

(Widiarty, Wiwik Sri) The Legal Aid for Underprivileged People in Indonesia

by Layanan Turnitin

Submission date: 07-Feb-2024 04:21PM (UTC+0700)

Submission ID: 2277887490

File name: TheLegalAidForUnderprivilegedPeople.pdf.crdownload (497.51K)

Word count: 2649

Character count: 13750

THE LEGAL AID FOR UNDERPRIVILEGED PEOPLE IN INDONESIA

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Abstract - One of the legal problems that occurs is about access to legal aid for Indonesian citizens who are not economically and financially able to get legal assistance services from advocates. The purpose of this research is first to find out whether people who are incapacitated are still entitled to free legal assistance from advocates and the Indonesian state. Secondly, is to find out the conditions that must be met for people who cannot afford to get the advocate legal services for free. This research method is normative legal research, with a statutory approach, a historical approach. Primary, secondary and tertiary data sources. Data collection techniques with literature studies, qualitative juridical data analysis. The results of the study: Indonesians who cannot afford access to legal aid for free because the Indonesian state has budgeted a fee of fifty three billion rupiah for legal assistance to people who cannot afford it every year and advocates are obliged to provide legal assistance for free. The conditions for obtaining access to legal aid only need to attach a certificate of incapacity from the village office where he lives and the chronology of legal issues. For this reason, the state guarantees the rights for all Indonesians to get access to legal aid for free, as stated in law concerning legal aid.

Keywords: Free legal aid access, advocates;

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INTRODUCTION

Currently, the total population in Indonesia in 2022 has reached 275.36 million people, based on data on the number of population and civil records of the Directorate General of Population and Civil Registration (Dukcapil) of the Ministry of Home Affairs in June 2022. This number increased by 1.48 million people (0.54%) compared to the position in December 2021. This number also increased by 3.13 million people (1.15%) when compared to the position in June of the previous year [1].

this will certainly cause problems both economically [2], socially and legally, one of the legal problems that occur is about access to legal assistance for Indonesian citizens who are not economically and financially capable to get legal assistance services from advocates to solve legal problems that are being faced by underprivileged people [3].

The number of poor people in March 2022 amounted to 26.16 million people, from the total population of Indonesia which reached 275.36 million and the percentage of poor people in March



2022 of 9.54 percent of the Poverty Line in March 2022 was recorded at IDR.505,469.00 / capita / month with the composition of the Food Poverty Line of IDR 374,455.00 (74.08 percent) and the Non-Food Poverty Line of IDR 131,014, 00 (25.92 percent). As of March 2022, the average poor household in Indonesia has 4.74 household members. Thus, the average Poverty Line per poor household is IDR.2,395,923.00/poor household/month [4].

Based on these data, it can be concluded that the poor in Indonesia reach 26.16 million people while the total population of Indonesia is 275.36 million people, this will certainly also have an impact on access to legal aid services for the poor, because people who are incapable certainly cannot pay for the legal services of an advocate to accompany him if he or his family is experiencing legal problems and this happens to the poor in Indonesia which currently numbers 26.16 million people.



Figure 1. Poverty profile in Indonesia in 2011-2022

From the figure above, it can be concluded that the number of poor people from 2011 to 2022 has decreased where in 2011 the number of poor people amounted to 30.01 million people, in March 2012 the number of poor people fell to as many as 29.25 million people and in September 2012 the number of poor people also fell again to as many as 28.71 million people, while in March 2013 the number of poor people was still the same as many as 28.71 million people, in September 2013 the number of poor people fell to as many as 28.6 million people, in March 2014 the number of poor people increased to as many as 28.28 million people, in September 2014 the number of poor people again fell to as many as 27.73 million people, in March 2015 the number of poor people increased to as many as 28.59 million people, in September 2015 the number of poor people fell to as many as 28.51 million people, in March 2016 the number of poor people again fell to as many as 28.01 million people, in September 2016 the number of poor people again fell to as many as 27.76 million people, in March of 2017 the number of poor people has increased to 27.77 million people, in September 2017 the number of poor people decreased to 26.58 million people, in March 2018 the number of poor people decreased again to 25.95 million people, in September 2018 the number of poor people decreased again to 25.67 million people, in March 2019 the number of poor people decreased again to as many as 25.14 million people, in September 2019 the number of poor people decreased again to as many as 24.78 million people, in March 2020 the number of poor people increased to as many as 26.42 million people, in September 2020 the number of poor people increased to as many as 27.55 million people in March 2021 the number of poor people decreased to 27.54 million people, in September 2021 the number of poor people decreased to as many as 26.5



million people, in March 2022 the number of poor people increased to as many as 26.16 million people.

For this reason, the free legal aid access for underprivileged people is a must to ensure a peaceful and prosperous community life, therefore the problem must be a concern for the Indonesian state [5].

METHODS

This study was conducted from June to September 2022. This research method is normative legal research using a legal approach, a historical approach. The data sources in this study consist of primary, secondary and tertiary data. Data collection techniques with literature review, qualitative juridical data analysis.

Researchers have conducted interviews with people who are unable to get access to legal aid, as well as researchers using statistical data issued by the Indonesian government as well as laws and regulations related to legal aid such as Law no.16 of 2011 concerning Legal Aid and Law no.18 of 2003 concerning Advocates.

Results And Discussion

The Ministry of Law and Human Rights of the Republic of Indonesia has issued a decree Nomor.M.HM-02. Hn.03.03 of 2021 concerning Legal Aid Institutions / Organizations that passed verification and accreditation as legal aid providers for the 2020-2024 period issued on December 29, 2021[6], In this decision, the Ministry of Law and Human Rights has issued as many as 619 legal aid institutions throughout Indonesia as providing free legal assistance to underprivileged people.

In addition, the Indonesian state through the Ministry of Law and Human Rights represented by the National Legal Development Agency (BPHN) has prepared a legal aid budget of Rp.53 billion per year to be given to people who are unable to access the legal assistance they are facing [7].

This is inseparable from the birth of Law number 16 of 2011 concerning Legal Aid in the Law, the government is obliged to provide free access to legal aid to the poor.

Based on legal aid data in 2021, people who have used legal aid services for free consist of legal assistance for criminal cases as many as 5,760 cases while civil cases are 2,533 cases [8].



Fig. 2. Maps Of The Spread Of Legal Aid Organizations In Indonesia

Figure of the number of legal assistance institutions distribution (OBH) in Indonesia i.e : Aceh 24 OBH, North Sumatra 37 OBH, West Sumatra 12 OBH, Riau 14 OBH, Jambi 17 OBH, South Sumatra 13 OBH, Bengkulu 13 OBH, Lampung 22 OBH, Bangka Islands Belitung 8 OBH, Riau Islands 7 OBH, Special Region of the capital Jakarta 41 OBH, West Java 49 OBH, Central Java 60 OBH, Special Region of Yogyakarta 22 OBH, East Java 65 OBH, BANTEN 21 OBH, Bali 6 OBH, Nusa Tenggara Barat



18 OBH , East Nusa Tenggara 15 OBH, West Kalimantan 5 OBH, Central Kalimantan 9 OBH, South Kalimantan 7 OBH, East Kalimantan 19 OBH, North Kalimantan 1 OBH, North Sulawesi 9 OBH, Central Sulawesi 16 OBH, South Sulawesi 30 OBH, Southeast Sulawesi 17 OBH, Gorontalo 10 OBH, West Sulawesi 6 OBH, Maluku 7 OBH, North Maluku 9 OBH, West Papua 5 OBH, Papua 6 OBH.

Currently, the spread of legal aid institutions that serve underprivileged communities has spread throughout Indonesia and people who cannot afford it still get access to legal aid for free by visiting the office of the legal aid institution where they live. The requirements that must be completed are a certificate of incapacity from the village where he lives and write down the chronology of the legal problems he is facing then the requirements are handed over to the legal aid institution and after that, the legal aid institution will provide legal assistance for free and the poor do not need to pay a single rupiah to the legal aid office. Because everyone has the right to recognition, guarantee and protection and legal certainty that is fair and the same behavior before the law [9][10].

Table 1. Number Of Poor People By Province September 2021- March 2022.

Provinsi	Jumlah Penduduk Miskin (ribu)					
	Perkotaan		Perdesaan		Total	
	Sep'21	Mar'22	Sep'21	Mar'22	Sep'21	Mar'22
(1)	(2)	(3)	(4)	(5)	(6)	(7)
1. Aceh	195,47	193,32	654,79	613,49	850,26	806,82
2. Sumatera Utara	725,04	739,86	548,03	528,33	1.273,07	1.268,19
3. Sumatera Barat	134,53	137,61	205,39	197,60	339,93	335,21
4. Riau	190,99	181,82	305,67	303,21	496,66	485,03
5. Jambi	126,10	127,34	153,75	152,03	279,86	279,37
6. Sumatera Selatan	393,38	371,50	723,23	673,18	1.116,61	1.044,69
7. Bengkulu	98,83	100,69	192,97	196,54	291,79	297,23
8. Lampung	236,48	234,78	770,54	767,63	1.007,02	1.002,41
9. Kep. Bangka Belitung	27,28	26,48	42,43	40,30	69,70	66,78
10. Kepulauan Riau	119,31	122,60	18,44	29,08	137,75	151,68
11. DKI Jakarta	498,29	502,04	-	-	498,29	502,04
12. Jawa Barat	2.951,07	3.010,36	1.053,79	1.060,63	4.004,86	4.070,98
13. Jawa Tengah	1.847,09	1.818,25	2.086,92	2.013,20	3.934,01	3.831,44
14. DI Yogyakarta	331,71	315,46	142,78	139,30	474,49	454,76
15. Jawa Timur	1.768,91	1.721,46	2.490,69	2.459,83	4.259,60	4.181,29
16. Banten	576,62	566,49	275,66	247,54	852,28	814,02
17. Bali	137,60	136,06	73,86	69,62	211,46	205,68
18. Nusa Tenggara Barat	387,67	381,84	347,64	350,09	735,30	731,94
19. Nusa Tenggara Timur	120,58	126,80	1.025,70	1.004,83	1.146,28	1.131,62
20. Kalimantan Barat	89,04	85,04	264,96	265,21	354,00	350,25
21. Kalimantan Tengah	57,86	59,84	83,17	85,26	141,03	145,10
22. Kalimantan Selatan	80,35	77,77	117,41	117,93	197,76	195,70
23. Kalimantan Timur	121,28	123,59	111,85	112,66	233,13	236,25
24. Kalimantan Utara	23,88	26,55	25,61	22,91	49,49	49,46
25. Sulawesi Utara	70,14	70,42	116,41	114,72	186,55	185,14
26. Sulawesi Tengah	86,67	90,26	294,54	298,09	381,21	388,35
27. Sulawesi Selatan	198,84	208,53	566,62	568,91	765,46	777,44
28. Sulawesi Tenggara	71,02	69,94	252,25	239,85	323,26	309,79
29. Gorontalo	21,51	21,01	163,09	164,43	184,60	185,44
30. Sulawesi Barat	27,72	27,99	138,27	137,73	165,99	165,72
31. Maluku	49,02	45,12	245,94	245,45	294,97	290,57
32. Maluku Utara	17,60	19,09	63,58	60,79	81,18	79,87
33. Papua Barat	28,19	29,47	193,10	189,31	221,29	218,78
34. Papua	49,23	50,67	895,26	871,46	944,49	922,12
Indonesia	11.859,34	11.820,06	14.644,30	14.341,10	26.503,65	26.161,16

The number of poor people by province in Indonesia as follows is: Aceh 806.82 thousand people, North Sumatra 1,268.19 million people, West Sumatra 335.21 thousand people, Riau 485.03 thousand people, Jambi 279.37 thousand people, South Sumatra 1,044 .69 million people, Bengkulu 297.23 thousand people, Lampung 1.002.41 million people, Bangka Belitung Islands 66.78 thousand people, Riau Islands 151.68 thousand people, Special Capital Region of Jakarta 502.04 thousand people, West Java 4,070, 98 million people, Central Java 3,831.44 million people, Special Region of Yogyakarta 454.76 thousand people, East Java 4,181.29 million people, Banten 814.02 thousand people, Bali 205.68 thousand people, West Nusa Tenggara 731.94 thousand people, East Nusa Tenggara 1,131.62 million people, West Kalimantan 350.25 thousand people, Central Kalimantan 145.10 thousand people, South Kalimantan 195.70 thousand people, East Kalimantan 236.25 thousand people, North Kalimantan 49.46 thousand people , North Sulawesi 185.14 thousand people, Central Sulawesi 388.35 thousand people, South Sulawesi 777.44 thousand people,

Southeast Sulawesi 309.79 thousand people, Gorontalo 185.44 thousand people, West Sulawesi 165.72 thousand people, Maluku 290.57 thousand people, North Maluku 79.87 thousand people, West Papua 218.78 thousand people, Papua 922.12 thousand people .

Based on the number of poor people in Indonesia, it is divided into two, namely urban people and rural communities. Where the poor people in 2022 amounted to 11,820.06 million people while the rural poor numbered 14,341.10 million people with a total of 26,161.16 million poor people in Indonesia [11].

CONCLUSION

People in Indonesia who cannot afford legal services can use access to legal aid at legal aid institutions that have been appointed by the government, which currently numbers 691 legal aid organizations spread throughout the Indonesian jurisdiction for free. Because the Indonesian state has budgeted fifty-three billion rupiah for legal assistance to the poor every year. In addition, advocates are also required to provide legal assistance free of charge to the poor. The conditions for obtaining access to legal aid for people who cannot afford it only need to attach a certificate of incapacity from the village office where they live and write down the chronology of the legal difficulties they face. Therefore, the state has guaranteed that the rights for all Indonesians to have access to legal aid for free for the indigent as stated in Law no.16 of 2011 concerning Legal Aid.

ACKNOWLEDGEMENT

The author would like to thank Mr. JakaWijayaKusuma, as Chair of the Bina Bangsa University LPPM who has provided assistance and suggestions for the publication of this journal. The author also thanks the lecturers of the law doctoral program at the Christian University of Indonesia who have provided their knowledge, and the law students at Bina Bangsa University who have assisted in collecting data in this study.

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