



## Optimizing the Roles of Posbakum and Islamic Organizations in Medan City for Child Victims of School Violence

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### ABSTRACT

This study examines the optimization of legal aid provision by Islamic organizations' legal aid posts (Posbakum) for child victims of school violence in Medan City, Indonesia. Using a socio-empirical qualitative approach, the research investigates the role of Posbakum in providing legal assistance within the context of existing child protection laws. Data were collected through semi-structured interviews with Posbakum representatives and analysis of relevant legal documents. The study reveals that while Posbakum, particularly Aisyiyah, has made strides in offering legal consultation, aid, and advocacy, its effectiveness is constrained by resource limitations and systemic issues. The research identifies five key areas for optimizing legal aid implementation: incentivizing advocates, adopting an active-responsive-structural approach, ensuring comprehensive judicial access, redefining "free" legal aid, and implementing robust oversight mechanisms. These findings highlight the persistent gap between legal idealism and practical implementation, exacerbated by low legal awareness among the poor, discriminatory practices, and inadequate oversight. The study concludes that a multi-faceted approach, encompassing legislative reform, cultural change, and institutional strengthening, is necessary to enhance legal protection for child victims of school violence. This research contributes to the broader discourse on access to justice and child protection in developing countries, offering both theoretical insights and practical recommendations for policymakers and practitioners.

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## 1. INTRODUCTION

Indonesia ratified the United Nations Convention on the Rights of the Child in 1990. The enactment of Law Number 23 of 2002 concerning Child Protection demonstrates the Indonesian state's commitment to implementing children's rights through action programs, policies, and legal regulations that favor and guarantee children's rights (Kurniasi et al., 2022). However, despite these legal frameworks, the number of acts of violence against children continues to increase. This is evident from data reported by KPAI (Indonesian Child Protection Commission), which recorded a 38 percent increase in cases of violence against children during 2020, with a total of 2,700 cases. Of these, 42-58% of violations of children's rights were sexual crimes against children, while the remainder consisted of cases of physical violence and child neglect (Kemenpppa, 2020). Understanding the severity and categories of such violence requires a closer examination of the definitions and legal frameworks provided by international bodies.

Each country has different definitions and legal regulations concerning children. The United Nations (UN), in the Convention on the Rights of the Child (CRC) or KHA, stipulates the definition of a child as: "Any human being under the age of 18 (eighteen) years, unless, under the law applicable to the child, majority is attained earlier" (Lansdown & Vaghri, 2022). Violence against children is a violation of human rights and a global social and health problem (Ratmaja, 2020). Generally, violence against children is divided into four main categories: physical violence, psychological violence, sexual violence, and neglect. Violence against children can have short-, medium-, and long-term impacts. The immediate effects may include physical injuries, psychological disorders, and health problems. Medium and long-term impacts can include physical disabilities, psychological distress (depression), changes in deviant behavior as adults, and the possibility of becoming an abuser in the future (Garfin et al., 2018).

From an Islamic perspective, the religion commands that children be cared for according to their demands and needs, which is both their right and an obligation for every parent. In Islamic jurisprudence, child-rearing is known as *badanah*, etymologically meaning "to be beside" or "to accommodate." Terminologically, *badanah* refers to caring for and educating someone who has not reached the age of discernment (*mumayyiz*) or who has lost their mental capacity, as they cannot meet their own needs. Hanafi and Maliki school scholars, for example, argued that the right of *badanah* belonged to the mother, such that she could have relinquished her right. However, according to the majority of scholars (*jumhur ulama*), *badanah* is a shared right between parent and child (Nuruddin & Tarigan, 2004).

The high level of violence that often occurs against children is, ironically, frequently perpetrated by those closest to the child, whether by parents, relatives, neighbors, society, or even by someone considered to have charisma in society. The violence experienced by children occurs due to their vulnerable position both physically and psychologically (Hibatullah & Mulyani, 2014). The existence of Legal Aid Posts (Posbakum) in Islamic women's organizations in the city of Medan is a form of proselytizing development, which is a vision for Islamic women's organizations that have Posbakum in Medan. Posbakum, as stipulated in Law No. 48 of 2009 concerning Legal Aid and SEMA No. 10 of 2010 concerning Guidelines for Providing Legal Aid, encourages Islamic women's organizations in Medan, as a Women's movement that seeks law enforcement and justice for perpetrators of violence against children, to take a stand by establishing Posbakum to respond to the reality of rampant violence against children.

From a human rights protection perspective, children have the same rights as other human beings, which are inherent from birth. However, in reality, children are a vulnerable group and often the biggest victims of violence, exploitation, and other discriminatory treatments. Such vulnerability and discriminatory treatment have resulted in a lack of self-confidence, hindering children from participating in social activities and other strategic activities across all fronts of development. Therefore, an integrative approach that prioritizes promotive, preventive, curative, and rehabilitative efforts is needed to fulfill the rights of children, especially victims of violence.

The Center for Child Studies and Protection noted that Medan City is the area with the highest incidence of violence against children. The head of PKPA Medan, Misran Lubis, reported that 526 children were victims of violence from 458 cases in North Sumatra between January and July 2019 (Sirait et al., 2019).

The high rate of violence against children was also highlighted by the North Sumatra Women's Empowerment and Child Protection Service (PPPA). The high rate of violence against children was also highlighted by the North Sumatra Women's Empowerment and Child Protection Service (PPPA). The head of the North Sumatra PPPA Office, Nurlela, stated that sexual violence against children is the most common case found in North Sumatra. The distribution of child violence cases handled by PKPA Medan was heavily concentrated in Medan City with 58 cases (82.8 percent), followed by Binjai City with six (6) cases, Serdang Bedagai Regency with five (5) cases, and Tanjung Balai city and Siantar with one (1) case each.

Medan city, as one of the third largest cities in Indonesia, with a diverse social structure and multicultural society, is characterized by intense interactions among its people. Given the large number of schools spread across the city of Medan, both public schools and faith-based schools such as Islamic schools, these institutions often become fertile grounds for the occurrence of violence against children. This situation has triggered efforts by Islamic women's organizations in Medan to minimize violence against children in schools. Based on empirical evidence, it is revealed that children are a group particularly vulnerable to violence. There are many factors that contribute to violence against children, including the perception that violence is commonplace and within the rights of the perpetrator. Violence against children is generally applicable and has no relevance to the type of education, employment, income, social standing, religion, creed, ethnicity, or race inherent to the perpetrator. Violence against children is an act of violation of human rights and is a social and health problem throughout the world (Garfin et al., 2018).

This article aims to explore and address several issues, namely how the role of Posbakum and Islamic organizations can meet community demands for the need for legal protection for children who experience violence at school.

## **2. METHODS**

This research examines the role of Islamic organizations' legal aid posts in Medan city in providing legal assistance to child victims of school violence. It is a socio-empirical study, categorized as sociological-empirical research using a qualitative approach. The focus is on social and legal phenomena within society, specifically the role of Islamic organizations' legal aid posts in Medan city in offering legal aid to children who have experienced violence in educational institutions.

The research methodology employs empirical methods, directly engaging with subjects and respondents to gather primary data. The study utilizes both a socio-legal approach and a conceptual approach, the latter aimed at comprehending fundamental concepts related to legal aid posts, violence against children, and child legal protection. Primary data is collected through interviews with Islamic Organizations' Legal Aid Posts (Posbakum) in Medan City and analysis of Law Number 23 of 2002 concerning Child Protection. Secondary data is derived from legal materials that elucidate primary legal materials, obtained through literature reviews pertinent to the research problem.

Data collection is conducted using interview and documentation methods. The instruments employed include interview grids, document data, and library materials concerning the role of Islamic organizations' legal aid posts in Medan city in providing legal assistance to child victims of school violence. The interview technique utilized is semi-structured.

The data analysis follows the technique developed by Miles and Huberman, comprising three stages: data reduction, data display, and conclusion drawing. Data reduction involves selecting, focusing, simplifying, abstracting, and transforming written data from field notes. Data display is the process of organizing and structuring data to facilitate conclusion drawing (Arfa, 2010).

### **3. RESULTS AND DISCUSSION**

#### **Theoretical Framework and Its Implementation in Optimizing the Role of Posbakum in Medan**

The research on optimizing the role of Legal Aid Posts (Posbakum) of Islamic organizations in Medan City in providing legal assistance to child victims of school violence can be analyzed through a comprehensive theoretical lens that encompasses legal aid theory, legal certainty, *mashlahah* principle, and the constitutional guarantees of equal treatment before the law.

The legal aid theory proposed by Frans Hendra Winarta provides a strong conceptual foundation for understanding the function and significance of Posbakum. Winarta defines legal aid as "a special legal service provided to the poor who require free defense, both outside and inside the courts, criminally, civilly and administratively, from someone who understands the ins and outs of legal defense, legal principles and rules, and human rights" (Huda & Azzahro, 2023). This definition aligns with the mission of Posbakum of Islamic organizations in Medan, which aims to provide legal assistance to child victims of violence in schools, especially those from underprivileged families.

The theory of legal certainty proposed by Sudikno Mertokusumo (2010) emphasizes the importance of guaranteeing that the law is implemented and that rights guaranteed by law can be obtained. Mertokusumo states that "legal certainty is a guarantee that the law is carried out, that those who are entitled according to the law can obtain their rights and that the judgment can be implemented". In the context of this research, Posbakum's efforts to provide legal assistance to child victims of violence represent a manifestation of the principle of legal certainty.

The theory of *mashlahah*, rooted in Islamic thought, particularly as proposed by Imam al-Ghazali, is also relevant to this analysis. Al-Ghazali asserts that "any *mashlahah* that contradicts the Qur'an, sunnah or ijma' is void and must be discarded far away. Any benefit consistent with the act of Sharia must be accepted for consideration in the establishment of Islamic law" (Al-Ghazali,

n.d.). In the context of child protection, the efforts of Posbakum of Islamic organizations in Medan align with the principle of *mashlahah*, which aims to safeguard well-being and prevent harm.

Furthermore, the provision of legal assistance is grounded in the constitutional principle of equality before the law. As stated in the Universal Declaration of Human Rights, "everyone has the right to recognition everywhere as a person before the law" and "all are equal before the law and are entitled without any discrimination to equal protection of the law" (Itasari, 2020). This principle is also enshrined in the Indonesian Constitution, specifically in Article 27 paragraph (1) and Article 28D paragraph (1), which guarantee equal treatment before the law for all citizens.

The legal guarantees provided by the constitution create a legal relationship between the state and its citizens, encompassing both rights and obligations. As defined, "A right is an authority or power conferred by law," while "an obligation is a burden or dependent that is contractual (Fried, 2015)." In the context of legal aid, this relationship is manifested in the obligation of advocates to provide free legal assistance to indigent justice seekers, as stipulated in Article 22 of the advocate law.

The integration of these theories with the research findings provides a deeper understanding of the role and potential of Posbakum in the context of child protection in Medan. Although the research indicates that the implementation of Posbakum Aisyiyah has assisted in providing legal aid, it also reveals that efforts are still needed to improve the quality and quantity of resources possessed by Posbakum. This demonstrates that while the theoretical framework supports the importance of legal aid, legal certainty, the achievement of *mashlahah*, and equal treatment before the law, its practical implementation still faces challenges. Therefore, optimizing the role of Posbakum requires not only theoretical support but also practical commitment from various parties, especially the government and society, to enhance the effectiveness of legal protection for child victims of violence in schools.

### **Problems in Providing Legal Aid**

The provision of legal aid in the community faces significant challenges that hinder its effective implementation, ultimately preventing the realization of access to law and justice for the poor. Research conducted in five locations has identified several key problems. First, there is a non-functioning normative legal framework for providing legal aid. As Satjipto Rahardjo in Roux (2018) aptly stated, "The law that was created and never carried out has essentially ceased to be a law". Second, there is a lack of legal awareness among the poor, which can lead to law-breaking or exploitation, often by those in law enforcement or government positions. Third, access to justice is frequently reduced to a mere formality, as illustrated by the sarcastic phrase "the sword eye of the law is sharper than the upwards," indicating that the sense of justice does not reach the lower classes while favoring those of higher social status. This issue is compounded by errors in the application of law and legal subjects (errors in persona) made by judges, a phenomenon known as perverted justice (Raharjo et al., 2015).

Fourth, discrimination and complicated procedures in legal aid funding present significant obstacles. While funding is crucial for the provision of legal aid, the Legal Aid Law imposes complex terms and procedures that often favor larger legal aid organizations (LBH). The accreditation process for accessing legal aid funding has the potential for discrimination, as

evidenced by the fact that only 310 organizations were declared qualified in 2013 (Lutfiyah, 2021). This complicated and potentially discriminatory process can lead to ineffective absorption of national legal aid funds, forcing many advocates and LBHs to seek alternative funding sources. Finally, there is a notable absence of oversight in the application of legal aid. The legal aid of law does not adequately provide for supervision mechanisms, which are crucial for maintaining the balance and integrity of legal aid services. This lack of oversight can potentially lead to misuse of state funds or compromise the quality of legal aid provided to the poor (Valvi, 2023). These issues collectively undermine the effectiveness of legal aid provision and hinder the realization of equal access to law and justice for disadvantaged communities in Indonesia.

The issues in providing legal aid in Indonesia reflect the gap between legal idealism and its implementation in practice. This can be analyzed through various legal theories and expert opinions. The non-functioning normative legal framework, as alluded to by Biroli et al., (2022), demonstrates the disparity between "law in books" and "law in action" proposed by Pound (1910). This situation also emphasizes the importance of "living law" introduced by Ehrlich and Ziegert (2017), where law should reflect actual practices in society (Irianto, 2021; Kesuma, 2019; Malloy, 2024; Nelken, 1984; Sukmana et al., 2023; Tan, 2022).

The lack of legal awareness among the poor is closely related to the concept of legal consciousness studied by Ewick and Silbey (1998). It also indicates a failure to fulfill what Fuller termed the "internal morality of law," particularly in making laws known to those affected (Nicholson, 1974; Tucker, 1965). Meanwhile, access to justice as mere formality reflects the critique from critical legal studies of law as a tool for maintaining social hierarchies, as proposed by Unger (1977). The phenomenon of "perverted justice" also aligns with Galanter's (Galanter, 1974)(1974) concept of the "haves" always coming out ahead in the legal system.

Discrimination and complicated procedures in legal aid funding contradict the rule of law principle articulated by Dicey (1885, 2017), which emphasizes that laws should be clear, ascertainable, and non-retrospective. This also challenges the fundamental principle of equality before the law. The absence of oversight in the application of legal aid relates to Kelsen's concept of "grundnorm" or basic norm in his Pure Theory of Law (Ahwoi, 1978; Bindreiter, 2002; Ofori, 1982; Raj & Noorani, 2020). Without adequate supervision, the effectiveness and legitimacy of the entire legal aid system are compromised. This situation also touches on Hart's concept of secondary rules, particularly rules of adjudication, which are crucial for the effective functioning of a legal system (Blackshield, 1962; Colvin, 1978; Guest, 1969).

Overall, these problems reflect a failure in meeting what Fuller identified as the "eight routes of failure for any legal system." Particularly relevant are the failures to make rules understandable, to make rules known to the public, and the incongruence between rules as announced and their actual administration. This situation also illustrates the imbalance among the three elements of the legal system proposed by Friedman (1987, 2017, 2021): substance (laws), structure (institutions), and legal culture.

To address these issues, a comprehensive approach is needed that considers not just the letter of the law, but also its spirit and actual impact on society, particularly the most vulnerable groups. This includes efforts to increase legal awareness, simplify procedures, strengthen oversight, and ensure equal access to justice for all segments of society. Thus, the provision of legal aid in Indonesia can be more effective in realizing the principles of justice and equality before the law.

## Optimization of the Implementation of Legal Aid Provision

Based on Article 27 Paragraph 1 of the 1945 Constitution and Law No. 16 of 2011 concerning Legal Aid, which emphasizes that every citizen has the right to legal protection without discrimination. However, it should be noted that the implementation of legal aid in practice in society is less than optimal because it still has various systematic problems that have an impact on minimal access to law and justice for the poor. Lack of resources, both budget and human resources, as well as complicated bureaucracy are the main obstacles. In addition, many underprivileged people do not have adequate knowledge about their legal rights and how to obtain legal aid. The impact is unequal access to legal services, limited advocacy, and structural barriers in the legal system that tends to be complex and unfriendly to the general public. Weak economic conditions also make the poor unable to pay for professional legal services, making them more vulnerable to injustice and oppression (Sunggara et al., 2021). Therefore, an idea is needed that can solve the problem in the application of providing legal assistance to the poor, so that the realization of *access to law and justice* is not just a myth or a sweet promise made by the state. Referring to the definition and strategy of realizing *access to law and justice*, there are several efforts in optimizing the implementation of legal assistance for the poor as follows.

1. Stimulants for Advocates/LBH in Providing Legal Assistance. According to the World Organization of Advocates, the BAR Association, stimulants are one way to make advocates willing to consciously provide legal assistance, because repressive means are not effective in resuscitating advocates providing legal assistance. This stimulant method is done like holding an award to inspire other advocates to provide legal assistance to the poor. Based on this, this method is an alternative way to solve the first problem.
2. Active, Responsive and Structural Legal Assistance. The urgency in changing the orientation of legal aid to be active, responsive and structural is necessary because of a limitation of clients (poor people) who do not have the knowledge and awareness of the law and budget provided by the court and the state. Being active-responsive means that advocates must be more aware of the needs of clients (poor people) When there are legal problems without having to wait for the requests of clients, law enforcement officials, or courts. Structural here means that advocates in providing legal assistance are not only to solve problems in court (legal counsel), but advocates / LBH make their clients understand the law more so that structural legal awareness is created, this puts advocates in addition to legal counsel as well as legal mentors.
3. The Preservation of All Access to the Judiciary. When the advocates/LBH have agreed that the legal aid orientation must be active, responsive and constructual, it will undoubtedly become an untouched all access to justice (such as courts of first instance, appeals, cassations, or review), meaning that clients can exercise their full right to access law and justice.
4. Purifying the Meaning of Free in the Provision of Legal Aid. The provision of free legal assistance is not impossible, when a policy and procedure mechanism can be changed to make it easier to absorb legal aid funds, both from the STATE BUDGET, APBD and the court (Supreme Court). These changes can be started from accreditation procedures and mechanisms for absorbing legal aid funds to be facilitated without reducing quality, so that they can be accessed by every advocate / LBH and advocate organization. The convenience provided can be in the form of creating a branch office / institution that takes care of the absorption of legal aid funds in each city / regency because so far the absorption of funds must be taken care of at regional offices located in the province, in addition to waiting for the formation of branches

in each city / regency can be combined with maximizing online, both through the system and human resource training. When the accreditation procedure and the mechanism for absorbing legal aid funds have been facilitated, it is not impossible, the realization of the meaning of free in providing legal assistance to the poor. This means that advocates / LBH will not hesitate in providing legal assistance for free, because the absorption of funds can help revive their work activities.

5. Supervision in the Implementation of Legal Aid Provision Starting from the absence of supervision in the application of legal aid both normatively and implementation in the community, it is necessary to have a supervision system to supervise several components of the application of legal aid. The supervision includes, whether or not the provision of legal assistance is carried out, whether or not access to justice is used, the performance of advocates or LBH in providing legal assistance, in this case of course opinions from the public and clients who have been recipients of legal assistance, and the last supervision regarding the absorption of funds that see whether or not the funds used for legal aid purposes are appropriate, so as not to embezzle or corruption of legal aid funds. After the material in the supervision is known, what is no less important is the supervisor, which can consist of the government, advocate organizations and the public. Based on this, if the idea of 5 (five) efforts in optimizing the provision of legal assistance for the poor has been accepted and carried out, then it is not impossible *to realize access to law and justice* for the poor.

The optimization of legal aid implementation in Indonesia, as outlined in this sub-section, reflects a systematic effort to address the disparity in access to justice for the poor. The five proposed strategies—providing incentives, adopting an active-responsive-structural approach, preserving access to all levels of the judiciary, refining the meaning of "free" legal aid, and implementing oversight—offer a comprehensive framework that warrants further analysis.

The strategy of providing incentives to Advocates/Legal Aid Organizations reflects an understanding that incentives can be important drivers in increasing the participation of legal professionals in legal aid. This aligns with rational choice theory in the sociology of law, which posits that individuals tend to make decisions based on cost-benefit analysis. However, this approach also raises questions about the long-term sustainability and intrinsic motivation of advocates.

The active, responsive, and structural approach to legal aid signifies a paradigm shift from a passive legal aid model to a more proactive one. This is consistent with the concept of "access to justice" developed by Mauro Cappelletti (2013) and Bryant Garth (2021), which emphasizes the importance of removing barriers to access to justice. However, implementing this approach may require significant changes in existing legal culture and professional practices.

The preservation of access to all levels of the judiciary represents an effort to ensure comprehensive procedural justice. This reflects the principles of due process of law and equality before the law. However, the challenge lies in the allocation of limited resources and the potential overload of the judicial system.

Refining the meaning of "free" in the provision of legal aid demonstrates an awareness of the complexities of legal aid funding. The proposal to facilitate accreditation procedures and the absorption of legal aid funds reflects a pragmatic approach to this issue. However, this also raises questions about the potential for misuse and the efficiency of resource allocation.



Lastly, the emphasis on oversight in the implementation of legal aid indicates an awareness of the importance of accountability. This aligns with the principles of good governance in public administration. However, designing an effective oversight system without creating excessive bureaucracy is a challenge in itself.

Overall, these strategies reflect a holistic approach to optimizing legal aid. However, their implementation will require systemic changes involving institutional reform, changes in legal culture, and significant resource allocation. Furthermore, the effectiveness of these strategies needs to be evaluated in the context of Indonesia's socio-economic and political realities.

The main challenges in implementing these strategies lie in inter-agency coordination, policy consistency, and funding sustainability. Additionally, there needs to be a parallel effort to improve public legal literacy and address structural barriers in the justice system.

In the broader context, this optimization of legal aid implementation can be seen as part of a larger legal reform agenda in Indonesia. It reflects efforts to realize the principles of the rule of law and social justice as mandated by the constitution. However, its success will largely depend on political commitment, active participation of civil society, and transformation of legal culture in Indonesia.

#### **4. CONCLUSION**

This study has examined the optimization of legal aid implementation for child victims of school violence in Medan City, focusing on the role of Islamic organizations' legal aid posts (Posbakum). The research reveals several key findings and implications for policy and practice. Firstly, the study demonstrates that while legal frameworks for child protection and legal aid exist in Indonesia, their implementation faces significant challenges. The Posbakum of Islamic organizations, particularly Aisyiyah, has shown potential in providing legal assistance through consultation, legal aid, and advocacy. However, the effectiveness of these services is hampered by resource limitations and systemic issues within the legal aid system. Secondly, the research identifies five critical areas for optimizing legal aid implementation: providing incentives for advocates, adopting an active-responsive-structural approach to legal aid, preserving access to all levels of the judiciary, refining the concept of "free" legal aid, and implementing robust oversight mechanisms. These strategies align with theoretical frameworks of legal aid, legal certainty, and the Islamic principle of *mashlahah*, offering a holistic approach to addressing the complexities of legal aid provision. Thirdly, the study highlights the persistent gap between legal idealism and practical implementation, echoing the disparity between "law in books" and "law in action" noted in legal sociology. This gap is exacerbated by a lack of legal awareness among the poor, discriminatory practices, and inadequate oversight in legal aid provision. The findings underscore the need for a multi-faceted approach to legal aid optimization that goes beyond legislative reform to include cultural and institutional changes.

This approach should prioritize increasing legal literacy, simplifying legal aid procedures, strengthening inter-agency coordination, and ensuring sustainable funding mechanisms. In conclusion, while the current state of legal aid for child victims of school violence in Medan City reveals significant challenges, the potential for improvement through strategic optimization is evident. Future research should focus on evaluating the implementation of the proposed optimization strategies and their impact on access to justice for vulnerable children. Additionally,

comparative studies with other regions or countries could provide valuable insights for further improving Indonesia's legal aid system. These findings contribute to the broader discourse on access to justice and child protection in developing countries, offering both theoretical insights and practical recommendations for policymakers, legal practitioners, and civil society organizations engaged in legal aid provision.

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## 6. REFERENCES

- Ahwoi, K. (1978). Kelsen, the Grundnorm and the 1979 Constitution. *U. Ghana LJ*, 15, 139.
- Arfa, F. A. (2010). *Metodologi Penelitian Hukum Islam*. Citapustaka Media Perintis.
- Bindreiter, U. (2002). *Why grundnorm?: a treatise on the implications of Kelsen's doctrine* (Vol. 58). Springer Science & Business Media.
- Biroli, P., Galama, T. J., von Hinke, S., Van Kippersluis, H., Rietveld, C. A., & Thom, K. (2022). The economics and econometrics of gene-environment interplay. *ArXiv Preprint ArXiv:2203.00729*.
- Blackshield, A. R. (1962). Hart's concept of law. *Archiv Für Rechts-Und Sozialphilosophie*, 48, 329–341.
- Cappelletti, M. (2013). *Civil procedure in Italy*. Springer.
- Colvin, E. (1978). The Sociology of Secondary Rules. *The University of Toronto Law Journal*, 28(2), 195–214.
- Dicey, A. V. (1885). *Lectures Introductory to the Study of the Law of the Constitution* (Issues 43445–43449). London: Macmillan.
- Dicey, A. V. (2017). *Lectures on the relation between law and public opinion in England during the nineteenth century*. Routledge.
- Ehrlich, E., & Ziegert, K. A. (2017). *Fundamental Principles of the Sociology of Law*. Routledge. <https://doi.org/10.4324/9780203791127>
- Ewick, P., & Silbey, S. S. (1998). A case study of legal consciousness. *Droit et Culture*, 35, 23–41.
- Fried, C. (2015). *Contract as promise: A theory of contractual obligation*. Oxford University Press, USA.
- Friedman, L. M. (1987). The Constitution and American Legal Culture. . . *Louis ULJ*, 32, 1.
- Friedman, L. M. (2017). Law, lawyers, and popular culture. In *Popular Culture and Law* (pp. 3–30). Routledge.
- Friedman, L. M. (2021). *Legal Culture and the Legal Profession*. Routledge.
- Galanter, M. (1974). Why the haves come out ahead: Speculations on the limits of legal change. *Law & Soc'y Rev.*, 9, 95.
- Garfin, D. R., Thompson, R. R., & Holman, E. A. (2018). Acute stress and subsequent health outcomes: A systematic review. *Journal of Psychosomatic Research*, 112, 107–113. <https://doi.org/10.1016/j.jpsychores.2018.05.017>
- Garth, B. G. (2021). Legal revolutionaries at yale in a time of political and social change. *Revista de Estudos Institucionais*, 7(2), 814–828.

- Guest, S. F. D. (1969). Hart's Primary and Secondary Rules. *Otago L. Rev.*, 2, 417.
- Hibatullah, & Mulyani, W. (2014). Impact of Child Violence on Children's Mental Health. *Proceeding of the 1st International Conference on Social Science and Education*, 1(1), 412–417. <https://jurnal.fkip.uns.ac.id/index.php/icsse/article/view/13254>
- Huda, M., & Azzahro, M. Z. (2023). Peran Bantuan Hukum Bagi Masyarakat Miskin Melalui Pos Bantuan Hukum (Posbakum) di Pengadilan Agama Bantul Tahun 2020. *Innovative: Journal Of Social Science Research*, 3(2), 6564–6574. <https://doi.org/10.31004/innovative.v3i2.1115>
- Irianto, S. (2021). Legal Education for The Future of Indonesia: a Critical Assessment. *The Indonesian Journal of Socio-Legal Studies*, 1(1), 1.
- Itasari, E. R. (2020). Equality and non discrimination principles in providing rights with disabilities. *Jurnal Komunikasi Hukum (JKH)*, 6(2), 534–541. <https://doi.org/10.23887/jkh.v6i2.28101>
- Kemenpppa. (2020). *Peta Sebaran Jumlah Kasus Kekerasan Menurut Provinsi Tahun 2020*. SIMFONI-PPA Kementerian Pemberdayaan Perempuan Dan Perlindungan Anak Republik Indonesia. <https://kekerasan.kemenpppa.go.id/ringkasan>
- Kesuma, D. A. (2019). State Responsibility to Provide a Free Legal Aid Access for the Poor and the Obstacles in the Implementation. *The Indonesian Journal of International Clinical Legal Education*, 1(3).
- Kurniasi, N. F., Sumardi, J., & Sakharina, I. K. (2022). Elimination of Violence Against Children During the Covid-19 Pandemic based on the United Nations Convention on the Rights of the Child (UNCRC 1989). *Khazanah Hukum*, 4(2), 154–169. <https://doi.org/10.15575/kh.v4i2.19350>
- Lansdown, G., & Vaghri, Z. (2022). *Article 1: Definition of a Child* (pp. 407–412). [https://doi.org/10.1007/978-3-030-84647-3\\_40](https://doi.org/10.1007/978-3-030-84647-3_40)
- Lutfiyah, K. (2021). Equality before the law principle and the legal aid for the poor: an Indonesian insight. *The Indonesian Journal of International Clinical Legal Education*, 3(4), 517–536. <https://doi.org/10.15294/ijicle.v3i4.48292>
- Malloy, T. H. (2024). The Law of Diversity and Indonesia's Village Law: Creating Procedures for Completeness in Diverse Societies. *Brill's Asian Law Series*, 95.
- Mertokusumo, S. (2010). *Mengenal Hukum: Suatu Pengantar Edisi Revisi*. Cahaya Atma Pustaka.
- Nelken, D. (1984). Law in action or living law? Back to the beginning in sociology of law1. *Legal Studies*, 4(2), 157–174.
- Nicholson, P. P. (1974). The internal morality of law: Fuller and his critics. *Ethics*, 84(4), 307–326.
- Nuruddin, A., & Tarigan, A. (2004). *Hukum Perdata Islam di Indonesia: Studi Kritis terhadap Perkembangan Hukum Islam dan Fikih*. Kencana-Prenadamedia Group.
- Ofori, A.-M. (1982). Kelsen, the Grundnorm and the 1979 Constitution-A Rejoinder. *U. Ghana LJ*, 16, 160.
- Pound, R. (1910). *The Law and the People*.
- Raharjo, A., Angkasa, A., & Bintoro, R. W. (2015). Akses Keadilan Bagi Rakyat Miskin (Dilema dalam Pemberian Bantuan Hukum oleh Advokat). *Mimbar Hukum-Fakultas Hukum Universitas Gadjah Mada*, 27(3), 432–444.
- Raj, P., & Noorani, M. S. (2020). Applicability of Hans Kelsen's 'Grundnorm'. *Issue 2 Int'l JL Mgmt. & Human.*, 3, 559.
- Ratmaja, I. G. S. D. (2020). Perlindungan Hak Asasi Manusia Anak terhadap tindak Pidana Kekerasan dalam Kajian Peraturan Perundang-undangan. *Jurnal Komunikasi Hukum (JKH) Universitas Pendidikan Ganesha*, 6(1), 20–35. <https://doi.org/10.23887/jkh.v6i1.23434>
- Roux, T. (2018). Indonesia's Judicial Review Regime in Comparative Perspective. *Const. Rev.*, 4. [https://heinonline.org/hol-cgi-bin/get\\_pdf.cgi?handle=hein.journals/consrev4&section=20](https://heinonline.org/hol-cgi-bin/get_pdf.cgi?handle=hein.journals/consrev4&section=20)
- Sirait, N. N., Ikhsan, E., & Siregar, M. (2019). Increasing identity and community awareness in Medan City about victim rights of sexual violence. *ABDIMAS TALENTA: Jurnal Pengabdian Kepada Masyarakat*, 4(2), 837–841. <https://doi.org/10.32734/abdimestalenta.v4i2.4239>

- Sukmana, T., Ashari, Z. S., & Darmawan, Y. (2023). Responsive Law and Progressive Law: Examining the Legal Ideas of Philip Nonet, Philip Selznick, and Sadjipto Raharjo. *Peradaban Journal of Law and Society*, 2(1), 92–106.
- Sunggara, M. A., Meliana, Y., Gunawan, A. F., & Yuliana, S. (2021). Penerapan dan Pemberian Bantuan Hukum bagi masyarakat Kurang mampu. *Jurnal Solusi*, 19(2), 138–154.
- Tan, D. (2022). Revisiting Pound's Law in Action and Ehrlich's Living Law to Find the "Gap": A Compilation of Lecture Notes. *Journal of Judicial Review*, 24(2), 225–238.
- Tucker, E. W. (1965). The morality of law, by Lon L. Fuller. *Indiana Law Journal*, 40(2), 5.
- Unger, R. M. (1977). *Law in modern society*. Simon and Schuster.
- Valvi, E.-A. (2023). The role of legal professionals in the European and international legal and regulatory framework against money laundering. *Journal of Money Laundering Control*, 26(7), 28–52. <https://doi.org/10.1108/JMLC-12-2021-0139>