

COMMUNICATION STRATEGY OF BANDUNG LEGAL AID INSTITUTE (LBH) TO RESOLVE CASES OF HUMAN RIGHT VIOLATIONS IN TAMANSARI BANDUNG

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ABSTRAK

Permasalahan kasus pelanggaran hak asasi manusia yang berhubungan dengan penggusuran lahan di Indonesia dinilai masih sering terjadi dan menimbulkan kerugian bagi korban penggusuran. Kerugian yang dialami oleh korban penggusuran paksa selain kerugian materil juga mengalami kerugian secara psikis. Penelitian ini bertujuan untuk mengetahui, “Bagaimana Strategi Komunikasi Lembaga Bantuan Hukum (LBH) Bandung Dalam Upaya Menyelesaikan Kasus Pelanggaran HAM di Tamansari Kota Bandung, dan fokus penelitian bertujuan untuk mengetahui, “Bagaimana Strategi Komunikasi Lembaga Bantuan Hukum (LBH) Bandung Dalam Upaya Menyelesaikan Kasus Pelanggaran HAM di Tamansari Kota Bandung. Teknik analisis data yang digunakan dalam penelitian ini adalah kualitatif dengan paradigma konstruktivisme. Data penelitian ini menggunakan *purposive sampling* dengan mengambil dua informan dari Lembaga Bantuan Hukum Bandung. Hasil penelitian menunjukkan bahwa strategi komunikasi mulai dari tahapan analisis dan research, perumusan kebijakan, perencanaan program pelaksanaan, kegiatan komunikasi dipergunakan semuanya oleh LBH Kota Bandung.

Kata Kunci: *Strategi Komunikasi, Pelanggaran HAM, Lembaga Bantuan Hukum Bandung.*

ABSTRACT

The problem of cases of human rights violations related to land evictions in Indonesia is considered to still occur frequently and cause losses for victims of evictions. The losses suffered by the victims of forced evictions in addition to material losses also suffered psychological losses. This study aims to find out, "How is the Communication Strategy of the Bandung Legal Aid Institute (LBH) in Efforts to Resolve the Case of Human Rights Violations in Tamansari City of Bandung, and the focus of the research aims to find out, "How is the Communication Strategy of the Bandung Legal Aid Institute (LBH) in Efforts to Resolve Cases Human rights violations in Tamansari, Bandung City. The data analysis technique used in this research is qualitative with constructivism paradigm. The data of this study used purposive sampling by taking two informants from the Bandung Legal Aid Institute. The results showed that the communication strategy starting from the analysis and research stages, policy formulation, implementation program planning, communication activities were used by Bandung Legal Aid Institute.

Keywords: *Communication Strategy, Human Right Violations, Bandung Legal Aid Institute*

1. INTRODUCTION

In daily life and in the state some rights must be respected by all humans without exception, namely human rights. Human rights are rights inherent in every individual and these rights cannot be contested by anyone and must be respected. In its implementation, there are often violations of human rights that occur, carried out by individuals or groups.

Examples of human rights violations that are currently unresolved starting from the new order, namely

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1. The kidnapping of activists in 1998. The kidnapping of activists in 1998 is a violation of human rights in the form of enforced disappearances.
2. The murder of Munir, an activist who actively fought for human rights. Munir died while traveling by plane to Amsterdam, the Netherlands.
3. The Trisakti Tragedy. The Trisakti tragedy occurred on May 12, 1998. In this tragedy, four students died as a result of being shot, including Hafidin Royan, Elang Mulia Lesmana, Hertanto, and Hendriawan Sie.

Human rights violations that occurred in the past and have not been resolved until now, will become a problem if it is not resolved.

YLBHI as a Legal Aid Institute that also handles various human rights issues continues to oversee the fulfillment of rights for everyone without exception in realizing justice for the community. The Indonesian Legal Aid Foundation (YLBHI) noted that there were 16 cases of expropriation of community land by unscrupulous companies involving security forces. From 2 March to 2 May 2020, YLBHI recorded 16 cases of community land grabbing. The sectors affected are still around plantations, forestry, infrastructure, mining, and tourism. As a result of the confiscation, currently, at least 70 families have lost their land and more than 900 families will lose their land in the current pandemic situation.

Legal aid offices in Indonesia received reports of complaints of agrarian conflict cases which reached 300 cases in 16 provinces with an area of conflict land reaching 488,404.77 hectares. In all cases of this agrarian conflict, there were 367 human rights violations committed by various actors.

The number of Legal Aid Institutions in Indonesia under the auspices of the Indonesian Legal Aid Foundation (YLBHI) is 17 institutions spread across several regions in Indonesia. Banda Aceh Legal Aid Institute, Medan Legal Aid Institute, Padang Legal Aid Institute, Pekanbaru Legal Aid Institute, Palembang Legal Aid Institute, Bandar Lampung Legal Aid Institute, Jakarta Legal Aid Institute, Bandung Legal Aid Institute, Semarang Legal Aid Institute, Legal Aid Institute Yogyakarta, the Surabaya Legal Aid Institute, the Denpasar Legal Aid Institute, the Makassar Legal Aid Institute, the Manado Legal Aid Institute, the Papua Legal Aid Institute, and most recently the Palangkaraya Legal Aid Institute, the Samarinda Legal Aid Institute. (Source <https://ylbhi.or.id/> accessed 31 July 2021 at 20.30)

One of the legal issues that often causes conflict is related to human rights violations, namely cases related to land disputes. Land disputes that occur often lead to conflicts between individuals and individuals or individuals and groups. In the process of settlement in court often do not get satisfactory results. The Ministry of Agrarian Affairs and Spatial Planning/Indonesian State Land Agency recorded 9000 cases related to land disputes that occurred until October 2020.

Based on data from the website of the National Human Rights Commission, the highest number of complaints regarding defense-related human rights violations was in 2020 with a total of 208 complaints, compared to 30 other criteria. Violation of human rights cannot be justified for any reason because it is a form of violation of the law and can be processed and prosecuted.

The author chose to take the city of Bandung because on December 11, 2020 the city of Bandung received an award from the Ministry of law and human rights of the Republic of Indonesia as a city that cares about human rights, but on 12 December 2020, the eviction that occurred in Tamansari Bandung was suspected of violating human rights. in the eviction process, this is in contrast to the award that was won by the City of Bandung as a City that Cares for Human Rights.

Human rights violations that occurred in Tamansari during the eviction process are a social problem that occurs in Indonesia. The issue of land disputes in Indonesia is a problem that always exists from year to year and always causes prolonged conflict and often human rights violations in the process of land dispute execution. This happens because of excessive actions carried out by the security forces in the execution process, causing acts of brutality carried out by the security forces to communities experiencing conflict and, in the process, arise human rights violations that occur. Bandung Legal Aid Institute as a non-governmental organization is present to provide legal assistance for those who are need legal assistance for free. Bandung Legal Aid Institute also held a program called KALABAHU. Held in 2018 and 2019 for students to raise public concern about the importance of human rights in society.

conduct research on the communication strategies of Bandung Legal Aid Institute because the communication strategy carried out by Bandung Legal Aid Institute was interesting because many steps were taken such as the dissemination of information through social media and through offline in the time before the Covid-19 pandemic. This can be proven by the active publications conducted by legal aid agencies in providing understanding about human rights and helping to solve legal problems experienced by the community. The research method used is qualitative descriptive with the paradigm of constructivism because researchers want to get in-depth and comprehensive information to get the facts of reality that occur.

Based on the background described above, the author conducted a study with the title **Communication Strategy of Bandung Legal Aid Istitute (LBH) to Resolve Case of Human Right Violation in Tamansari Bandung.**

2. BASIC THEORY

2.1 Communication

In the sense of communication must have the same meaning as the origin of the word communication sourced from latin, namely communis. The word communication is a conversation that must contain information, persuasive so that others can understand clearly and can carry out an activity from the results of communication that occurs. (Effendy, 2009:9).

Harold Laswell (1972) in the communication encyclopedia J-O (2014: 389) explains the way communication can occur with or can be interpreted that communication is a process between communicators and communicant through a system that can produce a reaction that will occur.

2.2 Communication Strategy

The word strategy comes from the classical Greek "statos" meaning soldier and the word "agein" which means lead. The birth of the word strategy is because in the past it was used to destroy opponents with the concept of war. The word strategy also continues to develop from time to time, not only to carry out military purposes but to a broader function (Canggara, 2013: 64).

Marthin-Anderson (1968) formulating strategy is an art in which it involves the ability of intelligence or mind to bring all available resources in achieving goals by obtaining maximum and efficient profits (Canggara, 2013: 64).

According to Philip Lesly there are two main components in the preparation of communication strategies. The two main components are Organization and Public (Cangara, 2013: 74). However, in this study only uses organizational components because the focus of this research is on identifying the stages of communication strategies carried out by the Bandung Legal Aid Institute.

The organization in this case is, that is, the moving. Organization of activity management can be in the form of government agencies, social organizations, or private companies. Organizations or institutions need special

skills that can overcome a communication problem that arises, such as marketing needs, imaging, or cooperation activities with other stakeholders. In the organizational component there are four steps as a basis in achieving the public as an audience and the organization itself. These four steps are as follows:

a. Analysis and Research

According to KBBI Analysis is an activity carried out to find out the actual situation by investigating an event. While research according to KBBI is an activity to increase knowledge and understanding, get new facts, or to make a good interpretation by conducting a systematic, critical, and scientific investigation of a problem. In planning communication activities, analysis and research are used as the first step to find out or diagnose and identify problems that occur. This is what underlies a communication planning analysis to be able to solve or fix problems that occur.

b. Policy Formulation

After knowing what to do, we can formulate the policy to be used. Policy formulation according to experts in Azzahro (2013: 10) is a way to solve a problem by using the best alternatives to existing alternatives, this policy formulation is usually made by policy actors to solve the problem at hand. In Philip Lesly's communication strategy, the stages of policy formulation are accompanied by the design of the strategy of activities to be carried out. The draft strategy should include communication activities as well as the strategies to be implemented.

c. Implementation Program Planning

In the planning of the implementation program has been determined the resources to be driven, including energy, funds, and facilities that can support an activity takes place.

d. Communication Activities

Communication activities are a step in providing information by using mass media to disseminate information massively to the public.

Source: Hafied Cangara. Planning & Communication Strategy Book, 2013 Communication is a process that occurs every day in social life, but in its implementation is not easy because there is still a mistake understanding in communicating.

2.3 New Media

New Media or commonly called new media is a form of change in the development of information and communication technology that is converging into digital form technology connected to the network (Mahyuddin, 2019). Tentang new media, where new media will not be separated from the old media. Before the formation of new media, the birth and development of media originally began from the old media. The existence of new media that is currently during society will not replace the old media, it's just that the change in the form of media variants that change because of new innovations in the rapid development of technology.

2.4 Online Media

Online media is a media product in the third generation, after print media and electronic media. Online media is part of online journalism which is interpreted as a reportage in the form of coverage of a fact or event produced and published over the internet. (Syamsul, 2015:34).

2.5 Human Right Violation

According to Sutiyo (2016: 84), understanding human rights is a right that exists in humans from was born that should not be taken by others and must be maintained and respected, and protected by everyone including the state. Human rights are inherent rights and cannot be overturned because human rights include protection for human individuals. (Nasution, 2018:91).

In general, there are two types of human rights violations:

1. Gross human rights violations are human rights violations that threaten a person's life. Based on Indonesian Law No. 26 of 2000 concerning Human Rights Courts, it is divided into 2, namely:

- a) Crime of Genosida

It is a violation of human rights with the aim of eliminating or destroying a tribe, religion, or race.

- b) Crime against humanity

It is a human rights violation with the purpose of murder, slavery, forcible expulsion, torture, rape, sexual crimes, and persecution. Human rights violations are carried out systematically and widely and detrimental to many individuals or communities.

2.6 Legal Aid

Legal aid consists of two words, "help" and "law", the word help itself understands providing help. And the word law understands the rules that exist in society.

(Ishaq. H, 2008: 70) It can generally be interpreted that legal aid is assistance providing services to:

1. Provide legal advice that is being experienced.
2. Act as a legal companion for people who are unable or legally blind.

The definition of legal aid has different characteristics and terms (Harahap, 2002: 334), namely:

- 1) Legal aid

Legal aid is a system that is regulated to provide legal assistance for people who cannot pay lawyers financially so that legal assistance is present for underprivileged communities who are experiencing cases in law. So, legal aid understands helping in the field of law to someone who is having a case related to the law where this is:

- a) The provision of legal assistance services is done free of charge.
- b) This assistance is more given to people who cannot afford it.
- c) The motivation of legal aid is to uphold the law and uphold justice for all communities.

- 2) Legal assistance

Legal assistance is more about the work of legal advisors or called lawyers. As legal counsel can provide advice for people who are experiencing cases for everyone who is experiencing cases related to the law. A legal advisor can be a lawyer for the underprivileged as well as those who are financially able.

- 3) Legal service

Clarence J. Diaz introduced this term "Legal service" (Sunggono & Harianto, 1994: 9) has a broader meaning of legal services as a form of service by the legal profession to the community with the intention of ensuring that no one in society is guaranteed his rights to legal advice.

3. RESEARCH METHOD

Qualitative research is a research method by exploring and understanding the meaning of social problems that occur. This research process involves many important efforts, such as asking questions, collecting specific data, analyzing data inductively, and interpreting the meaning of data. In its preparation, the report is structured in a flexible framework. (Creswell, 2016:5).

This study uses descriptive research methods. Descriptive has meaning that is done using variables one to another, as well as looking for data in coherence used to deepen the theory. Descriptive method is a method to explain a phenomenon in accordance with the reality of the situation and conditions that occur. (Ibrahim, 2015: 59).

According to Bogdan and Biklen, descriptive approaches to qualitative research methods are the type of approaches in which the data obtained by researchers is in the form of words or images and does not emphasize numbers. The data collected after further analysis is made in the form of descriptions so that it is easy to be understood by others (Sugiyono, 2017: 7).

Qualitative research was chosen because researchers want to know a specific and in-depth problem and purpose and learn how the phenomenon occurs and is interrelated between the conflicts that occur in this case the residents of Tamansari and the Bandung City Government who will carry out evictions by building a series house program in tamansari neighborhood.

With this method, researchers only need to describe the reality of the object that is studied comprehensively and in accordance with the facts that occur (Ibrahim, 2015: 59).

4. RESEARCH RESULT

4.1 Analysis and Research

The problem in Tamansari began when the Bandung City Government will build a series house in the Tamansari area and issued a Perwal on 16 Juni 2017 with No. 665 of 2017 on the temporary relocation of residents related to the Tamansari series house construction project. Then on 26 September 2017 Out SK DPKP3 on the determination of building compensation, relocation mechanism, and implementation of series houses in budgeting year 2017. Compensation is regulated in the Decree of the Housing and Land Settlement Area and The First City of Bandung (DPKP3) No. 538.2/1325A/DPKP3/2017.

But in the process of residents in Tamansari disagree the series house because it feels detrimental to the residents who live. So that the citizens conducted a lawsuit on 7 December 2017 at the Bandung Administrative Court with case number 152 / G / 2017 / PTUN. BDG.

(DPMPTSP) The Office of Investment and Integrated Services of One Door Bandung City issued an environmental permit issued with Number 0001 / ILP / V / 2018 / DPMPTSP on 19 July 2018 to the Housing Office of Residential, Land, and First (DPKP3) for the construction of Tamansari Series House. But Tamansari residents again sued on 31 July 2019 to the State Administrative Court in Bandung with case number 80 / G / LH / 2019 / PTUN. BDG.

On 11 December 2019 the residents of Tamansari get a letter to vacate their land or house from the Bandung City Satpol PP which will carry out land executions on 13 December 2019. However, on 12 December 2019 the Satpol PP and the Bandung Police. Without the consent of the residents of Tamansari, the goods were transferred to Rusunawa Rancacili. As a result of the movement of goods resulted in the loss of many people's belongings.

The problem occurred because the eviction process that occurred was not carried out in accordance with procedures and compensation processes that were not in accordance with the wishes of the residents and felt detrimental to the residents of Tamansari, so they rejected the series house program carried out by the Bandung City Government.

The way Bandung legal aid institute in obtaining and collecting data such as monitoring on the ground, testimonies from victims, and testimonials from clients of Bandung Legal Aid Institute. Who is tasked in collecting data is all staff from LBH Bandung, and in the process of collecting data it takes approximately 7 days. After the data was collected conducted by the Bandung Legal Aid Institute is to report to Komnas HAM, Komnas Perempuan, Indonesian Child Protection Commission, Indonesian Ombudsman, Ministry of ATR / BPN. The resolution of the conflict problem that occurred between the residents of Tamansari and the Bandung City Government through the legal lawsuit process in PTUN Bandung city which is still ongoing to this day. The lawsuit process was carried out by Tamansari residents accompanied by the Bandung Legal Aid Institute.

Based on the results of the above research, the stages of analytical research conducted by the Bandung Legal Aid Institute consist of an analysis of the Decree of the Housing and Land Settlement Area and The First Of Bandung City (DPKP3) No. 538.2/ 1325A / DPKP3 / 2017. Analysis of DPMPTSP environmental license number 0001/ILP/V/2018/DPMPTSP. Collecting the loss of goods from the missing Tamansari residents and the collection of residents affected by the eviction.

4.2 Policy Formulation

Policy formulation is very influential as a first step in taking an action that will be done later. The formulation of the policy carried out by the Bandung Legal Aid Institute is to assist citizens to conduct legal proceedings to the Bandung City Administrative Court starting in 2017 until now.

The system of punishment and supervision to suspect of human rights violations in this case more done by police who work very ineffectively because it will be difficult when we report to the police that there are members who have been violent to the citizens when riots occur or conflict occurs it will be difficult for us to do the first report of the difficulty is to identify the actor because one of the channels for complaint that Propam requires for every citizen. Because who wants to report provide information such as the name of the suspect but in yesterday's case 2019 the police committed the act of violence could not be identified who his name. One way to identify through name tags but the problem when riots occur unit of Sabhara one of their gear or equipment. The vest covers the name, etc. It also caused some reports to Propam to be constrained because of the difficulty of identifying the perpetrators, the second question about the punishment system does not give a deterrent effect because it is only subject to ethical sanctions where we do not know what the second ethical sanction is even though we can already identify the suspect when it is reported that we repeatedly report but never follow up the extent of the report and what sanctions are given to the police members who violate it. This leads to repeated practices and is never resolved because there is a surveillance system until the sanctions system is not enough.

Based on the above explanation, in terms of the determination of the policy carried out by Bandung Legal Aid Institute is to make a lawsuit to the State Administrative Court (PTUN) of the City of Bandung related to objections to the construction of series houses in the Tamansari area and reporting to state agencies against the alleged mall administrative.

4.3 Implementation Program Planning

research on the planning of the implementation program conducted by Lembaga Bantuan Hukum Bandung consisting of legal and environmental education with the community, facilitation training, reunification, launching books before the plane takes off, West Java paralegal schools, legal aid training works, community paralegal meetings, consolidation of the network of legal aid organizations and legal faculties throughout Greater Bandung, meeting of a network of legal aid organizations throughout West Java, social justice training for

advocates of legal aid organizations, sane study houses, psychosocial posts of victims of mayday violence, mobile legal aid, virtual trial assistance of unilateral dismissal of Hong Kong migrant workers, human rights training of narcotics and HIV sexual orientation groups.

4.4 Communication Activities

communication activities conducted by the Bandung Legal Aid Institute are very diverse ranging from discussion programs through the live instagram platform with followers on Instagram currently around 8,500 followers, as well as on twitter with a number of followers of approximately 6,300, as well as on the official website of the Bandung Legal Aid Institute which publishes about research records and also field records about the cases they handle. In addition, the Bandung Legal Aid Institute has a podcast on spotify in which there is content about politics and legal science that they want to spread through podcasts on the spotify application. All communication activities are carried out in the framework of widespread dissemination of information. In addition to understanding human rights, Bandung Legal Aid also conduct a process of transparency to the public regarding the cases they handle.

5. CONCLUSION

Based on the results of research on "Communication Strategy of Bandung Legal Aid Institute (LBH) in An Effort to Solve Cases of Human Rights Violations in Tamansari Bandung" which has been analyzed in the previous chapter, the author draws the following conclusions:

Communication Strategy of Bandung Legal Aid Institute (LBH) to Resolve Case of Human Right Violation in Tamansari Bandung There are 4 elements, namely analysis and research, policy formulation, implementation program planning, and communication activities. In the organizational component of the analysis and research elements there are human rights violations in the eviction process in the Tamansari area that result in material and psychic losses. In the element of policy formulation of bandung legal aid institutions, the steps taken by the Bandung Legal Aid Institute in the form of reports to the human rights commission, the Indonesian ombudsman, KPAI, women's commissions. In the planning element of the implementation program provides a program statement conducted by LBH Bandung to educate the public to understand the calmness of human rights in the form of public discussions, kalabahu programs, and legal. The program is expected to be a step for awareness of the wider community about the importance of respecting human rights. The fourth element is communication activities, where the dissemination of information carried out by the Bandung Legal Aid Institute by using social media platforms such as Instagram, Twitter, website, and Spotify. Social media is used because in the current era is the digital era, so it becomes one of the effective ways to spread information widely.

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