

# Juridical Analysis of the Role of Paralegals in the Perspective of Empowering Legal Awareness of Rural Communities in Bintan Regency

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## Abstract

*A community's capacity to maintain social stability is impacted by its lack of simple access to legal information and aid. The digital age, which makes information more accessible, might backfire if the lack basic understanding and the ability to clarify or discuss. Geographical factors and the demographic composition of the population necessitate the development of a strategy for resolving basic legal issues in community groups, which is projected to increase community understanding of legal issues. Paralegals are controlled under the Republic of Indonesia's laws and regulations by Law No. 16 of 2011 on Legal Aid, which is supplemented by a derivative regulation, specifically Regulation of the Minister of Law and Human Rights No. 3 of 2021 on Paralegals for Legal Aid Providers. Paralegals provide non-litigation legal aid in line with their duties. The establishment of paralegals in each village in Bintan Regency is a deliberate move that is designed to boost rural communities' legal empowerment. Village paralegals are now being hired by the community to solve small legal problems without going to court and to help village residents become more aware and educated about the law.*

**Keyword:** Paralegal, Villages, Legal Aid

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## Introduction

Riau Archipelago Province is one of Indonesia's eight archipelago provinces. It is bordered by several countries, including Vietnam, Cambodia, Malaysia, and Singapore. Riau Islands Province is administratively divided into two cities: Tanjungpinang City, which serves as the provincial capital, and Batam City, as well as five regencies: Karimun Regency, Bintan Regency, Natuna Regency, Lingga Regency, and Anambas Islands Regency. Riau Islands Province has an area of 8,201.72 km<sup>2</sup> on land and 417,012.97 km<sup>2</sup> in the ocean. The province of Riau Archipelago is comprised of 1,795 islands (BPS, 2020).

The Riau Archipelago Province, with five districts dominated by villages, benefits from the passage of Law No. 6 of 2014 on Villages (hereinafter referred to as the Village Law). The Village Law is a beginning point for the village's ambition of determining its own place, function, and authority. The village is a significant entity in the Republic of Indonesia's Unitary State (NKRI). The Village Law, backed up by Government Regulation No. 6 of 2014 on Villages and Government Regulation No. 60 on Village Funds Sourced from the APBN, established village foundations for village governance, village development implementation, village community development, and empowerment in accordance with Pancasila, the 1945 Constitution, the Unitary State of the Republic of Indonesia, and Bhineka Tunggal Ika.

This is consistent with one of President Joko Widodo's Nawa Cita agendas, namely "Building Indonesia from the Periphery via regional and rural strengthening within the framework of the Unitary State of the Republic of

Indonesia." Developing villages in this period was not just about infrastructural development, but also about strengthening rural communities' empowerment, particularly in terms of legal empowerment. Empowerment is primarily concerned with increasing the community's power (strength) in order for them to overcome obstacles. It is intended that through government efforts, aid, and involvement, the community would gain greater empowerment, resulting in a more affluent existence for the inhabitants. Community empowerment is critical, and each regional government and its apparatus must play a significant role in enabling its residents, particularly by stimulating, encouraging, or inspiring each person to have the capacity or empowerment to choose their own path in life.

Local governments' role in community empowerment is to carry out functions aimed at enhancing the community's strengths and weaknesses, or preparing the community in the form of resources, opportunities, knowledge, and expertise, in order to increase the community's capacity to determine its own future and to participate in and influence the community's life in the area. Local government responsibilities are deemed effective when the community is empowered in the areas of education, economics, socio-culture, psychology, and politics. There are at least three factors that may facilitate the process of community empowerment, including the following:

1. Community involvement
2. The community's level of education
3. There is support from the local government bureaucracy.

According to the Minister of Villages, Disadvantaged Regions, and Transmigration's Regulation No. 11 of 2019 on Priorities for the Use of Village Funds, rural communities' participation is critical in implementing and growing village government, particularly in legal empowerment initiatives. One way to achieve village community legal empowerment is to recruit village paralegals who are also members of the village community. A village paralegal is described as a village resident who is concerned with the growth of his or her community's legal knowledge; the resident does not need to have a background in law. It is envisaged that the presence of village paralegals would enable the community to have access to legal knowledge and also to justice via legal assistance. On the other hand, the role of paralegals has been recognized through the establishment of paralegals as part of legal aid providers under Law No. 16 of 2011 concerning Legal Aid and through the strengthening of their role under Regulation No. 3 of 2021 concerning Paralegals Providing Legal Aid by the Minister of Law and Human Rights.

A community's capacity to maintain social stability is impacted by its lack of simple access to legal knowledge and also legal aid. The digital age, which makes information more accessible, might backfire if people lack enough understanding and the ability to explain or debate. Living with paralegals who are also community members addresses concerns about legal issues that arise in the community.

The presence of village paralegals in Bintan Regency sparked the establishment of paralegal villages in the Riau Islands Province. Through collaboration between the Regional Office of the Ministry of Law and Human Rights in the Riau Islands, the Regional Government of Bintan Regency, and LBH Mawar Saron (hereinafter referred to as stakeholders), stakeholders held a training in November 2019 for the purpose of forming village paralegals. Community representatives from thirty-six villages in Bintan Regency attended. One year after paralegal training activities are completed, it is necessary to conduct research to evaluate if paralegals performed their duties in line with relevant rules and regulations and to ascertain how their presence is perceived in rural villages in Bintan Regency.

## **Method**

In research operations, particularly scientific research, rational and methodical approaches must be used. Methodology derives from the Greek words *methodus* and *logos*, which signify how to work with the objective of comprehending the item at issue. This journal's research employs empirical normative legal methodologies, that is, a blend of normative and empirical approaches. In this study approach, participants are asked to consider how they apply normative legal standards to their conduct when a certain legal event occurs in a community.

## **Results and Discussion**

**Regulations that govern the role of paralegals in Bintan Regency's efforts to help rural communities become more powerful**

Disagreements that arise in social life are managed differently, with varying degrees and methods of settlement. Local potential-based dispute resolution is a concerted attempt by disputing parties to find own law. The Indonesian people have long been aware of efforts to resolve conflicts or to maintain peace. These initiatives have even resulted in the establishment of so-called village courts (doorpsjustice). Dispute resolution in the village court based on local potential is essentially legal education based on the idea that the law was not designed to be broken. The primary purpose of law, which is manifested as a legal standard, is to govern human conduct and interactions between people in coercive situations by force (Kusumohamidjo, 2016).

The settlement of legal disputes is often connected with the advocacy, or lawyer, profession, which provides legal services both in and out of court. A paralegal is a kind of volunteer work that offers legal aid but is not considered a profession. Around the 1970s, paralegals began to emerge. At that time, NGOs in Indonesia started to develop agendas aimed at increasing awareness of the underprivileged's potential and rights. Paralegals are portrayed as someone who should not be a law graduate or who does not receive legal education in higher education as the period progresses. However, paralegals must go through specialized training that teaches them about the legal system and its foundations, as well as basic human rights, legal, and organizational skills (Sigalingging, 2015).

The presence of paralegals is critical in addressing the issues posed by Indonesia's geographical and socioeconomic characteristics. Paralegals address the issue of the diversity of legal knowledge that occurs often in society. Several advantages of hiring a paralegal include the following:

1. Due to the fact that Indonesia is made up of several islands, socialization of rules and regulations tends to concentrate on easily accessible locations. This implies that certain regions comprised of islands lack the same level of access to legal information as other locations.
2. The disparate distribution of the population is another impediment to the community's dissemination of legal information. People who reside on the islands and are dispersed find it difficult to carry out legal education, which should be done continuously.
3. Not all places with a population have advocates who work to give legal assistance to residents who are having legal problems.
4. Because not everyone understands the law and how to address legal issues effectively, certain minor legal issues are often settled via legal procedures involving law enforcement officers.

Until recently, the definition of a paralegal remained inconsistent. Some continue to assert that paralegals are a kind of "Pokrol Bambu." Pokrol Bambu is a person who has the authority to offer legal counsel and guidance but lacks the capacity to do so or has never studied law. Initially, Pokrol Bambu played a critical role in providing legal help, since some individuals felt compelled to retain the services of a trained lawyer. Those paralegals who live in certain towns or villages are trailblazers when it comes to resolving problems outside of the court room (Muhlizi, 2019).

The Legal Assistance Law No. 16 of 2011 governs the administration of legal help for both beneficiaries and providers of legal aid. Legal assistance is available to individuals or groups of underprivileged communities who are in confrontation with the law. Meanwhile, legal aid providers are institutions of higher learning or community-based organizations that offer legal aid services in accordance with the Legal Aid Act. Legal aid providers may hire paralegals to assist them in carrying out their purpose. According to the Minister of Law and Human Rights' Regulation No. 3 of 2021 on Paralegals of Legal Aid Providers, paralegals are defined as individuals from the community, society, or legal aid providers who have completed paralegal training, do not work as advocates, and do not accompany legal aid recipients in the courtroom independently.

The requirements to become a paralegal are as follows:

1. Citizen of Indonesia;
2. At least the age of eighteen;
3. be familiar with community advocacy; and/or
4. Meet any additional standards imposed by the Legal Aid Provider.

Paralegal training is a way for legal aid organizations to find advocates who can teach new paralegals. Based on Permenkumham Paralegal Article 5 (1), it states that paralegals providing legal assistance must have competencies which include:

- a. Ability to understand basic laws, territory conditions

- b. Territories, and interest groups in society
- c. The ability to strengthen the community in fighting for human rights and other rights protected by law; and
- d. Community advocacy skills in the form of defense and or support for the community.

According to the Law on Legal Aid, paralegals may engage in non-litigation legal aid activities, including the following:

1. Mediation
2. Negotiation
3. Legal Counseling
4. Community Empowerment
5. Legal Research
6. Legal Drafting
7. Legal Consultation
8. Case Investigation:
9. Assistance outside the court.

Legal development in the community is one of the Ministry of Law and Human Rights' responsibilities and roles. The establishment and growth of law-aware villages or sub-districts via the creation of law-aware organizations is one step toward establishing legal guidance in the community. The formation of a legal awareness family (Kadarkum), followed by the award of legal awareness village status, is nothing more than the execution of the Ministry of Law and Human Rights' legal counseling policy direction, which includes the following (Ariani, 2017):

- a. Increase the frequency of legal counseling activities for all segments of society, including the state apparatus, via national campaign initiatives and increased public knowledge of legal issues;
- b. Develop legal counseling methods/activities that are appropriate for the target community segment, including conventional legal counseling activities such as lectures and other direct face-to-face socialization of new laws and regulations, as well as indirect legal counseling via print and electronic media, including films, stories, and documentaries;
- c. Improving the community's legal literacy via the Legal Aware Family's (Kadarkum) activities and the establishment of a Legal Awareness Village;

Based on the above, the Ministry of Law and Human Rights and the Ministry of Villages, Development of Disadvantaged Regions and Transmigration are committed to realizing community empowerment from an integrated legal perspective. The Memorandum of Understanding was first signed in 2016 between the Minister of Law and Human Rights and the Minister of Villages, Development of Disadvantaged Regions and Transmigration Number : M.HH-05.HM.05.02 YEAR 2016 NUMBER : 01/M-DPDTT/KB/I/2016 YEAR 2016 concerning the Establishment and Fostering of Legal Awareness Families in the Context of Realizing Legal Awareness Villages and Access to Providing Legal Aid to Poor People or Groups of Poor People by Accredited Legal Aid Organizations. In the memorandum of understanding the following was agreed.

1. Expand the role of legal counsel and paralegals in achieving a law-aware society in villages, disadvantaged areas, and transmigration;
2. to establish and grow legal-aware families, legal-aware family groups, and legal-aware villages in villages, disadvantaged areas, and through transmigration;
3. to integrate data and information about legal aid organizations, villages, low-income areas, and transmigration;
4. make it easier for the poor or groups of poor people to obtain an identity and a Certificate of Poverty or Poverty in order to obtain legal aid; and
5. Provide referrals to legal aid organizations accredited by the Ministry of Law and Human Rights of the Republic of Indonesia directly to poor people who face legal problems in villages, disadvantaged areas, and transmigration.

The memorandum of understanding continues to be updated, and the last is a memorandum of understanding between the Minister of Law and Human Rights of the Republic of Indonesia and the Minister of Villages, Development of Disadvantaged Regions, and Transmigration Number: 05/M/HK.07.01/III/2020; M.HH-



03.HH.05.05 of 2020 concerning Legal Development and Human Rights in Villages, Disadvantaged Regions, and Transmigration Areas, with the scope of understanding covering:

1. Legal formation and development in villages, disadvantaged areas, and transmigration areas
2. Enhancement and development of the parties' human resource competencies
3. Development and research in the fields of law and human rights
4. Legal aid and development in the field of law and human rights
5. Assistance with the development, analysis, and evaluation of laws and regulations
6. Promotion of Human Rights
7. Increasing the use of legal information and technology.
8. Carry out joint publications in the field of legal development and other fields agreed by the parties.

Based on the Regulation of the Minister of Villages, Development of Disadvantaged Regions, and Transmigration of the Republic of Indonesia Number 21 of 2020 concerning General Guidelines for Village Development and Village Community Empowerment (hereinafter referred to as the Permendesa Guidelines for Community Empowerment), village community empowerment is an effort to develop community independence and welfare by increasing knowledge, attitudes, skills, behaviors, abilities, awareness, and resources through the establishment of policies, programs, activities, and assistance in accordance with the essence of the problem and priority needs of the village community. Villager community empowerment is carried out by the village, the central government/local government, and other parties. In this case, village activities can be carried out in the form of:

- a. Community and village government capacity building in village development;
- b. Enforcing the village's and the village community's rights and obligations;
- c. Strengthening dynamic village institutions; and
- d. Enhancing the adaptive village culture.

Village community empowerment is part of the village SDGs (Sustainable Development Goals). SDGs Desa is a sustainable development role that will be included in priority programs. One of the SDGs of the village aims to create safe village conditions, so as to ensure that village governments can work fairly and effectively. Therefore, several efforts must be made by the village government and the village supra, namely to significantly reduce all forms of violence and to find long-term solutions to village conflicts.

Naturally, in order to achieve a peaceful village with justice, it is vital to acknowledge the village community's rights and obligations. According to Article 84 of the Permendesa Community Empowerment Guidelines:

- (1) The enforcement of the village's and the village community's rights and obligations, as referred to in Article 79 letter b, is centered on efforts to achieve the Village SDGs.
- (2) The enforcement of the rights and obligations of the village and village community as referred to in paragraph (1) is carried out through:
  - a. Legal assistance;
  - b. Policy advocacy;
  - c. Development of social accountability;
  - d. Development of village development information disclosure; and
  - e. Development of citizen journalism.

With an affirmation of the responsibility of the village community, the community can play a more active role according to their abilities. Village communities that already have the ability to advocate are expected to be able to provide solutions and facilitate the resolution of problems that arise in the community in a fast, effective, efficient, and full of family sense in order to create a sense of justice for all. For the sake of creating equitable legal protection and a sense of justice, the presence of paralegals is expected to be able to provide legal education for the general public who do not work as lawyers or law graduates. Anyone may become a paralegal for the sake of creating equitable legal protection.

The establishment of village paralegals in Bintan Regency has progressed through the stages mandated by the Minister of Law and Human Rights' Regulation No. 1 of 2018 concerning paralegals of legal aid providers, which has been replaced by Regulation No. 3 of 2021 concerning paralegals of legal aid providers. According to the author's conversation with Mrs. Sumardianti, the Head of the Village Asset Planning Division, village paralegals in Bintan Regency are people chosen via village meetings who serve as trusted representatives and are regarded as

arbiters of community disputes. They are chosen during village gatherings. In this circumstance, the Bintan Regency's Village Community Empowerment Service (hereafter referred to as the Bintan PMD Service) is also aggressively directing village heads to send representatives who are regarded competent to act as legal agents in the community.

Bintan Regency in legitimizing these paralegals as village paralegals through the Bintan Regent's Decree Number: 323/VII/2020 concerning the Determination of Bintan Regency Village Paralegals. The duties of the paralegal in accordance with the decree are:

- 1) Provide legal assistance on a non-litigation basis through activities, including:
  - a. Legal Counseling
  - b. Legal consultation
  - c. Investigation of cases, both electronically and non-electronically in accordance with the provisions of the legislation
  - d. Mediation
  - e. Negotiation
  - f. Community empowerment
  - g. Legal document design
- 2) Advocating for regional and village government policies through legal services.
- 3) Assist the village government in providing legal advice in the context of encouraging law-abiding groups and families.
- 4) Assist with the creation of village regulations or village head regulations.

### **Implementation of the Role of Paralegals in the Perspective of Empowering Legal Awareness of Rural Communities in Bintan Regency**

The Paralegal of the Village of Bintan Regency is a community legal agent who has been ratified through a Regent's Decree by first becoming part of the LBH Mawar Saron. Paralegals as part of LBH Mawar Saron, in accordance with the decision issued by LBH Mawar Saron, have the responsibility to report all paralegal activities to LBH Mawar Saron. Village paralegals in Bintan Regency are bound by a professional code of ethics set by LBH Mawar Saron.

Mangara Sijabat, Director of LBH Mawar Saron, stated over the phone that after participants completed paralegal training and received a certificate from the National Legal Development Agency, LBH Mawar Saron followed up by issuing a Paralegal Decree on February 3, 2020, with the number 327/S.Kep/LBH.MS.BTM/VII/2020 pertaining to the appointment of paralegals with legal awareness in the village. According to the judgment, LBH Mawar Saron may revoke and replace it if considered necessary. Mangara Sijabat (2021) said in explaining the story that paralegals in the village must also follow the processes and policies governing legal aid provision, both as prescribed by the Permenkumham of Legal Aid Providers and as governed by the LBH Mawar Saron code of ethics.

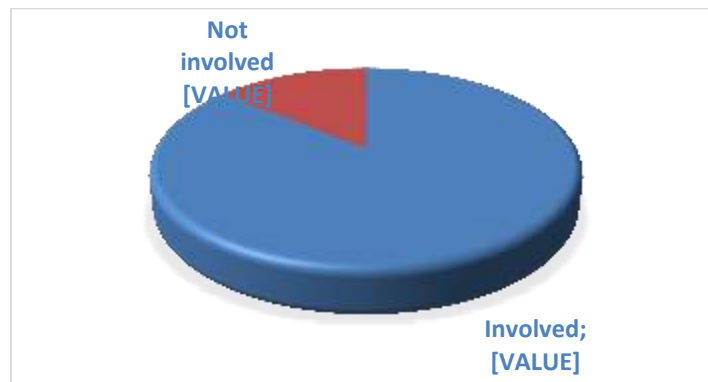
The establishment of village paralegals in Bintan Regency is, of course, part of the restorative justice process, which also provides the community with justice and legal certainty. Restorative justice is an alternative method of resolving criminal cases in which the emphasis on punishment is shifted from the criminal justice system to a dialogue and mediation process involving the perpetrator, victim, perpetrator's/family, victim's and other related parties in order to jointly create an agreement on the settlement. By emphasizing restoration to their original condition and reestablishing positive connections in society, we may ensure fair and balanced criminal prosecutions for both victims and criminals.

Crime prevention policies may take a wide variety of forms and can be executed via either preventative or punitive tactics. Thus, crime prevention measures may take a variety of forms, including legal counseling and information, prevention without the commission of a crime, as well as via the use of a criminal procedure or the application of criminal legislation (Waluyo, 2016).

Using a Google form questionnaire, given to paralegals in 36 (thirty-six) villages in Bintan Regency by the author, The questionnaire collects data on paralegals' involvement in resolving legal problems and disseminating legal information, types of non-litigation activities that are frequently conducted in villages, legal problems that

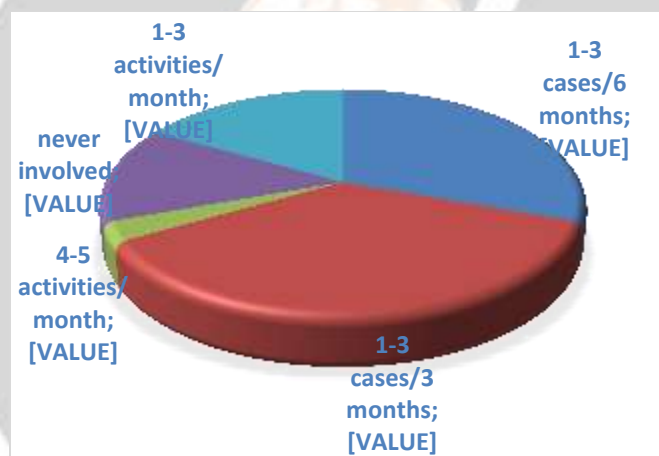
frequently occur in villages, and the hopes and obstacles faced by paralegals when conducting village activities. The following statistics were gathered through a questionnaire sent to paralegals in thirty-six villages in Bintan Regency:

Figure 1. Data on the involvement of Paralegals in Non-Litigation Legal Aid Activities in the Village



Source processed by the author, 2021

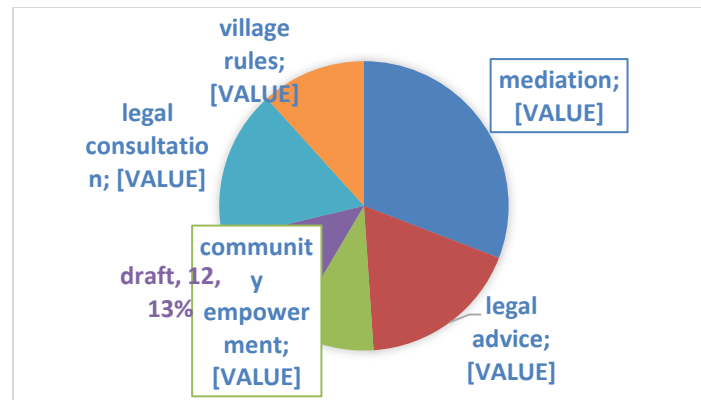
Figure 2. Data on the intensity of paralegal involvement in non-litigation legal aid activities in the village.



Source processed by the author, 2021

Based on the questionnaire distributed by the author, it is known that out of thirty-six villages in Bintan Regency, 31 paralegals reported being involved in the process of community legal empowerment in their village, and five paralegals who had not been empowered in paralegal activities. The involvement of paralegals in almost all villages in Bintan Regency shows that the existence of paralegals is recognized in the community. Basic legal training provided to the community members who were elected to represent the village in becoming paralegals had a positive impact by being involved and trusted by paralegals in providing legal solutions or enlightenment to legal problems that occurred in the village.

Figure 3. Data on Implementation of Non-Litigation Legal Aid Activities in the Village



Source processed by the author, 2021

According to these figures, paralegals participate in community legal empowerment programs on a nearly monthly basis. Rusli (2021), a resident of Pengujan Village who was interviewed via cellular connection, stated that the presence of paralegals aided the community in resolving legal issues, specifically civil lawsuits in land tenure cases, in which they felt extremely pressured as a community with limited education and legal understanding when they received a letter from the court declaring him the defendant in the land ownership claim. Rusli was able to ascertain the settlement measures that must be taken in order to resolve the trial via paralegal. The availability of paralegals enables him to develop more faith and trust in the government, particularly in terms of delivering justice and legal clarity for law enforcement in the cases he handles. Even without legal counsel present during the trial, Rusli (2021) was able to assert his rights and refute false claims based on the knowledge received from the paralegals.

### Conclusion

1. The realization of village paralegals in Bintan Regency has gone through the stages as mandated in the Regulation of the Minister of Law and Human Rights Number 1 of 2018 concerning paralegals of legal aid providers, which has now been changed to Regulation of the Minister of Law and Human Rights Number 3 of 2021 concerning paralegals of legal aid providers.
2. The existence of village paralegals in Bintan Regency is part of the implementation of restorative justice, which also provides justice and legal certainty for the community.
3. The role of village paralegals in Bintan Regency has been well utilized by the community in order to assist in solving legal problems that occur in the village, as well as efforts to increase awareness and understanding of the law in the village community.

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