

ETHNOGRAPHY OF LEGAL AID POST-ROOM: A REVIEW OF EQUALITY IN LEGAL SERVICES AT THE SURABAYA RELIGIOUS COURT

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Abstract

This article explores the opportunities and difficulties that exist for affective control in the Legal Aid Post-Room of the Religious Court (Pengadilan Agama) of Surabaya. Humans and non-human entities coexist in this space, entwined in a relational way to be present together. The ethnographic methodology was selected to get empirical data gathered via five months of observation and interactive discussion. Regarding interpersonal relationships, language use, and the physical space of the Legal Aid Post or Pos Bantuan Hukum (Posbakum), the paper contends that Legal Aid workers, informants, and guests are all intertwined. The research findings show ethnographically the atmosphere of the service and reporting process in the Posbakum space as part of the performance in the theater of equality and non-discrimination to demonstrate the sympathetic attitude of Legal Aid officers towards informants. These findings ultimately affirm the presence of emotional atmospheres at certain moments in the Posbakum space, necessitating officers to exhibit creativity. The focus on linguistic expressions to approach feelings and atmospheres in the Posbakum space, in turn, can affect the quality of service. The role of material arrangement, semantic content, and affective experience is utilized to serve the impoverished community in shaping their experiences in seeking justice and the semantic content of what is said. The design and atmosphere of the Posbakum Room make every complainant feel comfortable and familiar with sharing information with the officers. The contribution of this research is in the discussion of equal, inclusive, and non-discriminatory legal services with an ethnographic approach to spatial design.

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Introduction

The state strives to provide Legal Aid space for people experiencing poverty to gain access to Legal Aid Posts or Pos Bantuan Hukum (Posbakum), where applicants and plaintiffs can resolve their cases. Law Number 16 of 2011 on Legal Aid; Government Regulation (PP) Number 83 of 2008 on Requirements and Procedures for Providing Free Legal Aid; Supreme Court Circular Letter (SEMA) Number 10 of 2010 on Guidelines for Providing Legal Aid, this SEMA was replaced by Supreme Court Regulation No. 1/2014 on Guidelines for Providing Legal Services for the Poor in Court, and eventually issued Circular Letter of the Director General of Religious Courts of the Supreme Court No. 0508.a/DjA/HK.00/III/2014 on Technical Guidelines for the Implementation of Supreme Court Regulation No. 1/2014 on Guidelines for Providing Legal Services for the Poor in Court. All of them regulate the establishment of Posbakum in every court, whether the Supreme Court, High Court, or District Court. This state presence is essential to help people experiencing poverty gain adequate access to justice, as not everyone can afford to pay legal aid fees (O'Neil & Prescott, 2019).

All people are protected by human rights when dealing with legal issues and there should be no discrimination in seeking justice in the real world and justice in the virtual world (Rutkowski, 2021), so they have the same right to obtain justice both in filing applications, complaints, and lawsuits (Berman & Feinblatt, 2005), this is following articles 7, 8, 9, 10, and 11 of the Universal Declaration of Human Rights (UDHR), but not all of them have the money to pay for legal counsel or legal training (Sarat, 2017). Everyone should be able to access the justice system, so that the ideal of equal justice under the law can be enjoyed by everyone, including the poor. When poor people litigate in court or outside of court, legal aid plays an important role in obtaining justice in criminal, civil, and administrative cases. When they are in the judicial process, there must be a guarantee of equality, objectivity, fairness and openness (Amartya, 2017).

However, it is essential to remember that judicial jurisdiction makes studying the socio-legal constitution through different levels of related power structures possible. Following the policy and legal objectives set out in this country's constitution, the poor are positioned micro and macro in institutional structures and public discourse to protect their human rights (Lanang Putra Perbawa & Perbawa Sukawati, 2020). People experiencing poverty try to get Legal Aid services, which are expensive because they cannot afford to pay advocates to assist or fight in the court process later (Salamor, 2018). The highly organized law practice involves people experiencing poverty in the judicial process. They reflexively replicate and stabilize it as an object of knowledge and are also used as reference points in courtroom interactions and individual performance. As a result, these conflicts must be incorporated into the societal level and considered in empirical research (Mann, 1983).

Researchers seem to pay little attention to the observation of Legal Aid for poor space in the Court from an ethnographic perspective. Research in the Posbakum currently leads to the role, implementation, and effectiveness of its services. In Indonesia, scholars are also keen to conduct courtroom research, research conducted by Aan Widodo at the District Court in Jakarta observed patterns of interruptions (communication breakdowns) and analyzed the dynamics of interactions in the courtroom, including the types of interruptions, frequency, context, and function and their meaning in Indonesian culture and legal system. The study also examined courtroom layouts that reflected the power hierarchy and social status of the parties involved (Widodo, 2019). Research on Posbakum has been carried out, such as Eka Susylawati and Siti Musawwamah who describe Posbakum services at the Sampang Religious Court by the Letter of the Director General of Religious Courts of the Supreme Court No.

0508.a/DjA/HK.00/III/2014, little research describes the Posbakum service room which is one with the court waiting room (Eka Susylawati & Siti Musawwamah, 2023). Hardianto in his research only describes the service procedures carried out by Posbakum officers at the Palopo Religious Court and the Palopo District Court without showing how they work in the service room (Hardianto, 2020). Rosita described the lack of facilities and infrastructure owned by Posbakum at the Class I B Watampone Religious Court, such as not having a separate room or the absence of computers (Rosita, 2019). Sugimin and Siti Ngainnur Rohmah assessed that service recipients easily accessed the Posbakum Room at the Tangerang District Court and could be served by the officers. The officer will provide a form to be filled out by service recipients who want to get legal assistance by submitting a certificate of incapacity. The officer asks about the needs and needs desired by the service recipient (Sugimin & Rohmah, 2022). Previous studies have not focused on ethnographic research in the Posbakum Room, which should be interesting to study because it will present an atmosphere that is no less dramatic than in the courtroom. The setting and atmosphere in the Posbakum Room presents the routines and performances of various actors. They conduct dialogue to fulfill their respective interests by considering the various roles, hierarchies, cultures, and legal ideologies involved (Walenta, 2020).

Research Method

This study used ethnographic methodology (Atkinson, 2001), intensive participatory observations, and in-depth interviews. This study seeks to capture symbolic meanings, patterns of interaction, as well as identity and power constructs formed in processes within Posbakum, participatory observations conducted intensively, and in-depth interviews conducted during five months (August-December 2023) at Religious Court (Pengadilan Agama) of Surabaya. This narrative plays an essential role in this context and is strongly influenced by the construction of normality for constructing women's roles in the courtroom (Gathings & Parrotta, 2013).

Results and Discussions

Posbakum Room and Physical Arrangement

The courtroom and litigation practice are spaces for creating processes that, until recently, received little attention from investigators (Benson, 2014). Therefore, the courtroom is considered a scary one for everyone who enters it, an atmosphere and geography that has never been imagined and felt before so it needs to adapt quickly to obtaining justice through the trial process (Turner & Hughes, 2022). Research on courts, especially in the aspect of geographical ethnography, is something that can be observed in the affective and intimate atmosphere of each moment (Faria et al., 2020). For example, how subjects and space play an important role in setting the rhythm of a trial process that is physically, psychologically, and mentally exhausting and tedious. Subjects must try to break the ice when they are in this grueling atmosphere (Torres et al., 2018).

This research seeks to look at other spaces besides the courtroom in the Court that may have escaped the attention of researchers, namely the existence of Posbakum which has an important role in the pre-trial process. This research explores the Posbakum space at the Surabaya Religious Court, first presenting in detail the architecture of the Posbakum space which is designed to support legal services for everyone.

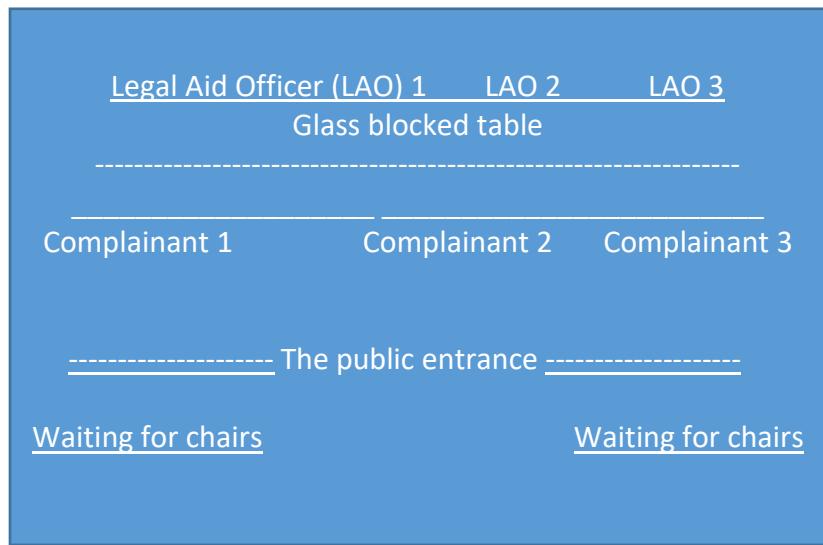


Figure 1. Entrance and seating arrangements in the Posbakum Room

The entrance and seating arrangements in the Posbakum Room breathe symbolism. Symbolism of power, hierarchy, asymmetry, and authority. Three dimensions of the atmosphere: material and infrastructural influences, affective visual and sound influences. The Posbakum Room has six seats, which is quite adequate. It can be seen that there is a desktop computer unit, two laptop units, and a printer machine. No LCD projector may be used to display any media that you want to show for more precise visualization.

The first interaction the complainant and visitor had with the Posbakum Room was the waiting chair outside the room. A transparent glass door separates the inner room from the waiting room. When there is no other complainant seen in the inner room, then whether welcome or not, the next complainant will go through a glass door to enter the space in the Posbakum measuring 4x3 meters. The Posbakum has only one entrance for officers, complainants, and visitors; this has not shown any signs of authority. New authority signs are visible on the table measuring 3x1 meters; this table has a glass partition that separates the officer and the complainant so they can sit face to face. Physically, this desk has three seats reserved for officers located on the inner side and three seats for the complainant on the outer side. When the seats and tables are complete, the next complainant will sit outside to wait in line.

One entrance for officers, complainants, and visitors, symbolizes their connection to the legal community. One entrance makes it easier for officers to provide services to complainants. Officers and complainants sitting opposite each other represent an attitude of equality; they are at a table specially designed to serve the Complainant. This desk is designed into three service sections, namely divorce, inheritance, and custody services. Visitors can observe the interaction of officers and complainants, but seats are not provided for visitors so that the space is not too full of humans. Officers limit the attendance of visitors in the room by giving two people a chance. A room that seems not crowded will provide psychological space for officers and complainants. Conversely, if the room is entered by more than two visitors, it will have a psychological impact on the Complainant in getting services to get information, consultation, or legal advice; assistance in the preparation of required legal documents; and information on a list of Legal Aid Organizations that can be provided free of charge. The complainant looked uncomfortable, reluctant, or reluctant to tell the story freely.

The sitting position of officers and complainants is also symbolic in the Posbakum Room, where officers, complainants, and visitors are on the same high platform. This shows equality, and there is no dominance of officers over complainants or visitors. The officer is seen

not to use an identifying nameplate on the chest; this shows a symbol of respect and equality and does not dominate and makes the complainant feel comfortable in getting services. To distinguish from Religious Court employees including Posbakum officers, complainants, and visitors are required to drape identification marks that have been characterized in color by security officers outside the Religious Court building. In other words, the officer considers the complainant a servant who strives to provide quality service (Sembiring, 2021).

Psychologically, when the officer and the complainant communicate in the same seat, it can reduce the burden on the complainant in telling his story in front of the officer. Officers want to get the best story from the complainant. Posbakum officers do not have a ceremonial duty in providing services; the absence of auxiliary officers outside the Posbakum Room makes Posbakum officers look like they are sitting and standing when calling prospective complainants sitting in line outside the room (Sari, 2017).

Posbakum Room Atmosphere

From August to December 2023 (*Observation in Legal Aid for Poor in Pengadilan Agama Surabaya, August-December 2023*, 2023), we were in the Posbakum Room of the Surabaya Religious Court, we observed the cases submitted to the Posbakum, namely: determination of heirs, child custody, and divorce. In this article, we look at the complainant in the divorce case (whether the complainant came alone or someone accompanied). The complainant is a woman named X1 (X1, personal communication, December 15, 2023); she intends to file a lawsuit against her husband. The complainant entered the Posbakum Room and sat before the Posbakum officer named Y1 (Y1, personal communication, December 5, 2023). The complainant was wearing a cotton cloth shirt, jeans, jacket, and shoes and was seen wearing sufficient makeup; she entered the Legal Aid station room with an ordinary look on her face (not angry, sullen, afraid, or other expressions). He communicated with officers using Indonesian mixed with Javanese regional languages.

Posbakum officers and the complainant were seen communicating to discuss the model contents of the divorce lawsuit. Posbakum officers focus on making a divorce lawsuit letter addressed to the Surabaya Religious Court, the date of making the letter, the inclusion of the identity of the parties, both the identity of the plaintiff and the identity of the defendant, making fundamental petendi or the basis of the lawsuit and petitum of the lawsuit. Posbakum officers and complainants communicate to make divorce petitions that are considered complete by the Religious Court administratively.

The Posbakum clerk looks serious when taking notes about the lawsuit letter on his laptop. The complainant wished to submit a written complaint letter to the Surabaya Religious Court. The complainant provides documents such as an Identity Card, Marriage Certificate, and other documents to make a lawsuit. The Posbakum officer wrote the complaint on his laptop while questioning the complainant about the complainant's address and the reported address to validate the correctness of the identity. The officer lists the date of making the letter and confirms it to the complainant. The officer asked about the reason for filing the lawsuit, and the complainant wanted the basis of the lawsuit to be domestic violence; the complainant was not provided for by her husband, and the complainant often quarreled because of differences of opinion with her husband.

The complainant claimed that she and her husband have been separated from the bed since early 2020 until now (X2, personal communication, November 3, 2023). The officer again asked the complainant whether, before the reported person left the house, there had been an argument and disagreements along with ongoing arguments; the complainant answered the officer's question. The complainant did not tell at length about the domestic violence case, and

he did not tell about the causes and effects in detail. Since the complainant did not give details, the Posbakum clerk did not seem enthusiastic to ask for more information either. The Posbakum clerk listed the reasons for domestic violence as the basis for her lawsuit. The Posbakum officer asked the complainant more questions to led to the need for making a lawsuit letter, so the complainant only answered as necessary.

The officer does not record all complaints but only the information needed to make a lawsuit. In contrast, other matters that are not related to the lawsuit material tend to be only listened to. The officer has a strategy of not recording other issues unrelated to this lawsuit material so that other complainants who have been queuing before can immediately be served by officers. So, the officer did not allow the Complainant to present the whole story (Y2, personal communication, October 7, 2023). Complainants tend to follow questions from Posbakum officers regarding the chronology or how long the separation has been, whether there are differences of opinion and other things that may be included in the lawsuit letter material asked by the Posbakum officer.

Finally, the officer gave the letter of claim he had prepared and printed it on the printer. The officer asks the complainant to check the contents of the lawsuit letter, this is done to find out the completeness and accuracy of writing following the documents submitted, besides that the officer wants the complainant to check the date and basis of the lawsuit as he wishes. In essence, the Posbakum officer wants to make it easier for the complainant, so that, if there are things that are needed to be corrected immediately, the officer will immediately fix them. If the complainant is satisfied with the contents of the lawsuit letter and there are no typos, the officer asks the complainant to sign the lawsuit letter. The officers provide excellent service to everyone (Radnor et al., 2016). The atmosphere of service should play a significant role in getting satisfaction from each complainant so that the smell of justice seems to have been distributed before the trial process (Gill et al., 2021)

Body Gestures of Informant Posbakum Officers

In gestures, the complainant spoke flatly every time he answered and explained to the Posbakum officer. The complainant rarely bowed his head and made eye contact whenever he talked to the Posbakum officer. The complainant was seen nodding her head quite often in response to what was conveyed by the Posbakum officer. The complainant's hands did not clasp when talking to the Posbakum officer. The complainant put his hands and palms under the table. It is not clear whether the complainant smiled sincerely due to wearing a mask covering his nose and mouth. But from the eye line, it can be seen that the complainant is smiling. The complainant did not shake hands with the Posbakum officer. When the complainant stood up to enter or leave the room, they made a slight bow in front of the Posbakum officer. The complainant spoke without moving his hands. In expression, from the look in the eyes of the complainant, there was a change, from a flat expression to a sad expression and then to a flat expression again, along with answering the officer's questions (Goleman, 2007).

During the meeting, researchers also observed the gestures of the Posbakum officers. The Posbakum officer seemed to listen carefully and enthusiastically, and the officer did not try to interrupt or invite jokes. The officer makes eye contact when asking questions or answering the complainant's confirmation. The clerk didn't nod his head very often. The position of the clerk's hands was not crossed, he put his hands and palms on the table. Despite wearing a mask, the eye line shows the Posbakum officer smiling sincerely at the complainant. There was no handshake between the officer and the complainant. The officer stood slightly bent over to greet and release the complainant's departure. The officer spoke using hand gestures. The officer's facial expression looked ordinary.

The officer did not attempt to record every detail of his conversation with the complainant. Although there are mobile phones, officers do not use them as a way to remember communications that occur in the Posbakum Room. When something is missed in the conversation, the officer double-checks and asks again what he wants to know. The complainant is asked to confirm that the information received and recorded by the officer is the same as that submitted by the complainant in the Posbakum Room.

The complainant did not appear to show photos from the tool or in printed form and also did not show his conversations on WhatsApp or others. In this study, observations can be described as follows:

1. The Posbakum Room has adequate seats also equipped with a computer unit and two laptops, but no LCD projector can be used to display any media to be shown more clearly
2. The complainant sat with a slight slouch and did not lean on the back of the chair, more inclined toward the officer
3. The complainant speaks at a relaxed tempo but sometimes a little fast
4. The officer replied at a relaxed tempo so that the complainant could easily understand
5. Posbakum officers seemed to listen attentively to every utterance
6. Posbakum officers are not seen laughing and annoying, while the other two officers can sometimes be heard throwing jokes at each other and laughing.
7. The process in the Posbakum Room does not seem so intense
8. The Complainant seemed ignorant
9. The Posbakum Room was considered quite comfortable, with adequate chairs and air conditioning that functioned quite well, but the complainant spoke slightly quietly to the officer.
10. The complainant's voice sounded like an ordinary person without sadness, anger, or other tones.
11. The complainant was not found laughing or crying when discussing the case or answering questions asked by the Posbakum officer.
12. The Complainant only tells the story when submitted by the Posbakum officer so that neither the Posbakum officer nor the student highlights the indexical meaning of the complainant.
13. The intonation of the complainant's voice is heard up and down, with a slight emphasis on tempo in some parts of the complainant's pronunciation. When telling stories.
14. The complainant mentioned that she had not been provided for a long time and said that her husband had not returned home for a long time.
15. The complainant and the Posbakum officer were not seen showing signs of dissolving in the atmosphere in the Posbakum Room .



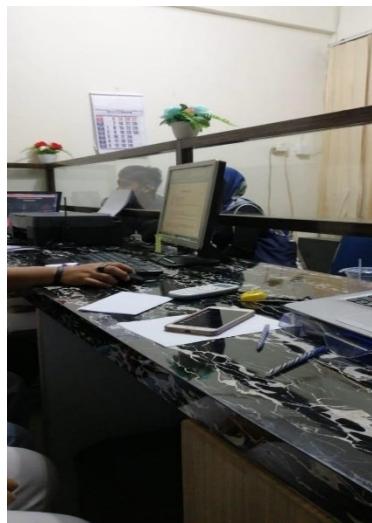


Figure 2-4. The atmosphere in the Posbakum Room

Conclusion

This research provides a deep insight into the experience of complainants in the Posbakum Room at the Surabaya Religious Court. The work of the Complainant in the Posbakum Room of the Surabaya Religious Court is discussed in this study. According to research conducted on the architecture of the space and the interaction that occurs between officers and complainants, the atmosphere created in the space significantly affects the comfort and effectiveness of communication. Complainants can share information openly in privacy-conscious environments, such as glass barriers between officers and complainants. In addition, the parallel sitting position between the complainant and the officer gives the impression that the two are equal, which reduces intimidation for the complainant. In addition, the body movements of the complainant and the officer provide an overview of how communication is proceeding in the Posbakum Room. The complainant looks calm and responds to the officer's questions, while the officer looks focused and enthusiastic to help the complainant. Understanding these elements can help legal services work better and provide a better experience for those seeking legal help in the future. These conclusions highlight how important it is to consider the physical environment and social interactions when making legal services fair and meeting the needs of society.

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