducting in-depth interviews with informants, namely the Head of Posbakum 'Aisyiyah PWA Central Java, brainstorming, open discussions and documentation studies. With this technique, it is expected that the information received is complete in accordance with the research objectives. Secondary data is in the form of references both publications and electronics that contain theories about Legal Aid. The data analysis technique in this research is inductive with the model used in analysing which includes four stages, namely the data collection stage, the data reduction stage, the data presentation stage, and the data verification or conclusion drawing stage. Interactive analysis activities are carried out through the following stages: The collected data is reduced in such a way, after which it is presented in a systematic report and then concluded. Furthermore, the conclusion is returned to data collection if additional data is still needed. Therefore, such an analysis process is called back and forth analysis. In this study, the approach used is normative because it is related to legal aspects, namely the implementation of Legal Aid by the Community Organisation Legal Aid Institution, namely 'Posbakum 'Aisyiyah Central Java as an Implementation of Law No. 16 of 2016 concerning Legal Aid.

3. Result

3.1. Legal Aid Post (POSBAKUM) of 'Aisyiyah

'Aisyiyah Posbakum is a charity of the Legal and Human Rights Council of the Central Leadership of 'Aisyiyah that was established as a mandate of the 46th Muhammadiyah Congress in 2010 in Yogyakarta in the field of law. One of the mandates was the establishment of a Family and Youth Advocacy and Consultation Team in each region

to help socialise human rights (especially the rights of children and women) within 'Aisyiyah and the general public. The establishment of Posbakum 'Aisyiyah was again a decision of the 47th Congress in 2015 in Makassar (9). Furthermore, at the 48th 'Aisyiyah Congress, the Central Leadership of 'Aisyiyah in one of its decision points stated that as 'Aisyiyah as an organisation whose movement focuses on women and children, it is very important to take part in the prevention and assistance of cases of violence against women and children, including providing education and raising awareness about the seriousness of the crime of sexual violence (10). This is in accordance with the decision of Tanfidz Muhammadiyah in the field of Law, namely intensifying the development of legal awareness and human rights in the community and formulating advocacy standards in the field of law and human rights, improving the quality of Legal Aid Institutions and digital technology-based legal services within the framework of Muhammadiyah's vision and mission as a da'wah and social movement (11).

Posbakum 'Aisyiyah PWA Central Java is one of the 'Aisyiyah Legal Aid Posts that has been accredited by the Ministry of Law and Human Rights. This institution was established in 2002 during the 2002-2005 Muktamar period under the name Lembaga Hukum HAM dan Advokasi Pimpinan Wilayah 'Aisyiyah Central Java (LEMHAMAS) based on Decree No. 49/PWA/A-SK/XII/2002. Then in the 2005-2010 Muktamar period this institution changed its name to LHOHA (Lembaga Hubungan Organisation Hak dan Advokasi), but in PWA Central Java it still used LEMHAMAS which at that time had been formed in 16 districts / cities. During the 2010-2015 Muktamar period, the name of the institution changed to Majelis Hukum dan HAM PWA 'Aisyiyah Central Java, which means that the name of the Legal Council in every 'Aisyiyah Regional leadership in Central Java automatically changed. The Law and Human Rights Council of 'Aisyiyah Central Java is located at the provincial (PWA), district/city (PDA), sub-district (PCA), and even village levels. Since 2010 Law and Human Rights Councils have been established in 35 districts/cities in Central Java. There are 12 legal aid organisations under the leadership of 'Aisyiyah in Central Java, namely: LKBH MHH PDA Sragen, Sakinah MHH PDA Sukoharjo (the name is not yet posbakum but already non-litigation services), LBH MHH PDA Kebumen, Posbakum MHH PDA Purbalingga, Posbakum MHH PDA Kendal, Posbakum MHH PDA Temanggung, Posbakum MHH PDA Semarang City, BIKSA MHH PDA Magelang District (the name is not yet Posbakum), Posbakum MHH PDA Boyolali, Posbakum MHH PDA Klaten, Posbakum MHH PDA Wonogiri and Posbakum MHH PDA Sukoharjo.(12). In the field of implementation, 5 Posbakum partners with the Religious Court under the direct coordination of the Legal Aid Institute of the Legal and Human Rights Council (MHH) PWA Central Java in collaboration with the MHH of the Regional

Leadership of 'Aisyiyah which is directly managed by LBH MHH PDA with LBH MHH PWA Central Java as the coordinator.

The implementation of legal aid at the MHH PWA Central Java Posbakum includes: 1) Services through the MHH PWA Central Java Office Both Online and Come Directly to the Posbakum office; 2) Cooperation with NGOs and Service Institutions in Case Referral; 3) Surakarta Police (Ex. Child Assistance Cases Include: Sexual Violence, Persecution, Brawl); 4) PtPas Surakarta (Ex. Women's Assistance Cases Covering Divorce, Domestic Violence Reports in the Police); 5) Spekham (Ex. Women's Assistance Cases Covering Divorce); 6) Laweyan Police (Ex. Children's Assistance Cases Covering: Brawl); 7) Referral from Provincial Ppt; 8) District P2TP2A and 9) Sigab Yogyakarta / Disability organisation (Kasiyati, 2020)

Activities conducted by Posbakum PWA Central Java through Posbakum of Religious Courts and other institutions include: (1) Contracting Cooperation (MoU) with several Religious Courts. In 2019 cooperation was carried out with the Wonogiri Religious Court, Sukoharjo Religious Court and Purbalingga Religious Court. In 2020 cooperation was carried out with the Sukoharjo Religious Court, Klaten Religious Court, Boyolali Religious Court, Sragen Religious Court and Purbalingga Religious Court. Forms of Service in accordance with Perma Number 1 of 2014 (Consultation Services, Legal Information, Legal Drafting and Legal Assistance; (2) Cooperation with Sharia Financial Institutions is carried out to: a. Provide litigation and non-litigation legal assistance needed for the settlement of sharia Economic disputes; b. Cooperate with BAZNAS of the Republic of Indonesia to provide assistance to underprivileged customers affected by the collapse of the cooperative; (3) 'Aisyiyah hospitals and Muhammadiyah business charities.

Types of Litigation assistance include: Criminal, civil, and state administrative. Types of non-litigation legal aid include: legal counselling, legal consultation, legal research mediation, case investigation, negotiation, community empowerment out-of-court assistance and drafting legal documents. The number of cases handled was 2044 consisting of 514 male victims and 1,752 female victims (13)

Posbakum Legal and Human Rights Council of 'Aisyiyah Central Java in 2018 conducted legal counselling 14 times and community empowerment 8 times. In 2019 legal counselling was carried out 6 times and community empowerment 2 times. In 2020 until March, legal counselling was conducted once and community empowerment once.(13)

The services provided by Posbakum PWA Central Java at Wonogiri Religious Court in 2019 include: Handling of non-litigation cases at the Wonogiri Religious Court, Total Number of Registrations: 59, consultation: 90. Non-litigation case handling at the Sukoharjo Religious Court in 2019. Total number of registrations: 64, Consultation: 190 . In

TABLE 1: Cases handled by Posbakum PWA of Central Java.

Years	Litigation	Non Litigation	Totally
2012	29	96	125
2013	37	144	181
2014	28	213	241
2015	34	512	546
2016	70	600	670
2017	90	700	756
2018	97	800	897

2020 Posbakum PWA Central Java handled Litigation Cases consisting of: 49 divorce cases, 8 child criminal cases, 3 Sharia Economics cases and 1 Mother and Child Hospital issue. Non-litigation cases include “ 1) Legal drafting (Sukorahjo Religious Court 788 cases, Boyolali Religious Court 710 cases, Sragen Religious Court 527 cases, Klaten Religious Court 493 cases, Purbalingga Religious Court 1500 cases, mentoring 2 cases, legal counselling 7 times, empowerment 7 times and legal research 1 time. In 2021 the handling of litigation cases consisted of: one divorce case, 8 juvenile criminal cases, 5 sharia economic cases, 3 inheritance cases, 1 RSIA. For non-litigation consists of: Legal drafting (Sukorahjo Religious Court 788 cases, Boyolali Religious Court 710 cases, Sragen Religious Court 527 cases, Klaten Religious Court 493 cases, Purbalingga Religious Court 1500 cases, mentoring 2 cases, legal counselling 7 times, empowerment 7 times and legal research 1 time. In 2022 the cases handled by Posbakum PWA Central Java are the same as the cases handled by the Religious Courts in 2021, both litigation and non-litigation cases. (12)

4. Assistance Strategy in Handling Cases

The mentoring strategy is carried out with two strategies, namely curative and preventive mentoring. In this case, assistance is carried out using a collaborative approach, including: Psychological and religious approaches, legal assistance both litigation and non-litigation and provision of life skills. The procedure for assistance is carried out through: (1) Legal, namely assistance by Advocates / Legal Advisors during investigations, investigations, prosecutions, and examinations in court (Police, Prosecutors, Courts); (2) Educational handling through: 1) Educational advocacy to clients, parents, communities, village officials, educational institutions, local offices/governments 2) education of paralegals and GACA volunteers (570 Paralegals in Central Java), 3) Legal Counseling and

Community Empowerment; (3) Psychological assistance, namely providing assistance through Trauma Healing, which is an action taken to help others to reduce and even eliminate psychological disorders that are being experienced due to trauma. In addition to assistance during the case, assistance is also carried out after the case, namely through several ways: a. Recovery for women, children and disabled victims of violence (psychological, spiritual, economic). b. Compensation or social services for assisted people, and c. home visits.(13)

In handling cases, Posbakum PWA Central Java synergises with other assemblies in PWA Central Java, namely: 1) GACA (Gerakan 'Aisyiyah Cinta Anak) volunteers take part in resolving non-litigation cases with paralegal assistants; 2) The Economic Assembly through 'Aisyiyah Family Economic Business Development (BUEKA) & KUK helped provide life skills education for victims after receiving assistance; 3) BIKKSA/BAKESOS/BSA helps provide counselling and mental spiritual strengthening; 4) Rumah Sakinah as a place for victim recovery; 5) Majelis Kesehatan for medical recovery; 6) Majelis Tabligh and MHH work together in socialisation and counseling. (13)

The synergy carried out by Posbakum PWA Central Java is under one roof or is several (mutual reference). Partnerships made with parties outside 'Aisyiyah (External) such as: 1) District/City P2TP2A as a service partner (NGOs, SKPD/Merged Organisations); 2) Religious Affairs Office as a partner in prevention; 3) BP4 plays a role in Pre-Marriage Education; 4) Police become partners in Investigation and Investigation; 5) Religious Courts / District Courts become partners in Legal Socialisation; 6) Legal Bureau; 7) PosBankum provides Legal Aid funds; 8) BAZNAS/LAZISMU assists funding for victims; 9) BAPAS and prisons become partners in the spiritual development of prisoners.(13)

5. Discussion and Analysis

The description of data obtained through interviews and documents from Posbakum PWA Central Java shows that the cases handled by Posbakum are litigation and non-litigation cases in accordance with Law No. 16/2011 on Legal Aid which includes legal counselling, legal consultation, mediation, legal research, case investigation, negotiation, community empowerment, out-of-court assistance, and dokumen drafting (14)Posbakum PWA Central Java has provided services for women and children in conflict with the law such as divorce, abuse, sexual crimes, neglect, and brawls. Based on the data obtained, there were 2044 women's cases handled in 2020, consisting of 514 male victims and 1,752 female victims.

The process of assisting victims during investigation, investigation, prosecution and examination is carried out by advocates owned by Posbakum 'Aisyiyah Central Java according to procedures. Advocates in charge must have the requirements as set out in Law No 18/2003 on advocates (15) Posbakum 'Aisyiyah Central Java also involves paralegals in legal aid activities for non-litigation cases. A paralegal is any person from the community, society, or Legal Aid Providers who has attended Paralegal training, does not work as an advocate, and does not independently assist Legal Aid Recipients in court. (16) Paralegals owned by Posbakum 'Aisyiyah are spread across five Posbakum of the Central Java Regional Leadership. This supports the implementation of Posbakum activities that are more optimal in providing services for women and children in conflict with the law in the Central Java 'Aisyiyah Leadership area.

The role of paralegals is very supportive of Posbakum activities in handling victims starting from complaints, reports to victim assistance after the legal process. Paralegals make victims feel comfortable and calm and do not feel confused when dealing with the law (17) Posbakum 'Aisyiyah as one of the community activities carried out by the citizens of 'Aisyiyah in accordance with the Muqaddimah of the Articles of Association of 'Aisyiyah in realising a just and prosperous society physically and mentally (18). This principle is in accordance with the Al-Quran Surah Al-Ma'un about the character of believers protecting the poor and people in need (19). Because Surah Al-Ma'un contains community morals (20).

The Legal Aid Post of PWA Central Java provides assistance by involving various elements including advocates, paralegals, GACA volunteers, Health and Economic Councils. Psychological assistance through Trauma Healing is carried out so that victims are calm from psychological disorders due to shock or trauma. (21) .

From the explanation above, Posbakum 'Aisyiyah Central Java provides comprehensive assistance by involving many parties by establishing cooperation with various internal parties within 'Aisyiyah and external institutions to be one of the factors that support the success of Posbakum 'Aisyiyah in providing services for women and children in conflict with the law.

6. Conclusion

From the analysis of research data, the author formulates the conclusion that Posbakum 'Aisyiyah Central Java provides litigation and non-litigation services for women and children who are in conflict with the law such as abuse, sexual harassment, divorce, neglect and brawls. . The settlement is carried out through court and outside court. The

victim assistance strategy is carried out comprehensively by involving various parties through the network built by Posbakum in an effort to restore the victims' trust and independence both physically, psychologically, socially and economically.

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