'Aisyiyah's Legal Aid Model in Medan City

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Abstract

'Aisyiyah, as one of the women's movements that has a concern for the empowerment and development of community law, feels the need to be involved in supporting increased public access to justice and legal certainty. The method used in this research is empirical legal research which combines the data obtained from library materials with data obtained from the field and then analyzed qualitatively. From the research results, it is known that the Regional Leadership of 'Aisyiyah Medan City has a special model in providing legal assistance to women in Medan City, in the form of counseling at the 'Aisyiyah recitation place with more material on the defense and protection of the rights of women and children. Legal aid that is carried out tends to be non-litigation. This is in accordance with the character of the da'wah of 'Aisyiyah / Muhammadiyah, it is better to prevent than to treat it, to anticipate is better than to go to court, to make peace is better than face to face in court, because Islam teaches peace and brotherhood. If any of your brothers are at odds then reconcile the two.

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A. Introduction

‘Aisyiyah as a component of Muhammadiyah women engaged in the socio-religious sector has a high commitment to da'wah Islam by developing amar ma'ruf nahi munkar in all aspects of life. As for among the fields of working on da'wah amar ma'ruf nahi munkar is legal protection for every citizen including women in it.

Legal protection is one of the constitutional rights of citizens that must be distributed by the State to every member of society. This is in accordance with the provisions of Article 28 D paragraph (1) of the 1945 Constitution of the Republic of Indonesia which states that everyone has the right to recognition, guarantees, protection and legal certainty that is just as well as equal treatment in law. In fact, equal treatment before the law is something that is difficult for ordinary people to touch, especially those who have low education and are classified as lower-class economic communities.

‘Aisyiyah, as one of the women's movements that has a concern for the empowerment and development of community law, feels the need to be involved in supporting increased public access to justice and legal certainty. Therefore, in order to realize the role of the 'Aisyiyah movement in the field of law, the Law and Human Rights Council is one of the' Aisyiyah Assembly which has a strategic role down to the grassroots in providing services for social problems, especially law.

The foundation of the motion of the Law and Human Rights Council is:

1. Quran Surat an-Nisa verse 105: "We have sent down the book to you with the truth, so that you will judge between humans and what Allah has revealed to you, and do not become a challenger (an innocent person), because (defend) despicable people";
2. Quran Surat al-Hujurat (49) verse 6: “O you who believe, if the wicked come to you with news, then check carefully so that you do not impose a disaster on a people without knowing the circumstances that cause you to regret it. for your deeds”;

3. Quran Surat al-Hujurat (49) verse 13: “O people, We actually created you from a man and a woman and made you nations and tribes so that you would know each other. Indeed, the most noble among you with Allah is the most devout among you. Allah is All-knowing, All-Knowing”;

4. Quran surah al-Maidah (5) verse 8: "O you who believe, let you be the ones who always uphold (the truth) for the sake of Allah, bear witness with justice. and never your hatred of a people, encourage you to behave unfairly. Be fair, because fair is closer to piety. and fear Allah, Allah knows best what you are doing”.

Aisyiyah's vision in the field of law is to create the main people who uphold amar ma'ruf nahi munkar, have legal awareness and uphold human rights. Its mission is: 1). Actively participating in the preparation of laws and regulations, especially those in favor of the benefit of the people; 2). Conduct studies on statutory regulations, especially Islamic law and respond to problems that arise in society; 3). Motivating the public to have legal awareness in order to support law enforcement efforts in order to achieve justice and prosperity; 3). Provide assistance to the community in overcoming various legal problems and human rights violations.1

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

Based on the background of the problems above, the researchers assume that the provision of legal aid to women in Medan by 'Aisyiyah has been done through 'Aisyiyah's recitation forum. It can be seen that one of the objectives of 'Aisyiyah recitation' is to make 'Aisyiyah recitation as a forum for the activities of various assemblies in' Aisyiyah (for example: Economic, Education, Health, Law and Human Rights assemblies, and others).2 However, from the initial observations of the researchers it is not optimal, this can be seen by the fact that there are still 'Aisyiyah recitation congregations who do not understand matters related to law and procedure if they are faced with legal problems, both related to how to solve them and how to solve them. in the form of litigation and non-litigation legal assistance.

Based on the above problems, the formulation of the problem in this study is What is the role of 'Aisyiyah in providing legal aid to women in Medan City? What is the model of legal aid that has been used by 'Aisyiyah to women in Medan City? This research was conducted to determine the role of 'Aisyiyah in providing legal assistance to women in the city of Medan, both in the form of litigation and non-litigation legal assistance, so that the role of 'Aisyiyah's da'wah in the field of law is felt more by the community. Apart from that, it can also provide input and advice to 'Aisyiyah, especially the Law and Human Rights Council which is an assembly that has a concentration and work program in the field of law and human rights. This can also be used as a basis or consideration in preparing new work programs in the future.

This research is a legal research. Legal research is research that is applied or applied specifically to legal science. In other words, legal research is a process to find legal rules, legal principles, and legal doctrines in order to answer legal issues at hand. This type of research is an empirical study by combining data obtained from library materials with data from interviews / questionnaires in the field with sources related to the issues discussed. This research will be analyzed qualitatively, which are descriptions of sentences that are easily understood by readers.3 The results of this study will be described in narrative form, because the legal research referred to is descriptive research, namely research that describes a particular situation, situation, symptom or group or to determine the presence of a symptom and other symptoms in society.4

The research was conducted in Medan City, to be precise at the Regional Leadership of 'Aisyiyah Medan City. Aisyiyah Regional Leadership Medan City has 30 Branch Managers of 'Aisyiyah. Regional

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1 Majelis Hukum dan Hak Asasi Manusia Pimpinan Pusat ‘Aisyiyah, Buku Panduan Konseling dan Bantuan Hukum, Yogyakarta: Pimpinan Pusat ‘Aisyiyah, (2012), p.3.
2 Majelis Tabligh Pimpinan Pusat ‘Aisyiyah, Panduan Penguatan Pengajian, Yogyakarta: Pimpinan Pusat ‘Aisyiyah, (2019), p.12.
3 Rasta Kurniawati Br Pinem, “Hak-Hak Perempuan Terhadap Harta dalam Suku Karo (Memaknai Simbol dalam Rangka Perubahan Hukum di Masyarakat)”, DE LEGA LATA: Jurnal Ilmu Hukum 4 No. 1 (2019): p.17.
4 Amiruddin dan Zainal Asikin, Pengantar Metode Penelitian Hukum, Jakarta: RajaGrafindo Persada, (2004), p.25.
Leaders of ‘Aisyiyah have a Law and Human Rights Council, as well as 30 Branch Managers each. The branch leaders also have a Law and Human Rights Council. The Head of ‘Aisyiyah Branch in Medan City is the Branch Manager of ‘Aisyiyah Bantan Selamat, Belawan, Helvetia, Kampung Dadap, Kampung Durian, Kota Matsum, Medan Baru, Medan Deli, Medan Kota, Medan Marelan, Medan Timur, Medan Johor, Pasar Merah, Perumnas Medan II, Perumnas Simalingkar, Pulo Brayan Darat, Pulo Brayan around, Sei Deli, Sei Sikambing B, Sei Sikambing C-II, West Sidorame, East Sidorame, Sukaramai, Sunggal, Tanjung Sari, Tegal Rejo, Tegal Sari-II, Tegal Sari Mandala, Teladan and Teladan I.5

B. Discussion

The term legal aid is generally associated with the term advocate or attorney. Although there is also a 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 contain the meaning of legal services provided by lawyers or lawyers to the community seeking justice (everyone who are looking for justice). Furthermore, legal aid actually aims to seek justice (access to justice) in the context that all people are equal before the law (equality before the law).6 Then in law enforcement practices 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 provides legal consulting services and / or legal assistance both inside and outside of court" which is now popularly known as a lawyer.

Meanwhile, 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 also has a close meaning with the role of law enforcers in the early days of the development of Islamic law, namely hakam, mufti and masalaih ‘alaih. For example, in the early days of Islamic history, Muhammad SAW played a role as abiter in resolving the conflict among the Quraish about who had the most right to place the black stone (hajar al-aswad) in the Ka'bah. At that time he proposed that the first person to come to the Ka'bah was the most entitled to put 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).7

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". Advocate organizations or legal aid organizations are professional organizations established under law. The definition of legal services is "services provided by advocates 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 incorporated into 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".8

Based on the above definitions, it can be said that legal aid can be identified with the term access to justice. This term was introduced in Indonesia by Mas Achmad Santoso who explained the definition of access to justice with "the ability of the people to defend, fight for basic rights and obtain restoration of rights violated through formal and informal institutions that are in line with human rights standards".

Currently, the accesses to justice being fought for in legal aid from the aspect of demand are in the form of: a. increase public legal awareness of basic rights. b. increase the critical power of the community towards positive legal policies and customary laws that have an impact on their lives. c. increase knowledge about various channels to obtain remedies for violated and unfulfilled rights.

5 Didi Kusnadi, Pimpinan Daerah ‘Aisyiyah Kota Medan, diolah tahun 2020.
6 Didi Kusnadi, Bantuan Hukum dalam Hukum Islam Hubungannya dengan Undang-Undang Avokat dan Penegakan Hukum di Indonesia, Jakarta: Kementrian Agama Republik Indonesia, (2011): p.33.
7 Didi Kusnadi, Ibid., p.35
8 Ajie Ramdan, “Bantuan Hukum Sebagai Kewajiban Negara Untuk Memenuhi Hak Konstitusional Fakir Miskin”, Jurnal Konstitusi 11 No. 2 (2014): p.238.
Meanwhile, from the supply aspect, namely encouraging and influencing key policy makers (State elements) to develop and enforce laws and policies, both at the local and national and international levels, which include: first, being impartial and responsive to the needs of marginalized communities, secondly, with an empowerment dimension, society, and the third has a human rights dimension. The two dimensions above are in order to implement equality before the law in the law enforcement process.9

1. The Role of 'Aisyiyah in Providing Legal Aid

'Aisyiyah has a Law and Human Rights Council which is entrusted with assisting 'Aisyiyah's main duties in preaching and struggling 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, nation and state, especially those related 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 'Aisyiyah's da'wah in the field. 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:10

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) 'Aisyiyah's commitment to develop the role of the movement in quantity and quality through the activities of amar m'a'ruf nahi munkar as the Mandate of the Muktamar' Aisyiyah.

4) 'Aisyiyah's commitment to expand national and international cooperation in responding to social and religious problems in society, is an impetus to develop better communication systems and cooperation between organizations.

5) 'Aisyiyah's commitment to fighting for the interests and access of women in development in various fields.

Apart from internal factors, 'Aisyiyah also follows and is able to make advances in information and communication technology which in this case make it easier for 'Aisyiyah to preach in the field of law. In addition, the issuance of various laws and regulations that provide protection and support for women and children, which are the objects of 'Aisyiyah's 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.

Based on the above, 'Aisyiyah's roles in the field of law are: a. 'Aisyiyah actively participates in law enforcement and human rights efforts in Indonesia so that a sense of justice is created for every citizen. b. To disseminate the understanding of all forms of violence against women as a violation of human rights and Islamic values rahmatan lil'alamiin as well as efforts to prevent the prevention and elimination of all forms of violence against women and children. c. Carry out active participation in the anti-corruption movement, judicial mafia and improve the clean government movement, as well as the anti-pornography movement. d. To disseminate understanding and awareness of the law and various laws and regulations to the wider community through the Sakinah family movement and so that law-order citizens and society are created. e. Conducting advocacy on law and human rights in society, especially women and children who are marginalized and against female workers as a vulnerable group. f. Participate in proactive studies of various draft laws and regulations that are detrimental to women and Muslims. g. Conducting legal studies, especially Islamic law in various aspects of contemporary life. h. Develop patterns and models of assistance and provision of legal assistance to women and victims of violence, trafficking, victims of injustice and child victims of community-based violence.11

2. 'Aisyiyah's Legal Aid Model in Medan City

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 the court, in the

9 Mas Ahmad Santoso, Perjalanan ke Depan Bantuan Hukum dan Accessto Justice dalam Bantuan Hukum di Indonesia: Akses Masyarakat Marjinal Terhadap Keerdilan, Jakarta: LBH Jakarta, (2007), p.233.
10 Majelis Hukum dan Hak Asasi Manusia Pimpinan Pusat 'Aisyiyah, Op.Cit., p.5.
11 Majelis Hukum dan Hak Asasi Manusia Pimpinan Pusat 'Aisyiyah, Ibid., p.6.
form of providing legal assistance to 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 is incapable and showing a Certificate of Disability from the local village head or village head, letter Other Social Benefits, Community Health Insurance Card or others and Disability Statement Letter made and signed by the Legal Aid Applicant and acknowledged by the local village head / village head. Services in legal aid at the application level are carried out in collaboration with the local Muhammadiyah University Law Faculty, especially in relation to the provision of Advocates.¹²

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. This is done and given to community members free of charge.

' Aisyiyah's legal aid model which is carried out in Medan City is broadly grouped into two, namely

1. Non-Litigation in the form of Legal Counseling and Law socialization. 2. Litigation in the form of assistance to court. There are several things that are specific (model) done by the Regional Leaders of 'Aisyiyah Medan City in providing legal assistance in Medan City, including:

1) Legal assistance in the form of non-litigation in the form of legal counseling and socialization of the law is carried out at the time of 'Aisyiyah recitation, both at the Branch recitation and Branch recitation. This recitation is carried out in mosques owned by Muhammadiyah as the parent organization of 'Aisyiyah, in this case it is more effective because the congregation or hearings to be given information or socialization of the law already exists and there is no need for any appeals.

On the other hand, this activity certainly works with the Tabligh Council of 'Aisyiyah at every level because the Tabligh Council has the authority to arrange the scheduling of recitation materials.

2) The audience that was the target of legal education and socialization of the law were women. This was due to the legal counseling and socialization of the laws being carried out in conjunction with 'Aisyiyah's recitation schedule.

3) The material for the extension and socialization of the law is mainly related to laws that favor women and children, for example the Law on the Elimination of Domestic Violence, the Human Trafficking Law, the Child Protection Law, Anti-Pornography and Porno-action Laws. In this case, it is clear that the legal counseling conducted by 'Aisyiyah Kota Medan is in the form of legal awareness of matters relating to the protection of the rights of women and children. In addition, the material of Islamic law is also not left behind, such as fiqh munakah, fiqih muamalah, a little about jurisprudence mawaris, and socialization of Fatwa Results of the Tarjih Muhammadiyah Council.

4) In connection with legal assistance in the form of litigation 'Aisyiyah, Medan City has never accompanied a case to court, only one case was assisted and only reached the Medan City Police. The cases that were assisted were assistance for victims of domestic violence. This case was where the husband did not have a permanent job and often beat his wife, who was Muallaf and Dhu'afa, the wife had Lupus, who eventually died and her child was entrusted to the Putri Orphanage 'Aisyiyah, Medan City.

C. Conclusion

'Aisyiyah has a Law and Human Rights Council which is entrusted with assisting 'Aisyiyah's main duties in preaching and struggling 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, nation and state, especially those related 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 'Aisyiyah's da'wah in the field. law and human rights.

The Regional Leadership of ‘Aisyiyah Medan City is unique in providing legal assistance to women in the city of Medan, the audience is women, counseling is carried out at the' Aisyiyah recitation place, the material for more information is on the defense and protection of the rights of women and children. Legal aid that is carried out tends to be non-litigation. This is of course in accordance with the character

¹² Majelis Hukum dan Hak Asasi Manusia Pimpinan Pusat ‘Aisyiyah, Ibid., p.12.
of the da’wah of ‘Aisyiyah / Muhammadiyah, it is better to prevent than to treat it, to anticipate is better than to go to court, to make peace is better than face to face in court, because Islam teaches peace and brotherhood. If any of your brothers are at odds then reconcile the two.

However, there are some suggestions for ‘Aisyiyah Kota Medan in providing legal aid, as an effort to improve and improve her role in society in the field of law:

1) ‘Aisyiyah Medan City should further develop this legal aid outside the members of ‘Aisyiyah in order to further expand the spread of ‘Aisyiyah's da’wah to the outside through the law, such as to groups of women who are marginalized, minority, or target communities such as Penitentiaries.

2) From the material point of view of legal counseling, it is also time for ‘Aisyiyah Kota Medan to convey more broadly that counseling is not only about laws related to women and children, but a lot of laws which also all have to do with women and children, because every law -There are laws relating to women and children, such as adoption laws, health laws and so on.

3) In the case that a legal review can also be carried out by ‘Aisyiyah Medan City, the implementation can be carried out in collaboration with the Faculty of Law, Muhammadiyah University of North Sumatra as resource persons and experts.

4) It is also appropriate for the Regional Leaders of ‘Aisyiyah Medan City to have a Legal Aid Post as a forum for legal services for women in Medan City. However, until now the Regional Leaders of ‘Aisyiyah do not have a Legal Aid Post. If seen from the number of women who often deal with the law, it is very urgent that this Legal Aid Post be formed. It is very effective and its benefits can be felt for women and children if ‘Aisyiyah’s Legal Aid Post exists, meaning that members or sympathizers of ‘Aisyiyah can easily get access to legal aid if ‘Aisyiyah has a Legal Aid Post. If ‘Aisyiyah lacks human resources in this matter, she can also work with Advocates from the Legal Aid Institute of the Muhammadiyah University of North Sumatra (LBH UMSU).

5) In order to be more effective and efficient in providing legal counseling and socialization of laws in Medan City, the Law and Human Rights Council for Regional Leaders ‘Aisyiyah Medan City will compile its syllabus. For example, how many times do counseling materials, review of laws, socialization of laws and so on are carried out so that they are more successful and can be evaluated.

References
Asikin, Amiruddin dan Zainal. (2004). Pengantar Metode Penelitian Hukum, Jakarta: RajaGrafindo Persada.
Kusnadi, Didi. (2011). Bantuan Hukum dalam Hukum Islam Hubungannya dengan Undang-Undang Avokat dan Penegakan Hukum di Indonesia, Jakarta: Kementrian Agama Republik Indonesia.
Pimpinan Daerah ‘Aisyiyah Kota Medan, Data diolah tahun 2020.
Pimpinan Pusat ‘Aisyiyah, Majelis Hukum dan Hak Asasi Manusia. (2012). Buku Panduan Konseling dan Bantuan Hukum, Yogyakarta: Pimpinan Pusat ‘Aisyiyah.
Pimpinan Pusat ‘Aisyiyah, Majelis Tabligh. (2019). Panduan Penguatan Pengajian, Yogyakarta: Pimpinan Pusat ‘Aisyiyah.
Pinem, Rasta Kurniawati Br. (2019). “Hak-Hak Perempuan Terhadap Harta dalam Suku Karo (Memaknai Simbol dalam Rangka Perubahan Hukum di Masyarakat)”, DE LEGA LATA: Jurnal Ilmu Hukum 4 No. 1. https://doi.org/10.30596/dll.v4i1.3162
Ramdan, Ajie. (2014). “Bantuan Hukum Sebagai Kewajiban Negara Untuk Memenuhi Hak Konstitusional Fakir Miskin”, Jurnal Konstitusi 11 No. 2.
Santoso, Mas Ahmad. (2007). Perjalanakan ke Depan Bantuan Hukum dan Acceso Justice dalam Bantuan Hukum di Indonesia: Akses Masyarakat Marjinal Terhadap Keadilan, Jakarta: LBH Jakarta.