

The Urgency Of Paralegal Position In Law Enforcement In Indonesia Through The Provision Of Legal Aid

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Abstract. Legal aid distribution at the moment does not yet reach the whole Indonesian people because existing limitations for the implementation of the law so that paralegal is required to increase the range of legal aid. Considering the importance of that, it is needed to legitimation for a paralegal position in enforcement law for optimizing the role of the paralegal. The aim of this study is to knowing the importance and legitimacy of paralegal position in regulations legislation in Indonesia and to knowing optimization of the position and role of paralegals in enforcement law through legal aid. The method research used is juridical normative with approach statute, analysis, and concepts. Research results show that reason that is a consequence of the rule of law adopted by Indonesia and is a right constitutional as well as a protection right basic as equality before the law, setting more carry on of legal aid regulation, as aspect obligations and state responsibilities in giving legal aid, guarantee certainty for paralegal law in operating their duties, and as the effort for creating order in organizing giver legal aid especially paralegals. Optimization of paralegals' position in the enforcement of Indonesian law in giving legal aid could be conducted through increasing paralegal competence with follow the training, networking, and cadre of paralegals from start district level, regional until lowest in the village, Skill advocate Public in the form of defense and support to the community, and giving law protection for paralegals in operating their job in giving legal aid.

Keywords: Paralegals, legal aid, Enforcement law

1. Introduction

One principles of the rules of law's state is the guarantee of equality for everyone before the law, including indigent communities who are incapable of outreach justice. Indeed, everyone has the right to recognition, assurance, protection, and fair legal certainty, as well as an equal treatment before the law, including people who ill afford it, to gain access to justice hence their rights, are recognized, guaranteed, and protected fairly. One kind of right that could be obtained or guaranteed one before the law is the right to legal assistance.

According to Frans Hendra Winarta, the right to be defended is additionally part of each citizen's human right guaranteed in the Universal Declaration of Human Rights, International Covenant on Civil and Political Rights (ICCPR), and Basic Principles of Lawyer.[1] Related to this statement, the right to legal assistance has been universally accepted as guaranteed by the ICCPR and is stated in Article 16 and Article 26 where the article guarantees that everyone has the right to legal protection and should to be averted from each kind of discrimination. The right to legal assistance is not explicitly stated as part of state responsibility in Indonesia. However, the right to be defended by an advocate or public attorney for each individual without any distinction has been regulated in Article 27 paragraph (1) and Article 28D paragraph (1) of the 1945 Constitution. As a consequence of the rule of law regulating the whole life of society, occasionally the regulated right is narrowly implemented (inefficient), either because it is unexecuted intentionally or because these rights unknowingly exist.[2] Particularly, in this case, the rights of the indigent in obtaining legal aid are sometimes neglected. Legal aid as an embodiment of

access to justice is generally used to denote a justice-granting system in which anyone is able to approach the legal process regardless of their social or financial capacity.[3]

Recipients of legal aid based on Article 4 of the Law on Legal Aid are indigent people and less capable societies. An indigent is someone who is in a situation where there is an inability to meet basic needs such as food, clothing, shelter, education, and health. Prior to Law Number 16 of 2011 concerning Legal Aid, the accomplishment of Legal Aid was dominantly performed by advocates as regulated in Law No 18 of 2003 concerning Advocates. However, after the enactment of Law Number 16 of 2011 dated October 31, 2011, besides advocate, there is a further understanding concerning legal aid providers clearly according to Law Number 16 of 2011. The Legal Aid Provider is defined as a legal aid institution or social organization that provides Legal Aid services under this Law. Due to the imbalance number of legal cases encountered by the community compared to the insignificant number of Legal Aid Institution (LAI) and Consulting and Legal Aid Bureau (CLAB) verified by the Ministry of Law and Human Rights as well as the number of advocates, existing legal aid institutions provider such as LAI and varsity CLAB associated with paralegals figured an important and irreplaceable role.[4]

Legal problems that ensnare indigent groups are nowadays increasingly complex, thus requiring the government to immediately take the necessary measure and regulate them in a planned, systematic, sustainable manner, and manage them professionally. The issuance of Law Number 16 of 2011 concerning Legal Aid is one of the government's efforts to provide guaranteed right regarding legal assistance, although priorly also in several regulations, namely in the Criminal Procedure Code (CPC) has regulated the right of a person to obtain legal assistance if the threat of criminal punishment exceeds 5 (five) years. The orientation of law enforcement in Indonesia which focuses on the courts, police, prosecutors, especially legal aid institutions still required to be optimized.[5]

The provision of Legal Aid covers the areas of criminal, civil, and state administration, both in Litigation and Non-litigation which is fully carried out by Legal Aid Providers consisting of Legal Aid organizations. Whereas the rules regarding Legal Aid Providers or Legal Aid organizations must be legal entities, did not intend to limit the constitutional rights and independence of the community to organize. Nonetheless, this ought to be understood as a national strategy in professional, effective, and competitive organizational management as well as to facilitate effective cooperation and coordination, both with the Central and Regional Government as well as between Legal Aid Providers or Legal Aid organizations.

Several provinces in Indonesia own a minimal number of Legal Aid Providers (LAP) compared to other provinces, and the majority of these LAPs are merely concentrated in the capital city of each province, thus they are unable to reach the district or city level. [6]The limited number of legal aid providers as regulated in the Law on Legal Aid, especially advocates, allow opportunities for other legal aid providers to play a role in solving legal problems faced by the community. Regarding the existence of paralegals in providing legal aid, it is further regulated under the Regulation of the Minister of Law and Human Rights Number 3 of 2021 concerning Paralegals in Providing Legal Aid. Within the consideration, it is stated that the role of paralegals is required to increase access to legal aid therefore it is able to reach the whole society in Indonesia.

Article 11 of the Regulation of the Minister of Law and Human Rights Number 1 of 2018 concerning Paralegals in Providing Legal Aid, stipulating that "Paralegals allowed to provide legal aid in litigation and non-litigation after registered with the Legal Aid Provider and hereafter obtained the primary level of Paralegal training certificate". Obedient to this provision, it appears that paralegals may provide legal aid in both litigation and non-litigation once being registered with legal aid providers. However, the Ministerial Regulation was then subject to judicial review to the Supreme Court and the provision regarding the authority of paralegals to provide legal aid in litigation was revoked because it was considered contrary to the Law on Advocates. Therefore, the Minister of Law and Human Rights Regulation Number 3 of 2021 concerning Paralegals in Providing Legal Aid was issued to replace the previous regulation, namely the Regulation of the Minister of Law and Human Rights Number 1 of 2018 concerning Paralegals in Providing Legal Aid.

Article 1 number 5 of the Regulation of the Minister of Law and Human Rights Number 3 of 2021 concerning Paralegals in Providing Legal Aid explains that a Paralegal is any person who comes from the communities, society, or Legal Aid Provider who has attended Paralegal training, is not an advocate, and not independently accompanying Legal Aid Recipients in court. Paralegals in providing Legal Aid must have the competence as regulated in Article 5 paragraph (1) of the Regulation of the Minister of Law and Human Rights Number 3 of 2021. In order to obtain this competence, paralegals are obligated to attend education and training organized by Legal Aid Providers.

In general, the term paralegal describes a person who has received specialized training in legal knowledge and skills to provide information and assistance to resolve legal issues. Paralegals are generally supervised by trained advocates. A paralegal is a term that emerged as a reaction to the powerlessness of the law and the world of the legal profession to understand, capture, and attain various social needs. After attending education/short courses, paralegals must be able to explore various practical legal sciences themselves that are useful for helping community groups that have been in contact with them.

According to the Regulation of the Minister of Law and Human Rights Number 3 of 2021 concerning paralegals in the Provision of Legal Aid, paralegals can only provide legal aid on a non-litigation basis in the sense that they have not been entered into court proceedings. However, even though paralegals provide legal aid in court or litigation, they are still required to be accompanied by an advocate. Settlement of cases, whether criminal, civil or state administrative, or business disputes, in fact, can be resolved by litigation and non-litigation. Thus, the role of paralegals is immensely demanded in providing legal aid. The role of paralegals in providing legal aid on a non-litigation basis is requires, especially to settle minor cases or problems that can be resolved by non-litigation instead of proceeding through litigation. Particularly the role of paralegals is hugely needed in remote areas where people are quite unfamiliar with the law and also access to seeking justice through litigation is not as easy compared to living in urban areas.

Various studies on paralegals have been written, including Kristina Agustini Sianturi's [7] on the Existence of Paralegals in Providing Legal Aid (Study of Supreme Court Decision Number 22 P/HUM/2018) and Eka N.A.M Sihombin[8]. who studied the Existence of Paralegals in Providing Legal Aid for the Poor, yet the distinction of these research is on the part of examining the reasons or basis, as well as the urgency of why a paralegal legitimacy is required in a regulation in Indonesia and the optimization of paralegals in law enforcement in Indonesia considering the paralegal position, is essential, especially in providing legal aid in a non-litigation settlement when there still occurred legal problems in Indonesia which incidentally is not a litigation settlement based.

Therefore, it is necessary to have a clear regulation concerning the position of paralegals considering the significant role of paralegals in providing legal aid in a non-litigation settlement. Optimizing the role of paralegals in providing legal aid in a non-litigation settlement should be considered as the return of the paralegal's dignity as the first party to provide advice or initial legal service providers for the community in need. Hereafter, the public will gain knowledge and understanding once experiencing legal problems.

2. Problem

Based on the background described above, the problems can be formulated as follows:

1. Why does the paralegal position in law enforcement in Indonesia require certain legitimacy in a regulation?
2. How does the effort to optimize paralegals positions in providing legal aid in law enforcement in Indonesia?

3. Research Method

This scientific article is a research result using normative juridical research methods. The method used in conducting this research is a normative juridical approach which focuses on research on library data or what is called secondary data.[9]The research approach used is a statutory approach, a conceptual,

and an analytical approach. The data analysis technique applied normative qualitative methods of content analysis and comparative analysis models

4. Discussion

4.1. *The Objective of Paralegal Positions Legitimacy in Law Enforcement in Indonesia*

The presence of paralegals in law enforcement efforts is immensely important, especially in relation to the rights of legal aid recipients, which heretofore there are still a number of people who have not received the right to acquire legal aid when facing legal problems. The presence of Law Number 16 of 2011 concerning Legal Aid is the forerunner to the recognition of paralegals as part of legal aid providers in providing legal assistance to the indigent or marginalized community namely Legal Aid. Even though the Law on Legal Aid does not explain in detail the definition or duties and roles of the paralegals. Article 9 letter a of Law Number 16 of 2011 concerning Legal Aid, explains that Legal Aid Providers have the right to recruit lawyers, paralegals, lecturers, and law faculty students. Based on the law, paralegals who have been recruited by legal aid providers can provide legal aid to the community, although the provisions of this law do not explain certain kinds of legal aid.

In 2018 a particular regulation on paralegals was issued, namely the Minister of Law and Human Rights Regulation Number 1 of 2018 concerning Paralegals in providing Legal Aid. However, sometime after the issuance of the regulation, there were reactions from advocates regarding the provisions contained in the regulation, especially regarding the authority or scope of the role of paralegals in providing legal aid to the community. Article 11 of the Regulation of the Minister of Law and Human Rights Number 1 of 2018 concerning Paralegals in Providing Legal Aid states that "Paralegals allowed to provide Legal Aid in litigation and non-litigation after being registered with the Legal Aid Provider and obtaining a primary level Paralegal training certificate". Based on these provisions, paralegals can provide legal aid in both litigation and non-litigation. This provision was contrary to the advocate law. Thus, the provision was submitted for judicial review to the Supreme Court, and the provision was revoked afterward. Until finally in 2021, another specific regulation about paralegal was re-issued through the Minister of Law and Human Rights Regulation Number 3 of 2021 concerning Paralegals in Providing Legal Aid which automatically revokes the old regulations. There are several regulatory differences between the prior and the present regulations.

The issuance of the Minister of Law and Human Rights Regulation Number 3 of 2021 is a government step to optimize the provision of legal aid by not merely advocates as people know so far. Based on the aforementioned explanation, the reasons for requiring legitimacy or recognition of the existence of paralegals are as follows:

a. The constitutional rights of citizens, especially the right to obtain legal aid

Legal aid is a mandate arising from the 1945 Constitution. Legal aid precipitously has a correlation with constitutionalism. Equality before the law interprets that there exist equal opportunities or rights for everyone to get justice. This is reflected in several articles of the 1945 Constitution, thus giving a constitutional meaning that legal aid provided by the state is a necessity. Several articles of the 1945 Constitution relating to the demand for state guarantees to provide legal aid is provided in the Article 28D Paragraph (1) which ensure that everyone, including people who are incapable, has the right to access justice hence their rights to recognition, guarantees, protection, and fair legal certainty and equal treatment before the law can be realized.

The presence of legal aid providers, especially paralegals, is significantly required. Paralegals initially were designed to perform legal work for people who are incapable to afford it. Thereafter, people who are not able to afford could certainly get their rights assured and access to justice by getting legal aid from legal aid providers at zero cost. The presence of legal aid providers is the implementation of the state's obligation to assist the state in the quest of providing legal aid to less capable individuals.

Legal aid providers at first had the commitment to provide legal assistance to the indigent for free, contrary to advocates that were initially designed as people who have the profession of providing legal services, both through proceeding and non-proceeding, namely providing legal consultation, legal assistance, carrying out legal services, legal representative, accompany, defend,

and take other legal actions in the name of client interest, professionally by obtaining an honorarium from the client. Besides, advocates also have the obligation to provide free legal assistance to justice seekers who cannot afford it. Paralegals are presented to assist the duty of advocates who have been known as professionals in charge of providing legal aid prior to the existence of the legal aid law.

Guarantees of constitutional rights to legal aid are clearly stipulated in Article 28D paragraph (2), Article 28H paragraph (2) of the 1945 Constitution, and 28I paragraphs (4) and (5). Therefore, it is the obligation of the state to provide a budget for the purposes of providing legal aid carried out by legal aid providers. On that ground, it is important to have paralegal provisions regulated in Indonesian regulations in order to advocate legitimacy and legal certainty.

Apart from Indonesia which states that legal aid is a constitutional right of its citizens as the aforementioned ground, another country with the same stand example is India. According to articles 14 and 22 paragraph (1) of the Indian constitution, states are mandated to ensure that each individual is prescribed equal opportunities in any realm and that everyone is treated equally before the law. Furthermore, Article 39A mandates the provision of free legal assistance hence no one loses their legal rights due to financial or other circumstances. Since 1952, the Indian government has sought to provide legal aid to powerless groups through various platforms.[10]

b. Philosophical, juridical, and sociological reasons for paralegal arrangements in a statutory regulation in Indonesia

1. Philosophical reason

Everyone has the right to a fair and impartial court. This right is a fundamental right of every human being that is universal and applies anywhere, anytime, and to anyone without discrimination. The fulfillment of this right is the duty and obligation of the State. Every citizen regardless of ethnicity, skin color, social status, creed, and political views has the right to have access to justice. Indonesia as a state of law guarantees equality for its citizens before the law on the ground of the state and its constitution. The Second Precept of Pancasila "Just and civilized humanity" and the Fifth Precept of Pancasila "Social justice for all Indonesian" recognize and respect the right of Indonesian citizens to this justice.

2. Juridical reason

Methodically, this study will be carried out by harmonization or synchronization of the provisions on paralegals that priorly exist and are regulated in laws and statutory regulations. Juridically, the regulation on paralegals regulated in the Minister of Law and Human Rights Regulation Number 3 of 2021 is further regulation of the paralegal provisions contained in Law Number 16 of 2011 concerning Legal Aid and Government Regulation Number 42 of 2013 concerning Terms and Procedures for Granting Legal Aid and Distribution of Legal Aid Funds. Provided that it is based on these provisions, it would be appropriate to regulate separately paralegals in order for them to acquire better and clearer legal certainty. The regulation clearly states, for example, the definition, duties, authorities, obligations, and rights.

3. Sociological reason

Sociologically, legal aid is certainly a form of service that is required by justice seekers in Indonesia. According to records in the Supreme Court, the number of advocates up to 2005 was less than 3000 people, compared to the total population of Indonesia which reached 220 million people therefore the ratio of population to advocates was 1: 7333.[11] As a result of this significantly unequal ratio, there are tremendous justice seekers who are not able to receive legal assistance services that are their right. Based on the above explanation, it is appropriate to bring paralegals to advocate and provide legal aid, especially for non-litigation settlements. It indeed will greatly assist government programs and the spirit of resolving cases, especially minor criminal cases or civil cases that better be resolved in a non-litigation matter first. On the other hand, many legal aid providers appear on behalf of and call themselves legal aid institutions yet unfortunately practice and perform legal services by charging fees. This is a clear deviation. In addition, exist a great number of people act on behalf of paralegals. Hence, regulations are required to regulate them.

c. Legal Politics: the birth of paralegal regulations in the provision of legal aid

The demand for legal aid to citizens who are less capable is an integral part of the contextualization of the remaining morality of citizens which has been accommodated constitutionally. The human

rights of citizens to gain access to justice through the provision of legal aid are not merely constitutional evidence, but have become an integral part of the rights inherent in every citizen since birth. Respect for the dignity of citizens as whole human beings is the State's obligation to ensure and realize it. The presence of the Law on Legal Aid must be able to bridge the fundamental interests of citizens to gain access to justice, and the foremost obligations of the State in realizing the rights of citizens, especially those who are economically disadvantaged, through the provision of free legal aid and not vice versa. The substance of the Law on Legal Aid planned to be realized is a collection of descriptions of words that become sentences, which have caritative and symbolic meanings scattered in the articles. Legal aid is often an essential element for the effective protection of rights. The right to legal aid is closely related to the right to access justice. In the opinion of the Council of Bars and Law Societies of Europe (CCBE, 2010), the right to access legal aid must "include various parties in the process".[12]

d. Guarantee of legal certainty for paralegals in carrying out their work

The regulation of paralegals in specific regulation, namely the Law and Human Rights Regulation Number 3 of 2021, guarantees legal protection for paralegals in carrying out their work. In correlation, Article 3 states that paralegals have the right to increase capacity related to legal aid and being ensured legal protection, security, and safety in carrying out the provision of Legal Aid. Based on these provisions, with the regulation of paralegals in certain statutes, paralegals are entitled to guarantees for capacity building, legal protection, security, and safety in carrying out their work. Although the regulation should have explained further how to guarantee legal protection, security, and safety in carrying out the provision of legal aid, considering that paralegals are often victims of threats, violence, and reports from other parties related to the activity of providing legal aid. Article 11 of Law Number 16 of 2016 concerning Legal Aid only states that there is an immunity right for Legal Aid Providers which refers to the laws and/or Advocates' Code of Ethics which mean that those who are given legal protection in providing legal aid are only temporary Advocates. In fact, even the legal aid provider is not merely an advocate yet also a paralegal who carries out the task of providing legal aid, especially non-litigation tasks.

According to the explanation above, it is crucial to strengthen the position of paralegals with the presence of legitimacy in the prevailing legal regulations in Indonesia, namely the Minister of Law and Human Rights Regulation Number 3 of 2021 concerning Paralegals in Providing Legal Aid. Through this regulation, the position of paralegals is bound to get definite legal certainty in terms of providing legal aid. Providing legal aid is one part of the law enforcement process. According to Muladi [13] law enforcement is an effort to enforce legal norms and rules as well as the values behind them. Meanwhile, according to Satjipto Rahardjo[14] the term law enforcement differs from the use of the law. Law enforcement and the use of law are two different things. People can enforce the law to provide justice, yet people can also enforce the law to be used for the achievement of other goals or interests. Enforcing the law is not exactly the same as using the law. The role of paralegals in law enforcement is related to the mechanism in providing legal aid to the community, especially the indigent to get justice, especially for those who experience legal problems and have not yet reached the judicial route, the role of paralegals is greatly required. Paralegals can provide legal aid on a non-litigation basis such as consultation, negotiation, or assistance as well as counseling on several government regulations or policies to the community. In other words, the role of paralegals is more of a preventive nature in law enforcement in terms of providing legal aid. Utilize the regulation of paralegals in a separate regulation, even though it is in the Regulation of the Minister of Law and Human Rights and has not been regulated in law such as legal aid providers and advocates, this is a good step to provide more guarantees of legal certainty both to paralegals and to legal aid recipients.

4.2. Paralegal Optimization in Providing Legal Aid Concerning Law Enforcement in Indonesia in Providing Legal Aid

Based on the Law on Legal Aid and the prior Minister of Law and Human Rights Regulation, states that paralegals are Based on Article 10 of the Regulation of the Minister of Law and Human Rights Number 3 of 2021, Legal Aid Providers can assign Paralegals who have the competence to provide legal services in the form of:

- a. policy advocacy at the village/urban village level to the provincial level;
- b. assistance for programs or activities managed by ministries, non-ministerial government agencies, provincial governments, district/municipal governments, or village governments; and/or
- c. cooperate with legal instructors to form and/or foster law-conscious family groups.

The main duty of paralegals is as the first party to provide advice or perform initial legal services to communities in need. Paralegals are clearly not advocates, because indeed they will not carry out the role of advocates in defense before the court. The primary duty of a paralegal is to provide legal advice, document legal cases faced by the community they serve, help community to develop social skills, assist the community in a negotiation process to find a resolution in a legal dispute, and so forth.

In correlation with the obligations, duties, and roles in the Regulation of the Minister of Law and Human Rights Number 3 of 2021. As an effort to optimize paralegals in law enforcement in Indonesia, the following measure can be taken:

- a. Improving paralegal competence by attending trainings on legal skills both organized by Legal Aid Providers can also be outside the agency or ministry as additional competence.

As required in Regulation of the Minister of Law and Human Rights Number 3 of 2021, the requirement to become a paralegal is through attending a mandatory training organized by the Legal Aid Provider. In organizing the training, Legal Aid Providers submit a Competency Recognition to the National Legal Development Agency as the main unit carrying out duties, functions and authorities in the field of national legal development at the Ministry of Law and Human Rights. Thereafter attending the training and being declared to have passed, the paralegal will get Competency Recognition. Competency Recognition is an acknowledgment from the National Legal Development Agency in the form of a certificate for the competence of Paralegal Legal Aid Providers who have attended and passed Paralegal training. In an effort to optimize the position and role of paralegals, paralegals, especially those with a law degree background, can also attend certified legal competency training in addition to those requirements such as mediator training, auditor training, and so forth.

- b. Paralegal screening and regeneration from the district, sub-district and lowest levels in rural areas with legal counselors to form a law-attentive community.

Paralegal recruitment or regeneration is essential to further strengthen the position of paralegals. The more distribution of paralegals in providing legal aid, the better. In this case, paralegals can assist the government in providing advocacy on government policies and also to help the community, especially in rural or remote areas that are far from legal aid providers such as advocates in providing legal service consultations in accordance with their competencies. The importance of an advocacy or socialization is a preventive effort to disseminate an existing regulation or policy made by the government hence the public acknowledges till understands the existence of the regulation or policy. There is a principle in law, namely legal fiction, so everyone is considered to know the existence of the law as long as the regulation has been issued. With this activity, a law-aware community is able to form.

- c. Advocacy skills in the form of defending and supporting the community

Paralegals provide advocacy to the local community and provincial governments regarding various policies issued by the central government as well. The provision of this advocacy is aimed to gain a comprehensive understanding of the existing policy or regulation that has been issued. Subsequently, with this understanding, a legal attitude and legal behavior pattern will be formed in the community that agrees and is in accordance with the law so as to create a law-aware society. According to Soerjono Soekanto, legal awareness is an abstract conception in humans about the harmony between order and desired or appropriate peace.[15] Meanwhile, according to Otje Salman, in general, legal awareness is associated with legal compliance or legal effectiveness. In other words, legal awareness concerns the issue of whether certain legal provisions actually function or not in society.[16] This is in accordance with the opinion of Otje Salman quoted from his book Soerjono Soekanto that an indicator of legal awareness can be measured from legal knowledge, legal understanding, legal attitudes and legal behavior patterns. With the advocacy of paralegals, it is expected that it can form public legal consciousness of the law.

- d. Providing clear legal protection for paralegals in carrying out their duties in providing legal aid
Philipus M. Hadjon is of the opinion that legal protection is the protection of dignity and worth, as well as the recognition of human rights owned by legal subjects based on legal provisions from

arbitrariness.[17] Meanwhile, according to Satjipto Raharjo, legal protection is to provide protection for human rights that are harmed by others and that protection is given to the community therefore they can enjoy all the rights granted by law.[18] Therefore, every act carried out based on the applicable legal provisions will receive legal protection. In other words, legal protection is an illustration of the function of law, namely the concept where the law can provide justice, order, legal certainty, benefit and peace. Therefore, it required rules that regulate people's lives in order for their interests not to conflict with the interests of others. The legal protection that will be used in writing this law is the protection or protection provided by the state to legal aid providers, especially paralegals in providing legal aid in order to obtain their rights after carrying out the obligations specified in the legislation. To rephrase it, a person has the right to get legal protection if person has already carried out his obligations or duties in accordance with applicable regulations.

Legal protection *in abstracto* implies that the substance of a legal rule must provide protection. Legal protection *in abstracto* is defined as "abstract" legal protection or "indirect protection". This means that the various formulations in the laws and regulations so far have in essence been protected *in abstracto* directly against the legal interests and human rights of a person. Legal protection is given to legal subjects in the form of tools, both preventive and repressive, both oral and written. In other words, it can be said that legal protection is a separate picture of the function of the law itself, which has the concept that the law provides justice, order, certainty, benefit, and peace.

The legal protection referred to here is legal protection *in abstracto* related to the substance of legislation that must provide legal protection to paralegals in providing legal aid is an important legal factor to be studied. On that ground, Article 3 paragraph (1) of the Regulation of the Minister of Law and Human Rights Number 3 of 2021, stipulates Paralegals are entitled to:

- a. obtain capacity building related to the provision of legal aid; and
- b. acquire guaranteed legal protection, security, and safety in carrying out the provision of Legal Aid.

According to the aforementioned provisions, with the regulation of paralegals in a regulation, paralegals are entitled to guarantees for capacity building, legal protection, security, and safety in carrying out their work. In line with this idea, it is expected that lawyers can optimize in providing legal aid, even though the regulation does not explain further about how to guarantee legal protection, security, and safety in carrying out the provision of legal aid, considering that paralegals often become victims of threats, violence, and reporting from other parties related to the activity of providing legal aid.

5. Conclusion

Paralegals as part of legal aid providers have a significant contribution to providing legal assistance. Therefore, it is required that the paralegal position gain legitimacy in a particular regulation that exists in Indonesia on the grounds that it is a consequence of the rule of law adopted by Indonesia and is a constitutional right as well as a protection of human rights as equality before the law. Further regulation of the legal aid law, as an aspect of the obligation and responsibility of the state in providing legal aid, assuring legal certainty for paralegals in carrying out their duties, and as an effort to create order in the organization of legal aid providers, especially paralegals.

Optimizing the position of paralegals in law enforcement in Indonesia can be done through increasing paralegal competence by participating in training, networking, and the cadre of paralegals from the district, sub-district, and lowest level in rural areas to learn advocating skills in the form of defending and supporting the community and providing a comprehensible regulation as legal protection for paralegals in carrying out their duties in providing legal aid.

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