

PROVIDING LEGAL AID TO GEN Z OF SEXUAL VIOLANCE IN MEDAN CITY IN ACCESS TO COMPLIANCE AND JUSTICE (A STUDY AT LBH MEDAN)

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ABSTRACT

Legal aid plays a crucial role in ensuring equality before the law by providing access to justice for underprivileged individuals. This study focuses on the Gen Z community's concerns about their preparedness in handling legal issues, particularly in cases of sexual violence. Using a normative-empirical method, combining legal norms with empirical data, the research highlights the important function of Legal Aid Institutes in preventing the abuse of power and protecting clients' interests to achieve fair court decisions. LBH Medan offers structural legal aid to Gen Z in Medan city, aiming to foster structural transformation toward greater legal compliance and justice. The study recommends that the City Government support Legal Aid Institutions by providing assistance that ensures the independence and effective operation of legal aid programs, thus reinforcing access to justice and promoting fairness in the legal system.

Keywords: Compliance; Justice; Legal Aid; Sexual Violence.

A. Introduction

Respect for human rights, including the rights of victims and suspects is often neglected in the Indonesian criminal legal system. In these situations, legal aid is needed to protect poor people from potential torture, inhumane treatment, and humiliation of human dignity by law enforcement officials.¹

Women are commonly positioned as victims of sexual abuse. Spousal abuse and sexual assault are the two most common types of sexual violence. Victims overcome many challenges that complicate the situation. The factors consist of the victim's psychological condition, the victim's dependence on the perpetrator, lack of support from family and the

1 Mara Ongku Hsb, "Ham Dan Kebebasan Berpendapat Dalam Uud 1945," *AL WASATH Jurnal Ilmu Hukum* 2, no. 1 (2021): 29–40, <https://doi.org/10.47776/ALWASATH.V2I1.135>.

surrounding environment, stigma given by the community (patriarchy), bias of the authorities (for example, the victim is considered guilty or complicit), and even the inability of the state to provide protection to victims through the legal system and social systems that support the perpetuation of violence.

In these conditions, the government must take great responsibility for the welfare of the community to achieve equality in treatment before the law, without discrimination (equality before the law), so that in the context of human rights the government has a very important role.² Therefore, the government needs to protect, respect and fulfil the rights of the people as rights holders. Legal aid has an important position in every criminal justice system, and Indonesia is no exception. Legal Aid is therefore a practical necessity in the judicial process that can contribute to achieving 'due process of law'.³

Due process of law should be interpreted as the protection of the liberty of a citizen who is a suspect or accused.⁴ In situations where his or her legal status changes after being arrested or detained, his or her rights as a citizen should not be deprived. The right to a fair hearing, to be accompanied by an advocate (legal counsel), to present a defence, to collect evidence and meet with witnesses, and to be tried by a fair, honest and impartial court, are rights that must be respected and guaranteed. His guilt must be proven through a fair trial.

The purpose of legal aid programmes provided to poor or illiterate individuals is to ensure equal access to justice. One form of legal aid is to provide defence or assistance from an advocate from the investigation stage until the trial in court. The provision of legal aid by advocates to protect the rights of individuals, especially for suspects or defendants, is a basic right that must be fulfilled by society. When such rights are not fulfilled, this can be considered as discrimination against their basic rights, as discrimination is against the principle of justice stated in the 1945 Constitution.

Often, the judiciary, which is supposed to act as the last bastion of justice, is unable to deliver the justice that is expected. This leads to a lack of respect and trust for the judiciary, so people tend to avoid taking their legal issues to court. When citizens seeking justice face obstacles due to complicated, unclear and vague procedures, this indicates that the state has separated the primary rule from the secondary rule. As a result, justice will not be achieved because the bureaucracy in the initial stage has become a barrier.⁵

2 Arios Valentino Taghupia et al., "Problematika Praperadilan Dalam Rangka Pemenuhan Hak-Hak Tersangka," *PAMALI: Pattimura Magister Law Review* 2, no. 2 (2022): 96, <https://doi.org/10.47268/pamali.v2i2.773>.

3 Arie Elcaputera and Asep Suherman, "Pelaksanaan Bantuan Hukum Bagi Masyarakat Tidak Mampu Dalam Memperoleh Akses Keadilan Di Kota Bengkulu," *Jurnal Kertha Semaya* 9, no. 10 (2021): 1777-95.

4 M.Yahya Harahap, *Pembahasan Permasalahan Dan Penerapan KUHAP: Penyidikan Dan Penuntutan* (Sinar Grafika, 2003).

5 Budi Sastra Panjaitan, *Dari Advokat Untuk Keadilan Sosial* (Deepublish, 2022).

Legal protection based on the principles of Pancasila includes the provision of legal aid to the community, in accordance with the provisions in Article 1 paragraph (2) of the 1945 Constitution which states Indonesia as a state of law that has the responsibility to protect and recognise the human rights of each individual or citizen. Government efforts to provide legal aid, protect and recognise human rights are part of efforts to realise law enforcement, which is an important element in order to achieve justice.⁶

The value contained in the fifth principle is the importance of realising justice in social life. This justice comes from the nature of humanity, which includes human relationships with themselves, with fellow humans, with society, nation, state, and relationships with God. The value of justice must be realised in the state order to achieve the state's goals. The value contained in the fifth principle is the importance of realising justice in social life. This justice comes from the nature of humanity, which includes human relationships with themselves, with fellow humans, with society, nation, state, and relationships with God. The value of justice must be realised in the state order to achieve the state's goals. The value contained in the fifth principle is the importance of realising justice in social life. This justice comes from the nature of humanity, which includes human relationships with themselves, with fellow humans, with society, nation, state, and relationships with God.⁷ The value of justice must be realised in the state order to achieve the state's goals.

Generation Z, which is a group of people born around the mid-1990s to early 2010s, when viewed from the birth range, is currently still in the adolescent stage. In this period, there is a concern that they are not fully capable of resolving legal issues that will be faced by them. In a survey entitled "Public Perceptions and Expectations of Public Services, the Quality of Executive and Legislative Leaders, and Media Content" organized by Praxis from March 13 to 18, 2023 that 90.8% of Generation Z respondents consider law enforcement in Indonesia to be unsatisfactory. Some Gen Z who are categorised as underprivileged also have an expectation that they can immediately overcome the legal problems they face. Therefore, this study aims to analyse the role of the Legal Aid Institute (LBH) Medan in providing legal aid to underprivileged Gen Z victims of sexual abuse communities to achieve compliance and justice.

B. Research Method

The method used in this research is the normative-empirical method, which is the result of a combination of a legal approach that focuses on norms with the addition of various empirical elements.⁸ This research aims to identify legal principles or legal doctrines that

6 Ibnu Alwatan et al., "Tinjauan Asas Equality Before the Law Terhadap Penegakan Hukum Di Indonesia," *Verfassung: Jurnal Hukum Tata Negara* 1, no. 2 (2022): 123–42, <https://doi.org/10.30762/vjhtn.v1i2.186>.

7 "Survei Praxis: 90,8 Persen Gen Z Belum Puas Terhadap Penegakan Hukum," KPPOD, accessed March 3, 2024, <https://www.kppod.org/berita/view?id=1196>.

8 Margie Gladies et.al Deassy J.A. Hehanussa, *Metode Penelitian Hukum*, in *Jurnal Widina Bhakti Persada*, ed. Elan Jaelani, vol. 4, no. 3 (Widina Bhakti Persada Bandung, 2023).

apply positively, as well as to examine aspects of identifying unwritten laws based on legal practices that exist in Indonesian society. This research focuses on how the law functions and is applied in people's lives through an approach that combines normative analysis with empirical data collection. By gathering information from several sources and using a descriptive data collection strategy, this study employs a descriptive qualitative approach. Barda Nawawi Arief defines the descriptive method as a problem-solving process that is studied by describing the current condition of the article's topic or object based on the facts that exist or as they are.⁹ Without the use of statistics, qualitative research describes a situation as it is. Doctrinal or normative juridical research is the kind of study that is employed.¹⁰ Empirical data collection in this research involves collecting data directly from the field through interview and observation techniques by the Legal Aid Institute (LBH) Medan.

C. Discussion

1. Advocacy for the Provision of Legal Aid in Indonesia

An important and well-recognised issue today is the need for legal development. In the international community, this development has begun with the organisation of a number of very important conferences and the establishment of specialised bodies that can promote and support legal development. In the legal societies of developing countries, legal development is even more complex, involving not only the provision of new laws, but also the reform of concepts and almost all components of the legal system.¹¹ Legal development is therefore a global rather than a local issue. One of the essential elements of development is change in society. The desired changes in society in the context of development are changes that occur in an orderly, controlled, and effective and efficient manner. In the global dimension, development is seen as an effort to transform society into a more orderly one, with the aim of improving human civilisation and enhancing the quality of life. This includes improvements in various aspects, such as health, intelligence, welfare, and human life satisfaction. The essence of the concept of development is the transformation of the quality of human life from a low level to a higher level.¹²

9 Barda Nawawi Arief, *Bunga Rampai Kebijakan Hukum Pidana (Perkembangan Penyusunan Konsep KUHP Baru)* (Kencana Prenada Media Group, 2008).

10 Muhaimin, *Metode Penelitian Hukum* (Mataram University Press, 2020).

11 Selamat Tambunan and Bambang Heri Supriyanto, "Advocate Immunity Rights in Indonesian Principles, Concepts, Legislation," *International Journal of Social Science* 2, no. 5 (2023): 2275-94, <https://doi.org/10.53625/ijss.v2i5.5008>.

12 Ratna Juwita, "Good Governance and Anti-Corruption: Responsibility to Protect Universal Health Care in Indonesia," *Hasanuddin Law Review* 4, no. 2 (2018): 162-80, <https://doi.org/10.20956/halrev.v4i2.1424>.

In a legal society, planning and countermeasures are carried out by utilising the law. Firstly, law is a product of human reflection and experience in organising their lives. Law is considered to be the most ancient form of organising human life, but in the 20th century, law was considered to be the most modern and representative design and organisation of human life. Almost all countries have a state of law. This is because law is an integral part of regulating people's lives, including regulating changes that occur or are desired by society. Almost all countries have a state of law.

This is because the law becomes an integral part in regulating people's lives, including regulating changes that occur or are desired by society. Second, the function of regulating is supported by the basic potential contained in the law, which is not only limited to the function of regulating, but also acts as a provider of certainty, safety, protection, and balancing. Its nature is not only adaptive and flexible, but also predictive and anticipatory. Third, the function of law as a regulatory tool is supported by its basic potential that goes beyond merely regulating, namely providing certainty, protection, and balance, which is not only adaptive and flexible, but also predictive and anticipatory. This potential is reflected in the two main dimensions of the legal function, namely the preventive and repressive functions. The preventive function aims to prevent the occurrence of violations of the law (prevention regulation) essentially the law is the design of every action to be carried out by society

In the development of law, Legal Aid Organisations (LBH) have become a practical necessity in the legal process. The birth of a legal aid organisation which was later referred to as the Legal Aid Institute (LBH) occurred at the third congress of the Indonesian Advocates Association (PERADI) in 1969 in Jakarta. based on history from the YLBHI website A decree from PERADI acknowledging the establishment of the Legal Aid Institute of DKI Jakarta was then issued on 28 October 1970, and LBH DKI Jakarta was physically established on 1 April 1971, this also underpinned legal reform in Indonesia.¹³ This gives the impression that the government has realised and affirmed its commitment to provide the right of access to legal aid as optimally as possible to justice seekers.

The continuation of legal aid is not only happening among practitioners, but also among theoreticians, especially in law faculties of both public and private universities. Agencies are established not only to provide advice to justice seekers, but also as a place for students to practice their knowledge, so that they can experience the difference between theory and practice in court.¹⁴ To make it easier for justice seekers, legal aid organisations set up legal aid posts at court offices or at representative posts in neighbourhoods or community associations, so that people's complaints can be addressed and served quickly. In each legal aid organisation, several legal scholars are placed, either as director, chairperson,

13 Maritman Prodjohamidjojo, *Penasihat dan Organisasi Bantuan Hukum* (Ghalia Indonesia, 1984).

14 Farahwati, "Peran Advokat Selaku Penasihat Hukum Tersangka Atau Terdakwa Atas Dasar Pasal 56 Ayat(1) Kitab Undang-Undang Hukum Acara Pidana," *Jurnal Untag*, no. 1 (2021): 28-47.

or vice-chairperson, with the task of managing legal aid, providing legal services to justice seekers.

Typical services include legal advice, explanation of the parties involved, the position and status of the case, legal consequences, court judgements, settlements, and so on. They also act as advocates in criminal cases, both at the investigation stage and in court. Therefore, any assistance or service must be provided with high legal skills and a sense of responsibility. However, the provision of such assistance should not create an expectation on the part of the recipient that their case will definitely be won.¹⁵

Various backgrounds or main factors that cause unachieved access to justice in the justice-seeking community need to be explored in order to achieve access to justice for the entire community without exception. So the extent of the role of legal aid institutions as a forum for access to justice in the implementation of legal aid in Indonesia also needs to be explored. Legal aid is often associated with compassion for the poor by society.¹⁶ However, legal aid should not only be seen in a limited sense, but also in a broader sense. Apart from helping the poor, legal aid is also a moral movement that fights for human rights. The right to be defended by an advocate or legal counsel (access to legal counsel) and to be treated equally before the law (equality before the law) are human rights for everyone, including the poor or justice for all. This is reflected in the fact that legal aid is preceded by charity from the government and the elite.

The development of legal aid as an activity of free legal services to the poor and the legally ill has indeed shown a significant increase in Indonesia. In Indonesia, in 2025-2027 the total number of legal aid organizations that have been verified and accredited by the National Legal Development Board (BPHN) there are 597¹⁷ Legal Aid Institutions (LBH) that are active in legal service programmes to the poor and legally ill, indicating a great commitment to providing access to justice for those who need it.¹⁸ This is a positive indication of efforts to improve access to justice in Indonesia. One of the factors driving the development of legal aid activities for the poor in Indonesia is the widespread understanding of constitutionalism. Constitutionalism is a view that encourages the purification of the rule of law in accordance with the principles contained in the applicable constitution. This understanding emerged as a response to the condition of the state under the guided

15 Arif Arif et al., "Tantangan Dan Harapan Gugus Tugas Diversi Dan Keadilan Restoratif Dalam Perlindungan Anak Yang Berkonflik Dengan Hukum Di Kota Medan," *Talenta Conference Series: Local Wisdom, Social, and Arts (LWSA)* 1, no. 1 (2018): 150–54, <https://doi.org/10.32734/lwsa.v1i1.156>.

16 Elcaputera and Suherman, "Pelaksanaan Bantuan Hukum Bagi Masyarakat Tidak Mampu Dalam Memperoleh Akses Keadilan Di Kota Bengkulu."

17 Humas dan Kerja Sama, "BPHN Verifikasi dan Akreditasi Ulang 597 Pemberi Bantuan Hukum untuk Periode 2025-2027," Official Release, BPHN, 2024, <https://bphn.go.id/berita-utama/bphn-verifikasi-dan-akreditasi-ulang-597-pemberi-bantuan-hukum-untuk-periode-2025-2027>.

18 BPHN, "Organisasi Bantuan Hukum: Daftar Organisasi Bantuan Hukum Terakreditasi," Official Website, BPHN, 2025, <https://bphn.go.id/layanan/bantuan-hukum/obh>.

democratic government which was considered to have deviated from the principles of the rule of law contained in the 1945 Constitution. Thus, the understanding of constitutionalism encourages legal aid activities to ensure that the principles of justice and alignment with the poor are carried out in accordance with the constitution. The notion of constitutionalism is supported by several groups, including jurists, intellectuals, youth, students, and even military elements. They want a re-purification of the state ideology of Pancasila and the application of appropriate laws enshrined in the 1945 Constitution.

Referring to Article 5 paragraph (1) of the Law on legal aid, recipients of legal aid are individuals or groups who are in very poor economic conditions, which must be proven in accordance with predetermined criteria. The state recognises that every individual, especially the poor, has rights in the economic, social, cultural, civil and political spheres, so constitutionally, poor individuals have the right to be assisted and defended both in and out of court (access to legal counsel). Legal aid for poor individuals is described in Article 34 paragraph (1) of the 1945 Constitution. Therefore, legal aid is a right for individuals who cannot afford it and can be obtained free of charge (*pro bono publico*), which is an elaboration of the principle of equality before the law.

Article 34 paragraph (2) and paragraph (4) of the 1945 Constitution affirms that the state must develop a social security system for all people and empower vulnerable and underprivileged communities in accordance with the principles of human dignity as regulated in the Law on Legal Aid. This is in line with the existence of Law No. 16/2011 on Legal Aid (UUBH), which was established as a foundation for the state to ensure that citizens, especially the underprivileged, can gain equal access to the justice system and experience justice before the law. Legal aid organisations can be considered as a collection of advocates who carry out their duties in accordance with the provisions contained in Law No. 18/2003 on Advocates.

In line with this, Law No. 18/2003 on Advocates also mandates that an advocate or legal advisor must provide legal aid to underprivileged people free of charge, in accordance with the provisions stipulated in the Law. If an advocate does not fulfil his/her obligation to provide legal aid to the underprivileged, the advocate will be subject to sanctions in accordance with the applicable provisions in the Law.

The concept of legal aid itself, which is based on the notion of constitutionalism, is that legal aid aimed at the poor needs to be implemented by taking into account broader efforts and objectives such as:

- a. Increasing awareness of the rights of the poor as subjects of law;
- b. The enforcement and development of human rights values as the main foundation for the sustainability of the rule of law;

This type of legal aid has a more proactive nature, where it not only provides legal assistance to individuals but also to community groups collectively. The approach used is not

only through formal legal processes, but also through political channels and negotiations. This means that the resolution of legal issues does not always rely on conventional legal processes, but also through political efforts and negotiations.

Based on the definition of the poor, those who are eligible to receive free legal aid are:¹⁹

- a. Individuals who are unable to meet the needs of adequate clothing;
- b. Individuals who are unable to meet the needs of adequate food;
- c. Individuals who are unable to meet the needs of adequate shelter or housing;
- d. Individuals who are unable to meet the needs of adequate health and normative needs. Individuals who are unable to fulfil their health and normative needs' and;
- e. Individuals who despite working and trying, their income is insufficient to fulfil their needs properly.

Two concepts related to legal aid are legal aid and legal assistance.²⁰ The term legal aid usually refers to the provision of legal services to individuals involved in a case free of charge, especially to those who are financially incapable. Meanwhile, legal assistance refers to legal aid in a broader sense, as in addition to providing assistance to those who cannot afford it, it also includes legal services provided by lawyers who receive fees or honoraria from clients. Legal Aid Institutions, often abbreviated as LBH, are a manifestation of one of the main principles affirmed in the Criminal Procedure Code (KUHAP), namely the accusatoir principle. This principle emphasises that a defendant on trial is not only considered as an object, but also as a subject in the judicial process. The accusatoir principle indicates the need for an open examination where anyone can attend or witness the trial. In this context, the defendant has equal rights with the public prosecutor, while the judge acts as an arbitrator above both parties to resolve criminal cases in accordance with applicable law.

The role of Legal Aid Institutions in providing free legal aid to indigent individuals in criminal proceedings is regulated in the Criminal Procedure Code. It explains that for individuals who are incapacitated and do not have their own legal counsel, authorised officials at all levels of examination in the judicial process are obliged to appoint legal counsel for them. This provision is regulated in Article 56 Paragraph (2) of KUHAP which reads: 'Every legal advisor appointed to act as referred to in Paragraph (1) shall provide his assistance free of charge'.

19 Kantor Wilayah Sulawesi Selatan Kementerian Hukum dan HAM Republik Indonesia, "Golongan Yang Berhak Menerima Bantuan Hukum," Official Website, Kanwil Kemenkumham Sulsel, 2024, <https://sulsel.kemenkumham.go.id/pusat-informasi/artikel/4449-golongan-yang-berhak-menerima-bantuan-hukum>.

20 Arif et al., "Tantangan Dan Harapan Gugus Tugas Diversi Dan Keadilan Restoratif Dalam Perlindungan Anak Yang Berkonflik Dengan Hukum Di Kota Medan."

A significant role of Legal Aid Institutions is to assist their clients to prevent abuse of power by the authorities, as well as to defend their interests in material aspects, in the hope of achieving court decisions that are closer to the concept of justice. In the context of financing Legal Aid Institutions, the responsibility is assigned to the State Budget (APBN). APBN funds are allocated to support the implementation of legal aid, which is a government obligation, and is channelled through the budget of the Ministry of Law and Human Rights of the Republic of Indonesia. Apart from the APBN, sources of funding for legal aid can also come from the Regional Government level I (Province) and level II (Regency, City), but the accreditation and verification process still follows the standards set by the Ministry of Law and Human Rights of the Republic of Indonesia. Furthermore, the procedures for the distribution of legal aid funds are regulated by Government Regulation.²¹

Article 14 of Law No. 16/2011 on Legal Aid states that to obtain Legal Aid, the applicant must fulfil the following requirements:

- a. Submit a written application containing at least the identity of the applicant and a brief description of the subject matter for which Legal Aid is requested;
- b. Submit documents relating to the case; and
- c. Attach a certificate of poverty from the lurah, village head, or equivalent official at the place of residence of the Legal Aid applicant.

2. The Provision Of Legal Aid To Gen Z Victims of Sexual Abuse in Medan City in Access To Compliance And Justice

The provision of legal aid involves three interrelated aspects, namely the formulation of legal rules, the monitoring of the implementation of the rules to ensure compliance, and the education of the public to promote compliance with the rules. Fundamentally, the purpose of legal aid is to provide legal protection to all citizens of the Republic of Indonesia regardless of religion, race/tribe, descent, place of birth, or economic background, education, and other factors such as generation.

Generation Z, also known as Gen Z, refers to individuals born between 1995 and 2012. What sets Gen Z apart from previous generations is their view of technology and information. The development of technology has greatly influenced Gen Z's behaviour in communicating, developing thoughts, forming communities, and utilising knowledge sources in their education.²²

Although Generation Z has experienced rapid change, sometimes they still do not have an adequate understanding of the law. Legal awareness refers to an individual's

21 Inggal Ayu Noorsanti and Ristina Yudhanti, "Kemanfaatan Hukum Jeremy Bentham Relevansinya Dengan Kebijakan Pemerintah Melalui Bantuan Langsung Tunai Dana Desa," *Sultan Jurisprudence : Jurnal Riset Ilmu Hukum* 3, no. 2 (2023): 183–93.

22 Nur Iftitah Isnantiana, "Hukum Dan Sistem Hukum Sebagai Pilar Negara," *Jurnal Hukum Ekonomi Syariah* 2, no. 1 (2019): 19, <https://doi.org/10.30595/jhes.v2i1.4470>.

understanding or values of existing or expected laws. It encompasses abstract thinking about the balance between rules and the desired or supposed peace. Legal awareness also highlights people's views on the role of law in social life.

Legal awareness also involves understanding the actions that should be taken or avoided towards other individuals. It implies the recognition of our legal responsibilities towards others. Therefore, legal awareness is an abstract concept that encompasses the law-related values that must be adhered to in order to create the desired balance between order and peace. As such, individuals are aware of the actions they should take or avoid taking towards others, particularly those that may harm themselves and others. If a person lacks legal awareness, they are more likely to commit an act against the law or face legal problems.²³

In 2022, the Gen Z community made complaints to LBH Medan's office through online media as in the interview with the Deputy Director of LBH Medan, there were nearly 200 people who contacted LBH Medan's WhatsApp account from November 2021-November 2022. Based on data that has been manually inventoried by LBH Medan, there were 24 (twenty-four) legal aid applicants who made complaints directly to LBH Medan's office. There were 2 (two) that underwent the consultation stage and 22 (twenty-two) of them were cases that were further assisted either in litigation, non-litigation or both. There were 40 (forty) beneficiaries both in the form of individuals and families or families represented.

Based on data from the Ministry of Women's Empowerment and Child Protection, the number of reported cases of violence against women and children shows an upward trend, from 11.057 reports in 2019, increasing to 11.278 in 2020, and reaching 14.517 cases in 2021.²⁴ In 2021, according to LBH Medan's Year-End Note (CATAHU), the organization handled 3 cases of sexual violence. Meanwhile, in 2022, LBH Medan assisted 7 cases of sexual violence. This condition is one of the important reasons for the need to issue a regulation, namely Law of the Republic of Indonesia Number 12 of 2022 on the Crime of Sexual Violence, which aims to provide justice, legal certainty, and legal benefits for the parties involved in the issue of sexual violence.

In LBH Medan's Annual Report (CATAHU) in the last 2022-2023, LBH Medan often faced legal processes at the police, prosecutor's office and court levels that were very unfair, especially in terms of fulfilling the civil rights of both victims and defendants. Efforts to present a just legal process and the difficulty of legal certainty are obtained, many Law Enforcement Officials (APH) have not worked properly in accordance with applicable regulations. APH is still reluctant to provide appropriate legal certainty for the problems of

23 Restitution Resource Center, "Restitution Law & Practice Compilation of Resources," in *National Crime Victim Law Institute* (2019).

24 Endang Prastini, "Kekerasan Terhadap Anak dan Upaya Perlindungan Anak Di Indonesia," *Jurnal Citizenship Virtues* 4, no. 2 (2024): 760-70, <https://doi.org/10.37640/jcv.v4i2.2043>.

the community or victims who are seeking justice, for people who are suspects, APH is still often negligent in considering social, economic and psychological aspects that have an impact on families and livelihoods and even education.

Sexual violence is defined as any form of action that humiliates, insults, harasses, or attacks an individual's body and reproductive functions, resulting from power imbalances and/or gender differences. These actions can have an impact in the form of mental and physical suffering, including interference with reproductive health, as well as preventing the opportunity to get a safe and maximum education.²⁵

The concept of legal aid has an important role in efforts to prevent sexual violence. The implementation of structural legal aid patterns carried out by LBH Medan in preventing sexual violence in Medan City can be seen as a realization of the principles contained in various national and international legal instruments. Law Number 12 of 2022 on Criminal Acts of Sexual Violence emphasizes the need to provide legal assistance to victims as part of their rights. In addition, the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), which Indonesia has ratified, also emphasizes the importance of legal protection and access to justice for victims of sexual violence.²⁶

According to Government Regulation No. 42 of 2013 concerning the Terms and Procedures for Providing Legal Aid and Distributing Legal Aid Funds in carrying out the provision of Legal Aid through litigation Advocates are responsible, with the possibility of assistance from Lecturers, Paralegals, and Law Students, but this does not eliminate the responsibility of Advocates to provide free legal aid in accordance with applicable legal provisions. The provision of Legal Aid through litigation includes several stages, namely:

- a. Assistance and/or enforcement of legal rights starting from the investigation and prosecution stages;
- b. Assistance and/or enforcement of legal rights in the trial process;
- c. Assistance and/or enforcement of legal rights for Legal Aid Recipients at the State Administrative Court.

Meanwhile, Non-Litigation Legal Aid includes various activities, such as legal counselling, legal consultation, case investigation, both through electronic and non-electronic media, legal research, mediation, negotiation, community empowerment, out-of-court assistance, and preparation of legal documents. According to LBH Medan's data inventory, there were 8 (eight) litigation cases, 5 (five) non-litigation cases and 11 (eleven) cases of both litigation and non-litigation, with the most common litigation options being criminal with 15 (fifteen) cases, industrial relations with 5 (five) cases, followed by civil proceedings with 4 (four) cases.

25 Ni Putu et al., "Mewujudkan Access To Justice Pada Korban," *Jurnal Media Akademik (Jma)* 3, no. 3 (2025).

26 Rasina Padeni Nasution, "Pola Bantuan Hukum Dalam Mencegah Terjadinya Tindak Pidana Kekerasan Seksual," *Legal Standing : Jurnal Ilmu Hukum* 8, no. 3 (2024): 522-34, <https://doi.org/10.24269/lis.v8i3.9487>.

Thus, it can be noted that in order to obtain legal aid or pro bono from an advocate, a certificate of poverty or a certificate of indigence issued by an authorised official is required. This requirement is a prerequisite for obtaining legal services. However, if the legal aid applicant is unable to fulfil these criteria, the legal aid law instructs the legal aid provider to assist in the process of fulfilling these requirements. From this, it can be concluded that the purpose of the legal aid law is to ensure that the provision of free legal aid to the poor is maximised. Without government intervention for underprivileged or marginalised groups of individuals, they will find it difficult to experience the principle of equality before the law. Through the Legal Aid Law, everyone who can prove that they are in a deprived condition will receive legal aid. This is in line with what was stated by the Deputy Director of LBH Medan that when an underprivileged person is in need of legal aid, the LBH Medan team will help direct them to the administrative stage of the process by submitting a certificate of incapacity issued by the local government in the kelurahan, village or other evidence that equates to a Certificate of Incapacity (SKTM), such as a KIS card obtained from the government or a certificate from the social service office of Medan city. Author has the opinion that legal aid is a constitutional right of every citizen guaranteed by Article 28D paragraph (1) and Article 28H paragraph (2) of the 1945 Constitution. These articles emphasize that every individual has the right to obtain recognition, protection, guarantees, and fair legal certainty. To protect this right, the state has provided a mechanism for providing legal aid through Law No. 16/2011 on Legal Aid. The regulation emphasizes that legal aid is intended for those who are classified as poor, so it is important to carry out a verification process to ensure that assistance is provided to those who are truly entitled.

Article 14 of Law No. 16/2011 requires that applications for legal aid must be accompanied by supporting documents such as a Family Poverty Card (SKTM) issued by an authorized official. Legally, the obligation to provide legal aid for the poor is regulated in this law, with SKTM or other documents stating incapacity being the administrative basis for the application. An alternative document could also be a social benefit card, such as the family poverty family card or community health insurance card. As such, the SKTM is an administrative instrument that proves the applicant's status as a beneficiary, although it is not the only requirement as the law also accommodates substitute documents.

Therefore, SKTM is required but not absolute. SKTM is important to ensure that assistance is well-targeted and prevent misuse, but this administrative requirement should not be an obstacle for the poor to access justice. Legal aid institutions must still prioritize the principle of substantive justice by providing alternative verification mechanisms for applicants who do not have SKTM.

Based on the interview, LBH Medan also provides structural legal aid to the Gen Z community in Medan city. Structural Legal Aid is an attempt to create a situation that allows structural transformation towards justice. The goal is for the legal system and its application

to ensure equality in legal and political aspects. This concept is closely related to structural poverty, where the focus is on addressing the root causes of poverty by changing the fundamental social, economic and political structures. Providing structural legal aid aims to address these structural factors and create a structural transformation in society so that all members of society can obtain their legal rights fairly and equitably.

The provision of legal aid structurally at LBH Medan gives the impression that it refers to conflict-regulerende rechtshulp, which is legal aid that seeks to proactively address concrete legal problems faced by underprivileged communities, as well as diagnostic legal aid (diagnostik rechtshulp), where LBH Medan provides legal advice commonly known as legal consultation to underprivileged communities and provides preventive legal aid, which is legal counselling provided to the general public to provide explanation and understanding of various aspects of the law.

In the context of structural legal aid, the provision of legal aid must be more proactive. This entails an active campaign in the community to find and collect legal cases that often occur in underprivileged communities and are often less recognised by the general public. At the national level, within the framework of the concept of structural legal aid, legal aid activists should be actively involved in influencing and creating conditions that favour the development of more progressive laws that favour the interests of the underprivileged.²⁷

The provision of legal aid organised by LBH Medan has had a dynamic effect on the Gen Z community, increasing the legal awareness of the Gen Z community in the hope that this programme will encourage the community to better understand the law. When individuals understand the substance and intent of legal norms, they realise the existence of the law itself. Legal awareness in society is influenced by people's understanding of the applicable legal regulations. Basically, every citizen should have an understanding of the laws of our country. To increase legal awareness, individuals must realise the existence as well as the substance of the law. The prevailing principle is that this is considered a basic assumption of the law. Therefore, the role of Legal Aid Institutions (LBH) becomes very important in raising legal awareness, with the aim of making people understand the importance of legal awareness. By doing so, it is expected that people's attitudes and actions will reflect respect for the law, as well as an understanding of legal rights and obligations. Legal awareness also has a role in achieving order, peace, tranquillity and justice in human interactions with each other.

Legal awareness is connected to legal compliance, but the difference lies in the fact that legal compliance occurs due to the threat of sanctions. On the other hand, legal awareness is not sustained by sanctions, but is the result of a scientifically formulated evaluation of the legal community. It includes the values that individuals have in relation to existing or

27 Muhammad Haekal et al., "The Effectiveness of the Implementation of the Principle of Simple Court Procedures, Fast and Low Cost in a Case of Divorce Lawsuit," *International Journal of Contemporary Islamic Law and Society* 2, no. 1 (2020): 81–100, <https://doi.org/10.24239/ijcils.vol2.iss1.16>.

expected laws. Public legal awareness affects the level of compliance with the law, either directly or indirectly. In developed societies, the legal awareness factor directly affects the level of compliance with the law. Individuals obey the law because they consciously realise that the law is necessary and serves a good purpose, and that it governs society correctly, fairly and effectively.

Creating a law-aware and law-abiding society is the goal of adopting norms that advocate for justice in society. This is expected to strengthen cultural values which in turn will lead to the establishment of a social system that values equality among individuals.²⁸ Therefore, compliance with the law is essentially the result of people's awareness and loyalty to the applicable law as the rules of the game in collective life. This loyalty is reflected in behaviour that shows obedience to the law. When all members of society have a strong legal awareness, the implementation of a new legal regulation will be realised. Awareness of the applicability of the law becomes the foundation for the implementation of the law itself.

The achievement of legal awareness that LBH Medan has provided to Gen Z is so that people can distinguish between permissible and impermissible actions. On that basis, the development of a country can be reflected in the level of legal awareness and the level of public compliance with the law itself. If the legal awareness of a country's population increases, the social and state life order will improve, which in turn will lead to the achievement of justice and prosperity for the community naturally.

The availability of protection as a right of the victim can be started from the first level, starting with the investigation, which has a positive impact on the criminal justice process and can also create a sense of justice for the citizens of the community, especially for victims of crime.

Author considers that to provide for the needs of victims there is still a slight shortage because the State is still busy with deterrent effects aimed at perpetrators without seeing and paying attention to the physical and / or psychological of the victim. It often happens that victims to treat their trauma by requiring counseling to a psychologist all at their own expense, even very difficult for victims of sexual violence to get legal assistance from the state. Given that victims of sexual violence often face feelings of shame, stigmatization, and fear of how society will view them, it should be expected that in order to achieve victim satisfaction, victims should still be assisted by professionals in treating their trauma, however, legal aid agency staff may experience a significant increase in workload and experience an increase in workload due to their involvement in handling cases related to sexual violence. As a result, this may adversely affect the overall quality of services they are able to provide. limited resources, which may hinder their efforts to effectively respond to

28 Lawrence M. Friedman, *The Legal System: A Social Science Perspective* (Russell Sage Foundation, 1975).

the needs of victims. the government should not only provide financial assistance, but more actively collaborate with other relevant government agencies and organizations, fostering support networks that strengthen their impact.

With the enactment of Government Regulation (PP) Number 29 of 2025 on the Victims of Sexual Violence Assistance Fund (TPKS) on June 18, 2025. The enactment of this Government Regulation confirms the state's commitment to providing compensation for victims of sexual violence who have suffered losses that the perpetrator is unable to fulfill in full. The presence of compensation departs from the paradigm that arrangements that only focus on imposing restitution on the perpetrator will only make victims dependent on the ability of the perpetrator and the state is absent in efforts to restore victims. Compensation is considered as a form of state presence for the state's inability to present, guarantee, and fulfill the right to security of every citizen from every act of sexual violence.

Therefore, the state must strengthen its role in providing protection and recovery to victims of sexual violence through comprehensive policies and cross-sectoral involvement. The government should not only provide funding, but also foster a network of collaboration with various professional institutions so that victims receive maximum protection in the form of legal, psychological and social assistance. Therefore, it is hoped that victims can feel fully supported and obtain true justice without having to face prolonged stigma or injustice in order to fulfill the expectations of victims.

D. Conclusion

Legal aid provided to indigent individuals is available free of charge (*pro bono publico*), which is an interpretation of the principle of equality before the law. Legal Aid Institute (LBH) Medan currently applies the principle of equality before the law. An applicant who wishes to apply for Legal Aid must fulfill the requirements set out in Article 14 of Law Number 16 Year 2011 on Legal Aid. Currently, LBH Medan has provided free legal aid to the community, especially Gen Z who often experience legal problems in accordance with applicable legal provisions. LBH Medan also provides structural legal assistance to Gen Z citizens in Medan city. The legal aid provided by LBH Medan has had a dynamic impact on Gen Z community who is being exposed to sexual violence members by increasing legal awareness among them. It is hoped that this programme will encourage them to have a better understanding of the law. The role of legal awareness is also important in achieving order, peace, tranquillity and justice in human interactions. Forming a society that has legal awareness and obeys the law is the goal of accepting norms that fight for justice in society. This has actually been implemented by the Legal Aid Institute (LBH) Medan well.

It seems that legal institutions that focus on upholding human rights expect not only the public, but also law enforcement officials to have awareness and compliance with the law. This is based on the belief that in order to create justice, certainty and equality before

the law for Indonesians dealing with the law, it is important for all parties, including law enforcement officials, to understand and comply with the law.

However, in reality, the state rarely provides sufficient funds to support legal aid. This is reflected in LBH Medan, where according to information obtained, the assistance provided by the state is far from sufficient. To fulfil this financial need, LBH Medan relies on voluntary donations from volunteers.

The humanitarian impulse needs to be focussed on strengthening people's understanding of their rights and responsibilities as the first step in achieving the goals of a rule of law and democratic society. Therefore, it is hoped that legal aid programmes will not only be limited to providing assistance to the underprivileged, but also develop into community education programmes that will lead to structural changes towards social justice. For this reason, the City Government should also pay attention and provide assistance to Legal Aid Institutions (LBH) so that legal aid programmes can run smoothly by paying attention to LBH's independence from government influence and not binding LBH, so that LBH will be able to present itself more clearly and sensitively to the needs of the community at a lower level.

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