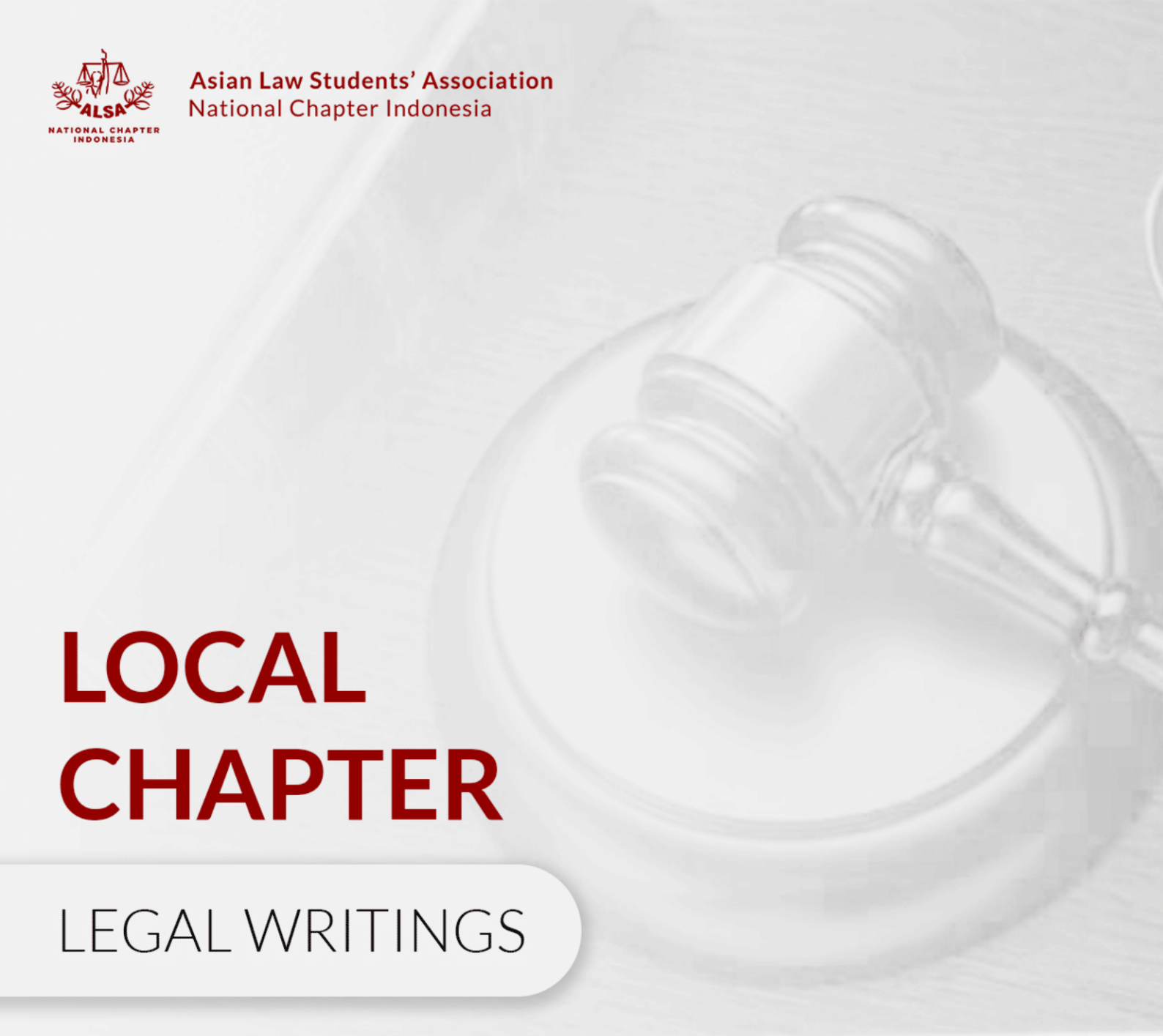
Asian Law Students' Association
National Chapter Indonesia



LOCAL CHAPTER

LEGAL WRITINGS

contact@alsaindonesia.org

EXECUTIVE SUMMARY

Seminar Nasional PALT XXVIII

***Asian Law Students' Association* (ALSA) *National Chapter* Indonesia**

"OPTIMALISASI UMKM MINUMAN BERALKOHOL DI PROVINSI BALI MELALUI UNDANG - UNDANG CIPTA KERJA"

Denpasar, 18 September 2021

Latar Belakang

Pada 17 Desember 2019, pemerintah mengusulkan RUU tentang Cipta Lapangan Kerja (Omnibus Law).[1] Joko Widodo menginginkan penyederhanaan regulasi, yang disampaikan melalui pidatonya setelah dilantik sebagai Presiden RI di Gedung MPR. Jokowi mengungkapkan bahwa pemerintah akan mengajak DPR untuk menerbitkan dua undang-undang besar. Pertama, UU Cipta Lapangan Kerja. Kedua, UU Pemberdayaan UMKM. Masing-masing UU tersebut akan menjadi bagian dari Omnibus law, yaitu satu UU yang sekaligus merevisi beberapa UU.

Sejak Pandemi COVID-19 di Indonesia, berbagai sektor termasuk sektor pariwisata mengalami penurunan dividen. Bali adalah salah satu provinsi yang bertumpu pada sektor pariwisata. Menurut Gubernur Bali, I Wayan Koster kontribusi devisa pariwisata Bali terhadap nasional pada 2019 mencapai Rp 75 triliun.[2] Akibat pandemi, perlahan pariwisata Bali kian meredup dan jumlah wisatawan asing terus menurun. Hal ini menimbulkan kerugian bagi para pelaku usaha. Ketidakberdayaan sektor pariwisata ini yang membuat pemerintah pusat maupun daerah berjibaku menyelamatkan sektor pariwisata.

Salah satu upaya pemerintah yaitu mengembangkan regulasi sektor pariwisata melalui lini terkecil yaitu pada Usaha Mikro, Kecil, dan Menengah (UMKM) yang memproduksi produk-produk khas masing-masing daerah wisata. UMKM memiliki beberapa kategori dari berbagai sektor industri atau usaha yang dikembangkan. Salah satunya yaitu, sektor industri minuman beralkohol. Berdasarkan catatan Kementrian Perindustrian Republik Indonesia,

---

[1] Situs Resmi Dewan Perwakilan Rakyat Republik Indonesia, https://www.dpr.go.id/uu/detail/id/442 (diakses pada 30 Juli 2021, pukul 09.34)

[2] Pramana Wijaya dan Citta Maya dalam BaliPost.com (2020). "Kontribusi Devisa 28,9 Persen, Bali Jangan Hanya Dijadikan Obyek Pariwisata", https://www.balipost.com/news/2020/03/06/107930/Kontribusi-Devisa-28,9-Persen,Bali...html (diakses pada 27 Juli 2021, pukul 20.17)

industri minuman beralkohol berperan dalam menambah kas negara dari nilai cukai senilai Rp5,27 triliun pada 2017, naik sekitar 2,63% dibandingkan dengan penerimaan cukai tahun sebelumnya yang mencapai Rp5,14 triliun.[3] Dengan adanya *income* yang diperoleh maka penggiat UMKM dalam industri ini terus mengalami perkembangan.

Provinsi Bali menjadi salah satu provinsi yang mengembangkan UMKM minuman beralkohol tradisional seperti; Arak, Brem, dan Tuak Bali yang menjadi peninggalan budaya. Pasal 18B ayat (2) UUD 1945 menunjukkan bahwa negara mengakui kearifan lokal pada setiap daerah di Indonesia, termasuk adanya Arak Bali yang menjadi budaya khas Provinsi Bali. Pemerintah Provinsi Bali mengeluarkan regulasi melalui Pergub Bali No. 1 Tahun 2020 tentang Tata Kelola Minuman Fermentasi dan/atau Destilasi Khas Bali. Berdasarkan Rencana Strategis Penanaman Modal tahun 2015 sampai tahun 2019, Pemerintah Indonesia menetapkan sektor prioritas investasi, yaitu infrastruktur, agrikultur, industri, maritim, pariwisata, Kawasan Ekonomi Khusus (KEK) dan Kawasan Industri, serta ekonomi digital. Sektor-sektor ini sangat terbuka untuk Penanaman Modal Asing (*Foreign Direct Investment*/FDI).[4] Semua peraturan mengenai Penanaman Modal Asing juga diatur dalam Undang-Undang Nomor 25 Tahun 2007 tentang Penanaman Modal sebagaimana diubah dalam Undang - Undang Nomor 11 Tahun 2020 tentang Cipta Kerja.

Disahkannya UU No.11 Tahun 2020 tentang Cipta Kerja juga memberikan pengaturan baru terhadap beberapa ranah peraturan perundang-undangan salah satunya ialah berkaitan dengan perizinan Penanaman Modal Asing serta UMKM. Terdapat beberapa problematika regulasi yang mengatur tentang UMKM pada bidang minuman beralkohol yang dianggap saling tumpang tindih. UMKM di Bali banyak yang bergerak dalam bidang minuman beralkohol. Maka, regulasi yang dikeluarkan pemerintah berpotensi menghambat perkembangan usaha tersebut.

Pelaksanaan dan Bentuk Kegiatan

Terkait dengan hal - hal tersebut di atas, *Asian Law Students' Association* (ALSA) *National Chapter* Indonesia menyelenggarakan Seminar Nasional PALT XXVIII bertema "Optimalisasi Umkm Minuman Beralkohol di Provinsi Bali Melalui Undang - Undang Cipta Kerja"

---

[3] Kemenperin RI. "Ekspor Minol Meroket", https://kemenperin.go.id/artikel/20156/Ekspor-Minol-Meroket. (diakses pada 20 Juli 2021, pukul 11.48)

[4] Rencana Strategis Badan Koordinasi Penanaman Modal Tahun 2015-2019

Tujuan

1. Terlaksananya salah satu program kerja tahunan *National Board* ALSA *National Chapter* Indonesia Periode 2021/2022
2. Merealisasikan 4 (empat) pilar ke-ALSA-an
3. Menjadi tempat untuk menjalin rasa silaturahmi antar *Local Chapter* yang ada di bawah naungan ALSA *National Chapter* Indonesia
4. Sarana pengembangan dan peningkatan wawasan pengetahuan setiap member dari ALSA
5. Upaya pemecahan suatu permasalahan yang ada di masyarakat utamanya terkait dengan pengoptimalisasian UMKM khususnya Minuman Beralkohol di Provinsi Bali pasca diterbitkannya Undang - Undang Cipta Kerja.

Pelaksanaan Seminar

Seminar Nasional PALT XXVIII yang mengusung tema "Optimalisasi Umkm Minuman Beralkohol di Provinsi Bali Melalui Undang - Undang Cipta Kerja" dilaksanakan pada tanggal 18 September 2021 dengan tuan rumah yaitu *Asian Law Students' Association Local Chapter* Universitas Udayana. Pelaksanaan Seminar Nasional PALT XXVIII sendiri dilaksanakan secara semi daring, dimana Pembicara dan Panitia hadir secara langsung di venue/tempat pelaksanaan sedangkan untuk peserta seluruhnya mengikuti secara daring. Total peserta yang mengikuti acara ini berjumlah 246 orang yang mana berasal dari :

- Delegasi ALSA LC Universitas Syiah Kuala, Aceh
- Delegasi ALSA LC Universitas Andalas, Padang
- Delegasi ALSA LC Universitas Sriwijaya, Palembang
- Delegasi ALSA LC Universitas Indonesia, Depok
- Delegasi ALSA LC Universitas Padjajaran, Bandung
- Delegasi ALSA LC Universitas Diponegoro, Semarang
- Delegasi ALSA LC Universitas Jember, Jember
- Delegasi ALSA LC Universitas Gadjah Mada, Yogyakarta
- Delegasi ALSA LC Universitas Brawijaya, Malang
- Delegasi ALSA LC Universitas Jenderal Soedirman, Purwokerto
- Delegasi ALSA LC Universitas Airlangga, Surabaya
- Delegasi ALSA LC Universitas Udayana, Bali
- Delegasi ALSA LC Universitas Hasanuddin, Makassar

- Delegasi ALSA LC Universitas Sam Ratulangi, Manado
- Peserta dari Universitas Mulawarman
- Peserta dari Universitas Bengkulu

Dalam Seminar Nasional PALT XXVIII ini sendiri, menitik beratkan kepada pembentukan suatu solusi terhadap isu yang sedang hangat yaitu adanya Legalitas terhadap Minuman Beralkohol yang mana disinyalir dapat menjadi suatu peluang baru bagi UMKM khususnya di Provinsi Bali pasca terbitnya Undang - Undang Cipta Kerja. Adapun narasumber/pembicara yang diundang untuk mendiskusikan hal ini adalah :

- Leonard Theosabrata (President Director of LLP-KUKM)
- I Putu Suartha, S.H., M.H. (Kepala Bagian PerUndang - Undangan Kab/Kota Sekretariat Daerah Provinsi Bali)
- I Wayan Sumerta, S.E., MM., Ak. (Ketua Koperasi Poetra Desa Wisata)
- Dr. Anak Agung Gede Duwira Hadi S, S.H., M.Hum. (Dosen Fakultas Hukum Universitas Udayana)

Berikut ulasan dari materi yang disampaikan oleh masing masing pembicara

Kepala Bagian PerUndang - Undangan Kab/Kota Sekretariat Daerah Provinsi Bali

Investasi Minuman Beralkohol di dalam beberapa Peraturan PerUndang - Undangan termasuk di dalam daftar negatif investasi yang artinya daftar hitam untuk melakukan investasi. Ini menjadi tantangan utamanya dalam hal membuat suatu legalitas terhadap Arak Bali yang juga merupakan salah satu dari minuman beralkohol. Kemudian, apabila kita melihat di dalam Peraturan Daerah Provinsi Bali memang terdapat Peraturan Gubernur Nomor 1 Tahun 2020 tentang Tata Kelola Minuman Fermentasi dan/atau Destilasi Khas Bali yang mana hal ini dikatakan menjadi payung hukum bagi Arak Bali itu sendiri. Adapun apabila dikatakan demikian, perlu dilihat latar belakang dibentuknya Peraturan Gubernur tersebut. Peraturan Gubernur tersebut dibentuk berdasarkan adanya Kebutuhan Daerah akan hal tersebut khususnya dilihat dari data yang ada di lapangan menunjukkan kebutuhan minuman beralkohol di Provinsi Bali cukup tinggi. Hal ini tidak terlepas dari tradisi dan adat budaya masyarakat setempat yang memang mengkonsumsi Arak Bali sebagai minuman sehari - hari. Namun tak dapat dipungkiri bahwasannya selain untuk dikonsumsi, Arak Bali memang digunakan sebagai sarana persembahyangan Umat Hindu di Bali. Sejalan dengan Visi dan Misi Gubernur Bali yaitu Nangun Sat Kerthi Loka Bali yang mana memegang teguh terhadap kelestarian adat dan budaya serta untuk mencapai kesejahteraan masyarakatnya

maka dibentuklah Peraturan Gubernur Nomor 1 tahun 2020 tentang Tata Kelola Minuman Fermentasi dan/atau Destilasi Khas Bali. Kemudian, Peraturan Gubernur ini sendiri sudah sesuai sebagaimana tertuang di dalam Peraturan Menteri Dalam Negeri tentang Pembentukan Produk Hukum Daerah dan telah melalui berbagai mekanisme dimulai dari diskusi antar para ahli hingga dilakukan fasilitasi dengan Kementerian Dalam Negeri dan Kementerian Perdagangan. Sehingga berdasarkan hal tersebut, dari segi Legalitas, Peraturan Gubernur Bali Nomor 1 tahun 2020 sendiri sudah dapat dikatakan memenuhi Legalitas dan dapat dijalankan.

Apabila melihat di dalam Peraturan Gubernur Bali Nomor 1 tahun 2020 ini sendiri sebenarnya tidak ada pengembangan untuk industri minuman beralkohol, namun memang lebih ditekankan pada aspek perlindungan adat dan tradisi. Sebagaimana telah dijelaskan sebelumnya, dengan lahirnya Peraturan Presiden Nomor 10 tahun 2021 sebagaimana diubah menjadi Peraturan Presiden Nomor 49 tahun 2021 dapat kita nilai sendiri terhadap Peraturan Gubernur Nomor 1 tahun 2020 tersebut. Seringkali apabila dikaitkan dengan Minuman Beralkohol maka akan muncul stigma melanggar Peraturan PerUndang - Undangan, namun kenyataannya Peraturan Gubernur Nomor 1 tahun 2020 sendiri telah memenuhi 3 aspek pembentukan peraturan perundang undangan serta memenuhi Syarat Formil dan Materiil.

Sesungguhnya sering terjadi kekeliruan di dalam menafsirkan Peraturan Gubernur Bali Nomor 1 tahun 2020 ini yang mana masyarakat sering menganggap Peraturan Gubernur ini memberikan Legalitas terhadap Arak Bali ataupun Minuman Beralkohol. Namun yang tepat adalah Peraturan Gubernur Bali ini mengatur mengenai Bahan Baku yang digunakan untuk membuat Minuman Beralkohol yang bersumber dari Fermentasi dan Distilasi. Peraturan ini bentuknya adalah pembinaan dan pengawasan yang diimplementasikan dengan mengawasi dan membina petani bahan baku Minuman beralkohol agar sesuai dengan Peraturan Perundang - undangan yang berlaku.

Ketua Koperasi Poetra Desa Wisata

Apabila kita melihat Peraturan Gubernur Nomor 1 tahun 2020 yang mana menggunakan Minuman Beralkohol dari perspektif yang bahan bakunya dari tuak bahan kelapa, tuak lontar termasuk buah buahan produksi bali yang dijadikan fermentasi yang menjunjung tinggi kearifan lokal. Intinya alkohol yang difermentasi dan dilakukan destilasi dari buah buahan lokal bali. Kemudian, Peraturan Gubernur Nomor 1 tahun 2020 sendiri memang mengatur bagaimana tata cara berusaha minuman beralkohol di bali yang dilakukan kalangan petani yang dulunya dilakukan secara ilegal. Salah satu caranya adalah dengan

mengoptimalisasi koperasi yang ada. Koperasi tersebut nantinya akan menjadi “pengepul” atau distributor dari petani kepada pabrik pabrik yang memerlukan bahan baku tersebut. Pabrik yang dapat dikirimkan tersebut hanya yang memiliki izin atau legalitas sesuai Peraturan PerUndang - Undangan seperti harus ada ijin dari BPOM, ada pita Cukai dan lain lain. Mekanisme inilah yang diatur di dalam Peraturan Gubernur Nomor 1 tahun 2020 tentang Tata Kelola Minuman Fermentasi dan/atau Destilasi Khas Bali.

Pembentukan Peraturan gubernur ini juga tidak terlepas dari adanya fakta bahwa omset penjualan dari Minuman Beralkohol di Provinsi Bali sendiri berjumlah kurang lebih 7 (tujuh) triliun rupiah yang mana 30% dari jumlah tersebut berasal dari arak bali. Seharusnya dengan jumlah yang terbilang besar tersebut, petani maupun produsen arak bali lokal sendiri harus sejahtera. Namun faktanya hingga Seminar ini dilangsungkan masih ditemui petani bahan baku arak yang belum sejahtera, tidak terlepas dari adanya faktor Pandemi COVID-19 yang sedang marak di Indonesia.

Dosen Fakultas Hukum Universitas Udayana

Dalam membahas Peraturan Gubernur Bali Nomor 1 tahun 2020, saya sendiri memiliki beberapa catatan untuk disampaikan yaitu pertama apabila dilihat dari *Legal Standing*nya, acuannya Kepala Daerah bisa membuat aturan yang namanya Peraturan Kepala Daerah. Materi muatan dari Peraturan Daerah harus berdasarkan pada Peraturan Perundang - undangan dan prinsip prinsip hukum yang berlaku di masyarakat dan tidak boleh bertentangan dengan Per UU di atasnya. Apabila dilihat dari tujuan Pergub bali sudah jelas memang mengakomodir dari kesejahteraan masyarakat bali dan meningkatkan potensi daerah Bali yang mana sesuai dengan prinsip hukum yang berlaku di masyarakat.

Apabila dikaitkan dengan Undang Undang Cipta Kerja, maka yang kita lihat adalah turunan dari Undang Undang Cipta Kerja yaitu Perpres Nomor 10 tahun 2021 yang diubah dengan Perpres 49 tahun 2021 maka ada sedikit kontradiksi di dalam perpres tersebut. Di Pasal tertentu, Peraturan Presiden tersebut terdapat pelarangan investasi untuk minuman beralkohol contohnya minuman olahan anggur. Kemudian berita baiknya, di dalam Pasal 236 Peraturan Presiden Nomor 10 tahun 2021 serta Peraturan Presiden Nomor 49 tahun 2021 memberikan koperasi dan investor untuk melakukan investasi pada beberapa sektor minuman beralkohol yang diatur di dalam Peraturan Perundang - undangan yang lain. Peraturan - Peraturan yang menjadi rujukan oleh Pasal 236 Peraturan Presiden Nomor 10 tahun 2021 serta Peraturan Presiden Nomor 49 tahun 2021 juga menjadi landasan oleh Peraturan

Gubernur Bali Nomor 1 tahun 2020. Namun substansi dari Peraturan Gubernur Bali Nomor 1 tahun 2020 masih belum sesuai dengan Peraturan yang menjadi landasannya. Sebagai contoh, di dalam Peraturan yang menjadi landasan Peraturan Gubernur tersebut menyebutkan bahwa Minuman Beralkohol dibagi menjadi 2 yaitu Minuman Beralkohol dan Minuman Beralkohol Tradisional. Akan tetapi, di dalam Pergub Bali tidak menjelaskan adanya pembagian sebagaimana yang diatur di dalam Peraturan Perundang undangan yang lebih tinggi. Sehingga antara Minuman Beralkohol dengan Minuman Beralkohol Tradisional tidak ada pembeda baik dari Standar Operasional prosedur pembuatan maupun perizinannya.

Saran & Rekomendasi

Substansi di dalam Peraturan Gubernur Bali Nomor 1 tahun 2020 sendiri dapat diselaraskan dengan Peraturan Perundang - undangan yang lebih tinggi guna meminimalisir adanya informasi yang tidak jelas akibat perbedaan tersebut. Selain itu dengan adanya penyelarasan substansi antara Peraturan Gubernur dengan Peraturan yang lebih tinggi terkait minuman beralkohol ini, maka sesungguh Minuman Beralkohol Tradisional dapat dikomersialisasikan dan dapat menjadi suatu hal yang sangat berguna bagi masyarakat.

DAFTAR PUSTAKA

Peraturan Perundang-Undangan:

Undang-Undang Dasar Negara Republik Indonesia Tahun 1945

Undang-Undang Nomor 25 Tahun 2007 tentang Penanaman Modal

Undang-Undang Nomor 11 Tahun 2020 tentang Cipta Kerja

Peraturan Presiden Nomor 10 tahun 2021 tentang Bidang Usaha Penanaman Modal

Peraturan Presiden Nomor 49 tahun 2021 tentang Perubahan atas Peraturan Presiden Nomor 10 tahun 2021 tentang Bidang Usaha Penanaman Modal

Peraturan Gubernur Bali Nomor 1 tahun 2020 Tata Kelola Minuman Fermentasi dan/atau Destilasi Khas Bali

Artikel dan Website :

Rencana Strategis Badan Koordinasi Penanaman Modal Tahun 2015-2019

Situs Resmi Dewan Perwakilan Rakyat Republik Indonesia, https://www.dpr.go.id/uu/detail/id/442 (diakses pada 30 Juli 2021, pukul 09.34)

Pramana Wijaya dan Citta Maya dalam BaliPost.com (2020). "Kontribusi Devisa 28,9 Persen, Bali Jangan Hanya Dijadikan Obyek Pariwisata", https://www.balipost.com/news/2020/03/06/107930/Kontribusi-Devisa-28,9-Persen,Bali...html (diakses pada 27 Juli 2021, pukul 20.17)

Kemenperin RI. "Ekspor Minol Meroket", https://kemenperin.go.id/artikel/20156/Ekspor-Minol-Meroket. (diakses pada 20 Juli 2021, pukul 11.48)

JURIDICAL ANALYSIS OF LAW NO. 5 OF 2018 ON TERRORISM TO ENCOUNTER RADICALISM MOVEMENT IN INDONESIA

I. HEADING

To : The National Counter Terrorism Agency

From : Angelin Rachelia, I Putu Charles W.Y., and Jessi Grasiela Putri B., Students of Law Faculty Udayana University.

Re : Escalation of Radicalism Movement in Indonesia

Date : February 3rd, 2021

II. STATEMENT OF ASSIGNMENT

This legal memorandum provides answers and our perspective regarding the existence of Law No. 5 Of 2018 in suppressing radicalism movement issue in Indonesia that giving the tendency to increase act of terrorism.

III. ISSUES

1. Did radicalism movement in line with increasing rate of act of terrorism in Indonesia
2. Did Law No. 5 Of 2018 aim to suppress only the act of terrorism or comprehensively already regulate radicalism movement in Indonesia

IV. BRIEF ANSWER

1. According to European Union's Framework Decision on Combating Terrorism of 2002, Terrorism committed with the aim of seriously intimidating a population.[1] In line with that, act of terrorism itself solely not occur by personal matters, it conclude a phased process which can be started with radicalisation. To be exact, act of terrorism can be classified as "*violent radicalisation*" where radicalism movement turns into an act of terrorism. As

[1] Reinares, Prof. Fernando, et al. *Radicalisation Processes Leading to Acts of Terrorism : European Commission's Expert Group on Violent Radicalisation* (European Commission) [6]

matter of fact that terrorism solely not based only on the act itself but also affected by social construct such as the spread of radicalism.

2. Law No. 5 Of 2018 already points out regulation on radicalism fathom. Even though main objective of the law specified regarding the handling on act of terrorism and aiming to suppress the act, thus through juridical analysis could extentuate more regarding the objective of Law No. 5 Of 2018 on terrorism.

V. STATEMENT OF FACTS

1. Hamilton-Hart (2005) &White et al (2013) stated that by statistics and data, Indonesia is one of the countries with the highest cases of radicalism and terrorism in Southeast Asia, according to the rapidly spread of radicalism movement and several act of terrorism throughout a decade.[2]
2. Act of Terrorism involves a series of punctuated acts such as demonstrative public violence aims to intimidate an/or coerce target and audiences as an attempt to realise a political or religious project[3]. It leads to the fact that act of terrorism most likely happened in line with the evolving radicalism movement in a country or other country.
3. Terrorism in Indonesia already clasified as extraordinary crime and also against the nation ideology, along with that urgency, throughout the decade, Indonesian government already made various reactive and preventive policies on deradicalization, anti-terrorism, and counter-terrorism through a series of studies to handle radicalism and terrorism movement. The Government also established Badan Nasional Pemberantasan Terorisme (BNPT or The National Counter Terrorism Agency).
4. The policy on terrorism in Indonesia has been evolving throughout a decade and latest established policy on terrorism poured in Law No. 5 Of 2018 on

---

[2] Fuad, Munawar. "International Publications on Radicalism and Terrorism in Indonesia: A Bibliometric Assessment." *Wawasan : Jurnal Ilmiah Agama dan Sosial Budaya*, vol. 5 [97]

[3] Reinares, Prof. Fernando, et al. *Radicalisation Processes Leading to Acts of Terrorism : European Commission's Expert Group on Violent Radicalisation* (European Commission) [5]

Terorrism. As a matter of fact that the existence of this law has major objective on solving act of terrorism in Indonesia.

5. According to official statement of The National Counter Terrorism Agency one of their main function are to develop and establish national policies, strategies and programs in field of counter-terrorism and also implement national preparedness including counter radicalization and deradicalization as the initiation movement of terrorism.
6. As terrorism in general inseparable with radicalism movement evolve in a community or larger scope of it, thus bringing an urgency just the same as terrorism handling based on law, exactly like the implementation of Law No. 5 Of 2018.

VI. ANALYSIS

Implementation of The Maxim *lex specialis derogat legi generali* on Terrorism Policy in Indonesia

As an implementation of Indonesia as a *rechtsstaat*,[4] thus one of the obligation is to accentuate and implement fundamental maxim including in it *lex specialis derogat legi generali,* where it suggests that whenever two or more norms deal with the same subject matter, priority should be given to the norm that is more specific.

More than a decade, act of terrorism in Indonesia has been considered as extraordinary crime in which the government already put immense attention into. Since 2002, the government tries to evolve and elaborate the policy on terrorism in order to keep up with the fast expand of radicalism movement in the world and evolving techniques on act of terrorism. In Indonesia, regulation on terrorism already comprehensively put into Law No. 5 Of 2018, then later on the government established a regulation on terrorism

[4] Article 1 Section 3 The 1945 Constitution of The Republic of Indonesia.

in Indonesian Government Regulation (Peraturan Pemerintah Republik Indonesia) No. 77 of 2019. This government regulation on terrorism specified regulate on prevention on act of terrorism and protection on terrorism enforcement officers. As a result this government regulation becoming specified policy regarding terrorism. Hereby this regulation also comprehensively regulate regarding social construct on act of terrorism and social factors to regulate. Therefore this regulation provides depth explanation on radicalisation movement and deradicalisation[5] compared with Law No. 5 Of 2018 on terrorism.

Terrorism Handling in Indonesia through Law No. 5 Of 2018 on Terrorism and The Need of Radicalism Policy as a part of Terrorism Handling

The existence of Law No. 5 Of 2018 as an implementation of the urgency that terrorism by now classified as an extraordinary crime, in which endanger nation ideology, national enforcement, sovereignty, and human rights. As terrorism tend to be well organized by the perpetrators, and have a specific purpose whether political or religion matters with cross country broad network, thus a structured, planned and sustainable enforcement shall be considered by the government. Moreover as a result of that concern, and also as a way to provide legal policy on this matters, the government on 2018 established Law No. 5 Of 2018 on terrorism.

The importance of suitable regulation on terrorism according to theory stated by Friedman M. Lawrence that the major key in which determine in legal enforcement are legal substance, legal structure, legal culture. Including the structure on legal enforcement officers on terrorism, legal instruments, and the culture of the society will determine the effectiveness of the regulation

[5] Article 2 Section 2 Indonesian Government Regulation (Peraturan Pemerintah Republik Indonesia) No. 77 of 2019.

itself.[6] In general Law No. 5 Of 2018 on terrorism already comprehensively regulate both preventive and repressive measures on handling terrorism. As for preventive measures on terrorism appertain government strategy in strengthen national anti-terrorism enforcement and national sovereignty[7] as stated in Article 43B Law No. 5 Of 2018 and the entire Part II of the law regarding national preparedness. In the same way, repressive measures also stated in Law No. 5 of 2018 on terrorism through Part I, stated legal consequences on act of terrorism through several punishment methods.

Moreover, certainly on the establishment of law on terrorism itself, there will always be space for shortcoming. Unfortunately Law No. 5 Of 2018 does not regulate or provide any punishment regarding the handling of radicalism movement, as repressive measures, unless its already turned into an act whether through violence or terrorism. Whereas in this fast-paced society, radicalism values and movement are easily spread, either through one community to another, or else through social media. In line with that, it has become the urgency that the government should reconsider, in any way, the importance of controlling the spread of radicalism through preventive measures as mentioned through Article 1 Indonesian Government Regulation (Peraturan Pemerintah Republik Indonesia) No. 77 of 2019.

Furthermore, European Commission's Expert Group on Violent Radicalisation stated the definition of "*Violent Radicalisation*" in which this is an act that involves embracing opinions, views and ideas which could lead to acts of terrorism. As act of terrorism are inseparable with the spread of radicalism in the society, thus that become the urgency on anti-radicalisation and deradicalisation policy stated in Article 43C and 43D Law No. 5 Of 2018.

---

[6] Ambarita, Folman P. "Penanggulangan Tindak Pidana Terorisme." *Binamulia Hukum* (2018), vol. 7, no. 2, [144]

[7] Article 43B Law No.5 Of 2018 on Terrorism

Through anti-radicalisation there will be society reconstruction to align the understanding on radicalism including national ideology cultivation.

VII. CONCLUSION

Law No. 5 Of 2018 on Terrorism in general already compiled its purpose to handle act of terrorism in both preventive and repressive measures in Indonesia. In line with that, through this law also the government already set a policy on radicalism movement by preventive measures on radicalism movement. However, since terrorism and radicalism movement are inseparable, the government should reconsider on putting specific punishment on the spread of radicalism in the society, whereas preventive measures provided through Law No. 5 Of 2018 and Indonesian Government Regulation (Peraturan Pemerintah Republik Indonesia) No. 77 of 2019. To conclude, the handling of terrorism in Indonesia through several regulations are qualified to strengthen national anti-terrorism enforcement as long as the regulation still relevant with all the changes and expansion of radicalism movement in the society, referring to the indicator of the effectiveness through the relevance of legal substance, legal structure and legal substance of the regulation.

BIBLIOGRAPHY

Books

Reinares, Prof. Fernando, et al. *Radicalisation Processes Leading to Acts of Terrorism : European Commission's Expert Group on Violent Radicalisation*. European Commission.

Wahid, Abdul. *Kejahatan Terorisme Perspektif Agama, Ham dan Hukum*. Bandung, Refika Aditama, 2004.

Journal

Ambarita, Folman P. “Penanggulangan Tindak Pidana Terorisme.” *Binamulia Hukum*, vol. 7, no. 2, December 2018.

Bakti, Agus Surya. “Perang Semesta Berbasis Kearifan Melawan Radikalisme dan Terorisme.” *Deradikalisasi Nusantara*, 2016.

Fuad, Munawar. “International Publications on Radicalism and Terrorism in Indonesia: A Bibliometric Assessment.” *Wawasan : Jurnal Ilmiah Agama dan Sosial Budaya*, vol. 5, 2020.

Pranowo, Bambang. “Pendidikan dan Tantangan Radikalisme.” *Lembaga Kajian Islam dan Perdamaian*, 2010.

Government Reports

BNPT, Badan Penanggulangan Terorisme Nasional. “Laporan hasil survei nasional Daya tangkal masyarakat terhadap radikalisme tahun 2017.” 2017.

Law Instruments

- The 1945 Constitution of The Republic of Indonesia.
- Indonesian Government Regulation (Peraturan Pemerintah Republik Indonesia) No. 77 of 2019.
- Law No. 5 Of 2018 on Terrorism.

Access to Justice for Victims of Sexual Abuse:
How Viral-Based Justice Reveals the Already Rotten Enforcement System

by Amira Nadine Widhi — ALSA LC Universitas Udayana

INTRODUCTION

The high amount of sexual abuse cases in Indonesia has reached a concerning level. The act can happen to anyone, anytime, anywhere, and done by anyone—even by closest relatives. Based on the data provided by Indonesia's National Commission on Violence Against Women (Komnas Perempuan) in their yearly report, there is a total of 299.911 cases of sexual abuse towards women in Indonesia throughout the year 2020.[1] Considering the high amount, people believe the cases are just the tip of an iceberg, which means there are many unrevealed cases of sexual abuse out there.

On a graveyard in West Java, locals found a dead woman—later identified as NW, who committed suicide by hanging. Police are investigating her death, but it is too late since the victim has no longer alive. Before her suicide, NW published her story on Twitter. On a thread with over 20 thousand retweets, she stated her intention to take her own life because she could no longer bear the pressure on her. Her boyfriend—a local police officer, raped her and his relatives forced her to have an abortion. The thread stated that she had filed a report for the mistreatment to the Police's Profession and Security division (Propam), but they did not investigate it.[2] They did investigate the case after the tweets went viral.

Sexual abuse can also happen to minors, like the three children in West Luwu, South Sulawesi. The mother, Lydia, found bruises on the children's bodies. Upon further questioning, she found out that her ex-husband—a government employee, has been raping and harassing their children repeatedly. In 2019, the Police of West Luwu district received her report. Although she was not allowed to read the investigation report, she decided to sign the document. Nine days later, the police said there was no proof of rape on the children; thus, they concluded nothing had happened. The mistreatment by the police even continued when she filed a report to the Region

---

[1] Komisi Nasional Anti Kekerasan Terhadap Perempuan (Komnas Perempuan), 2021, "Perempuan dalam Himpitan Pandemi: Lonjakan Kekerasan Seksual, Kekerasan Siber, Perkawinan Anak, dan Keterbatasan Penanganan di Tengah Covid-19" in *Catatan Tahunan Komnas Perempuan Tahun 2020*, p.1

[2] Indonesia BBC, "Kasus Bunuh Diri Mahasiswi Korban Dugaan Perkosaan Di Mojokerto: 'Bukti Nyata Polisi Belum Bisa Diharapkan Merespons Cepat Kekerasan Seksual'" (*BBC News Indonesia* December 6, 2021) <https://www.bbc.com/indonesia/dunia-59541021> accessed December 20, 2021

Police of South Sulawesi. They also diminished her report since there was a lack of proof in the *visum et repertum*.[3] An independent news site—Project Multatuli, covered the story in October 2021. As soon as it went viral on the internet, the police agreed to reinvestigate the case.

Sexual abuse can also happen to government officials. It happened to an employee at the Indonesian Broadcasting Commission (KPI), an agency under the Ministry of Communication and Information (Kemenkominfo). In September 2021, an Instagram post by the user grassroot.id went viral as it contained a statement that MS—the employee, has been harassed and sexually abused since 2011 by eight of his colleagues. MS has reported the bullying to his superiors before submitting an official report to the police in 2019 and 2020. Despite that, the Police of Gambir District told him to do just that instead of taking his report. KPI itself conducted an internal investigation only after the news became social media sensation. In the end, they just suspended all of the perpetrators. MS himself was forced and intimidated to withdraw his report from the police and sign a peace agreement.[4]

A researcher at the Institute for Security and Strategic Studies stated that the police still consider sexual abuse cases "normal"; hence, they tend to act only after they go viral on social media.[5] The hashtags #PercumaLaporPolisi (meaning: it is useless to go to the police) and #1Hari1Oknum (meaning: one police individual per day)[6] are often on the trending topic list on Twitter as the expression of the public's disappointment on the lousy work of the police.

As the result of police dismissal towards cases without thorough investigation, many victims use an alternative way to access justice, by telling their stories on social media. The posts usually include the chronology of the abuse, proofs—screenshots from their conversation with the perpetrators, and in rare occasions, even the footage of the act they recorded in secret. The public on social media who saw them then shared the posts, often leaving unpleasant comments on the perpetrators' social media profiles. These posts can have thousands of shares, most of

---

[3]Rusdianto E, "Tiga Anak Saya Diperkosa, Saya Lapor Ke Polisi. Polisi Menghentikan Penyelidikan" (*Project Multatuli* October 6, 2021) <https://projectmultatuli.org/kasus-pencabulan-anak-di-luwu-timur-polisi-membela-pemerkosa-dan-menghentikan-penyelidikan/> accessed December 20, 2021

[4]Hastanto I, "Sebelum Kasus Pegawai KPI Viral, Polisi Kerap Remehkan Laporan Perundungan Dan Pelecehan" (*Vice* September 2, 2021) <https://www.vice.com/id/article/5dbend/kepolisian-indonesia-kerap-meremehkan-laporan-perundungan-dan-pelecehan-seperti-dialami-pegawai-kpi-yang-viral> accessed December 20, 2021

[5] A SL, "Soal Polisi Tolak Laporan Warga: Pengamat Nilai Ada Gap Antara Semangat Kapolri Dengan Bawahan" (*TribunNews.com* December 15, 2021) <https://www.tribunnews.com/nasional/2021/12/15/soal-polisi-tolak-laporan-warga-pengamat-nilai-ada-gap-antara-semangat-kapolri-dengan-bawahan> accessed December 20, 2021

[6] The concept of "oknum" can be defined as an individual as a part of a larger institution. It's simillar to the concept of "bad apples."

them containing cusses for the perpetrators. Social media influencers also tend to share the posts, widening the reach and boosting engagement to millions. All three cases mentioned above were "solved" by this new phenomenon.

Indonesia's Criminal Code (KUHP) has no definition of sexual abuse. However, based on the elements, it can be classified as crime against morality—chapter IV from Articles 281 to 295 states the punishment for the act.[7] In general, the chapter consists of regulations against fornication, adultery, sexual intercourse, and pornography. The maximum sentence for the perpetrator is various, from nine months to twelve years.[8] The regulation of sexual abuse against children is under Law No. 35 of 2014 on Children Protection (Law 35/2014), which stipulates the maximum sentence of imprisonment for 15 years and a maximum fine of Rp5 billions. The perpetrator also faces addition for 1/3 their maximum sentence if he/she is the victim's parent, guardian, caregiver, or educator.

In Indonesia's national law, the crime against sexual abuse is classified as a complaint offense. The provision means the prosecutor needs consent from the victim of the crime to prosecute the perpetrator.[9] If the victim is underage, their parent or guardian could state the consent on behalf of the victim. The victim has to file the complaint directly to the police for investigation.[10] In reality, the provision costs disadvantages for the victims of sexual abuse because before they even file a complaint, they already face threats from the perpetrators, so they are terrified to speak up about the mistreatment.

The police refusal regarding the sexual abuse report violates the Head of Indonesian National Police Regulation (Peraturan Kapolri) No. 12 of 2009 on Supervision and Control of the Handling of Criminal Cases within the Indonesian National Police. Article 8 of the regulation states that police must accept all complaints from the public. Later on, they can dismiss the complaints after preliminary investigation (Article 3 section (3)). So, the act of dismissing the three cases mentioned above cannot be justified and violates the regulation.

---

[7] Zahran AP, "Perlindungan Hukum Terhadap Korban Pelecehan Seksual Dalam Perspektif Pembaharuan Hukum Pidana Indonesia" (thesis 2020), p. 6

[8] Soerodibroto S, *KUHP Dan KUHAP: Dilengkapi Jurisprudensi Mahkamah Agung Dan Hoge Raad* (5th edn Rajawali Pers 2014), p. 169-177

[9] Utrecht E, *Hukum Pidana II* (Penerbitan Universitas 1985), p. 257

[10] HukumOnline, "Perbedaan Delik Biasa Dan Delik Aduan Beserta Contohnya" (*HukumOnline.com* December 11, 2021) <https://www.hukumonline.com/berita/baca/lt61b44d64b2813/delik-aduan?page=1> accessed December 20, 2021

ANALYSIS

Every person deserves safe and peaceful condition and has the right of protection against fear to do or not to do something, as stated in Article 30 of Indonesia's Law 39 of 1999 on Human Rights (Law 39/1999). Furthermore, as stated in Article 29, every person also has the right to protect themself, their family, dignity, honor, and proprietary. Article 71 stipulated that the government must respect, protect, uphold, and promote all of the rights in the said law. However, despite all that, the number of sexual abuse cases is still high. It is like the government has failed to protect its people. It was made worse when the House of Representatives (DPR) failed to put the Bill on Eradication of Sexual Violence to the National Legislation Program of 2022 (Prolegnas 2022) though the public has urged them to approve it.

Indonesia's current law regarding sexual abuse—only the Criminal Code- has not provided a human-centered approach; there is not any provision on victims' recovery. The Criminal Code only focuses on punishing the perpetrator, while it abandons the victims who suffer significantly from the act. The classification as a complaint offense also makes it harder for the victims to access justice. These obstacles become the driving factor of the emergence of viral-based justice.

Going viral may help the victims to access justice. However, it is also a dangerous system because it encourages the public to have a mob mentality. If we accept that the police only act based on viral posts, it shifts our legal system in a way that the majority can determine justice instead of evidence. Unlike in the conventional court, this so-called social media court gives no chance for the accused to defend themselves. The netizens usually do the cyberbullying by flooding the perpetrator's social media with curses. It is all based on the victim's story alone, without checking the facts and laws. The victims' statement might be true; still, it does not mean the statement was 100% true. Evidence-based justice can check and recheck the facts from both perpetrator and victim. In contrast, viral-based justice cannot do so since the favor was in the majority, which sided with the victim, limiting it to only one point of view of seeing the reality.

Moreover, due to this viral-based justice in digital space, it is easy for someone to hire a group of people (buzzers) to shape public opinion regarding certain things so that the police will act in accordance with their agenda. This opinion-shaping is harmful to evidence-based justice because certain people can control the public voice if they play it right. It also has the possibility of defamation.

CONCLUSION

In regard to the situation where it is difficult for sexual abuse victims to access justice, that they have to go on social media for it, we need to transform the law enforcement system to a human-centered approach. The first step—for both the police and legislators, is to empathize with the victim, and the enforcement should prioritize the victim's sense of security. The long-awaited Bill on Eradication of Sexual Violence should be approved immediately as a law because it focuses on the recovery of the victims and expands the definition of sexual abuse. The police should also fix the attitude of their officers. They should not think any form of sexual abuse as normal and must accept all victim reports. Viral-based justice is a dangerous phenomenon, it is not a reliable system, and it is not justice, evidence-based justice.

BIBLIOGRAPHY

Books

Soerodibroto S, *KUHP Dan KUHAP: Dilengkapi Jurisprudensi Mahkamah Agung Dan Hoge Raad* (5th edn Rajawali Pers 2014)

Utrecht E, *Hukum Pidana II* (Penerbitan Universitas 1985)

Government Report

Komisi Nasional Anti Kekerasan Terhadap Perempuan (Komnas Perempuan), 2021, "Perempuan dalam Himpitan Pandemi: Lonjakan Kekerasan Seksual, Kekerasan Siber, Perkawinan Anak, dan Keterbatasan Penanganan di Tengah Covid-19" in *Catatan Tahunan Komnas Perempuan Tahun 2020*

Thesis

Zahran AP, "Perlindungan Hukum Terhadap Korban Pelecehan Seksual Dalam Perspektif Pembaharuan Hukum Pidana Indonesia" (thesis 2020), p. 6

Internet

A SL, "Soal Polisi Tolak Laporan Warga: Pengamat Nilai Ada Gap Antara Semangat Kapolri Dengan Bawahan" (*TribunNews.com* December 15, 2021) <https://www.tribunnews.com/nasional/2021/12/15/soal-polisi-tolak-laporan-warga-pengamat-nilai-ada-gap-antara-semangat-kapolri-dengan-bawahan> accessed December 20, 2021

Hastanto I, "Sebelum Kasus Pegawai KPI Viral, Polisi Kerap Remehkan Laporan Perundungan Dan Pelecehan" (*Vice* September 2, 2021) <https://www.vice.com/id/article/5dbend/kepolisian-indonesia-kerap-meremehkan-laporan-perundungan-dan-pelecehan-seperti-dialami-pegawai-kpi-yang-viral> accessed December 20, 2021

HukumOnline, “Perbedaan Delik Biasa Dan Delik Aduan Beserta Contohnya” (*HukumOnline.com* December 11, 2021) <https://www.hukumonline.com/berita/baca/lt61b44d64b2813/delik-aduan?page=1> accessed December 20, 2021

Indonesia BBC, “Kasus Bunuh Diri Mahasiswi Korban Dugaan Perkosaan Di Mojokerto: 'Bukti Nyata Polisi Belum Bisa Diharapkan Merespons Cepat Kekerasan Seksual'” (*BBC News Indonesia* December 6, 2021) <https://www.bbc.com/indonesia/dunia-59541021> accessed December 20, 2021

Rusdianto E, “Tiga Anak Saya Diperkosa, Saya Lapor Ke Polisi. Polisi Menghentikan Penyelidikan” (*Project Multatuli* October 6, 2021) <https://projectmultatuli.org/kasus-pencabulan-anak-di-luwu-timur-polisi-membela-pemerkosa-dan-menghentikan-penyelidikan/> accessed December 20, 2021

Law Instruments

Indonesia's Law No. 39 of 1999 on Human Rights

Indonesia’s Law No. 35 of 2014 on Children Protection

Indonesian National Police Regulation No. 12 of 2009 on Supervision and Control of the Handling of Criminal Cases within the Indonesian National Police

INDONESIA PUBLIC'S ACCESS TO JUSTICE WITHIN HUMAN-CENTRED DESIGN

By: Annisa Sonya Fikri

A. INTRODUCTION

- **Background**

Law is a regulation in the form of norms and sanctions made with the aim of regulating human behavior, maintaining justice, preventing the occurrence of actions. Law can be interpreted as a written or unwritten rule or provision or provision to regulate people's lives and provide sanctions for people who violate the law. The purpose of the law is to create a social order that creates, creates functions and balances, and functions

Obedience to regulations and laws is a concept that must be realized in every citizen. The more a person obeys the law, it can be concluded that the level of legal awareness is also high. Laws, regulations, and so on to regulate the social life of the community. If Indonesian citizens do not comply with the existing law, they will be subject to sanctions in the form of fines and imprisonment.

Legal awareness can be interpreted as awareness of a person or a group of people to the rules or applicable laws. Legal awareness is needed by a society. This is intended so that order, peace, tranquility, and justice can be realized in the association between people. Without having a high legal awareness, this goal will be very difficult to achieve.

One of the factors influencing legal awareness is knowledge of legal awareness. Regulations in law must be widely disseminated and have been valid. Then by itself the rules will be spread and quickly known by the public. People who violate do not necessarily violate the law. This is because it could be due to a lack of public understanding and knowledge about the awareness of the laws and regulations that apply in the law itself. Therefore, it is important for the public to know about access to justice.

In the history and practice of enforcing human rights anywhere in the world, we talk a lot about access to justice, the right to justice and the guarantee of impartial legal processes and services from the judicial system, which must always be guaranteed by the state. Not only is this an important issue in the legal jurisdiction of authoritarian regimes, underdeveloped countries or countries that are in the process of becoming more

democratic, but also important and still visible in developed countries that have practiced democracy for hundreds of years.

The main problems that often block access to justice in general are:

a. problems in the operational system of the justice system (lack of cooperation between law enforcement agencies, ineffective legal aid agencies for poor justice seekers, lack of counseling process before an issue is brought to court, and high costs of litigation processes),
b. structural problems (elitism in the judicial system, legal language that is too complex for the layman to understand, poverty problems that make things difficult and fragile, and low legal awareness among the people themselves) which are certainly interrelated.

Human-centered design (HCD) is a research methodology that is concerned primarily with user experiences, particularly as individuals interact with systems, services, or programs. Human-centered design is a methodology that has grown out of other fields of design and innovation in the past two decades[1]. The central goal is to "advance the continued growth and improvement of institutions by fostering the experiences of stakeholders in a desirable, feasible, and viable way, thereby promoting human achievement and flourishing[2]. It attempts to understand people's thoughts and behavior, to understand why or how people end up taking specific actions and focuses on transforming information gained from users into insights on how to tackle the respective issues. Approach links insights from immersion and other qualitative research to HCD processes, providing a strong basis for developing highly contextualized, practical solutions. These approaches can improve the quality of designing policy and programming and help ensure they are not only 'evidence-based,' but also 'people-based.'. In some countries, human-centered design has begun to be applied. Then what about Indonesia? Do Indonesians know enough about the human centered design approach?

B. ANALYSIS

The problem of access to justice is a side that may seem luxurious to be a priority for many poor or developing countries. Before getting there, many rulers thought that there was a

[1] See Brown, supra note 4, at 86
[2] Quintanilla, 2016.

long queue of other priorities. Access to finance for industrial and micro-trade activities, access to the education system, access to the health system, access to infrastructure that further supports mobility and economic activity of the community, access to better public services, and several other accesses, which they think are much more affordable. urgently addressed today. Access to all that is considered a priority is part of access to justice in a broader sense. Without equal treatment before the policy and legal process, all these priorities will not be able to be built. Facing this pandemic, we are faced with various ways of pulling the brakes on mobility and crowd activities, massively tackling testing and tracing, wrestling with treatment, while we still must survive financially, and for sure the wheels of the economy must also start rolling, as well as other aspects of life including education, business, non-covid19 health care, and so on.

Access to justice is not easy to obtain, especially for certain groups such as the poor or people who do not have funds compared to people who have funds and have certain positions. Whereas the state has guaranteed the opportunity to obtain justice for all levels of society as stated in the 1945 Constitution of the Republic of Indonesia, and the government's determination to provide access to justice for all parties is clearly seen with the issuance of Presidential Instruction No. 3 of 2010 dated April 21, 2010, concerning a just development program that provides emphasis on the importance of “justice for all”. laws and regulations that guarantee public access to justice are indispensable, and the need for such access is not only access to justice in a narrow sense but justice in a broad sense, which includes all areas of life including access to justice for natural resources, access to justice in formal employment relationships and informal, even access to justice and gender equality.

HCD approach is interlinked with empirical legal studies, law and society research, and legal participatory action research. It is worthwhile to situate this interdisciplinary design research among the existing legal research disciplines. HCD supports access to justice programs because researchers empathize with stakeholder communities, seeking to deeply understand those served and to partner with these stakeholder communities to create innovative solutions rooted in people’s actual needs, concerns, and experiences. HCD goals align with approaches to justice that allow all parties affected by an event to address their needs, such as Restorative Justice, which attempts to address the needs of all participants

using a flexible, inclusive, and humanistic approach and values the dignity and security of all parties. People working on bringing innovations or improved services to the justice system have begun to employ human-centered design. HCD links to the concept of procedural justice; it considers the entire experience surrounding a court proceeding as opposed to an exclusive focus on the outcome. Procedural justice asks whether people experience the legal system as fair and dignified, and thus have a sense that the procedures are just. Study results suggest how a person can best use a system to resolve a problem by acknowledging that the quality of a person's experience of the system is a crucial metric by which to judge the system. Whether the justice system feels transparent, fair, and dignified will impact the user's perception of the system and the professionals who work within it.

In fact, this human centered design has been applied and studied by residents several times. However, in the realm of law and access to justice, it is still rare to find people who understand. In fact, this human centered design can be used in the justice system.

C. CONCLUSION

Justice is an important thing in the life of the wider community. Justice is born because of the law that regulates it. Therefore, it is important for the community to know access to justice. The problem of access to justice is a side that seem luxurious for many poor or developing countries. Then, there is the human-centered design approach system, which is one of the studies methodologies that is concerned primarily with user experiences, particularly as individuals interact with systems, services, or programs. HCD supports access to justice programs because researchers empathize with stakeholder communities, seeking to deeply understand those served and to partner with these stakeholder communities. In the reality of law and access to justice, it is still rare to find people who understand.

D. BIBLIOGRAPHY

Indonesia, Instruksi Presiden Nomor 3 Tahun 2010 bertanggal 21 April 2010.

Indonesia, Peraturan Mahkaman Agung Nomor 1 Tahun 2014 tentang Pedoman Pemberian Layanan Hukum Bagi Masyarakat Tidak Mampu di Pengadilan.

Indonesia, Undang – Undang Nomor 25 Tahun 2009 tentang Pelayanan Publik

Margaret D. Hagan. 2018. “A Human-Centered Design Approach to Access to Justice: Generating New Prototypes and Hypotheses for Inter otypes and Hypotheses for Intervention to Make Courts User-Friendly”. Indiana Journal of Law and Social Equality. Vol. 6, Issue 2.