

THE COMMITMENT OF PIMPINAN DAERAH 'AISYIYAH MEDAN IN IMPLEMENTING LEGAL ASSISTANCE FOUNDING

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Abstract. *There are so many cases related to women's rights that have not been touched by law with no assistance, for example; cases of violence against women, sexual harassment, pornography, porno-action which in this case involve the public. Then also in the form of private (civil) marriages, inheritance, parenting rights, neglect of women's rights in divorce, iddah, mut'ah, marital properties, rights of living, custody, including civil rights related to birth certificates that are still has a legal vacuum. There has been an increasing in divorce cases by 2,000 cases in 2018 and 2019. In 2020 this even increased from the previous two years, divorce cases until the end of August 2020, had reached 1,934 cases. This is certainly will increase until the end of December 2020. It shows that the rights and protection of women in the household have not been fulfilled. Aisyiyah needs to increase the role in this legal assistance.*

The methodology used to determine the commitment of the Pimpinan Daerah Aisyiyah Medan in providing legal assistance and guidance for women by distributing questionnaires to all branches of Aisyiyahin Medan. The respondent's answers to the questions listed in the questionnaire were processed into data and analyzed and then concluded in this paper.

The results of the questionnaire indicated that guidance in the field of law for women in Medan was continuously carried out. The implementation of the mentoring and coaching is scheduled to be carried out in the recitation of all branches of 'Aisyiyahin Medan. However, based on the observations, there is needed for evaluation in terms of several material aspects and their implementation. These commitments will continuously in the form of litigation and non-litigation, also conducting socialization of laws and legal counseling related to protecting women's rights. Totally there are 30 branches of 'Aisyiyah in Medan who were coordinated under the Law and Human Rights Council provided socialization and legal counseling which was carried out in rotation at the recitation of the 'Aisyiyah.

Keywords: *Commitment, 'Aisyiyah, Coaching, Legal Assistance.*

Preliminar. *'Aisyiyah is a women's organization that has a Law and Human Rights Council which is entrusted with helping 'Aisyiyah's main duties in preaching and struggling in the field*

of law. The Law and Human Rights Council has a commitment and responsibility in solving various problems of society, the nation and the state, especially in relation to injustice against women and children as well as increasing human rights violations both at the national and global levels to support the struggle and commitment in *da'wah*.

Aisyiyah's vision in the field of law is to create people who uphold *amarmak'rufnahimunkar*, have legal awareness and uphold human rights. The missions are: (1) to participate actively in drafting laws and regulations, especially those in favor of the benefit of the people, (2) to review the laws and regulations, especially Islamic law and responding the problems that happened in society, (3) to motivate the public to have legal awareness in order to support law enforcement efforts in order to achieve justice and prosperity, (4) to provide assistance to the community in overcoming various legal problems and human rights violations.

(Aisyiyah,2012) The one of *Aisyiyah's* roles in the field of law is to provide legal assistance and conduct legal counseling so that the entire community is formed a culture of legal order. The Legal counseling is an activity to increase public legal awareness in the form of conveying and explaining legal regulations to the public.

Problems. There are so many cases related to the rights of women and children that have not been touched by law and there is no assistance, for example; cases of violence against women, sexual harassment, pornography, porno-action which in this case involve the public. And also in the form of private (civil) marriage, inheritance, parenting rights, neglect of women's rights in divorce, *iddah*, *mut'ah*, marital property, rights of living, custody, including civil rights related to birth certificates that are still has a legal vacuum. Based on data, there has been an increasing in divorce cases by 2,000 cases in 2018 and 2019. In 2020 this even increased from the previous two years, the divorce cases until the end of August 2020, had reached 1,934 cases. This is certainly will increase until the end of December 2020.

Even violence against women which also includes children is like an iceberg that has only a slight tip, but actually does not appear more. When the National Commission for Women announced the campaign 16 Days about against violence to women on 25 November - 10 December 2003, it was an important part for women to be free from violence. In fact, many women's institutions have shout out about anti-violence but the results have not been maximized, since today it is still experienced by women, especially domestic violence. The insecurity or injustice that results from domestic violence itself can include several things, namely suffering or neglect of the household, physical violence, sexual violence and even psychological violence that can cause things that violate the law in domestic life (Gultom,2012). The domestic neglect, physical violence, sexual violence and psychological violence in the household are regulated in Law Number 23 of 2004 concerning the Elimination of Domestic Violence (PKDRT Law). Likewise with violence against children, *'Aisyiyah* needs to protect children because children are the next generation and the successor to development that is prepared as the subject of implementing sustainable development and in control of the future

of a country. The children must be encouraged to become individuals who are full of kindness, faith and devotion so that they can carry out their role as the nation's next generation. The children need to get their rights; they need to be protected by their parents, family and society. The protection of children is very necessary so that children do not become victims of physical violence. Therefore, all forms of violence against children must be prevented, overcome and eradicated.

The problems above show that the rights and protection of women in the household have not been fulfilled. *'Aisyiyah* needs to increase the role in this legal assistance. The cases of neglect of women's rights in divorce, *iddah*, *mut'ah*, marital property are most dominant in civil law. Not to mention that the issue of children related to the right to support, custody, including civil rights related to birth certificates which still have a legal vacuum

Methodology. According to the Big Indonesian Dictionary (KBBI), commitment is an action to do something. In other words, commitment is a form of dedication or binding obligation to other people, certain things, or certain actions. Commitment itself can be done voluntarily or without an element of coercion. Many people commit to something because they love what they do. And also, some people commit out of fear of losing when they don't make the bond. The commitment when connected with an organization will have an emotional bonding that has an impact on useful work and brings benefits. The commitment of a person or management and members in an organization is very important, especially if the organization is based on the values of supervision and responsibility. The organizational commitment is a reflection of where an employee recognizes the organization and is bound to its goals. This is an important work attitude because committed people are expected to demonstrate their availability to work harder to achieve organizational goals and have a greater desire to remain in a company. Then organizational commitment can be understood as the psychological bonding between the members and their management which is proven by mutual trust, in order to realize the goals or work programs that have been decided collectively in the deliberations. *'Aisyiyah* is a women's organization that works and carries out the work programs based on Islamic values and acts in the context of the benefit of the people of preaching *amarma'rufnahimunkar*. Concerning for community empowerment and development, feel the need to be involved in supporting increased public access to justice and legal certainty, in order to assist the community in dealing with legal problems. And also the services in legal matters become a commitment of *'Aisyiyah* as a *Muhammadiyah* women's organization through the Law and Human Rights Council, covering: (1) providing information, advice and legal consultation and family matters related to the field of law, (2) assistance for the community to obtain advocate services if the case requires resolution through the court.

Data collection in this study was carried out by distributing questionnaires with a number of questions. Since the research does during pandemic conditions, the questionnaire was replaced with part of the Google form and partially using WA, distributed through *Pimpinan Daerah*

'Aisyiyah Medan. After getting answers from the Google form collection and WA answers, the researcher conducted a special interview with the chairman of the Law and Human Rights Council for *Pimpinan Daerah 'Aisyiyah*. The interviews were conducted by telephone, as an effort to confirm the certainty and validity of the data filled in by respondents.

The data collected were analyzed qualitatively. This technique emphasizes the analysis more on the deductive and inductive inference processes as well as on the in-depth and unstructured analysis of the interview results. According to Moleong "the essence of qualitative data analysis lies in describing phenomena, classifying them and seeing how the concepts that emerge are related to one another". So in this study the researchers analyzed the data in four ways, namely: describing the phenomenon, classifying it, seeing how the concepts emerged and making conclusions.

The Commitment of 'Aisyiyah in Providing Legal Aid to Women in Medan. The term "legal aid" is generally associated with the term advocate or attorney. There is also a point of view that the term "legal aid" is widely discussed in procedural law practice. In some modern Islamic legal literature the term "legal aid" is also discussed among Muslim thinkers of the 19th century.

In English terms, the term "legal aid" is known as legal aid or legal services. Both of them contain the meaning of legal services provided by lawyers or to the community seeking justice (everyone who is looking for justice), to seek justice (access to justice) in the context that all people are equal before the law (equality before the law).

Then in the practice of law enforcement in court (litigation), "legal aid" is also related to the profession of lawyers or advocates. In English, advocate is a noun, which is "a person who works to provide legal consulting services and / or legal assistance both in as well as outside the court" who are now popularly known as lawyers.

While in the study of Islamic law, the term advocate or lawyer can be equated with *al-mahamy* in Arabic which means lawyer. The term "*mahamy*" is close to the role of law enforcers in the early days of the development of Islamic law, namely *hakam*, *mufti* and *masalah 'alaih*. For example, in the early days in the history of Islam, the prophet Muhammad SAW played a role as an arbitrator in resolving the gap among the *Quraish* about who was most entitled to place a black stone (*hajar al-aswad*) on the *Ka'bah*. At that time he suggested that the first person to come to the *Ka'bah* was the most entitled to lay down the *hajar al-aswad*, so that the conflicting *Quraish* tribes agreed with the intestine and he was given the title of trustworthy person (*al-amin*).

To be clearer in the Indonesian legal system, the term "legal aid" is found in Chapter I Article 1 Point 9 of Law number 18 of 2003 concerning Advocates that: "legal assistance is legal services provided by lawyers free of charge to clients who cannot afford it". Meanwhile, an advocate is "a person whose profession is to provide legal services, both inside and outside the court who meets the requirements based on law". The advocate organizations or legal aid organizations are professional organizations established under the law. The definition of legal

services is "the services provided by an advocate in the form of providing consultation, exercising power, representing, accompanying, defending and taking other legal actions for the benefit of clients' law"

In addition, "legal aid" in general, namely "the legal aid system with all the nature of the duties of the government and the State is something that is an important legal system to be included as a constitutional principle, in which all citizens are equal before the law, to guarantee that every citizen is equal and get justice before the law, to protect social security and protect human rights protection mechanisms".

Furthermore, '*Aisyiyah's* progress and commitment in providing legal assistance and assistance can be carried out with the existence of the Law and Human Rights Council which is mandated to assist '*Aisyiyah's* main duties in preaching and fighting in the field of law. This assembly is still relatively new compared to other assemblies. The Law and Human Rights Council has a commitment and responsibility in solving various problems of society, the nation and the state, especially in relation to injustice against women and children as well as increasing human rights violations both at the national and global levels to support the struggle and commitment of *da'wah* in the field of law and human rights.

There are several factors that influence the progress of the Law and Human Rights Council to support the struggle and commitment of '*Aisyiyah* to preach:

1. '*Aisyiyah's* reputation as a *Muhammadiyah* women's movement that is widely known nationally and internationally, which can facilitate the Law and Human Rights Council in establishing communication and cooperation with various parties, both social and government in order to support the struggle for '*Aisyiyah*.
2. The strong religious motivation of the board in running the organization generates sincerity which can be an encouragement in moving the duties of this council.
3. The commitment to develop the role of the movement in quantity and quality through the activities of *amarma'rufnahimunkar* as written in *Muktamar' Aisyiyah*.
4. The commitment to expand national and international cooperation in responding to social and religious problems in society, for developing better communication systems and cooperation between organizations.
5. The commitment to fight for the interests and access of women in development in various fields.

Besides the internal factors, '*Aisyiyah* also follows and is able to make advances in information and communication technology which in this case make it easier to preach; '*Aisyiyah* in the field of law. And also, the issuance of various laws and regulations those provide protection and support for women and children, which is the object of *da'wah*. And what is less important is '*Aisyiyah's* commitment to continually fight for the interests and access of women in development in various fields.

The types of legal aid provided by '*Aisyiyah* are divided into two, namely: Litigation and Non-Litigation. In the field of litigation, '*Aisyiyah* manages cases that are resolved through courts,

in the form of providing legal assistance for the public to obtain advocate services. As for people who require settlement through the court and require the services of an attorney, legal aid fees are charged according to their needs. However, if the community is unable to pay the advocate's service fee, the community can still be provided with legal assistance free of charge but make a request for legal assistance by proving that the person concerned is incapable and showing a Certificate of Disability (SKTM) from the local village head, the letter Other Social Benefits, Community Health Insurance Card (JAMKESMAS) or others and Disability Statement Letter made and signed by the Legal Aid Applicant and acknowledged by the local village head / village head. The services in legal aid at the application level are carried out in collaboration with the local University of *Muhammadiyah* particularly with the Law Faculty, in relation to the provision of Advocates.

As for non-litigation, *'Aisyiyah* manages cases that are resolved outside the Court, through negotiation and mediation, so that they can provide information, advice and legal consultation. In various rights related to law, whether requested from the community or in the form of socialization and legal counseling which done and given to community members as free of charge.

The results of the survey on *'Aisyiyah's* commitments in providing the legal assistance for women in Medan were carried out to Pimpinan Daerah *Aisyiyah* Medan. Pimpinan Daerah *Aisyiyah* Medan has 30 branches of *'Aisyiyah*. In addition, as Pimpinan Daerah *'Aisyiyah* having the Law and Human Rights Council, each Branch Manager also has a Law and Human Rights Council.

The respondents' answers that have been described above, the role of *'Aisyiyah* in providing legal assistance can be broadly classified into two, namely (1) In terms of socializing and legal counseling, (2) Providing legal assistance in the form of advocacy.

Pimpinan Daerah *'Aisyiyah* Medan has carried out the socialization of the law, but is still limited to members of *'Aisyiyah* and sympathizers who come to *'Aisyiyah* recitation. In this case, the objectives achieved when viewed internally by *'Aisyiyah* are successful. But from the other side where *'Aisyiyah* is an organization engaged in the religious, social and community fields, the target of the preaching is not only to *'Aisyiyah* members and sympathizers but in terms of socializing the law, its target can be developed outside *'Aisyiyah* members such as groups minority women and certain marginalized communities.

Furthermore, in terms of the socialization of the law, Pimpinan Daerah *'Aisyiyah* Medan has often held the socialization of the law during the recitation moments but it is still limited to *'Aisyiyah* members and sympathizers. The material of the law presented in the socialization was the Law on the Elimination of Domestic Violence (PKDRT), the Human Trafficking Law (Trafficking), the Child Protection Law, the Anti-Pornography and Porno-action Law. In this case, it is clear that the legal counseling conducted by *'Aisyiyah* in Medan is in the form of legal awareness of matters relating to the protection of the rights of women and children. However, basically there are many more laws that can be socialized from these laws, such as

Health laws, environmental laws, Islamic Law Compilation, Criminal Law and others. Moreover, women and children are vulnerable to become victims of every violation and crime. In the future, it is very necessary for '*Aisyiyah* in Medan to expand the wings in terms of the socialization of this law. Until now, there is still an understanding that the community does not really need to register marriages, it needs to be advocated because marriage registration has functions to provide legal protection for children.

'*Aisyiyah* in Medan has often conducted Legal Counseling, although the counseling was still limited to members and sympathizers of '*Aisyiyah*. For the future, it is also very necessary that the target of legal counseling be carried out outside of the members, such as to groups of women who are marginalized, minority, or target communities such as Correctional Institution. Meanwhile, the law that enforced is family law, inheritance law, civil law, and only a few criminal laws. However, if viewed from the extension material, there should be more extension materials that can be carried out, considering the many problems that are often faced by women and children, even ultimately in all life and problems must be related to women and children. In in this case women and children will be vulnerable to becoming victims and targets of the law.

Offer or Solution . It is also appropriate for Pimpinan Daerah '*Aisyiyah* Medan to have a Legal Aid Post or abbreviated as POSBAKUM as a legal service forum for women in Medan. However, until now Pimpinan Daerah '*Aisyiyah* Medan still does not have POSBAKUM. When viewed from the number of women who often deal with the law, it is very urgent that POSBAKUM is formed. It is very effective and its benefits can be felt for women and children if POSBAKUM exists, meaning that members or sympathizers of '*Aisyiyah* can easily get access to legal aid.

The idea and concept of legal aid in Indonesia is developing very broadly and rapidly. It can be said that the guarantee of the original Indonesian legal aid concept has been formed. This stems from an idea proposed by Adnan BuyungNasution in the *Peradin Congress* in 1969, to establish a legal aid institution in the broadest sense in Indonesia. These ideas which are then stated in a more concrete manner in the Articles of Association of LBH / YLBHI are: (a) Provide legal services to the poor; (b) Develop and increase the legal awareness of the community, especially their rights as legal subjects; (c) Seek changes and improvements to the law to fill the new needs of the developing community. For example, it is often not received attention in the case of domestic servants, whose rights sometimes have not received attention. The relation with POSBAKUM' above is, because '*Aisyiyah* does not have it yet, if the members / sympathizers get complaints about dealing with the law, '*Aisyiyah* will accompany and even bring them to lawyers for legal assistance whether the matter will be resolved out of court (non-litigation) by means of reconciliation or will it proceed to court (litigation). It means that '*Aisyiyah* must find a lawyer outside, because '*Aisyiyah* does not have POSBAKUM. But it is a strength for '*Aisyiyah* in Medan, because it is able to cooperate with

lawyers from the Legal Aid Institute at the University of Muhammadiyah Sumatera Utara. This access needs to be continued as an effort to cooperate and make it easier for 'Aisyiyah' to provide legal assistance. For this reason, in the future this program is very necessary and even prioritized is established so that 'Aisyiyah' is more effective in her preaching in the field of law. For example, the Legal and Human Rights Council of Pimpinan Daerah 'Aisyiyah' Medan, (ArdhiaGarini) once conducted assistance for victims of domestic violence in collaboration with the PKPA NGO to the Police, which finally got an agreement with a way of peace. This case even provided assistance to the victim's child by placing her child at the 'Aisyiyah' Putri Orphanage at SantunStreet because her mother was a victim of domestic violence.

Closing 'Aisyiyah' in Medan has commitment to preaching in the field of law needs to be appreciated, because it provides tremendous benefits to people who have not been touched by legal understanding in order to understand their rights and obligations. However, the work programs in the field of law and human rights need to be formulated in the form of a legal education curriculum

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