

The urgency of establishing paralegals at the regional level as a preventive legal instrument for environmental protection

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Abstract

Social welfare and ecological balance must be harmonized. One of the primary factors contributing to this issue is the lack of public legal awareness and limited access to legal aid. In this regard, the establishment of regional-level paralegals is crucial as a strategic effort to prevent and mitigate environmental damage through community-based legal empowerment. This study aims to examine the urgency of establishing regional paralegals as a preventive legal instrument. Using a normative approach, this research analyzes the relevant legal frameworks. The primary normative references are the Regulation of the Minister of Law and Human Rights No. 3 of 2021 and Law No. 32 of 2009. The study also investigates the role of Legal Aid Institutes in developing paralegals in areas vulnerable to environmental degradation. Previous research indicates weaknesses related to low community awareness concerning environmental damage. The findings demonstrate that paralegals play a strategic role as intermediaries between the community, the government, and law enforcement in achieving environmental justice. They function not only as legal educators but also as facilitators in environmental mediation and as legal information gatherers at the grassroots level. The presence of paralegals will encourage preventive actions against environmental damage. Equipped with adequate legal knowledge, advocacy skills, and ethical guidance, paralegals serve as agents of social change who strengthen environmental law enforcement. In conclusion, this study highlights that the establishment of regional paralegals is an urgent necessity to enhance environmental protection and improve legal literacy.

Keywords

Paralegal, Environmental justice, Community empowerment

Introduction

The issue of environmental protection in Indonesia continues to show increasing conditions in line with the acceleration of development, the expansion of extractive industries, and urbanization. The development also raises new problems such as environmental conflicts, forest destruction, and pollution. The government has

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implemented regulations on the environment, which are regulated in Law No. 32 of 2029 concerning Environmental Protection and Management (PPLH Law), which has provided space for community participation through social supervision, providing suggestions/objections, complaints, and the delivery of information/reports. There is a reality in the region that raises the question of the implementation gap between normative arrangements and the ability of communities to exercise their right to participate [1]. Many residents affected by pollution and environmental destruction still experience obstacles in reporting [2]. There are many people who do not understand the importance of reporting and have the opportunity to become victims of criminalization by the state [3]. This condition is exacerbated by the power relationship between the complainant and the reported, further increasing the risk of criminalization. These conditions make community participation less and make people indifferent to environmental damage conditions [4]. This if left unchecked, will result in serious environmental damage, because the law enforcement process after severe damage occurs. Paralegal to strengthen community access in environmental protection efforts. The mention of paralegals is often associated with legal aid, but paralegals have a role not only to provide legal assistance.

The state has provided a regulatory basis for paralegals under the coordination of BPHN which is regulated through the Minister of Justice of the Republic of Indonesia No. 34 of 2025 concerning Paralegals in the Provision of Legal Aid. Paralegals who come from the residential environment have social closeness to the residents, so that paralegals can carry out the function of a bridge between the community and the government [5]. The existence of paralegals can carry out their functions such as helping to identify environmental problems, collecting initial evidence, to assisting in the use of complaint channels and coordinating with legal aid organizations. This urgency is even more evident when it is associated with the environmental complaint mechanism that has been technically regulated through the Ministry of Environment and Forestry regulations. For example, the rules regarding the procedures for the management of complaints of alleged pollution/destruction of the environment and/or forest destruction which if understood by the community are quite confusing [6]. Legal provisions that should be a guideline for complainants should be able to regulate the scope of complaints, as well as emphasize the principles of transparency, participation, accountability, speed and simplicity [7]. The formulation of the problem in this study is the urgency of the formation of paralegals in the regions in law enforcement against environmental damage.

There is a previous study titled Legal Review of the Role of Paralegals in the Provision of Legal Aid After the Supreme Court Decision No. 22P/Hum/2028, in this study it affirms the role of paralegals in providing legal aid after the Supreme Court Decision No. 22/Hum/2018. In this study, it is explained that if paralegals are legitimate to provide legal assistance in a non-litigation manner and paralegals are limited to assisting legal duties of advocates in litigation cases, the difference with this study is that it discusses more

about the urgency of the formation of paralegals in mitigating environmental damage [8]. Second, the research with the title Paralegal Position in Legal Assistance, this research focuses on the position of paralegals in legal assistance in the Legal Aid Law only limited to non-litigation assistance, while in this study the author focuses more on the urgency of paralegals in environmental law enforcement [9].

The novelty in this study is that it gives rise to a new concept of the role of paralegals in law enforcement against environmental destruction. This concept is new and first because so far the role of paralegals has been focused on assisting human victims, in this research paralegals can be a solution in law enforcement in environmental damage that often occurs in the region. Related to this writing, the author has conducted research related to paralegals, besides that the author is also often a speaker at paralegal training in Yogyakarta.

The purpose of this research is to find out the urgency of the formation of paralegals in the region and to find a form of legal protection for paralegals who provide assistance. It is hoped that this study can provide an overview of the importance of paralegals in law enforcement and legal assistance to the community who are environmental activists.

Method

This research uses a normative legal research method (doctrinal research) that views law as a norm or rule that regulates human behavior in society [10]. The approach used includes a statute approach, this approach is more towards using regulations as a method of solving problems, conceptual approach, conceptual approach, conceptual approach is to use legal concepts in solving problems and comparative approach, namely by using a comparative approach with other legal systems [11]. The legal materials consist of primary legal materials used including Law Number 32 of 2009 concerning Environmental Protection and Management, Law Number 1 of 2023 concerning the 2023 Criminal Code, as well as regulations related to paralegals in the legal aid system. Secondary legal materials are books, articles from national and international legal journals that discuss paralegals, access to justice, public participation, and SLAPP. The analysis was carried out qualitatively with legal interpretation and argumentation methods.

Results

The results of the study show that there is a gap between the normative regulation of community participation in the PPLH Law and the ability of the community to implement it at the regional level. There is a provision in the PPLH Law related to the reporting mechanism, but it is found that the community is afraid if they have to report environmental damage. Limited legal and administrative capacity causes the community to fail to interpret the environmental complaint mechanism so that the supervision

function by the community becomes not optimal as a preventive instrument. There are a number of environmental activists who do not understand the adoption process so that they are at risk of being targeted for criminalization. This study also found that public participation in environmental protection is still vulnerable to criminalization and SLAPP, even though normatively there is protection in Article 66 of the PPLH Law. In addition, the study found that the recognition of living law in Article 2 of the National Criminal Code strengthens the need for companion actors at the local level to ensure that the implementation of norms is in line with human rights principles and national law. Therefore, paralegals are important to be formed in every area that is prone to environmental damage as one of the efforts to become a means that can assist the community in protecting the environment.

The results of the study show that although the environmental law framework has provided space for community participation through social supervision and complaints, its implementation at the regional level still faces various obstacles. Limited legal literacy and access to legal aid make it difficult for people to use environmental law mechanisms effectively. In addition, public participation in environmental issues is also still vulnerable to criminalization and silencing through Strategic Lawsuit Against Public Participation (SLAPP). In these conditions, paralegals at the regional level have a strategic role in strengthening the preventive function of environmental law by assisting the community from the early stages of alleged environmental damage

Discussion

In modern environmental law theory, the prevention of criminal acts is the main principle underlying environmental protection and management [12]. This principle emphasizes that preventive measures must be taken before the occurrence of permanent and irreversible environmental damage. The results of this study show that the formation of paralegals at the regional level is in line with the preventive principle, because paralegals work in the early stages of alleged pollution or environmental destruction. The fact that law enforcement is running after severe environmental damage is proof that prevention efforts have not been carried out optimally [13] [14]. Prevention efforts are considered more necessary because the damage is not severe, so environmental conditions will be easier to fix [15]. The level of public awareness of the impact of environmental damage is also expected to increase if there are paralegals [16].

In contrast to repressive law enforcement which only runs after damage has occurred [17]. The role of paralegals functions in the early stages by helping the community detect indications of damage [18], do the initial documentation [19], as well as encouraging the use of environmental complaint mechanisms based on the provisions of the PPLH Law. In this context, paralegals play a role as an instrument to support the effectiveness of environmental law, not as a formal law enforcer, but as a driver of community-based prevention. These findings complement previous studies that focused more on litigation in the form of an emphasis on environmental criminal and civil sanctions. The existence

of paralegals is a form of problem-solving offering based on a prevention approach based on community empowerment [20].

This study also shows that there is still a record of low levels of public participation. Public participation is one of the main pillars in the environmental protection system as regulated in Law Number 32 of 2009 concerning Environmental Protection and Management. However, previous studies have shown that community participation is often formal, and people tend to be more passive in waiting for the state to take action [21]. This condition is still not effective due to the limited legal capacity experienced by the community [22]. The results of this study confirm these findings and at the same time provide a new perspective on the role of paralegals as a substantive public participation amplifier. This research strengthens the role of paralegals in efforts to prevent environmental destruction and strengthens the existence of a form of protection for the community in fighting for the environment.

Paralegals at the regional level have an important role in improving people's legal literacy, especially related to rights and obligations to environmental protection, complaint procedures, and social supervision mechanisms. The existence of paralegals in society not only helps people to know their rights normatively, but also to be able to use these rights practically and safely [23]. This reinforces the view that effective public participation requires companion actors who are able to bridge the complexity of the law with the social realities of society [24]. When compared to previous research that positioned the community as a passive actor in environmental law enforcement, the findings of this study show that paralegals can transform the position of the community into an empowered active subject [25]. The paralegal position not only strengthens public participation, but also encourages community awareness of environmental management at the local level.

One of the important findings in this study is the role of paralegals as intermediaries between the community and the environmental legal system [26]. Paralegals who come from the local community have a social closeness and contextual understanding of the environmental problems faced by the community [1]. This proximity allows paralegals to identify problems more accurately and build public trust. In the context of environmental law, this trust is an important factor so that the community dares to report and be involved in environmental supervision [27]. These findings provide a new perspective on paralegal studies, which were previously more focused on the issue of conventional legal aid. Paralegal in this case can contribute significantly to environmental law enforcement through the functions of education, complaint facilitation, and collection of legal information at the grassroots level [28].

This discussion also relates the results of the research to the issue of environmental defender protection, in this case paralegals, especially in the context of Strategic Lawsuit Against Public Participation (SLAPP). Many studies have highlighted weak protections for communities and environmental activists who conduct environmental complaints or advocacy [29]. Although normatively there are protection provisions in

Article 66 of the PPLH Law, its implementation still faces various obstacles, in practice there are still often criminalization attempts. The results of this study show that paralegals can play an important role in mitigating SLAPP risks from the early stages [30]. Paralegals have the right to immunises in fighting for their environment. Paralegals only need to ensure that complaints and advocacy are carried out in an orderly procedure and evidence-based, during the shelter process, the paralegal has the right to immunity and cannot be prosecuted either criminally or civilly. Paralegals help reduce the criminalization gap against environmentalists. In this case, paralegals serve as an initial layer of protection before the community comes face-to-face with the formal legal process [31]. Paralegals have a close relationship with Legal Aid Institutions, so that with this connection, it will further increase the level of justice for the community.

When compared to previous research that emphasized the protection of environmental defenders through litigation mechanisms, the findings of this study offer a preventive approach through paralegal assistance [32]. This approach does not replace the role of advocates or legal aid agencies, but complements them with protection in the early stages of public participation. Paralegals have a role to strengthen the community's struggle in defending the environment. Paralegal is not only limited to providing non-litigation assistance but also strengthens the social structure of the community.

By linking the role of paralegals with the principles of prevention, public participation, and protection of environmental defenders, this research provides an argumentative basis for strengthening the policy of paralegal formation at the regional level. This contribution is expected to be a reference for the development of environmental law policies that are more inclusive, equitable, and oriented towards preventing environmental damage from an early stage.

Conclusion

The formation of regional paralegals is important as a form of community development towards the law, especially for preventive efforts to protect the environment. Based on the results and discussion of this study, it can be concluded that paralegals have a strategic position in bridging the gap between the normative regulation of environmental law and the reality of limited community capacity at the local level. Paralegals solve community problems in understanding the rights and obligations of environmental conservation. Paralegals can detect early indications of pollution and destruction, as well as oversee the complaint mechanism so that it runs effectively, so that environmental pollution can be avoided. Paralegals have an important role in strengthening public participation through legal education efforts which will be the main pillar of environmental protection. The existence of paralegals will further increase efforts to prevent environmental damage. Paralegals also contribute to creating a balance of power relations between society, business actors, and the state.

Acknowledgement

The formation of paralegals in the regions is an urgent need as a preventive legal instrument. Based on the results and discussion of the research, it can be concluded that paralegals have a strategic position in bridging the gap between the normative regulation of environmental law and the reality of limited community capacity at the local level. Paralegals help the community in understanding their rights and obligations towards the environment. Paralegals can oversee the complaint mechanism if problems occur and participate in advocacy so that complaints can run effectively. With paralegal assistance, community participation is not only formal, but also substantive and oriented towards the prevention of environmental damage. Paralegals are a tangible form of assistance by the community to the community, paralegals can strengthen the position of the community.

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