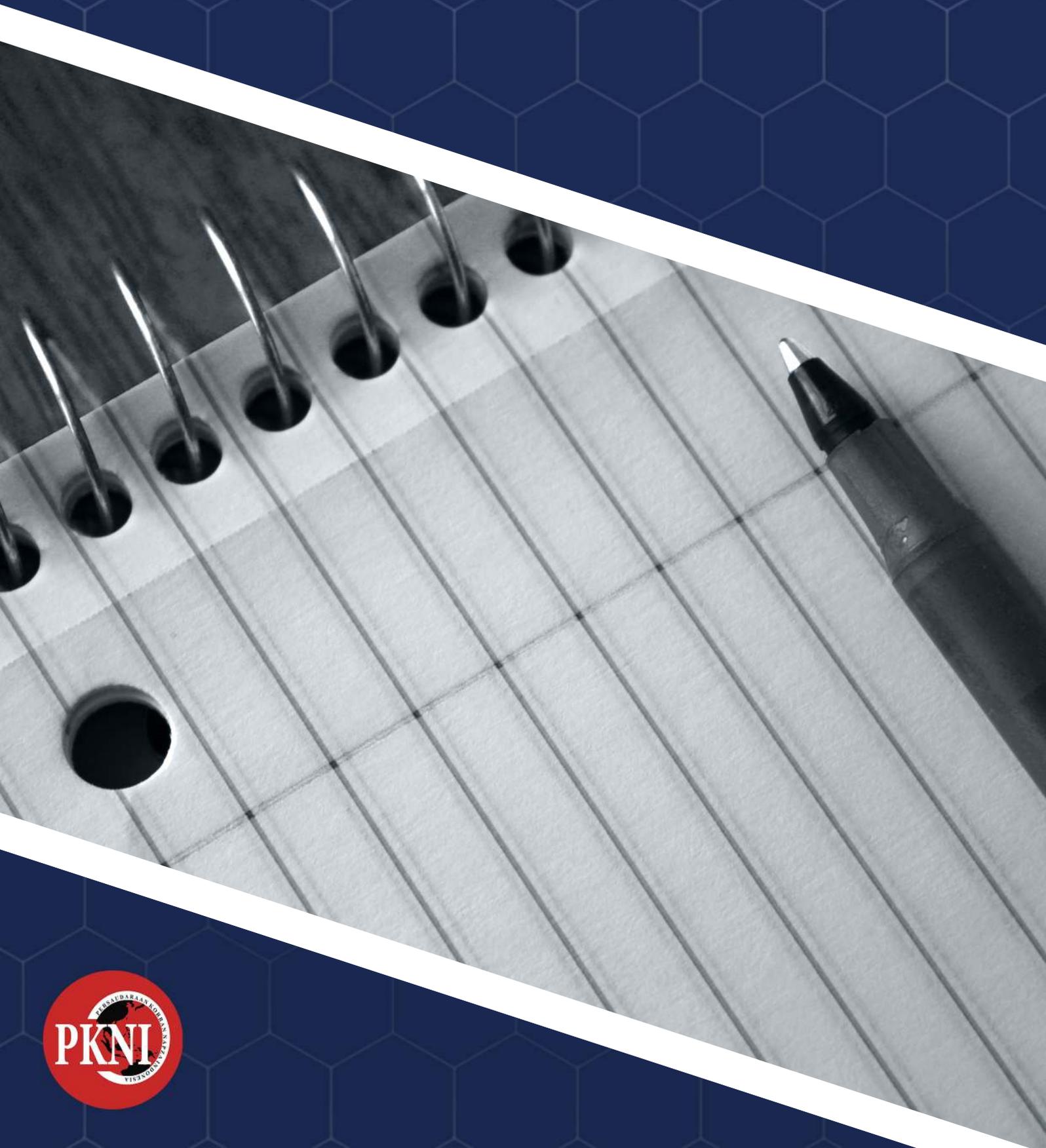


RESEARCH EVALUATION REPORT OF PARALEGAL PROGRAM PKNI

Case Study of Paralegal Program PKNI Jakarta Year 2017

by Student Writer Team of Social Welfare Studies UI



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The problem of drugs in Indonesia as a whole is in a condition of concern. This is due to an increase in drug cases in Indonesia. The increase occurs both in the context of the user, the variations and the number of drugs used up to the context of the victim. Based on data released from the National Narcotics Agency (BNN) clearly shows that the number of drug users is 1.5% of the population or 3.2 million people with a range of 2.9 to 3.6 million people (Puslitkes, 2005) consisting of 69 % of regular use group and 31% of group of addicts with the number of male users 79% and women 21%. Of the regular use groups included in abuse of marijuana by 71%, 50% shabu-shabu, 42% ecstasy and 22% sedative. Of the 75% abusive addict group, the number of heroin / *putaw* abusers is 62%, 57% shabu, ecstasy 34%, and sedative 25%.

In an attempt to prevent the entry of drugs, there are various efforts made by the government. By using the Narcotics Law, the Indonesian government has banned narcotics under the pretext of protecting the younger generation of the nation. As is done by the National Narcotics Agency (BNN) which makes programs that focus on demand reduction and supply reduction, means that efforts are made to reduce the demand and supply of narcotics in Indonesia. In addition, various efforts are made by the government such as establishing a regulatory legislation that regulates criminal charges for drug suspects. But the problem here is the determination of punishment or criminal given to drug users sometimes become biased with drug dealers. Drug users who should be victims too, sometimes get the same treatment with drug dealers that is criminal penalties. It is also regulated in Article 54 of Law Number 35 Year 2009 on Drugs which says that drug users should get rehabilitation instead of criminalized. This is certainly related to the usurpation of the rights that drug users should get. In addition, the

punishment given to the victims is one of the factors that causes the need for differentiation between users and distributors.

In relation to the fulfillment of the rights that the users of the drug need to get, sometimes the users still do not know about what should be their rights. So it can be said that the form of legal assistance to the users of drug is very important. Therefore, Paralegal presents as an aid for the Victims of Medicines to fulfill their rights which they hardly get.

One of the institutions that focuses on the issue of drugs, Persaudaraan Korban Napza Indonesia (PKNI), seeks to provide a form of legal assistance through the program Paralegal. There are still many obstacles faced by the Paralegal Program in the implementation process. Based on these conditions, the authors tries to conduct evaluative writing to see how the process of paralegal program implementation in an effort to achieve the goal of fulfilling the rights of drug victims.

The type of evaluation that we used is formative evaluation and the type of evaluation chosen is an evaluation process that has a focus and emphasis on the implementation of ongoing activities or programs and find out how far and how well the services provided by an institution in implementing the program, and whether the agency do what it's supposed to do.

Based on the results of observations and interviews that have been done in the paralegal program by the author, and continued with the analysis using the theory that the author studied, it can be concluded that there is a link between the theory with what is run in the paralegal program, especially in legal assistance activities. Referring to Law no. 35 of 2009 on Narcotics and Government Regulation no. 25 of 2011 on the Implementation of Reporting Nation Drug Abuser, the addicts / users and victims of Narcotics abuse shall undergo medical rehabilitation and social rehabilitation.

Based on the legal basis that regulates the misuse of drugs, it can be seen that the actual victims of drugs should get the form of rehabilitation because of its status as a victim of the user rather than as a dealer. However, because there is a gap that can still be found in the law that allows an addict or user to be assigned as a perpetrator who must receive a legal verdict as well, not just rehabilitation makes the victims need help from a paralegal to get legal counseling as

what carried out in a PKNI paralegal program that seeks to provide legal assistance to the victims of drugs to get them the rights they ought to have.

With regard to legal assistance, defined as a facilitating process provided by the facilitator to the client in identifying needs and solving problems and encouraging the growth of initiatives in the decision-making process, so that sustainable client self-sufficiency can be realized (Directorate of Social Assistance, 2007: 4). PKNI strives to provide legal assistance activities to the victims of drugs to get their rights as drugs to get rehabilitation and not criminal verdict. In an effort to realize the legal assistance, PKNI created a paralegal program which is a legal assistance conducted by non-lawyers or advocates, but received training or legal skills so as to assist the performance of lawyers or advocates who in this case the form of assistance provided is to refer to LBH (Legal Aid Institution) in the local area, if the victim is required to undergo trial process to fight for their right to get rehabilitation.

In connection with the purpose of paralegals for the fulfillment of the human rights of victims of drugs, which is also described in the logic of this writing model. The author will try to analyze how the process of implementing legal assistance in the PKNI paralegal program in an effort to achieve the goal of fulfilling the human rights of the victims of drugs.

Based on the findings in this paper, there are various aspects seen by the author in the process of implementing legal assistance in the paralegal program as an effort to achieve the goal of fulfilling the human rights of the victims of drug. Aspects that the author found in an effort to support the process of implementing legal assistance to achieve the objectives of fulfilling the human rights of victims of drugs, those are:

1. Mechanism of legal assistance.

In the legal assistance mechanisms undertaken in the Paralegal program, there are several stages to be taken by paralegal members to be able to provide legal assistance to the victims of the drug. These stages include the preparation and selection of legal assistance, legal counseling training, the establishment of legal assistance and the determination of the main tasks and legal counseling status. In this legal counseling mechanism the authors see that there is a genuine effort by PKNI to determine suitable

Paralegals for legal counseling so that the objective of fulfilling the human rights of the victims can be achieved.

2. Criteria of legal assistance that can be said to have good qualifications.

In the aspect of qualified legal counseling criteria, it can be seen that there are indicators that should be fulfilled by paralegals to fulfill the human rights of the victims themselves, ranging from the number of clients, the number of co-workers, the media working with paralegals, the number of LBH and HR and also clients who managed well handled. In addition to the selection of members of the legal assistance is also selected by those who have legal assistance to clients and most of all there is a supporter who can guarantee the implementation of paralegal programs that have been obtained by PKNI.

3. The system used by legal counsel in determining the client.

With regard to the client determination system, what Paralegals do as a whole are very good because through several processes to ensure that the accompanying client is the victim of the user is not a dealer.

4. Activities undertaken in the implementation of legal assistance in the paralegal program.

In relation to the aspects of the activities undertaken, it can be seen that the activism is very supportive in the effort to achieve the fulfillment of the human rights of the victims of drugs. All activities undertaken strongly support the achievement of the objectives of the fulfillment of the human rights of the victim, such as investigating and prior assessment to the client, providing information and education to the client, collecting supporting evidence and finding and ensuring assistance from other parties to assist the client and the last convince police and prosecutors to place clients in rehabilitation facilities

5. Inhibiting factors in legal counseling process.

In this writing, the authors divide the two inhibiting factors in the legal outreach process in outline. The first is the inhibiting factor perceived by a paralegal / legal advocate, the second is the inhibiting factor in the process of legal assistance perceived by clients from Paralegal.

The constraining factor in the legal counseling process by paralegals are, firstly, when paralegals are confronted with legal institutions because of the absence of Paralegal positions in the legal system in Indonesia clearly. Secondly, it is law enforcers that complicate the process by relying on the ignorance of families to get money or ransom or settlement in place that is replaced in a certain amount so that members of their families can be separated, barriers in this case occur as opposed to the value brought paralegal who avoid bribes . Thirdly, many cases have been reported to paralegals so that they are already in phase of the judicial process and the investigation is over, while at the time of the investigation the paralegal has a role to assist. Furthermore, the authors will discuss the inhibiting factors in the process of legal assistance perceived by clients who were accompanied by paralegals. For clients who have completed the period of paralegal assistance as a whole, it can be concluded that the most basic obstacle is the lack of intense communication between clients with their companion (paralegal).

Despite its inherent barriers, the existing barriers can still be resolved by enhancing the capabilities of legal counselors as well as publications of legal advocacy activities for more people to be aware of paralegals.

Based on the analysis, the authors conclude that the whole process of implementation of legal assistance activities conducted in the paralegal program has been running very well and can support the achievement of the objectives of fulfilling the human rights of the victims of drug users with some recommendation notes as follows:

1. Paralegals maximize communication with clients so that clients feel intense communication between Paralegals and clients. It is intended that the assistance provided by Paralegal feels maximal by the client in helping the client solve the problem even with the communication barrier faced by the client.
2. For Paralegals in the future to pay attention to the choice of language in conveying the various strategies and risks that will be faced by the client. This is meant to keep the psychological of the clients who are feeling 'down', to feel optimistic and feel strong to undergo the various processes that go forward.

3. Paralegals provide and emphasize education to families early on the process to be done in detail. This is intended to minimize the increasingly bribery of bribery, and the family is not reckless in making decisions to help or 'rescue' clients.
4. Expanding public knowledge of Paralegals, either through the media or in relationships. This means that the number of victims who will be helped and minimize the cases that have been reported to the paralegal so it has already been to the phase of the judicial process and the investigation is over.

From all the above recommendations, there is one main recommendation that can be given to the author PKNI. The recommendation is to maximize and increase the number of clients assisted by the improvement of services provided. Improved services provided can be done by providing additional education to the legal counselors related to how to intervene at the level of individuals and families well by taking into account the environmental aspects of the client so that mentoring will be done in accordance with the plan and the opportunity emergence of resistance from the smaller clients . This form of educational intervention can be done by involving social workers who focus on interventions at the individual and family level.

With the increasing number of clients assisted each year, and good service quality in accordance with clear and measurable success indicators, the advantages and disadvantages of Paralegal activities will be more easily identified so that the quality of Paralegal activities will be maximized in their service.

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