

Family Law Assistance Program visits Indonesia with the Australia Indonesia Partnership for Justice

Family Law Assistance Program
Faculty of Law, Monash University



Family Law Assistance Program at Monash-Oakleigh Legal Service in Clayton, Melbourne.

Family Law Assistance Program

Since April 2000, the Family Law Assistance Program ('FLAP') has been funded by the Federal Attorney-General's Department and administered by the Law Faculty at Monash University to provide free specialist family law assistance to Victorians. FLAP is part of Monash-Oakleigh Legal Service ('MOLS'), a community legal service which has been assisting the community since 1979. FLAP and MOLS give students the opportunity to learn practical legal skills and have

in the last few years, developed holistic approaches to legal issues by including services provided by social work as well as business and economics students from the university. FLAP and MOLS assist more than 3000 clients each year onsite and at the Federal Circuit Court in Dandenong ('FCC').

Australia Indonesia Partnership for Justice

The Australia Indonesia Partnership for Justice ('AIPJ') is a five year program supported by the Department of Foreign Affairs and Trade.

The strategy of AIPJ is to focus on realising the rights of Indonesians, in particular women who are poor, vulnerable children and people with disabilities.

AIPJ focuses on the following rights:

- Legal identity (birth, marriage and divorce certificates) as one precondition to realising basic economic and social rights, such as education and health care.
- The right to fair proceedings which are:
 - independent and impartial
 - fast, consistent, affordable, and accessible.
- The right to (legal) information.

The AIPJ Legal Identity Program

As many as 50 million children in Indonesia lack birth certificates and only half of all couples have a legal marriage. The courts in Indonesia are responsible for legalising marriages where there has previously been a religious marriage. A legal marriage is required in order to obtain a birth certificate for a child with both their father and mother's names.

Poverty increases the likelihood of not having a birth certificate as does living in rural and remote areas. AIPJ is working with the Indonesian courts, Ministry of Religion and Ministry of Home Affairs to implement integrated and mobile services that will provide marriage certificates to parents and birth certificates for their children. Providing legal advisory services at village level is an area where University Legal Aid Clinics are able to assist.

AIPJ Delegation from Indonesia

In 2010 and 2013, Cate Sumner, Lead Advisor of the Legal Identity Program at the Australia Indonesia Partnership for Justice (AIPJ), visited FLAP with delegates from universities and the judiciary from Indonesia. The delegates observed

Malcolm Bennett, Principal Lawyer at FLAP and lecturer at Monash University, and his students conducting client interview sessions and completing file work. "Monash University is unique in Australia in the way that it has established a specialised family law clinic that provides legal advisory services to clients both at court and at a legal aid clinic on the university campus. This experience of Monash University is particularly relevant in the Indonesian context where, in 2013, over 300 legal aid providers were accredited by the Ministry of Law And Human Rights, some of which are University legal aid clinics", says Cate Sumner.

Meeting on Strengthening Services to Justice Seekers provided by Professional Practice Courses/University Legal Aid Clinic. 5-7 May 2014

From 5 to 7 May 2014, AIPJ invited Mr Bennett, and Jennifer Lindstrom, Lawyer and Program Administrator, to represent Monash University's Law Faculty at a meeting to discuss strategies on "strengthening services to justice seekers provided by Professional Practice courses and university legal aid clinics" in Bandung, Indonesia.

The meeting was attended by delegates, including deans and lecturers from Muhammadiyah University (North Sumatra), State Islamic University (West Java and Makassar), University of Mataram (NTB), University Nusa Cendana (NTT), representatives from Civil Society Organisations ('CSO'), Disabled People Organisations ('DPO'), the National Board for Legal Development (BPHN) in the Ministry of Law and Human Rights and the National Planning and Development Agency (BAPPENAS).

On the first day, delegates visited the family law division of the Religious Court and the Family Law Clinic (Biro Konsultasi Dan Layanan Hukum Keluarga or 'BKLHK') in Sumedang. The BKLHK family law clinic was set up in 2010 on the initiative of lectures from UIN Sunan Gunung Djati in Bandung (UIN Bandung).

Drs Deni Yusup and Ramdani Wahyu work with final year law students in providing family law related services to an ever increasing number of clients.

Delegates had the opportunity to discuss the progress and impact of the university clinic with

members of the judiciary at the Court. BKLHK students and lecturers travel for hours to Sumedang to volunteer from 7:30am until 2pm every Monday to Friday. The clinic assisted 2493 clients in 2013.



Religious Court at Sumedang



Members of the judiciary, AIPJ, delegates and law students outside the Sumedang Religious Court



L2: Malcolm Bennett, Principal Lawyer, Family Law Assistance Program; L4: Cate Sumner, Lead Advisor, Legal Identity Program, AIPJ; L5: Jennifer Lindstrom, Lawyer, Family Law Assistance Program and Law Students at the entrance of the BKLHK Clinic in Sumedang.

On the second day, delegates discussed strategies for setting up university clinics and collaboration models with CSOs and DPOs. A snapshot of the types of matters and number of clients assisted by current services provided by university legal aid clinics was presented by universities from across Indonesia and delegates also heard from

the AIPJ legal aid consultant on various contemporary legal aid issues.

Mr Bennett and Ms Lindstrom presented papers on the operations of FLAP which dealt with preparing students for participation in clinics, maintaining quality of service and data collection.



Mr Bennett's presentation to delegates from Indonesian universities, CSOs, DPOs, National Board of Legal Development and the National Planning and Development Agency.

On the final day, delegates formulated recommendations on encouraging students to participate in university clinics through integration of practical subjects into the curriculum and development of information exchange and database systems.

Mr Bennett says that the “welcome received by us was heart-warming and touching. The delegates went out of their way to make us welcome. It is hoped that friendships created during this meeting will continue on”. FLAP would like to thank AIPJ for hosting the event and the delegates for warmly welcoming Mr Bennett and Ms Lindstrom to Indonesia.



Attendees at the meeting on “strengthening services to justice seekers provided by Professional Practice courses and university legal aid clinics” in Bandung, Indonesia from 5 to 7 May 2014.

For more information, please refer to:

Legal Identity Program at AIPJ
www.aipj.or.id/en/legal_identity

AIPJ Baseline Study on Legal Identity: Indonesia’s Missing Millions
<http://goo.gl/eEBFHm>

Family law Clinic, Biro Konsultasi Dan Layanan Hukum Keluarga (BKLHK)
http://www.aipj.or.id/en/legal_identity/article/138

Universitas Islam Negeri Sunan Gunung Dati – Bandung (UIN Bandung)
<http://www.uinsgd.ac.id/front/home>

Monash-Oakleigh Legal Service
<http://www.law.monash.edu.au/about-us/legal/flap.html>

Family Law Assistance Program
<http://www.law.monash.edu.au/about-us/legal/flap.html>

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