



LEGAL AID APPLICATION TO PREVENT SEXUAL VIOLENCE CRIMES IN MEDAN

Rasina Padeni Nasution

Faculty of Sharia and Law, State Islamic University of North Sumatra, Indonesia

rasinasution@uinsu.ac.id

Abstract: This research aims to describe the application of patterns by legal aid institutions in preventing sexual violence crimes in Medan City using an empirical juridical research method. The results show that the implementation of the structural legal aid (BHS) pattern by LBH Medan and the structural gender legal aid (BHGS) pattern by LBH APIK are effective in providing legal protection by expanding access to justice for victims, focusing on recovery, and enhancing excellent services based on an equity approach. This approach not only focuses on resolving cases through legal channels but also seeks to transform unjust social structures resulting from power relations into more equitable social relations with a gender perspective. In conclusion, the implementation of BHS by LBH Medan and BHGS by LBH APIK plays a significant role in preventive and repressive efforts to prevent and address sexual violence in Medan City.

Keywords: protection, legal aid, sexual violence

INTRODUCTION

Every person is entitled to protection from the state as mandated by the fourth paragraph of the 1945 Constitution of Indonesia. This protection aims to provide comprehensive security to every citizen as outlined in each article. Article 28, paragraph (2) of the 1945 Constitution asserts that everyone has the right to be free from torture and degrading treatment by others, ensuring their dignity as human beings, and the right to seek political asylum from another country. This objective is a right for everyone without exception (Yusyanti, 2020). The goal of protection for every individual is a constitutional right. The most fundamental of these rights include the right to life, freedom from threats, violence, and discrimination. The fulfillment of these constitutional

rights must be ensured by the state through a series of national obligations. One manifestation of these rights is the right to protection and justice in handling cases of sexual violence (Lubis et al., 2022).

Indonesia's commitment to eliminating sexual violence is evidenced by its ratification of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), which became Law No. 7 of 1984 (Nainggolan et al., 2022). Indonesia's awareness of the current situation, where women often fall victim to violence and discrimination in various fields, is part of the long journey since the ratification of CEDAW. The government has undertaken various efforts to eliminate violence against women and children to achieve justice and gender equality (KKG). A clear

stance was taken by signing the global agreement on the Sustainable Development Goals (SDGs), officially referred to by the government as the Tujuan Pembangunan Berkelanjutan (TPB), comprising 17 Goals and 169 targets. Among these goals is one specifically aimed at achieving gender equality and empowering all women and girls (Alfa, 2019).

Moreover, the government's efforts to address and find solutions to the ever-increasing sexual crimes in Indonesia, with a growing number of female victims each year, led to the eventual enactment of the Sexual Violence Crime Act, initially titled the Elimination of Sexual Violence Act, now Law No. 12 of 2022 concerning Sexual Violence Crimes (UU TPKS) (Siregar et al., 2023). The UU TPKS is expected to be a beacon of hope amidst the dark landscape of law enforcement against sexual violence and a pillar to eliminate sexual violence in Indonesia. It is hoped that the UU TPKS will improve the quality of life for women and children and reduce prevalence (Tilung, 2023). It is also important to note that victims of sexual violence are not only women and children, but men as well, though data shows women are the majority of victims (Tanjung, 2023).

The enactment of the UU TPKS reflects the need for legal protection for victims of sexual violence. Additionally, there are juridical factors that support the enactment of the UU TPKS, based on other regulations compatible with the UU TPKS, such as Law No. 19 of 2016 on Information and Electronic Transactions, Law No. 16 of 2019 on Marriage, Law No. 44 of 2008 on Pornography, Law No. 21 of 2007 on the Eradication of Human Trafficking, Law No. 23 of 2004 on the

Elimination of Domestic Violence (PKDRT), and the Criminal Code (KUHP), among other regulations. The presence of the UU TPKS is expected to provide optimal protection for victims of sexual violence (Marselyna et al., 2020).

The pattern of legal aid plays a crucial role in preventing sexual violence crimes (Nisa & Mulyasari, 2023). Legal aid, whether provided by government institutions or non-governmental organizations, ensures that the victims' rights are protected, offers legal assistance, and supports the rehabilitation and reintegration of victims into society (Agustiani & Ruslie, 2023). Moreover, legal aid also contributes to legal education for the community, enhancing awareness and understanding of individual rights and the legal consequences of sexual violence.

In Medan, various efforts have been made to increase the effectiveness of legal aid patterns in preventing sexual violence. However, the challenges are complex, ranging from social stigma against victims, lack of awareness about legal procedures, to inadequate access to legal aid services. Therefore, this research aims to explore and analyze the application of legal aid patterns in Medan in the context of preventing sexual violence crimes. As is known, data on sexual violence remains high from year to year. The North Sumatra Women's Empowerment and Child Protection Agency recorded 216 cases of sexual violence crimes in 2019, which increased to 1,013 cases in 2020, and slightly decreased to 953 cases by December 2021. The National Commission on Violence against Women also recorded 2,228 cases of sexual violence against

women throughout 2022. Sexual violence in public spaces remains the highest, with 1,127 cases in 2022. Medan contributed to these numbers according to the survey distributed by the National Commission on Violence against Women for the CATAHU Data on Violence against Women. In 2022, the Legal Aid Institute (LBH) Medan handled several sexual violence cases, with only 3 out of 7 cases receiving proper legal process.

According to the media from the North Sumatra Provincial Office for Women's Empowerment, Child Protection, and Family Planning, the reported cases of sexual violence against women and children by January 6, 2023, amounted to 1,495 victims, with 368 male and 1,309 female victims. Medan ranks second in the highest number of sexual violence cases against women and children in North Sumatra, with 173 cases reported in January 2023.

The research on the Implementation of Legal Aid Models in Preventing Sexual Violence Crimes in Medan City is an original work and thought of the author. This study is distinctly different from previous research conducted by;

Ujang Badru Jaman and Agung Zulfikri, titled "Community Involvement in Preventing Sexual Violence in Relation to Law No. 12 of 2022 on TPKS," which provides an in-depth study of the TPKS Law using a conceptual approach. Their research aims to address the urgent need for community involvement in preventing sexual violence, as stipulated in the TPKS Law. The findings are: first, the TPKS Law provides adequate legal protection for victims involved, and second, it includes both criminal and non-criminal measures to eliminate

sexual violence perpetrators (Jaman & Zulfikri, 2022).

Rizki Tri Kurniasari, in her study titled "Community Participation in Addressing Sexual Violence Crimes Against Children in Surakarta," explains prevention activities organized by Non-Governmental Organizations (NGOs) and individuals. These activities include disseminating information to families, light discussions on sexual education for children, facilitating children to voice their rights, and providing positive activities for children. Despite the annual increase in child sexual crimes, her findings indicate that community participation has not yet made a significant impact in reducing sexual violence in Surakarta, due to the evolving factors contributing to these crimes.

The research on the implementation of legal aid models in preventing sexual violence crimes in Medan City is fundamentally different from the two studies mentioned above, although it shares a common focus on the prevention of sexual violence crimes. However, the overall objectives and goals are different. This study will investigate the implementation of legal aid models in preventing sexual violence crimes in Medan City and the challenges faced by Legal Aid Organizations (LBH) in their efforts to prevent these crimes.

Therefore, this research is expected to significantly contribute to identifying obstacles and opportunities in implementing legal aid patterns from various institutions and providing policy recommendations to enhance the quality and effectiveness of legal aid in Medan. Thus, it is hoped to create a safer and more supportive environment for victims of sexual

violence and prevent similar crimes in the future.

MAIN PROBLEM

The purpose of this activity is to implement effective legal aid patterns in preventing sexual violence crimes in Medan City. This activity aims to increase public awareness of their legal rights, provide adequate legal support to victims of sexual violence, and create a safer and fairer environment. Through the systematic and sustainable implementation of legal aid patterns, it is expected that there will be a significant decrease in the rate of sexual violence as well as an increase in the reporting and handling of sexual violence cases in Medan City.

METHOD OF RESEARCH

The type of research used is empirical juridical research, namely research looking at the law based on facts in society and considering how the law functions. This research focuses on aspects of human life in society, interactions between people and reactions to social symptoms that exist in society, so it is also referred to as sociological legal research. Legal studies are sourced from the realities of life in society, institutions, corporations, or government agencies. The approach used in empirical juridical research is a qualitative approach with a descriptive nature and analyzes the data obtained in accordance with the focus of the study, namely the operation of law in society. Furthermore, as a series of problem solving, a normative approach is used, namely an approach that refers to norms or rules as well as applicable laws and regulations.

RESEARCH RESULT AND DISCUSSION

Protection of victims of sexual violence is one of the main focuses in the implementation of legal aid patterns in Medan City through the Medan Legal Aid Institute (LBH Medan) and the Indonesian Women's Association for Justice (LBH APIK). Both legal aid institutions provide various services such as psychological counseling, legal assistance, and shelter for victims who need physical protection. This research found that comprehensive protection for victims not only helps in the recovery process but also encourages victims to be brave enough to report acts of violence experienced. Furthermore, regulations that support victim protection need to be implemented firmly as a form of repressive and preventive efforts against criminal acts of sexual violence. Preventive and repressive efforts in preventing criminal acts of sexual violence in Medan City are carried out in tandem. Preventive efforts include awareness campaigns, sexual education, and training programs for the community and law enforcement officials (Firdaus et al., 2024). Awareness campaigns aim to change social norms that often blame victims and condone perpetrators of sexual violence. Meanwhile, repressive efforts involve strict law enforcement against perpetrators of sexual violence (Imran & Mangesti, 2024). Courts that are sensitive to gender issues and protection of victims are key in this repressive effort.

The Medan Legal Aid Institute (LBH Medan) implements a structural legal aid (BHS) model focused on systemic changes in society through

various legal interventions. This model not only addresses individual cases but also seeks structural changes in social, political, economic, and cultural relationships that create injustice. The application of this structural legal aid model by LBH Medan in preventing sexual violence in Medan has shown significant results in improving access to justice for victims. Access to justice is a crucial element in the criminal justice system, especially for victims of sexual violence who often face barriers in seeking justice (Murdiana, 2021).

Based on field data, there has been an increase in the number of reported and advocated sexual violence cases by LBH Medan. According to the annual report titled "Batu Sandungan Penegakan Hukum dan Keadilan," published by LBH Medan to document cases throughout 2022, there were 3 cases in 2021 and 7 cases in 2022 handled by LBH Medan. The legal aid program implemented by LBH Medan has paved the way for victims to receive adequate legal assistance. Victims no longer feel isolated and now have a channel to voice their complaints and receive legal protection.

In this context, it is important to note that providing free legal aid for victims of sexual violence is a crucial step taken by LBH Medan under the BHS model to ensure they have access to the justice system without being burdened by high costs. In its implementation, LBH Medan carries out several programs to provide structural legal aid (BHS), including:

- 1) Legal Case Advocacy: providing direct legal assistance to victims of sexual violence through legal

representation in court and legal consultations.

- 2) Education and Training: conducting training and seminars to raise community awareness about their legal rights and how to access legal aid.
- 3) Campaigns and Lobbying: conducting public campaigns and lobbying authorities to change unjust policies and regulations.
- 4) Community Empowerment: organizing communities to create power resources to confront centers of oppression and encouraging active community participation in advocating for their rights.

The implementation of the structural legal aid model by LBH Medan in preventing sexual violence in Medan can be seen as an implementation of principles outlined in various national and international legal instruments. Law No. 12 of 2022 on Sexual Violence Crimes (UU TPKS) outlines the need for legal aid for victims as part of their rights (Septiani, 2023). Additionally, the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), ratified by Indonesia, also emphasizes the importance of legal protection and access to justice for victims of sexual violence (Ekanoviarini & Wibowo, 2022).

The application of Structural Legal Aid (BHS) by LBH Medan has shown several positive results in preventing sexual violence in Medan. Firstly, the empowerment of sexual violence victims who received legal aid from LBH Medan shows an increase in their understanding of their rights and their

ability to seek justice. Secondly, local policy changes are starting to accommodate better protection for sexual violence victims, thanks to LBH Medan's lobbying and advocacy efforts. Lastly, there has been a decrease in sexual violence cases in the areas targeted by LBH Medan's interventions, demonstrating the long-term effectiveness of the BHS approach.

In addition, LBH Medan strives for synergy in providing legal aid to sexual violence victims. However, the coordination between police, prosecutors, courts, and legal aid organizations often faces various challenges. LBH Medan frequently encounters coordination problems among these entities, which becomes a major obstacle. Many cases stall due to a lack of communication and coordination among the involved institutions. This highlights that one effective way to address these synergy issues is to establish regular communication forums among the institutions. These forums serve as a platform to share information, resolve bureaucratic obstacles, and align perceptions regarding the handling of sexual violence cases.

Gender injustice is a significant factor exacerbating sexual violence cases in Medan (Koli & Ruku, 2022). The legal aid model implemented aims to address this injustice by providing legal education and training for law enforcement officials and the community. Gender injustice often manifests in the handling of sexual violence cases, where female victims are frequently treated unfairly and blamed for the violence they experience (Indainanto, 2020). One organization addressing gender injustice in handling sexual violence

cases is LBH APIK. Their approach, called Structural Gender Legal Aid (BHGS), aims not only to resolve individual legal cases but also to transform the legal and social systems to be more equal and just.

Slightly different from the structural legal aid model provided by LBH Medan, which focuses on legal aid programs aimed at changing the relationships that form the basis of social life towards more equitable relationships and gradually transforming unjust social structures, LBH APIK emphasizes strategic efforts to transform legal and social systems to be more equitable and just in terms of gender relations and other social relations. This approach considers the root causes of poverty and injustice faced by women and other vulnerable and marginalized groups as structural issues resulting from an unjust legal and social system.

In its implementation, LBH APIK adopts BHGS principles focused on providing legal aid with a gender perspective. This legal aid is aimed at impoverished women experiencing gender injustice, with the goal of empowering victims and changing discriminatory legal systems. This approach also involves legal empowerment for victims, clients, partners, and the surrounding community, enabling victims to become active participants in their case processes. Victims' experiences and voices are heard and considered in every step taken. The case handling process by LBH APIK starts from receiving reports from sexual violence victims, conducting initial assessments to understand the victims' situations. Victims are then accompanied throughout the legal process, including at the police,

prosecution, and court levels. Additionally, LBH APIK provides counseling and legal training to victims to enhance their understanding of their legal rights. Documentation and reporting of victims' experiences are also integral parts of this process, serving as advocacy materials for more just legal system changes.

Moreover, the attitudes and behaviors of law enforcement officers (APH) significantly impact the handling of sexual violence cases. Many victims face injustice due to the gender bias of APH (Yulianti, 2022). LBH APIK plays a crucial role in providing training and socialization to APH to increase gender awareness and improve their handling of sexual violence cases. Through this approach, there is increased gender awareness among APH who have participated in the training and socialization conducted by LBH APIK. However, in its implementation, the BHGS model designed by LBH APIK Medan also faces several challenges and obstacles. One major challenge is the limitation of resources, both financial and personnel, which hampers the optimization of legal aid. Additionally, the patriarchal legal culture in Medan is a significant obstacle, where patriarchal values strongly influence the perspectives and handling of sexual violence cases. Resistance from APH to the BHGS approach also affects the effectiveness of case handling.

Despite various challenges, the implementation of BHGS by LBH APIK has had a significant positive impact. Increased legal awareness among victims and the surrounding community is one positive outcome. Victims and the community have become more aware of their legal

rights and are more courageous in reporting sexual violence cases. Additionally, there has been a change in attitudes among APH who have participated in LBH APIK's training and socialization, showing increased gender awareness and fairer handling of sexual violence victims. Besides the positive impact on victims and APH, the implementation of BHGS has also contributed to the reduction of sexual violence cases in Medan. Through preventive and repressive efforts, LBH APIK has succeeded in reducing the incidence of sexual violence in the city. The BHGS approach, which prioritizes victim empowerment and more just legal system changes, has significantly contributed to creating a safer and more equal environment for women and other vulnerable groups.

The implementation of BHGS by LBH APIK aligns with the principles of justice outlined in national and international law. This approach supports the implementation of Law No. 23 of 2004 on the Elimination of Domestic Violence and the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW). Thus, BHGS is beneficial not only in resolving individual cases but also in contributing to broader systemic changes, creating a more just and equal legal and social system. Overall, the application of the structural gender legal aid model by LBH APIK in Medan has shown success in preventing and addressing sexual violence crimes. Despite facing various challenges, this approach has successfully increased legal awareness, changed APH attitudes, and had a positive impact on sexual violence victims. The BHGS approach not only benefits individual case resolution but also contributes to

broader systemic changes, creating a more just and equal environment for women and other vulnerable groups.

CONCLUSION

LBH Medan adopts a Structural Legal Aid (BHS) model aimed at transforming unjust social structures towards a more equitable and just society. This model not only focuses on resolving individual legal cases but also strives for systemic changes through legal aid programs that encompass social, political, economic, and cultural aspects. Thus, LBH Medan endeavors to create power resources to confront centers of oppression and promote fairer social relations. On the other hand, LBH APIK utilizes the Structural Gender Legal Aid (BHGS) model, emphasizing gender equality and social justice principles. This approach not only addresses individual or group legal cases but also focuses on empowering victims and transforming the legal and social systems to be more just from a gender perspective. In this process, victims' experiences and voices are prioritized, and they are actively involved in handling their cases. The BHGS model records and documents case handling processes, victims' experiences, and the attitudes and behaviors of law enforcement officials, providing a comprehensive view of the structural barriers faced by women and other vulnerable groups.

Both legal aid models significantly contribute to preventing and addressing sexual violence crimes in Medan. The BHS model from LBH Medan successfully creates collective awareness and gradually transforms social structures through a systemic approach. Meanwhile, the BHGS model from LBH APIK directly

empowers victims and encourages a more gender-responsive legal perspective. Overall, the implementation of these legal aid models by LBH Medan and LBH APIK positively impacts efforts to prevent sexual violence crimes. The combination of structural and structural gender approaches offers a comprehensive and sustainable solution to address sexual violence and gender injustice in Medan. This study also emphasizes the importance of collaboration between legal aid organizations and relevant parties in creating a more just and equitable legal and social environment.

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