

The Role of Advocates in Providing Legal Protection Assistance for Women Who Experience Domestic Violence

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Abstract. The security of common liberties (HAM) is one of the primary mainstays of a popularity based country which is reflected in Law and order standard. As a majority rule country in light of the law (rechtstaat), Indonesia ought to control the security of basic freedoms (HAM) in its constitution. Basic liberties (HAM) insurance is given to everybody, including individuals who are associated with or have been demonstrated to have perpetrated a wrongdoing. Advocates as a component of the legal framework are one of the mainstays of maintaining law and order and common liberties. Discussing casualties of wrongdoing is individual casualties. The appraisal isn't at fault, since that frequently occurs in everyday society. As well as domestic violence (KDRT) which is often experienced. Advocates in assisting clients must try as much as possible and think carefully both to reconcile and in civil cases and criminal cases. In a civil case, a client's trusted attorney has the right to first draft a subpoena or to mediate first against the person suing in court. If the opponent does not heed the summons and the mediation that the advocate is doing is trusted, then the advocate who is given the trust will file a lawsuit to the competent court. Meanwhile, in criminal cases, mediation cannot be carried out except in certain cases such as domestic violence.

Keywords: domestic violence; advocates; legal protection

1 Introduction

The frequency of aggressive behavior at home in Indonesia keeps on expanding in light of information from the Organization for the Security of Ladies, Kids and Family Arranging (BP3AKB) of Focal Java Region which comprises of 35 locale. 1,311 cases and in 2014 arrived at 1,436 cases. The information shows that there is an expansion in abusive behavior at home cases consistently.

The expansion in the quantity of aggressive behavior at home cases is connected with the rising degree of legitimate consciousness of the local area so the spouses of casualties who experience Abusive behavior at home who recently wouldn't even come close to revealing currently dared to report the viciousness they encountered. Casualties of aggressive behavior at home in the past wouldn't even come close to revealing, it since they felt that the issue was a family issue that ought to be settled by the family that no other person had to be aware of. Be that as it may, after the establishment of Regulation no. 23 of 2004 concerning the Disposal of Abusive behavior at home, the demonstration of aggressive behavior at home isn't just a couple relations yet has turned into a public matter. Families and networks can take part in forestalling

and regulating viciousness against spouses and kids in the family. Survivors of abusive behavior at home are not generally their spouses and kids, they can likewise be husbands, housemaids, and others in the family, however for the most part their wives and youngsters. So the survivors of abusive behavior at home are practically all relatives in one's family.

The case that is as of now hot is the aggressive behavior at home experienced by one of the dangdut artists, Lesti Kejora. Lesti Kejora is known to have encountered aggressive behavior at home from her significant other, Riski Bilar. The exposure of this case to the general population has caused many individuals to partake in observing and expecting the most attractive regulation for the culprits, particularly for the enthusiasts of Lesti Kejora who profoundly lament this demonstration.

Basic freedoms (HAM) security is one of the fundamental mainstays of a majority rule country, notwithstanding law and order which is reflected in the standard of Law and order. As a majority rule country in view of the law (rechtstaat), Indonesia ought to manage the security of basic liberties (HAM) in its constitution. Security of common freedoms (HAM) is given to everybody, including individuals who are associated with or potentially have been demonstrated to have carried out a wrongdoing. Individuals who are associated with perpetrating a wrongdoing (as a suspect or litigant) should be focused on their freedoms as people, on the grounds that with the status as a suspect or blamed for a crook act, they will be dependent upon specific activities that diminish their basic liberties. [1]

The excursion of the Indonesian nation through the foundation of a public criminal technique regulation in battling for the privileges of suspects or respondents to be more sympathetic, arrived at the outcome that on December 31, 1981, the public authority sanctioned Regulation no. 8 of 1981, known as the Criminal Methodology Code (KUHAP).[2] In the Criminal System Code, there are rules with respect to the security of exceptionally enormous common freedoms, and there are likewise controls in regards to the privileges of suspects or litigants who are possessed and acquired during the continuous case assessment process.

Legitimate administrations are given to the general population by cops to regard and give altruistic lawful security with respect to the freedoms legitimized by regulation for all Indonesian individuals whether or not they are rich or poor. This shows that not all individuals who generally disapprove of the law figure out the law, however are considered to comprehend and know the law. Thusly, legitimate help from lawful consultants or supporters is expected to offer types of assistance as interview and legitimate help.

The place of supporters is equivalent to regulation implementers like appointed authorities, investigators, and the police. Hence, advocates likewise assume a significant part in policing the assurance of the local area. The alleged job of specific gatherings, for example, advocates has been figured out in the Demonstration, as well as the ideal job connected with the job of Regulation No.18 of 2003 Promoters, it gives a comprehension of backers, in particular individuals who have the calling of offering legitimate types of assistance in or out of the law. outside the preliminary that meets the necessities in view of the arrangements of the Demonstration.

Lawful security for the local area, particularly suspects or respondents as legitimate help with the type of safeguard from advocates in assisting with battling for and understand the freedoms of suspects or litigants in the legal cycle they face. Articles 54 and 56 of the Criminal Methodology Code state:

Article 54 KUHAP

"For protection, a suspect or respondent has the privilege to get legitimate help from at least one lawful consultants during the time and at each degree of assessment, as per the system determined in the law."

Article 56 of the Criminal Technique Code:

"In situations where a suspect or litigant is thought or accused of carrying out a crook act which is deserving of death or detainment for quite some time or more or for the people who are debilitated who are undermined with a sentence of five years or more who don't have their legitimate guidance, the authority concerned will all degrees of assessment in the legal cycle are obliged to delegate lawful direction for them."

Concerning can help a suspect or respondent in confronting the law enforcement process with the goal that the security of his legitimate privileges can be more ensured, Article 1 of Regulation No. 18 of 2003 concerning Supporters contains a few arrangements, including:

Thing 1:

"Advocates are both inside and outside the court who meet the necessities in light of the arrangements of this Regulation."

Thing 2:

"Legitimate administrations are administrations given by advocates through giving lawful interview, legitimate help, practicing overarching legal authority, addressing, going with, safeguarding, and making other lawful moves for the legitimate interests of clients."

2 Methodology

This study utilizes a standardizing juridical methodology. This approach is valuable for moving toward the issues concentrated by involving the essential regulations in force in Indonesia, one of which is with respect to advocates in view of Regulation Number 18 of 2003 and furthermore the Criminal Technique Code and the methodology taken straightforwardly to the field to perceive how the execution of existing guidelines or guidelines.

The information sources utilized incorporate:

a. Primary Data Source

Information acquired or gathered by specialists straightforwardly from the information source. Essential information is likewise alluded to as unique information or new information that has state-of-the-art properties. Analysts should gather the information straightforwardly to acquire it. Procedures that can be utilized by analysts to gather essential information incorporate perception, meetings, and center gathering conversations (FGD).

b. Secondary Data Source Consists of:

- 1) Primary Legitimate Materials, as significant regulation, comprise of:
 - Law no. 8 of 1981 concerning the Criminal Procedure Code
 - Law No.48 of 2009 concerning Judicial Power
 - Law No.18 of 2003 concerning Advocates. Law no. 16 of 2011 concerning Legal Aid
 - UU no. 23 of 2004 concerning Domestic Violence
- 2) Secondary Legitimate Materials, as applicable writing books, Court Choices, articles, diaries, etc.
- 3) Tertiary Legitimate Materials, as regulation word references and reference books

3 Result and Discussion

3.1 Domestic Violence

With the establishment of Regulation Number 23 of 2004 concerning Aggressive behavior at home on September 23, 2004, it is a limiting arrangement and the longing of everybody in the family to have the option to do the freedoms and commitments in understanding the improvement of family honesty ensured by legal guideline.

Fundamentally, brutal wrongdoings are not just restricted to violations including physical or actual viciousness. Assuming inspected further, the wording of brutality can likewise be deciphered as a type of conduct that makes physical and mental experiencing the person in question. The comprehension of physical and mental has been obliged in Article 1 number 1 of the PKDRT Regulation.

Abusive behavior at home in Article 1 number 1 of Regulation Number 23 of 2004 concerning the Disposal of Aggressive behavior at home (PKDRT) states that abusive behavior at home is any demonstration against an individual, particularly a lady, which results in physical, sexual, mental, and mental hopelessness or languishing. or on the other hand disregard of the family including dangers to commit acts, intimidation or hardship of freedom illegal inside the extent of the family.

As indicated by Article 5 of the UUPKDRT, everybody is disallowed from committing aggressive behavior at home against individuals inside the extent of their family, by:

a. Physical violence

Article 6 UUPKDRT, Actual viciousness as alluded to in Article 5 letter an is a demonstration that causes torment, becomes sick or is genuinely harmed. The guideline with respect to actual brutality in UUPKDRT itself is managed all the more explicitly in Article 44 passage (1) to section (4).

1) Ordinary physical violence

Judging from the formulation of Article 44 paragraph (1) UUPKDRT, then to satisfy this article the components (a) of every individual should be satisfied; who commits demonstrations of actual viciousness, (c) inside the extent of the family.

Article 44 (1) compromises activities that disregard Article 5 letter a, specifically any individual who commits abusive behavior at home against individuals inside the extent of his family utilizing "actual savagery". Where as per Article 6 of the UUPKDRT it is expressed that actual viciousness as alluded to in Article 5 letter an is a demonstration that outcomes in "torment, falling misery or serious injury".

ii. Mild physical violence

Article 44 paragraph (4) UUPKDRT: In the event that the go about as alluded to in section (1) is done by a spouse against his significant other or the other way around which makes disease or a snag completing his authority work or occupation or everyday exercises, he will be rebuffed with detainment for a limit of 4 (four) months or a most extreme fine of Rp. 5,000,000.00 (5,000,000 rupiahs).

Judging from the formulation of the article above, there are elements:

- i. husband or wife;
- ii. who commits acts of physical violence in paragraph (1);

iii. which does not cause disease or impediment to carry out work, position or livelihood, or daily activities.

iii. Physical violence that causes the victim to fall ill or get seriously injured Article 44 passage (2) UUPKDRT states:

In the event that the go about as alluded to in section (1) makes the casualty become sick or is genuinely harmed, the individual will be condemned to a most extreme detainment of 10 (a decade) or a greatest fine of Rp. 15,000,000.00 (fifteen million rupiahs).

The components of this wrongdoing that should be met are (a) Everybody; (b) The people who perpetrate demonstrations of actual viciousness in section (1); (c) Inside the extent of the family; (d) Making the casualty become ill or genuinely harmed.

iv. Physical viciousness that causes the casualty's demise

Article 44 passage (4) of the UUPKDRT states that on the off chance that the go about as alluded to in section (2) brings about the demise of the person in question, drops enduring, or is genuinely harmed, the discipline will be a most extreme detainment of 15 (fifteen) years or a greatest fine of Rp. 45,000,000.00 (45 million).

45 million). To satisfy the Article, the accompanying components should be met: (a) each individual; (b) who commits demonstrations of actual viciousness in passage (2); (c) inside the extent of the family; (d) brought about the demise of the person in question.

b. Psychological violence;

Kinds of criminal demonstrations of mental viciousness are managed in Article 5 letter (b), where the meaning of mental savagery as per Article 7 UUPKDRT is: Mental savagery as alluded to in Article 5 letter (b) is a demonstration that prompts dread, loss of fearlessness, loss of capacity to act, a sensation of powerlessness or potentially extreme mental experiencing on an individual.

Mental viciousness, in contrast to different types of abusive behavior at home, for example actual savagery (misuse), sexual brutality (goodness), and homegrown disregard (obliviousness of the people who take their livelihoods and lives), has criminal regulation counterparts as a totally new wrongdoing.

Moreover, the guideline seeing mental savagery as controlled in Article 5 letter (b) related to Article 7 UUPKDRT is undermined with a criminal offense in Article 45, which peruses:

(1) Everyone who commits demonstrations of mental viciousness inside the family as alluded to in Article 5 letter b will be condemned to a most extreme detainment of 3 (three) years or a greatest fine of Rp. 9,000,000.00 (9,000,000 rupiahs).

(2) If the go about as alluded to in section (1) is completed by the spouse against his significant other or the other way around which doesn't make sickness or obstructions doing his authority work or occupation or everyday exercises, he will be rebuffed with detainment for a limit of 4 (four) months. or on the other hand a most extreme fine of Rp. 3,000,000.00 (3,000,000 rupiah).

2) Sexual violence;

The third sort of abusive behavior at home wrongdoing is sexual savagery, which is managed in Article 5 letter c of the UUPKDRT, and is made sense of again in Article 8: Sexual viciousness as alluded to in Article 5 letter c incorporates:

- a) Forced sex against an inside the individual extent of the family;
- b) Forcing sexual relations against one individual inside the extent of his family with someone else for business purposes and additionally certain reasons.
- c) Forced sex

Judging from the formulation of Article 46 JO Article 8 UUPKDRT, then to prove this article must meet the following elements:

- (1) everyone;
- (2) those who commit acts of sexual violence;
- (3) against people who live within the scope of the household; Forced sexual relations with others for commercial purposes and/or certain purposes.

Judging from the formulation of Article 47 of the UUPKDRT, to prove this article, the following elements must be fulfilled:

- (1) everyone;
- (2) which forces people who live in their households;
- (3) having sexual relations with other people;
- (4) for commercial purposes and/or certain purposes.

Article 48 UUPKDRT explains:

"If the acts as referred to in Article 46 and Article 47 result in the victim receiving injuries that do not give any hope of healing at all, experiencing mental or mental disorders for at least 4 (four) continuous weeks or 1 (one) non-consecutive year. - successively, the loss or death of the fetus in the womb, or resulting in the non-functioning of the reproductive organs, shall be punished with a minimum imprisonment of 5 (five) years and a maximum imprisonment of 20 (twenty) years or a minimum fine of Rp. 25,000,000.00 (twenty-five million rupiahs) and a maximum fine of Rp. 500,000,000.00 (five hundred million rupiahs)."

3) Domestic neglect.

The fourth type of domestic violence crime is Neglect of Persons within the household, which is prohibited according to Article 5 letter d of the UUPKDRT, as regulated in Article 9 of the UUPKDRT:

- (1) Everyone is restricted from disregarding inside the extent of his family, despite the fact that as indicated by the law that concerns him or due to an understanding or arrangement he is obliged to give life, care, or upkeep to that individual.
- (2) The disregard as alluded to in passage (1) additionally applies to anybody who causes monetary reliance by restricting or potentially

forbidding appropriate work inside or outside the home so the casualty is heavily influenced by that individual.

Furthermore, the prohibition of neglect in the household in Article 5 letter d is punishable by a criminal offense in Article 49 of the UUPKDRT as follows:

Condemned to detainment for a limit of 3 (three) years or a greatest fine of Rp. 15,000,000.00 (fifteen million rupiahs), any individual who: "First, disregards others inside the extent of his family as alluded to in Article 9 section (1); furthermore, ignoring others as alluded to in Article 9 passage (2). Third, taking a gander at the articles referenced over, the lawbreaker demonstration of disregard of the family is additionally separated into 2 (two) structures.

3.2 The Role of Advocates in Providing Legal Assistance

In providing legal advisory services to clients, the legal advisor before acting must obtain information from the prospective client who will provide the materials that will be disputed in the dispute. The client is obliged to provide clear information regarding himself, but otherwise, the client will get legal protection from the lawyer who handles the case if it has been submitted. The data that will be given to the legal advisor who will plead must be complete and must not be made up and must be adjusted to the exact data.

Advocates in assisting clients must try as much as possible and think carefully both to reconcile and in civil cases and criminal cases. In civil cases, an advocate who is trusted by the client has the right to make a summons first or mediate first against an opponent who will file a lawsuit to the Court. If the opponent does not heed the summons and the mediation that the advocate is doing is trusted, then the advocate who is given the trust will file a lawsuit to the competent Court. Meanwhile, in criminal cases, mediation cannot be carried out except in precise cases such as domestic violence.

In giving a client's trust in the appointed advocate, they must both have a relationship with providing trust in the expected work. The relationship between lawyers and clients has the following obligations:

- a. Prioritizing the interests of clients over personal interests.
- b. In civil cases, peaceful settlement takes precedence over litigation in court.
- c. It is not allowed to provide information that can mislead the client regarding the case.
- d. Advocates are not justified in guaranteeing to clients that their case will win.
- e. A client is completely free to entrust interests to other advocates.
- f. Advocates have the right to withhold the case file being processed until the payment of the honorarium is completed. This right is not allowed if the client's interests will be harmed and cannot be repaired.
- g. There is information that has just been obtained by the advocate and must be conveyed to the client.
- h. The honorarium is set within reasonable limits taking into account the client's economic situation, the amount of work to be done in the case of the importance of the case.
- i. It is not allowed to incur costs that are not deemed necessary by the client.
- j. Advocates are obliged to take care of cases free of charge with the same attention in the case.
- k. Advocates must adhere to the confidentiality of the position given by the client [3]

Advocates for clients will foster a sense of mutual trust in carrying out or carrying out an agreed relationship and will end up trusting and trusting between the two parties in establishing an existing relationship.

In the quality and assessment of the formation of a good and harmonious cooperative relationship between the two parties, namely the advocate and the client, there will be benefits to the client in the end. More importantly, the client in providing data to a trusted advocate must have honesty and clarity and not manipulate in revealing any evidence that is relevant to the case to be faced.

Relationships in cases both inside and outside the court session, both with the client himself or with the opposing party as well as with fellow law enforcement colleagues, then as an advocate must know the obligations and how to act to protect oneself, refrain from emotions that are not controlled by adhering to adhere to the advocate's code of ethics. Actions that cause emotions should be avoided.

In addition to the relationship between lawyers and clients, there are also advocates in the proceedings. The role of legal aid workers is to provide services to citizens who need them and provide information to increase legal awareness and for legal reform.[4] Apart from the function, there is also a so-called advocate whose function is to defend the interests of the community and its clients. Advocates are needed when one or more community member faces a problem or problem in the legal field.[5]

Survivors of aggressive behavior at home reserve the privilege to security. Insurance is all endeavors pointed toward giving a feeling that everything is good to casualties completed by the family, advocate, social foundations, police, investigators, courts, or different gatherings, either briefly or in view of court choices.

The assurance of casualties of aggressive behavior at home is specified in Section IV on "The Freedoms of Casualties", Part VI on "Security" and Part VII on "Recuperation of Casualties". The freedoms, security, and recuperation of casualties, in the Aggressive behavior at home Regulation, are planned for all survivors of Abusive behavior at home.

Casualties reserve the option to get wellbeing administrations for their clinical requirements, unique taking care of connected with the privacy of casualties, help by friendly specialists and legitimate help at each level of the assessment interaction by the arrangements of the regulation, and otherworldly direction administrations.

The role of law enforcement officers in protecting women's rights starts with the police officers who receive complaints about acts of violence, to protect victims who report the violence they experience. For some areas, a Special Service Room has been provided, to protect the feelings of the victim and reduce the victim's fear when reporting. Feelings of fear and shame are often experienced by women victims of violence when reporting due to deficient, or familiar reception from certain police officers, causing victims to feel harassed again. With the existence of a Special Service Room, victims of violence will feel better because the serving police officer is a female police officer (Polwan) making it easier for victims or reporters to retell the events they experienced. After the reporting process, the police make a case file which will then be transferred to the prosecutor's office. Then the prosecutor will make indictments and demands which will finally be decided by the judge in court.

Types of legitimate security for spouses (as remembered for the extent of the family) who get demonstrations of viciousness in the Law on the Disposal of Abusive behavior at home (Regulation No. 23 of 2004) include: Article 10, Article 11 to Article 15, connecting with the commitments of the public authority and society in forestalling aggressive behavior at home, Articles 16 to 38; types of security for survivors of abusive behavior at home given by the police, wellbeing laborers, social specialists, friend volunteers, profound aides, backers, and courts,

Article 39 to Article 43; the right of the casualty to get review, Article 44 to Article 49; is a crook arrangement that gives dangers of discipline to culprits of savagery.

4 Conclusion

The expansion in the quantity of aggressive behavior at home cases is connected with the rising degree of lawful consciousness of the local area so the spouses of casualties who experience Aggressive behavior at home who recently wouldn't even come close to revealing currently dared to report the savagery they encountered. Families and networks can take part in forestalling and overseeing savagery against spouses and kids in the family. Casualties of abusive behavior at home are not generally their spouses and youngsters, they can likewise be husbands, housemaids, and others in the family, yet for the most part their wives and kids. So the survivors of aggressive behavior at home are practically all relatives in one's family.

Legitimate insurance for ladies isn't just through regulations that plainly control the assurance of ladies, yet additionally genuine security given to ladies through lawful help, advocates, non-legislative associations, and furthermore open and well disposed acknowledgment from the police climate when objections are given, and all the more significantly, is the arrangement of equity whose privileges are not regarded. The job of backers in executing drives to deal with ladies casualties urges the public authority to be dynamic in offering help for the arrangement of administrations for ladies casualties.

In providing legal advisory services to clients, the legal advisor before acting must obtain information from the prospective client who will provide the materials that will be disputed in the dispute. The client is obliged to provide clear information regarding himself, but otherwise, the client will get legal protection from the lawyer who handles the case if it has been submitted. The data that will be given to the legal advisor who will plead must be complete and must not be made up and must be adjusted to the exact data.

Advocates in assisting clients must try as much as possible and think carefully both to reconcile and in civil cases and criminal cases. In a civil case, a client's trusted attorney has the right to first draft a subpoena or to mediate first against the person suing in court. If the opponent does not heed the summons and the mediation that the advocate is doing is trusted, then the advocate who is given the trust will file a lawsuit to the competent court. Meanwhile, the criminal cases, mediation cannot be carried out except in certain cases such as domestic violence.

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