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# Empowering Village Heads/Lurah as Paralegals: A Legal Study of Restorative Justice-Based Legal Dispute Resolution

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**Abstract:** This study aims to analyze the legal basis for empowering Village Heads/Lurah as paralegals in Indonesia, examine the implementation of restorative justice in local dispute resolution, and formulate an ideal model for empowering Village Heads/Lurah as community paralegals. The research employs a normative legal method using statutory, conceptual, and comparative approaches. Legal materials consist of primary, secondary, and tertiary sources analyzed qualitatively through legal interpretation and regulatory synchronization. The findings reveal that the legal foundation for empowering Village Heads/Lurah is derived from the 1945 Constitution, Law No. 6 of 2014 on Villages as amended by Law No. 3 of 2024, Law No. 16 of 2011 on Legal Aid, and regulations concerning restorative justice. However, these legal provisions remain fragmented and do not clearly regulate the legal status, authority, and competencies of Village Heads/Lurah as paralegals. Restorative justice has been implemented through deliberation and mediation mechanisms emphasizing reconciliation and social restoration, although stronger regulations, standardized procedures, capacity building, and coordination with law enforcement agencies are still required. This study proposes an ideal empowerment model through regulatory strengthening, competency development and certification, establishment of Village Paralegal Posts, cross-sectoral collaboration, and accountable supervision to enhance access to justice, strengthen non-litigation dispute resolution, and support a more responsive, effective, and equitable legal aid system in Indonesia.

**Keywords:** Village Head/Lurah, Community Paralegal, Legal Aid, Restorative Justice, Dispute Resolution.

## INTRODUCTION

Indonesia, as a state based on law, as stipulated in Article 1 paragraph (3) of the 1945 Constitution of the Republic of Indonesia, is obligated to guarantee legal protection and access to justice for all citizens. In practice, public access to legal services still faces various obstacles, especially at the village and sub-district levels. The limited number of advocates, low public legal literacy, high costs of settling cases, and the lengthy litigation process mean that dispute resolution is mostly carried out through deliberation facilitated by the Village

Head or Sub-district Head. This condition indicates that Village Heads/Sub-district Heads have carried out their social conflict resolution function, but have not received legal strengthening as part of the national legal aid system (Marzuki, 2021).

The urgency of strengthening the role of Village/Lurah Heads is increasingly evident through the Paralegal Justice Award (PJA) policy organized by the National Legal Development Agency (BPHN) in collaboration with the Supreme Court of the Republic of Indonesia. In 2024, the number of PJA applicants reached 1,067 Village/Lurah Heads from 34 provinces, an increase compared to 765 participants in 2023. Of these, 793 participants were declared to have passed the regional selection, and only 300 participants were eligible to participate in the Paralegal Academy as prospective Non-Litigation Peacemakers. This data demonstrates the increasing need to strengthen the capacity of Village/Lurah Heads in community-based legal dispute resolution and also indicates that the government is beginning to view Village/Lurah Heads as important actors in expanding access to justice (BPHN, 2024).

Normatively, Law Number 6 of 2014 concerning Villages, as amended by Law Number 3 of 2024, grants Village Heads authority in governance, community development, and community empowerment. Meanwhile, Law Number 16 of 2011 concerning Legal Aid recognizes the provision of non-litigation legal aid, while Prosecutor's Regulation Number 15 of 2020 and Police Regulation Number 8 of 2021 have adopted a restorative justice approach in resolving criminal cases. However, to date, there has been no regulation explicitly positioning Village Heads/Lurah as paralegals within the national legal aid system. As a result, the mediation authority exercised so far has been more sociological than legally legitimized.

The issue of empowering Village Heads/Lurah as community paralegals should not merely be viewed from the perspective of administrative authority but also through the broader theoretical framework of Access to Justice Theory. Access to justice is recognized as a fundamental element of the rule of law because legal rights become meaningless when individuals cannot effectively obtain legal remedies (Cappelletti & Garth, 1978). According to Cappelletti and Garth (1978), access to justice requires not only the availability of judicial institutions but also the existence of community-based legal mechanisms capable of providing simple, affordable, and accessible dispute resolution. In many developing countries, geographical limitations, economic constraints, and the shortage of legal professionals have encouraged the development of community paralegals as intermediaries between society and the formal justice system (Golub, 2003). From this perspective, Village Heads/Lurah occupy a strategic position because they are the closest public officials to local communities and often become the first point of contact in resolving legal disputes. Consequently, strengthening their role as community paralegals constitutes an important strategy for expanding access to justice while improving the effectiveness of non-litigation dispute resolution (Cappelletti & Garth, 1978; Golub, 2003).

In addition, this study is grounded in Legal Empowerment Theory, which emphasizes that the primary objective of legal development is not merely to strengthen legal institutions but also to empower individuals and communities to understand, utilize, and defend their legal rights (Golub, 2003)**.** According to Golub (2003), legal empowerment shifts the focus of justice from reliance solely on legal professionals toward strengthening community participation in solving legal problems. This approach recognizes that justice becomes more effective when citizens possess the knowledge, capacity, and institutional support necessary to claim and protect their rights (Golub, 2003). Community paralegals therefore function as important instruments for expanding legal awareness, improving legal literacy, and strengthening legal capacity at the grassroots level (Maru, 2006). Within this framework, empowering Village Heads/Lurah as community paralegals reflects the principles of legal

empowerment because they serve not only as mediators in local disputes but also as providers of legal information, facilitators of dialogue, and bridges connecting local communities with formal legal aid institutions (Golub, 2003; Maru, 2006).

Furthermore, the proposed model in this research is strongly connected with the principles of Restorative Justice Theory, as developed by Howard Zehr. Restorative justice is founded on the understanding that the primary objective of dispute resolution is not merely to punish offenders but to repair the harm suffered by victims, restore relationships among stakeholders, and rebuild social harmony through the active participation of victims, offenders, and the community (Zehr, 2002). According to Zehr (2002), justice should focus on repairing harm rather than imposing retributive sanctions, thereby promoting accountability, reconciliation, and community healing. These principles are highly compatible with Indonesia's long-standing tradition of *musyawarah mufakat* (deliberation and consensus), where disputes are commonly resolved through dialogue and collective agreement within village communities (Braithwaite, 2002). Consequently, strengthening the legal role of Village Heads/Lurah as community paralegals does not introduce an entirely new institution but instead provides legal legitimacy to an existing community-based conflict resolution mechanism while reinforcing restorative justice within the national legal system (Zehr, 2002; Braithwaite, 2002).

This research also adopts the perspective of Responsive Law Theory, developed by Philippe Nonet and Philip Selznick. Responsive Law Theory argues that law should not merely function as an instrument of state control but must also respond to the evolving needs, aspirations, and social realities of society (Nonet & Selznick, 1978). According to Nonet and Selznick (1978), a responsive legal system emphasizes substantive justice by encouraging legal institutions to become adaptive, participatory, and socially accountable rather than relying exclusively on rigid legal formalism. In this perspective, legal institutions should facilitate community participation and ensure that legal norms effectively address societal problems (Nonet & Selznick, 1978). The current Indonesian legal aid system, however, continues to emphasize the institutional role of accredited legal aid organizations while paying limited attention to the long-standing social practice in which Village Heads/Lurah have served as mediators and dispute resolvers within their communities. Therefore, recognizing Village Heads/Lurah as community paralegals represents a form of responsive legal reform capable of narrowing the gap between normative law and social practice while strengthening community-based access to justice (Nonet & Selznick, 1978; Selznick, 1992).

Finally, this research is supported by the perspective of Legal Pluralism Theory, which recognizes that multiple legal systems may coexist and operate simultaneously within a single society (Griffiths, 1986). Rather than viewing state law as the sole source of legal authority, legal pluralism acknowledges the continuing role of customary law, religious norms, and other forms of living law in regulating social relations (Merry, 1988). In Indonesia, many rural communities continue to resolve disputes through *musyawarah* (deliberation), customary institutions, and local wisdom, demonstrating that community-based dispute resolution remains an important component of the legal order (Griffiths, 1986; Merry, 1988). Therefore, integrating Village Heads/Lurah into the national legal aid system should not eliminate these local legal traditions but instead harmonize state law with community-based justice mechanisms. Through this perspective, the proposed empowerment model seeks to bridge formal legal institutions with local legal traditions, thereby strengthening access to justice while preserving social harmony and enhancing the legitimacy of dispute resolution at the village level (Griffiths, 1986; Merry, 1988).

Previous research has shown that discussions regarding paralegals and dispute resolution at the village level are still partial. Misnanto and Sholehuddin (2024) examined the role of village heads in resolving domestic violence cases through a restorative justice

approach and concluded that mediation by village heads can create solutions that are more acceptable to the community. Similarities between that study and this study lie in the discussion of the village head's role in restorative justice-based dispute resolution. The difference is that Misnanto and Sholehuddin's study focused solely on resolving domestic violence cases, while this study examines the empowerment of village heads/sub-district heads as paralegals in various forms of legal disputes from a juridical perspective.

Other research on the Paralegal Justice Award focuses more on the implementation of government programs to improve the competence of Village Heads/Lurah as Non-Litigation Peacemakers. The focus of these studies is still limited to program implementation and capacity building of village officials, without examining the synchronization between the Village Law, the Legal Aid Law, and restorative justice regulations as the basis for developing a legal model for Village Heads/Lurah as paralegals (BPHN, 2024).

Although previous studies have contributed significantly to understanding the role of village heads in community dispute resolution and the development of paralegal programs, the existing literature remains fragmented in several important respects. Most studies primarily examine village heads as mediators in specific types of disputes, such as domestic violence cases, or evaluate government initiatives such as the Paralegal Justice Award from an implementation perspective. Other studies discuss legal aid, restorative justice, or community paralegals separately without integrating these issues into a single analytical framework. Consequently, previous research has not comprehensively examined the normative relationship between the Village Law, the Legal Aid Law, restorative justice regulations, and the institutional position of Village Heads/Lurah within Indonesia's national legal aid system. Furthermore, limited attention has been given to developing a coherent legal model that defines their legal authority, competency standards, institutional coordination, certification mechanisms, and accountability. This study addresses these limitations by integrating the perspectives of Access to Justice, Legal Empowerment, Restorative Justice, Responsive Law, and Legal Pluralism to formulate a comprehensive normative model for empowering Village Heads/Lurah as community paralegals within a restorative justice-based legal aid system.

Based on this description, there is a research gap: there has been no comprehensive research integrating regulations regarding village governance, legal aid, and restorative justice in defining the position of the Village Head/Lurah as a paralegal. Most previous research has only discussed the mediation function, the effectiveness of the Paralegal Justice Award program, or legal aid separately, thus failing to produce a legal construction that provides certainty regarding the authority, competence, and coordination mechanisms of the Village Head/Lurah within the national legal aid system.

Based on the foregoing review, a clear research gap can be identified. Existing studies have not comprehensively integrated village governance law, legal aid law, restorative justice regulations, and legal empowerment theories into a unified legal framework for defining the institutional position of Village Heads/Lurah as community paralegals. Previous research has generally focused on mediation practices, the effectiveness of the Paralegal Justice Award, or legal aid mechanisms separately, leaving unanswered questions regarding legal legitimacy, regulatory harmonization, competency standards, institutional coordination, and accountability mechanisms. This study therefore seeks to fill this gap by proposing a comprehensive restorative justice-based community paralegal model that integrates these fragmented legal regimes into a coherent normative framework.

## METHODS

This research employs a normative legal research method, focused on analyzing positive legal norms, legal principles, doctrines, and regulations related to the empowerment

of Village Heads/Lurah (village heads) as paralegals in restorative justice-based legal dispute resolution. Normative legal research aims to discover, interpret, and evaluate legal norms to provide arguments, concepts, and prescriptions for the legal issues under study (Marzuki, 2021). This approach was chosen because the focus of the research is not on empirically examining community behavior, but rather on analyzing the legal constructions governing the position of Village Heads/Lurah (village heads), legal aid, paralegals, and restorative justice-based dispute resolution. A similar approach is also used in various legal studies on restorative justice in Indonesia.

"The conceptual analysis in this study is primarily constructed upon Access to Justice Theory (Cappelletti & Garth), Legal Empowerment Theory (Golub), Restorative Justice Theory (Howard Zehr), Responsive Law Theory (Nonet & Selznick), and Legal Pluralism Theory, which collectively provide the analytical framework for evaluating the legal legitimacy and institutional model of empowering Village Heads/Lurah as community paralegals."

This research uses three approaches. First, a statutory approach by examining various legal provisions governing village governance, legal aid, dispute resolution, and restorative justice. The regulations that are the object of analysis include the 1945 Constitution of the Republic of Indonesia, Law Number 6 of 2014 concerning Villages as amended by Law Number 3 of 2024, Law Number 16 of 2011 concerning Legal Aid, Law Number 30 of 1999 concerning Arbitration and Alternative Dispute Resolution, Law Number 1 of 2023 concerning the Criminal Code, Regulation of the Republic of Indonesia Attorney General's Office Number 15 of 2020 concerning Termination of Prosecution Based on Restorative Justice, Regulation of the Republic of Indonesia National Police Number 8 of 2021 concerning Handling of Criminal Acts Based on Restorative Justice, and other relevant laws and regulations. This approach is used to test the consistency, harmonization, and synchronization of legal norms that regulate the authority of Village Heads/Lurah in resolving disputes. Second, a conceptual approach is conducted by examining various concepts developing in legal doctrine, such as the concepts of paralegal, legal empowerment, access to justice, community-based dispute resolution, alternative dispute resolution, and restorative justice. This approach aims to build a theoretical framework for analyzing the possibility of strengthening the function of village heads/sub-district heads as paralegals within the national legal aid system. The conceptual approach is also used to identify the philosophical and legal basis for establishing a model for empowering village heads/sub-district heads as part of a community-based dispute resolution mechanism. Third, a comparative approach is used to compare regulations regarding the role of paralegals and community-based dispute resolution mechanisms with various practices developed in other legal systems and with dispute resolution practices in Indonesia. This approach is expected to yield an ideal concept that can be adopted to strengthen the function of village heads/sub-district heads as paralegals without conflicting with the national legal system.

The comparative approach in this study deliberately selects South Africa, the Philippines, and Bangladesh based on purposive legal comparison. These countries were chosen because each has developed an established community-based legal assistance system that shares comparable objectives with the proposed empowerment of Village Heads/Lurah in Indonesia, namely expanding access to justice through community participation and non-litigation dispute resolution. South Africa represents a model of institutionalized community paralegals through Community Advice Offices that are formally connected to the legal aid system. The Philippines provides an example of statutory recognition of community leaders through the *Katarungang Pambarangay* (Barangay Justice System), where Barangay Captains are legally authorized to mediate disputes before judicial proceedings. Bangladesh demonstrates the successful integration of trained community paralegals and local mediation

mechanisms through the Madaripur Legal Aid Association (MLAA), which combines legal empowerment, mediation, and community participation. These three jurisdictions were selected because they represent different legal traditions and institutional arrangements while sharing a common commitment to community-based access to justice. Their experiences provide relevant comparative lessons for developing an appropriate legal model for empowering Village Heads/Lurah as community paralegals within Indonesia's legal system. The selection was therefore based on functional comparability rather than geographical similarity, allowing the study to identify transferable legal principles and institutional practices that may be adapted to the Indonesian legal context.

The data sources in this study include primary, secondary, and tertiary legal materials. Primary legal materials include all laws and regulations related to village governance, legal aid, dispute resolution, and restorative justice. Secondary legal materials consist of law books, scientific articles in accredited national journals, research results, proceedings, and other scientific works discussing paralegals, legal aid, village governance, and restorative justice. Tertiary legal materials include legal dictionaries, the Great Indonesian Dictionary, legal encyclopedias, and various other reference sources supporting the explanation of legal terms and concepts.

The legal material collection technique was conducted through library research. This collection was conducted by inventorying, identifying, classifying, and reviewing various laws and regulations, scientific literature, national legal journals, and official government documents relevant to the research focus. All legal materials were then systematically arranged according to the regulatory hierarchy and the substance of the legal issues being studied.

## RESULTS AND DISCUSSION

### Result

### Regulatory Disharmony between the Village Law, the Legal Aid Law, and Restorative Justice Regulations

One of the legal issues that hinders the empowerment of Village Heads/Lurah as community paralegals is the ongoing disharmony between Law Number 6 of 2014 concerning Villages as amended by Law Number 3 of 2024, Law Number 16 of 2011 concerning Legal Aid, and various regulations concerning restorative justice. Each of these regulations regulates dispute resolution based on different legal regimes, thus not forming an integrated legal system. As a result, the position of Village Heads/Lurah as parties who have so far resolved community disputes has not received clear legal legitimacy as part of the national legal aid system or the restorative justice system.

Law Number 6 of 2014 concerning Villages grants the Village Head the authority to foster peace and order in the community and resolve disputes within the village through deliberation. This authority demonstrates that, sociologically, the Village Head has carried out the functions of mediation and conflict resolution. However, the Village Law does not regulate in detail the dispute resolution procedures, competency standards for village mediators, mechanisms for recording peace settlement outcomes, or coordinating relationships with Legal Aid Organizations (OBH) and law enforcement officials. This situation results in the Village Head's authority being more administrative and social in nature than legal authority, which has normative certainty (Hendrik et al., 2024).

On the other hand, Law Number 16 of 2011 concerning Legal Aid stipulates that legal aid is provided by government-accredited Legal Aid Organizations. Within this system, paralegals are part of the non-litigation legal aid providers who work under the guidance of Legal Aid Organizations, as further stipulated in Minister of Law and Human Rights Regulation Number 3 of 2021 concerning Paralegals in the Provision of Legal Aid. However,

neither the Legal Aid Law nor its implementing regulations explicitly recognize Village Heads/Lurah as paralegals based on their position. Consequently, there is a mismatch between the Village Head's authority to resolve community disputes and the national legal aid system, which only recognizes paralegals under Legal Aid Organizations (Arobiah et al., 2020).

Law No. 16 of 2011 formally recognizes legal aid as a constitutional right of indigent citizens through accredited legal aid organizations. However, the institutional design remains heavily lawyer-centred and provides limited recognition for community-based legal actors who are often the first providers of legal assistance in rural areas. Consequently, the existing framework creates a structural gap between the normative objective of universal access to justice and the practical realities of legal service delivery in remote villages (Cappelletti & Garth, 1978; Golub, 2003).

This disharmony is even more evident when linked to the development of restorative justice regulations. Republic of Indonesia Attorney General's Regulation Number 15 of 2020, Republic of Indonesia National Police Regulation Number 8 of 2021, and Supreme Court Regulation Number 1 of 2024 have provided space for case resolution through a restorative justice approach. However, all of these regulations place greater emphasis on the authority of law enforcement officials in the investigation, prosecution, and court proceedings. There are no provisions governing how the results of mediation or deliberation conducted by the Village Head/Lurah can be incorporated into the national restorative justice mechanism. As a result, dispute resolution outcomes at the village level have only social legitimacy but have not yet gained strong legal legitimacy within the criminal justice system.

One weakness of Indonesia's legal aid system is the suboptimal integration between community-based paralegals and the formal legal aid system. Paralegals essentially serve to expand access to justice, especially for communities living far from judicial institutions. Therefore, strengthening the role of village officials as paralegals should be accompanied by the creation of regulations linking village governments with Legal Aid Organizations and law enforcement officials, ensuring an integrated legal aid service (Muhlizi, 2019).

This opinion is reinforced by Ginting (2024), who stated that the regulation of paralegals in Indonesia still faces various issues, particularly regarding legal certainty regarding the scope of authority, competency standards, certification mechanisms, and paralegal institutions. This situation has implications for the uneven implementation of non-litigation legal aid across regions and the suboptimal role of paralegals in expanding public access to justice (Ginting, 2024).

Nusantara (2016) raised a similar issue, explaining that the presence of paralegals in Indonesia's legal aid system remains precarious. Incomplete regulations often result in paralegal functions being dependent on the policies of individual legal aid organizations, resulting in the absence of national standards governing the relationship between paralegals, village governments, and law enforcement officials in resolving community disputes (Nusantara, 2016).

Based on this analysis, it can be understood that regulatory disharmony occurs because each regulation is formulated based on different institutional perspectives. The Village Law focuses on village governance, the Legal Aid Law focuses on legal aid services through Legal Aid Organizations, while restorative justice regulations focus on the authority of law enforcement officials. These three legal regimes lack a common ground governing the position of Village Heads/Lurah as community paralegals. Consequently, a legal vacuum exists regarding the legal status, scope of authority, coordination mechanisms, and legal consequences of dispute resolution carried out by Village Heads/Lurah.

Therefore, it is necessary to harmonize laws and regulations through the development of regulations that explicitly integrate the authority of Village Heads/Lurah into the national

legal aid system and restorative justice mechanisms. This harmonization can be achieved by strengthening the Legal Aid Law, developing operational standards for dispute resolution at the village level, coordinating mechanisms with Legal Aid Organizations, the Police, the Prosecutor's Office, and the Courts, and regulating the certification and supervision of Village Heads/Lurah who perform community paralegal functions. In this way, community-based dispute resolution not only gains social legitimacy but also provides legal certainty within the national legal system.

**Table 1. Regulatory Disharmony Comparison**

| Aspect | Law Number 6 of 2014 in conjunction with Law Number 3 of 2024 concerning Villages | Law Number 16 of 2011 concerning Legal Aid | Restorative Justice Regulation (Perja No. 15 of 2020, Perpol No. 8 of 2021, PERMA No. 1 of 2024) | Disharmony Analysis |
|---|---|---|---|---|
| Settings Orientation | Village governance and community dispute resolution | Legal aid for the poor | Settlement of criminal cases based on restorative justice | There is no integration between legal regimes |
| Subjects Regulated | Village Head/Lurah | Legal Aid and Paralegal Organization | Investigators, Prosecutors, and Judges | Village heads have not been recognized as part of the legal aid or restorative justice system. |
| Basis of Authority | Community consultation and development | Non-litigation legal assistance | Investigation, prosecution and trial based on restorative justice | The scope of authority is different, thus creating a normative vacuum. |
| Paralegal Position | Not regulated | Recognized as part of OBH | Not regulated | The status of the Village Head as a community paralegal has not yet obtained a legal basis. |
| Coordination with APH | Not regulated | Limited in the legal aid system | Coordination only between law enforcement officers | There is no formal coordination mechanism between the village government, OBH, and law enforcement officials. |
| Legal Consequences of Mediation Results. | Social and administrative in nature. | Non-litigation legal assistance. | Can be a basis for terminating the case according to certain conditions | The results of village mediation do not yet have legal force integrated into the judicial system. |

Source: research data

**The Main Obstacle to Implementing the Empowerment of Village Heads/Lurah as Community Paralegals**

Although empowering village heads/sub-district heads as community paralegals has a strong philosophical and sociological foundation, its implementation still faces various obstacles. Based on an analysis of Law Number 6 of 2014 concerning Villages as amended by Law Number 3 of 2024, Law Number 16 of 2011 concerning Legal Aid, Regulation of the Minister of Law and Human Rights Number 3 of 2021 concerning Paralegals in the Provision of Legal Aid, and restorative justice regulations, five main obstacles are identified: regulatory barriers, standard operating procedures, competency, institutional coordination, and oversight.

1. **Regulatory Barriers**

   The first obstacle is the lack of regulations explicitly recognizing Village Heads/Lurah as community paralegals within the national legal aid system. While the Village Law grants Village Heads the authority to foster community peace and resolve disputes through deliberation, it does not regulate the legal status of Village Heads as providers of legal aid or mediators integrated into the restorative justice system. Conversely, the Legal Aid Law only recognizes Legal Aid Organizations (OBH) as providers of legal aid, while paralegals are positioned as part of OBHs under Minister of Law and Human Rights Regulation Number 3 of 2021. This results in a normative vacuum regarding the position of Village Heads as community paralegals (Muhlizi, 2019). This situation also creates horizontal disharmony, as regulations regarding village governance, legal aid, and restorative justice operate independently without any integrated mechanism. This lack of clarity leads to the implementation of mediation by Village Heads being based more on social practice than formal legal legitimacy (Ginting, 2024).

2. **Standard Operating Procedure (SOP) Obstacles**

   The second obstacle is the lack of a national Standard Operating Procedure (SOP) for dispute resolution by Village Heads/Lurah. To date, there are no guidelines governing the stages of complaint acceptance, case identification, mediation, recording of agreements, or the mechanism for transferring cases to Legal Aid Organizations or law enforcement officials if disputes cannot be resolved at the village level. The absence of SOPs causes mediation implementation to be highly dependent on the policies of each village, resulting in differences in procedures and the quality of dispute resolution. Furthermore, mediation results often lack a uniform administrative format, complicating coordination with the police, prosecutors, or courts if the case proceeds to formal legal proceedings (Rauf, 2024).

3. **Barriers to Village Apparatus Competence**

   The next obstacle relates to the competence of village heads/sub-district heads in carrying out their functions as community paralegals. Village heads are generally elected through democratic mechanisms and are not required to have a legal education background or competency in mediation and legal aid. Yet, dispute resolution requires an understanding of civil law, criminal law, negotiation techniques, mediation, conflict communication, and the principles of restorative justice. The training program organized through the Paralegal Justice Award by the National Legal Development Agency (BPHN) is a positive step, but it has not yet reached all village heads/sub-district heads in Indonesia and has not yet become a sustainable development system. Therefore, capacity building through paralegal education, training, and certification remains an urgent need to improve the quality of legal services at the village level (BPHN, 2024; Ginting, 2024).

4. **Institutional Coordination Barriers**

Another significant obstacle is the weak coordination between village governments, legal aid organizations, the police, the prosecutor's office, the courts, and local governments. To date, there is no coordinating mechanism governing the relationship between these institutions in the restorative justice-based dispute resolution process. Due to this weak coordination, the results of mediation conducted by village heads are often not taken into account in investigations or prosecutions. Furthermore, legal aid organizations also lack a normative obligation to assist village heads in carrying out their mediation functions. This situation results in dispute resolution at the village level not being integrated with the national legal aid system, thus suboptimal conflict resolution effectiveness (Arobiah, Yanto, & Kristyanto, 2020).

**5. Barriers to Oversight and Accountability**

The final obstacle is the lack of a monitoring and evaluation system for the implementation of the Village Head's function as a community paralegal. Existing regulations do not yet establish an authorized institution to monitor, evaluate, or assess the quality of dispute resolution at the village level. The absence of an oversight mechanism has the potential to give rise to various problems, such as conflicts of interest, bias toward one party, abuse of authority, and case resolutions that disregard the protection of victims' rights. Therefore, an oversight system involving local governments, the Ministry of Law, the National Agency for the Prosecution of the Nation, Legal Aid Organizations, and law enforcement officials is needed to ensure that the implementation of the community paralegal function is transparent, accountable, and in accordance with the principles of the rule of law (Nusantara, 2016).

**Table 2. Obstacles to the Implementation of Empowerment of Village Heads/Lurah as Community Paralegals**

| Obstacle | Problems | Impact | Recommended Solution |
|---|---|---|---|
| **Regulation** | There has been no explicit recognition of the Village Head as a community paralegal | There is a vacuum in norms and legal uncertainty | Harmonization of the Village Law, the Legal Aid Law, and restorative justice regulations |
| **Standard Operating Procedure (SOP)** | There is no national SOP for village dispute resolution | Procedures differ from village to village and are not uniform | Preparation of national SOPs for restorative justice-based mediation |
| **Competence** | Village officials do not yet have adequate legal and mediation skills | The quality of dispute resolution is uneven | Ongoing paralegal education, training, and certification |
| **Coordination** | There is no coordination mechanism between the village, OBH, Police, Prosecutor's Office, and Court | Dispute resolution is not integrated with the legal aid system | Establishment of cross-sector coordination mechanisms through regulations |
| **Supervision** | There is no monitoring and evaluation system | Potential for abuse of authority and conflict of interest | Supervision by local government, BPHN, OBH, and law enforcement officers |

Source: research data

## Discussion

### Legal Basis for Empowering Village Heads/Lurah as Paralegals in the Indonesian Legal System

Empowering Village Heads/Lurah as paralegals is part of the effort to realize access to justice, which is a fundamental principle of the rule of law. Article 1 paragraph (3) of the 1945 Constitution of the Republic of Indonesia affirms that Indonesia is a state based on the rule of law, while Article 28D paragraph (1) guarantees the right of every person to recognition, guarantees, protection, and fair legal certainty. This constitutional guarantee

contains the state's obligation to provide easily accessible legal services down to the village and sub-district levels. Therefore, empowering Village Heads/Lurah as paralegals is a concrete form of expanding access to justice, especially for communities facing limited access to advocates or legal aid institutions (Marzuki, 2021).

The direction of legal aid policy in Indonesia is shifting from a litigation approach to strengthening community-based legal services. This change is reinforced by the enactment of Law Number 3 of 2024 concerning Villages, which places the state as the party obligated to provide legal assistance and protection to Village Heads in carrying out government duties. This policy demonstrates that the government no longer views Village Heads merely as government administrators, but also as strategic actors in creating transparent, professional, and accountable village governance (Fakhlur, 2025).

The empowerment of Village Heads/Lurah as paralegals must be implemented based on the General Principles of Good Governance (AUPB) as stipulated in Law Number 30 of 2014. The principle of legal certainty requires that every mediation process have clear and documented procedures. The principle of accuracy requires Village Heads to objectively explore the facts before facilitating a peace settlement. The principle of not abusing authority serves as a limit so that Village Heads do not force a settlement on the parties, while the principle of good service requires that dispute resolution be carried out quickly, simply, and oriented towards the interests of the community.

The next legal basis is contained in Law Number 6 of 2014 concerning Villages as amended by Law Number 3 of 2024. The Village Head has the authority to organize village governance, foster community life, maintain peace and order, and resolve disputes that arise in the community through deliberation. Although the law does not use the term paralegal, the substance of this authority indicates that the Village Head has a preventive and mediative function in resolving conflicts at the local level. Thus, normatively, there is a legal basis that can be developed to strengthen the position of the Village Head/Lurah as a community-based dispute resolver.

Mediation conducted by the Village Head, as stipulated in Law Number 6 of 2014, is an effective dispute resolution model because it prioritizes dialogue, consensus, and social restoration. The Village Head not only performs administrative functions but also acts as a social leader trusted by the community to resolve various local conflicts. These findings indicate that strengthening the Village Head's role as a paralegal has strong sociological and legal grounds (Hendrik, Kadaryanto, & Harahap, 2024).

Furthermore, Law Number 16 of 2011 concerning Legal Aid emphasizes that legal aid is not only provided through litigation processes, but also through non-litigation legal services such as legal consultations, mediation, negotiation, legal counseling, and community empowerment. The existence of paralegals is part of the state's strategy to expand legal aid services, especially for communities located far from legal service centers. Pangesti and Iraawati (2025) explain that paralegals have a strategic position as a liaison between the community and the formal legal system, but regulations regarding their authority and scope of duties still need strengthening to avoid legal uncertainty (Pangesti & Iraawati, 2025).

The strengthening of the role of paralegals is also evident in the development of government regulations and policies. The existence of Village Legal Aid Posts is a crucial instrument in non-litigation legal services because it provides a space for paralegals to conduct legal consultations, provide legal education, and facilitate community mediation. However, the study found that there is no regulation that clearly links paralegals, Village Legal Aid Posts, and village governments, resulting in varying implementations across regions. This finding demonstrates the need for regulatory harmonization to ensure legal certainty and uniform operational standards for village legal aid services (Arisanthi & Yuliartini, 2026).

From a dispute resolution perspective, the restorative justice approach further strengthens the legitimacy of empowering village heads/sub-district heads as paralegals. Through Prosecutor's Office Regulation No. 15 of 2020 and Police Regulation No. 8 of 2021, case resolution is no longer solely focused on punishment, but also prioritizes dialogue, social restoration, and reconciliation between the parties. These characteristics align with the culture of deliberation that has long developed in village communities, placing village heads in a strategic position as facilitators of dispute resolution before cases escalate into litigation.

This view is reinforced by research by Jafar, Haerani, Aditya, Adha, and Mahrani (2025), which concluded that village heads have a strategic role as paralegal peace judges because they understand the social, cultural, and character conditions of the local community. According to this research, paralegal certification and training for village heads is necessary to ensure that the dispute resolution function, which has been running socially, gains stronger legal legitimacy and is aligned with the national justice system.

Village heads are able to effectively carry out their paralegal functions due to their understanding of the social characteristics of the community and the local values that develop in the village. However, the study also identified obstacles such as limited understanding of formal law, the lack of operational standards for mediation, and the lack of ongoing legal training. Therefore, strengthening the capacity of village officials through legal education, paralegal certification, and the development of mediation guidelines is an urgent need to ensure that dispute resolution functions can operate in accordance with the principles of the rule of law (Rauf, 2024).

Based on this analysis, it can be concluded that the legal basis for empowering Village Heads/Lurah as paralegals is actually spread across various laws and regulations, namely the 1945 Constitution of the Republic of Indonesia, the Village Law, the Legal Aid Law, and regulations regarding restorative justice. However, these regulations are still sectoral and do not yet form a comprehensive legal framework. As a result, there is still a gap in norms regarding legal status, limits of authority, competency standards, certification mechanisms, and coordination between Village Heads/Lurah, Legal Aid Organizations, the Police, the Prosecutor's Office, and the government. Therefore, regulatory harmonization is needed through the formation of policies that explicitly recognize Village Heads/Lurah as community paralegals within the national legal aid system. This strengthening not only provides legal certainty for the implementation of mediation at the village level, but also expands access to justice, strengthens restorative justice-based dispute resolution, and supports the realization of a more responsive, participatory, and peaceful conflict resolution-oriented legal system.

**Legal Analysis of the Implementation of Restorative Justice in Dispute Resolution by Village Heads/Lurah**

In village governance practices, the Village Head/Lurah is often the first party to receive community complaints regarding family disputes, land boundary disputes, inter-resident conflicts, inheritance disputes, and minor crimes. Resolution through deliberation facilitated by the Village Head essentially reflects the principles of restorative justice, although not all of them are carried out according to standard legal procedures. The implementation of restorative justice is part of the development of the dispute resolution system in Indonesia, which prioritizes peace, recovery, and community participation as the primary orientations for conflict resolution (Salsabila, 2025).

The implementation of restorative justice by village heads requires harmonization between national policies on restorative justice and the village government system. To date, restorative justice regulations have developed sectorally through policies of the Police, the Prosecutor's Office, and the Supreme Court, while regulations regarding village governance

are regulated by Law Number 6 of 2014 concerning Villages. This situation has resulted in the absence of a norm explicitly linking the authority of village heads to resolve community disputes with national restorative justice mechanisms (Hasibuan et al., 2024).

A significant development occurred with the issuance of Supreme Court Regulation Number 1 of 2024 concerning Guidelines for Adjudicating Criminal Cases Based on Restorative Justice. This regulation provides more comprehensive guidance on the types of cases, requirements, procedures, and objectives of implementing restorative justice at the trial level. The presence of this PERMA demonstrates that the restorative approach has become part of national legal policy and is no longer applied solely at the investigation or prosecution stage, but also serves as a guideline for judges in examining and deciding criminal cases (Supreme Court of the Republic of Indonesia, 2024).

From a civil law perspective, a settlement agreement reached through mediation is essentially a form of agreement as stipulated in Article 1320 of the Civil Code (KUHPerdata). Therefore, the agreement is binding on the parties as long as it meets the requirements for a valid agreement, namely, agreement, capacity of the parties, a specific object, and a lawful cause. If any of these requirements are not met, the settlement agreement is potentially void or can be annulled under civil law.

In the context of criminal law, a peace agreement facilitated by the Village Head/Lurah does not automatically eliminate the perpetrator's criminal liability. The application of restorative justice must still comply with the provisions of the Republic of Indonesia Attorney General's Regulation Number 15 of 2020 and the Republic of Indonesia National Police Regulation Number 8 of 2021, which stipulate that certain criteria must be met before a case can be resolved through restorative mechanisms. Therefore, the results of village-level mediation can only be used as one consideration by law enforcement officials in determining whether to proceed with the case, not as a basis for automatically terminating the case.

The Village Head's authority as a dispute resolution tool is highly effective due to its social legitimacy, closeness to the community, and the culture of deliberation that has developed within village life. However, this effectiveness still requires clearer regulatory support to ensure that dispute resolution is not only socially acceptable but also provides legal certainty. This research confirms that the Village Head's authority to resolve disputes is an implementation of the community development function as stipulated in the Village Law (Toni, Hutapea, & Kurnia, 2024).

The implementation of restorative justice will be effective if it involves the community as part of the conflict resolution process, because its main goal is not only to impose sanctions on perpetrators, but also to restore social relations and prevent recurrence of conflicts (Sopacua, 2024). The authority of the Village Head in resolving legal conflicts is essentially derived from the obligation to resolve community disputes as stipulated in Article 26 paragraph (4) of the Village Law. However, this authority is administrative and social in nature, not judicial authority, so its implementation must remain within the corridor of positive Indonesian law (Maleteng, 2024).

The success of mediation by the Village Head is influenced by social legitimacy, support from community leaders, and a culture of deliberation. However, the study also identified obstacles in the form of limited legal understanding among Village Heads, weak coordination with law enforcement officials, and the lack of standard mediation procedures. These conditions indicate that increasing legal capacity and developing operational guidelines are urgently needed to ensure that restorative justice implementation continues to provide legal protection to all parties (Misnanto & Sholehuddin, 2024).

The existence of the Restorative Justice House demonstrates that non-litigation dispute resolution mechanisms can strengthen the effectiveness of community conflict resolution if supported by inter-institutional coordination. The study also emphasized that the Village

Head's mediation authority should be understood as part of non-litigation dispute resolution, not as a takeover of investigative or prosecutorial functions. Therefore, the Restorative Justice House has the potential to become an institutional model that strengthens the implementation of restorative justice at the village level (Rahmadani & Hapidah, 2024).

The implementation of restorative justice in customary courts demonstrates that community-based dispute resolution is more effective when it remains connected to the state legal system, allowing local values to coexist with the principle of legal certainty. These findings demonstrate that synergy between village governments, customary institutions, the police, the prosecutor's office, and legal aid organizations is a crucial prerequisite for building a sustainable restorative justice system (Andiko, Nurdin, & Efrinaldi, 2024).

Mediation by the Village Head has strategic value because it can revitalize the community culture (gemeinschaft) that characterizes rural communities. Dispute resolution through deliberation not only resolves legal issues but also improves social relations, maintains community harmony, and reduces the potential for prolonged conflict. This demonstrates that the Village Head's role as a mediator significantly contributes to expanding access to justice for rural communities (Rahayu, 2016).

Strengthening access to justice must also be accompanied by increased legal capacity among village officials. Training in mediation techniques, preparing peace minutes, identifying cases that meet restorative justice requirements, and protecting victims' rights are crucial to ensuring that dispute resolution at the village level adheres to the principles of the rule of law. Restorative justice implementation training programs for village officials have been shown to improve legal understanding and the ability to resolve minor crimes peacefully without compromising legal certainty (Maradona et al., 2024).

On the other hand, social legitimacy cannot be the sole basis for implementing restorative justice. Village heads must still act within the limits of their legal authority and adhere to the principles of the rule of law. Mediation outcomes achieved through deliberation must respect the rights of victims and the public interest, and must not conflict with applicable laws and regulations. Therefore, social legitimacy must go hand in hand with legal legitimacy to ensure legal certainty in dispute resolution (Agusta, 2024).

## Comparative Analysis of Community Paralegal Models in Selected Countries

### 1. South Africa

South Africa is widely recognized as one of the countries that has developed a strong community paralegal system to improve access to justice, particularly for disadvantaged and marginalized communities (Dugard & Drage, 2013). The country's legal aid framework complements the formal justice system through the operation of Community Advice Offices (CAOs), which provide legal information, legal advice, mediation, administrative assistance, and referrals to lawyers or Legal Aid South Africa when necessary (Dugard & Drage, 2013; Open Society Justice Initiative [OSJI], 2010).

Unlike licensed advocates or attorneys, community paralegals in South Africa are not primarily responsible for courtroom representation. Instead, they function as trusted intermediaries who assist citizens in understanding their legal rights, resolving disputes through mediation, preparing legal documents, and accessing government institutions and formal legal services (Maru, 2006; Dugard & Drage, 2013). This model reflects the principles of Legal Empowerment Theory, which emphasizes strengthening community capacity to solve legal problems before they escalate into formal litigation (Golub, 2003).

The effectiveness of the South African model lies in its close integration with local communities. Community Advice Offices are generally established within the communities they serve, enabling paralegals to understand local socio-cultural conditions while maintaining public trust. Consequently, many disputes involving labour rights,

family conflicts, housing, social security, and administrative matters are resolved efficiently through community-based legal assistance before reaching the courts (OSJI, 2010; Dugard & Drage, 2013).

Compared with Indonesia, the South African experience demonstrates several important similarities and differences. Both countries rely heavily on community-based dispute resolution and recognize the importance of accessible legal services for rural populations. However, Indonesia has not yet formally institutionalized Village Heads/Lurah as community paralegals within the national legal aid system. Although Village Heads/Lurah frequently mediate disputes and facilitate conflict resolution under the Village Law and various sectoral regulations, these functions remain largely based on administrative practice rather than explicit legal recognition as part of the legal aid framework. In contrast, South Africa has progressively institutionalized community paralegals through Community Advice Offices, thereby creating a stronger connection between grassroots legal services and the formal justice system (Dugard & Drage, 2013; Maru, 2006).

Therefore, the South African experience provides valuable lessons for Indonesia. Rather than creating an entirely new legal institution, Indonesia could strengthen its legal aid framework by formally recognizing Village Heads/Lurah as community paralegals, establishing standardized training and certification, defining their scope of authority, and integrating them with accredited legal aid organizations. Such reforms would expand access to justice while preserving local dispute resolution traditions consistent with the principles of responsive law and legal empowerment (Golub, 2003; Dugard & Drage, 2013).

**2. The Philippines**

The Philippines has developed one of the most established community-based dispute resolution systems in Southeast Asia through the Katarungang Pambarangay (Barangay Justice System), which was institutionalized under the Local Government Code of 1991 (Republic Act No. 7160). This system authorizes the Punong Barangay (Barangay Captain) and the Lupon Tagapamayapa (Peace Council) to mediate and conciliate disputes before they proceed to formal judicial proceedings (Republic of the Philippines, 1991). The Barangay Justice System is designed to provide accessible, inexpensive, and expeditious dispute resolution while reducing court congestion and promoting community harmony (Golub, 2003; Republic of the Philippines, 1991).

The Barangay Captain performs functions comparable to those proposed for Village Heads/Lurah in Indonesia. Rather than acting as judges or legal representatives, Barangay officials facilitate dialogue, encourage voluntary settlements, and assist disputing parties in reaching mutually acceptable agreements. This approach reflects the principles of Access to Justice Theory and Restorative Justice Theory, emphasizing community participation, consensus-building, and the restoration of social relationships instead of adversarial litigation (Cappelletti & Garth, 1978; Zehr, 2002). Empirical studies have shown that the Barangay Justice System successfully resolves a substantial proportion of minor civil and criminal disputes at the community level, thereby improving access to justice while preserving social cohesion (Golub, 2003; World Bank, 2011).

Compared with Indonesia, the Philippine model demonstrates a stronger degree of legal institutionalization. Although Village Heads/Lurah in Indonesia frequently mediate disputes based on customary practices, village governance laws, and restorative justice policies, their role has not been formally incorporated into the national legal aid framework as community paralegals. In contrast, the Philippine legal system expressly recognizes the authority of Barangay officials to conduct mediation and conciliation

through statutory regulation, making community-based dispute resolution an integral component of the national justice system (Republic of the Philippines, 1991).

The Philippine experience therefore provides an important comparative lesson for Indonesia. Formal recognition of Village Heads/Lurah as community paralegals, supported by standardized legal training, clearly defined authority, institutional supervision, and integration with accredited legal aid organizations, could strengthen village-level dispute resolution while expanding access to justice. Such reforms would also align Indonesia's legal aid system with the principles of legal empowerment, responsive law, and restorative justice by bringing legal services closer to rural communities (Golub, 2003; Nonet & Selznick, 1978; Zehr, 2002).

**3. Bangladesh**

Bangladesh has developed one of the most influential community paralegal models in South Asia through the Madaripur Legal Aid Association (MLAA), a non-governmental organization established in 1978 to expand access to justice for poor and marginalized communities. Initially focusing on legal representation before formal courts, MLAA subsequently developed an innovative community-based mediation model that integrates legal aid, legal awareness, mediation, and community participation into a single framework for dispute resolution (Golub, 2003; Penal Reform International, 2003). The model has become widely recognized as an effective mechanism for strengthening access to justice while reducing dependence on formal litigation.

Unlike conventional legal aid providers, MLAA relies on trained community paralegals and local mediation committees to resolve disputes at the village level. These community paralegals provide legal information, facilitate mediation, assist citizens in understanding their legal rights, and refer complex cases to formal legal institutions when necessary (Maru, 2006; Golub, 2003). The mediation process is based on the traditional *shalish* system but has been substantially reformed by incorporating principles of gender equality, human rights, due process, and voluntary participation, thereby transforming customary dispute resolution into a more rights-based mechanism (Penal Reform International, 2003).

The Bangladesh experience demonstrates that community paralegals can effectively bridge the gap between informal justice mechanisms and the formal legal system. MLAA has also collaborated with local government institutions, including Village Courts and Arbitration Councils, while providing legal education and capacity-building programs for community leaders and local representatives (MLAA, n.d.). This institutional integration has enabled many disputes involving land, family matters, domestic violence, inheritance, and civil disagreements to be resolved efficiently without resorting to lengthy court proceedings.

Compared with Indonesia, Bangladesh offers an important lesson in institutionalizing community-based legal services. While Village Heads/Lurah in Indonesia frequently perform mediation and dispute resolution functions under village governance practices, these functions remain largely administrative and have not yet been formally recognized within the national legal aid framework. In contrast, Bangladesh has successfully strengthened community justice through structured legal empowerment programs, trained community paralegals, and close coordination between civil society organizations and local justice institutions (Golub, 2003; Maru, 2006). Accordingly, Indonesia could adopt several elements of the Bangladesh model by formally recognizing Village Heads/Lurah as community paralegals, providing standardized legal training, establishing referral mechanisms to accredited legal aid organizations, and integrating community mediation into the broader national access-to-justice strategy. Such reforms

would strengthen legal empowerment while preserving local wisdom and community participation in dispute resolution (Golub, 2003; Penal Reform International, 2003).

**Table 3. Comparative Analysis of Community Paralegal Models in Selected Countries**

| Aspect | Indonesia | Philippines | South Africa |
|---|---|---|---|
| Village Leader | Yes | Barangay Captain | No |
| Community Paralegal | Partial | Yes | Yes |
| Mediation | Yes | Mandatory | Yes |
| Restorative Justice | Partial | Yes | Yes |
| Legal Recognition | Weak | Strong | Strong |

Source: research data

Compared with the Philippines and South Africa, Indonesia has recognized the dispute resolution function of Village Heads/Lurah socially, but has not yet established an integrated legal framework recognizing them as community paralegals. This comparative finding demonstrates that Indonesia still requires regulatory harmonization to institutionalize village-based legal aid within the national justice system.

## Comparative Synthesis: Why Community Paralegal Models Have Been More Successful Than Indonesia's Current System

The comparative analysis demonstrates that the relative success of community paralegal systems in South Africa, the Philippines, and Bangladesh does not merely result from the existence of community leaders or mediation practices. Rather, their effectiveness is primarily supported by coherent legal recognition, institutional integration, standardized competency systems, and formal coordination with the justice sector.

First, all three countries provide explicit legal or institutional recognition for community-based dispute resolution actors. In the Philippines, Barangay Captains derive their mediation authority directly from statutory law through the *Katarungang Pambarangay* system, while South Africa institutionalizes community paralegals through Community Advice Offices integrated with Legal Aid South Africa. Bangladesh similarly combines community mediation with structured legal empowerment programs coordinated by the Madaripur Legal Aid Association. Consequently, community dispute resolution is not merely a social practice but an officially recognized component of the national justice system.

Second, these jurisdictions establish clear institutional relationships between community paralegals and formal justice institutions. Community mediators operate within referral mechanisms, competency standards, reporting procedures, and supervision systems, ensuring that informal dispute resolution complements rather than competes with courts and law enforcement agencies. Such institutional integration enhances legal certainty while maintaining accessibility for local communities.

By contrast, Indonesia currently relies largely on the sociological legitimacy of Village Heads/Lurah without providing comprehensive legal recognition within the national legal aid framework. Although Village Heads routinely mediate community disputes under the Village Law and restorative justice policies, their authority remains fragmented across different legal regimes. The Village Law regulates village governance, the Legal Aid Law recognizes accredited Legal Aid Organizations, and restorative justice regulations primarily govern law enforcement institutions. These regulations operate independently, creating legal uncertainty regarding the authority, competency standards, coordination mechanisms, certification, and accountability of Village Heads/Lurah acting as community paralegals.

Therefore, the principal difference between Indonesia and the selected comparator countries lies not in the existence of community-based dispute resolution itself, but in the level of legal institutionalization. The comparative evidence indicates that successful

community paralegal systems require comprehensive legal recognition, standardized training and certification, institutional coordination, and effective oversight mechanisms. These findings reinforce the argument that empowering Village Heads/Lurah should move beyond informal mediation practices toward an integrated restorative justice-based legal aid model capable of providing both social legitimacy and legal certainty.

**The Ideal Model for Empowering Village Heads/Lurah as Community Paralegals Based on Restorative Justice**

1. **The Urgency of Model Formation**

Strengthening the role of Village Heads/Lurah as community paralegals needs to be directed towards a model with a clear legal basis, competency standards, work mechanisms, and oversight system. Dispute resolution by Village Heads/Lurah has been sporadic and dependent on the experience and social legitimacy of each village official. In fact, various regulations have provided space for non-litigation dispute resolution through a restorative justice approach, although they have not explicitly regulated the position of Village Heads/Lurahs as part of the national legal aid system (Law Number 6 of 2014 concerning Villages; Law Number 16 of 2011 concerning Legal Aid; Regulation of the Minister of Law and Human Rights Number 3 of 2021 concerning Paralegals in the Provision of Legal Aid; Regulation of the Attorney General of the Republic of Indonesia Number 15 of 2020; Regulation of the National Police of the Republic of Indonesia Number 8 of 2021).

According to the National Legal Development Agency (BPHN), strengthening the capacity of village heads through the Paralegal Academy and the Paralegal Justice Award is part of a national strategy to expand access to justice and improve peaceful conflict resolution at the community level (BPHN, 2024). This program demonstrates that the government is beginning to direct village government officials as key actors in community-based legal services (BPHN, 2024).

2. **The Concept of a Community Paralegal Model Based on Restorative Justice**

The ideal model proposed in this study positions the Village Head/Lurah as a community paralegal, a village government official who has received legal training, possesses mediation competency, understands legal aid mechanisms, and serves as a facilitator for restorative justice-based dispute resolution. In this model, the Village Head/Lurah does not assume the functions of investigator, public prosecutor, or judge, but rather carries out preventive, consultative, mediative, and coordinating functions within the authority of the village government (Law Number 6 of 2014 concerning Villages; Regulation of the Minister of Law and Human Rights Number 3 of 2021).

This concept also aligns with the principle of community justice, which involves resolving legal issues as closely as possible with the community through dialogue, deliberation, and social restoration. According to Andiko, Nurdin, and Efrinaldi (2024), the success of restorative justice is greatly influenced by the involvement of local communities and institutions with social legitimacy in facilitating peace (Andiko et al., 2024).

3. **Ideal Model Components**

The empowerment model for Village Heads/Lurah as community paralegals based on restorative justice consists of five main components, including:

First, strengthening regulations, namely harmonization between the Village Law, the Legal Aid Law, the Regulation of the Minister of Law and Human Rights concerning Paralegals, Prosecutor's Regulation Number 15 of 2020, Police Regulation Number 8 of 2021, and PERMA Number 1 of 2024 so that there is certainty regarding the position and

authority of Village Heads/Lurah in community-based dispute resolution (Supreme Court of the Republic of Indonesia, 2024).

Second, strengthening competency through legal education and training on mediation techniques, negotiation, non-litigation legal aid, basic criminal law, civil law, victim protection, preparation of settlement minutes, and paralegal ethics. This competency needs to be demonstrated through certification conducted by the government in collaboration with accredited Legal Aid Organizations (Minister of Law and Human Rights Regulation No. 3 of 2021; BPHN, 2024).

Third, institutional strengthening, by establishing a Village Paralegal Post or Village Dispute Resolution Forum involving the Village Consultative Body (BPD), traditional leaders, religious leaders, community leaders, Legal Aid Organizations, Babinsa (village supervisory officers), and Bhabinkamtibmas (community police officers) as partners in the conflict resolution process. This institutional model creates a more participatory and accountable deliberation mechanism (Law Number 6 of 2014 concerning Villages; Rahmadani & Hafidah, 2024).

Fourth, strengthening cross-sector coordination, namely through the preparation of standard operating procedures between village governments, the Police, the Prosecutor's Office, the Courts, and Legal Aid Organizations regarding the classification of cases that can be resolved through restorative justice, case transfer mechanisms, and follow-up on peace outcomes (Police Regulation Number 8 of 2021; Prosecutor's Office Regulation Number 15 of 2020; PERMA Number 1 of 2024).

Fifth, strengthening the monitoring and evaluation system, through regular reporting, documentation of mediation results, supervision by local governments and the Ministry of Law, and evaluation of the quality of dispute resolution. This mechanism is crucial to prevent abuse of authority, maintain the neutrality of village heads, and ensure that every restorative justice process upholds victims' rights and legal certainty (Law No. 30 of 2014 concerning State Administration; Minister of Law and Human Rights Regulation No. 3 of 2021).

**4. Reconstruction of the Author's Proposed Model**

Based on normative analysis, the ideal model proposed in this study can be described as follows:

Inputs include regulations, paralegal training, certification, and the establishment of Village Paralegal Posts.

The process includes receiving public complaints, identifying the type of dispute, initial legal consultation, restorative justice-based mediation, preparing a peace report, and coordinating with Legal Aid Organizations and law enforcement officials if the case meets certain requirements (Police Regulation Number 8 of 2021; PERMA Number 1 of 2024).

The output is in the form of peaceful dispute resolution, increased public legal awareness, reduced social conflict, and increased public access to legal aid.

The outcome is the creation of a village government that is responsive to community legal issues, increased public trust in the village government, reduced caseloads in judicial institutions, and the realization of a dispute resolution system that is simpler, faster, less expensive, and restoratively just (BPHN, 2024; Supreme Court of the Republic of Indonesia, 2024).

This ideal model offers novelty compared to previous research because it not only discusses the role of the Village Head as a mediator or paralegal, but also reconstructs the position of the Village Head/Lurah as a community paralegal integrated into the national legal aid system and restorative justice policies. This model connects three legal regimes simultaneously: village government law, legal aid law, and restorative justice-based

criminal procedure law. Thus, the empowerment of the Village Head/Lurah is no longer dependent on social practices alone, but rather gains normative, institutional, and professional legitimacy, thereby strengthening access to justice at the village level.

## CONCLUSION AND RECOMMENDATIONS

### Conclusion

Based on the findings of this study, the following conclusions can be drawn:

1. This study demonstrates that empowering Village Heads/Lurah as community paralegals should be understood not merely as an administrative expansion of village authority, but as a normative and institutional reform of Indonesia's legal aid system. The findings reveal that the current legal framework remains fragmented because the Village Law, the Legal Aid Law, and restorative justice regulations operate independently without providing explicit legal recognition of Village Heads/Lurah as actors within the national legal aid system. Consequently, dispute resolution at the village level continues to rely predominantly on sociological legitimacy rather than integrated legal authority.
2. From a scientific perspective, this research contributes to the development of legal scholarship by constructing a comprehensive normative model that integrates village governance, legal aid, and restorative justice into a single institutional framework. Unlike previous studies that examined village mediation, paralegal programs, or restorative justice separately, this study demonstrates that these three legal regimes should be harmonized to create a coherent community-based legal aid system. Accordingly, the study offers a conceptual contribution by positioning Village Heads/Lurah as legally recognized community paralegals within Indonesia's broader access-to-justice architecture.
3. From a theoretical perspective, this research enriches the discourse on community-based justice by integrating Access to Justice Theory, Legal Empowerment Theory, Restorative Justice Theory, Responsive Law Theory, and Legal Pluralism Theory into a unified analytical framework. The findings confirm that expanding access to justice requires more than increasing the number of legal professionals; it also requires strengthening legally recognized community institutions capable of resolving disputes through participatory, restorative, and culturally legitimate mechanisms. In this respect, the study extends existing theories by demonstrating how formal legal institutions and living law can be integrated to improve substantive justice at the grassroots level.
4. From a policy perspective, the study implies that reforming Indonesia's legal aid system should prioritize regulatory harmonization between the Village Law, the Legal Aid Law, and restorative justice regulations. Such reform should be accompanied by formal recognition of Village Heads/Lurah as certified community paralegals, supported by national competency standards, certification systems, Village Paralegal Posts, standardized mediation procedures, cross-sector institutional coordination, and transparent supervision mechanisms. These policy measures would not only strengthen legal certainty and expand access to justice but also reduce unnecessary litigation, reinforce restorative justice, and establish a more responsive, participatory, and equitable legal aid system capable of addressing legal problems at the village level.

### Limitations

This study has several limitations because it uses a normative legal approach that focuses on the analysis of legislation, legal concepts, and scientific literature. Therefore, it has not empirically tested the effectiveness of empowering Village Heads/Lurah as community paralegals in dispute resolution practices in various regions. The scope of the study is also limited to an analysis of the harmonization between the Village Law, the Legal

Aid Law, and restorative justice regulations, so it has not accommodated the influence of local government policies, village regulations, local wisdom, or institutional aspects, financing, human resource capacity, and oversight mechanisms that may influence the implementation of the proposed model. In addition, the Restorative Justice-based Community Paralegal model formulated is still conceptual and has not undergone empirical validation or implementation testing (pilot project). Therefore, further research is needed to use an empirical or socio-legal approach to test the effectiveness of the model and refine it into an institutional model that is more applicable and appropriate to the needs of society and the Indonesian legal system.

**Recommendation**

Based on the research findings, the government needs to harmonize regulations between the Village Law, the Legal Aid Law, and various restorative justice regulations to provide legal certainty regarding the position, authority, and implementation mechanisms of Village Heads/Lurah as community paralegals. In addition, the National Legal Development Agency (BPHN), local governments, Legal Aid Organizations (OBH), and law enforcement officials need to strengthen synergy through the preparation of standard operating procedures (SOPs), the implementation of paralegal education and certification, the establishment of Village Paralegal Posts, and an integrated coordination and supervision system so that restorative justice-based dispute resolution can be implemented professionally, accountably, and fairly. Further research is recommended to test the effectiveness of the Restorative Justice-based Community Paralegal model through an empirical or socio-legal approach in various regions, while also examining other factors such as institutional capacity, community legal culture, local government support, and the use of digital technology in the provision of legal aid services at the village level to obtain a more comprehensive and applicable implementation model.

**Author Contribution**

The first author took primary responsibility for the research conceptualization, data collection, data analysis, and drafting of the manuscript. The second author contributed to the formulation of the conceptual framework, the interpretation of results, and the critical review and revision of the manuscript. Both authors have read and endorsed the final version of the article submitted for publication.

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