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LEGAL AID FOR MARGINAL COMMUNITIES IN INDONESIA (INVESTMENT FRAUD VICTIM CASE)

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ABSTRACT

Legal Legal aid is basically a translation of "legal assistance", which, in practice, has a different orientation. Legal aid is usually used for the understanding of legal assistance in a strict sense of providing legal services to people who are involved in a case for free or free for those who are in financial needs (poor) and legal assistance is a term used to indicate the meaning of legal assistance to those who cannot afford, with honorarium. The motivation of the study to know and analysis about the concept of legal aids for marginal community and the implementation of mandate of the advocate in providing legal aid for marginal communities in indonesia (victims of investment fraud case). This article used normative research based on an inventory and identification of secondary data in a descriptive qualitative manner through a case analysis approach. Based on the research results, legal aid is a right of a person or group of people who are poor that has been regulated in various international and national instruments. As a universally recognized right, which is the actualization of human rights and equality before the law. On 4 October 2011, Law No. 16 of 2011 on Legal Aid was ratified. In providing legal aid to marginalized communities, advocates have the responsibility to carry out the legal aid programs because advocate is a noble profession (*Officium Nobile*), which requires the defense of all people regardless of race, color, religion, culture and socio-economic background. Legal aid provided to marginalized clients aims to guarantee and fulfill the right to receive legal aid and to get access to justice; to realize the constitutional rights of every citizen in accordance with the principle of equality before the law; to guarantee the certainty of the implementation of Legal Aid carried out evenly throughout the Republic of Indonesia; and to realize effective, efficient and accountable justice.

INTRODUCTION

Currently, Indonesia is still facing legal and justice issues that comprise the law that is still referring to Dutch colonial ideology; overlapping laws; difficult access to the justice system for the community; high cost of bureaucracy; corrupted legal apparatus; and weak legal awareness of the community. To solve the aforementioned legal issues, it is necessary to consolidate a process of democracy supported by the rule of positive law that fully adopts the principles of equality before the law. It is necessary to improve the quality of law that is just and in line with the dynamics of development and needs of social, cultural, political and economic (The National Development Planning Agency (Bappenas, 2015).

The community's lack of legal awareness and understanding can be because of a lack of understanding of the law and their ignorance of legal aid that is the right of the poor to get at no cost (*pro bono publico*) (Winarta, F. H. ,2009), so that everyone can exercise the right to get legal services. Both the rich, who can hire a lawyer, and the poor, who cannot hire a lawyer, can still receive legal aid, which is a translation of 'equality before the law'. Truly, a profession of advocate, is known as a noble profession (*Officium Nobile*) since it enables defense for all people regardless of race, color, religion, culture, and socio-economic background. The advocate profession, according to Ropaun Rambe, is not merely making a living, but it also must fight for the idealism and morality values (Ishaq, 2008).

In research from Winarta (2000) stated that often, the economically disadvantaged people (they have not) are treated unfairly and cannot obtain adequate legal services and defense (access to legal cooperation) from advocates/legal counsel. Winarta also emphasizes that basically legal aid is the right of the poor that can be obtained without paying (*pro bono publico*) as the translation of 'equality before the law' (Frans, 2000).

In research from Investasi (2020) in Indonesia, there are many frauds with investment modes and the victims include marginalized communities who need legal aid. The head of the Financial Services Authority (OJK) Illegal Investment Task Force, Tongam Lumban Tobing, revealed that the total losses caused by fraudulent or illegal investments were quite large. He estimated that the total loss from 2007 to this year reached Rp. 105.81 trillion. Tongam explained that so far there have been four fraudulent investment companies that the Illegal Investment Task Force has found. The four companies are Pandawa Group, First Travel, PT Cakrabuana Sukses Indonesia and Dream Freedom.

RESEARCH METHOD

This study applies normative legal research method. It developed this legal study based on legal knowledge with all the idiosyncrasies that result in typical legal research, which is subsequently known as normative legal research (Soerjono & Sri, 1990). The approach used in this study is normative juridical, i.e., the approach that is based on the applicable legislation as a positive legal norm (Harnitiyo, 1982), especially Law No. 18 of 2003 on

Advocates and Law No. 16 of 2011 on Legal Aid. Baro, R. (2017). Penelitian Hukum Doktrinal. Indonesia Prime.

Besides applying normative juridical research, this study also uses an empirical normative legal research method. The method examines the implementation of positive legal provisions (legislation) and factual contracts on any legal event that occurs within the community in order to achieve the purpose. The assessment aims to find out whether the results of the application of in concrete legal event are appropriate or not under the provisions of the law or the terms of the contract. The empirical (applied) normative legal research originates from the provisions of written positive law which apply to concrete legal events in the society. The implementation is realized through real action and legal document. The results of the application explain whether the provisions of the law or the contract have been appropriately implemented or not (Abdulkadir, 2004).

RESULT AND DISCUSSION

The Concept of Legal Aids for Marginal Community

We usually see the beginning of the legal aid in Europe in the 17th and 18th centuries and the Age of Enlightenment, when equality before the law and equal rights were codified with an aim to create equal opportunities for individuals in obtaining justice (Kiraly, 2010). The concept of legal aids itself is used as a translation of two different foreign terms, namely legal aid and legal assistance. The term 'Legal Aid' is used to show the meaning of legal assistance in a narrow sense of giving free legal services to someone involved in a case for those who cannot afford hiring a lawyer. Whereas the term 'Legal Assistance' is used to refer to providing free legal assistance given to those who cannot afford and providing legal assistance with honorarium (Yahya, 2009).

The definition of legal aid can also be seen in the Black's Law Dictionary, The International Legal Aid, and The Legal Aid Act, as well as various perspectives of legal experts. The Black's Law Dictionary defines legal aid as: "Country wide systems administered locally by legal services are rendered to those in financial need and who cannot afford private counsel." The International Legal Aid states that: "The legal aid work is an accepted legal service that is made available to ensure legal representation before the courts or tribunals, especially the reason of his or her lack of financial resources". The Legal Aid Act (1974) in the United Kingdom states that, "It gives persons of moderate disposable income and capital assistances and legal proceedings and domestic proceedings before justice, legal aid and advice in non-litigation matters" (Frans, 2009).

Legal aid is basically a translation of "legal assistance", which, in practice, has a different orientation. According to Zulaidi, the term legal aid comes from legal assistance. We usually use legal aid for the understanding of legal assistance in a strict sense of providing legal services to people who are involved in a case for free or free for those who are in financial needs (poor).

Legal assistance is a term used to indicate the meaning of legal assistance to those who cannot afford, with honorarium (Yesmil & Adang, 2009).

Access to justice is the principle which can be considered having already rather developed to a high degree on the national and international level, but little attention had been given to the connections between legal aid and human rights until about 2005 (Jüriloo, 2015). Donald Hirsch has used the following provisions in his calculations (Donald Hirsch, 2018):

- Applicants with gross incomes above £2,657 a month are excluded from legal aid. Gross income is pre-tax income of the applicant and their partner from all sources, except income paid in benefits to cover rent (i.e. Housing Benefit or its equivalent in Universal Credit) or disability costs (notably Disability Living Allowance, PIPs and Attendance Allowance).
- Applicants with disposable income above £733 a month are excluded from legal aid. Disposable income is gross income minus allowances of £181.91 for a partner and £291.49 for each dependent child, minus rent or mortgage costs (limited to a maximum of a £545 a month housing deduction for single applicants without children, and excluding the income paid in benefits to cover rent that has been disregarded in the gross income calculation) minus £45 for a working individual and the same for a working partner, to reflect work expenses.
- Applicants with disposable incomes between £316 and £733 a month must contribute an amount towards their legal costs of 35% of all disposable income between £311 and £465, plus 45% of all income between £465 and £616 plus 70% of all income between £616 and £733.
- Applicants with more than £8,000 in savings and other financial assets are excluded from legal aid. Assets counted for this purpose include the gross value of property owned, but the first £100,000 of the value of the person's primary residence is disregarded, as is the first £100,000 of any mortgage taken out against this property. Sometimes, applicants are subject to a contribution to costs of any savings/assets in excess of £3,000.

According to Clarence J. Dias, what is meant by legal aid is all forms of services provided by the legal professionals to the public in the community with a view to ensure that no one in the community is deprived of their right to get necessary legal advice simply because he/she has insufficient financial resources. He adds that legal services or legal aid will cover a variety of activities (Yesmil & Adang, 2009), which include:

- Providing legal aid.
- Providing legal aid to emphasize demands for something that has been recognized by the law but which has never been implemented, but it is respected.
- Efforts to improve legal policies concerning the interests of the poor so that they can implement it in a more positive and sympathetic manner.
- Efforts to improve honesty and feasibility of procedures in court and other apparatus that resolve disputes through peace efforts.
- Efforts to facilitate the growth and development of rights in fields the law has not implemented or regulated that strictly. Providing necessary legal aid to

create contractual relations, legal entities or organizations that are deliberately designed to maximize the opportunities and benefits provided by law.

The right to a fair trial is set out in international and regional legal instruments, such as the International Covenant on Civil and Political Rights (ICCPR). The United Nations Principles and Guidelines on Access to Legal Aid in Criminal Justice System (UN Principles and Guidelines) require states to ensure ‘that effective legal aid is provided promptly at all stages of the criminal process’, including, ‘all pre-trial proceedings and hearings’. Of particular relevance, given the Victoria Charter’s legal basis in the ICCPR, are the findings of the UN Human Rights Committee, that arts 14(3)(b), (d) and 9(1) are violated when a suspect is not provided with legal aid during the initial police detention and questioning. (Flynn et al., 2017).

At a general level, the ECHR has emphasized the importance of the lawyer in ensuring that the privilege against self-incrimination is respected and understood, that the principle of equality of arms is respected, and in helping to guard against unlawful detention or treatment. (Flynn et al., 2017). If up until the end of the 20th century it was not always clear for states what it means for states to guarantee a fair trial within the meaning of the Article 6 of the ECHR, the ECHR has developed jurisprudence over the years which addresses various issues (Gruodyte, Edita and Kirchner, Stefan 2016) For example, individuals are entitled to legal assistance in order to guarantee the right to a fair trial, “as providing for a general requirement of some measure of “equality of arms” between the state and the individual or between the parties in the case” (Jüriloo, 2015; Life and Letters of William Fleming Stevenson D. D, 2019).

According to new research... (Fenn & Rickman, 2019; Flynn et al., 2017, 2016) under the European Convention on Human Rights, every citizen may counsel and the right to a fair trial in the determination of his civil rights and obligations or in any criminal charge against him. Those who lack sufficient resources to support the cost of a trial may receive state-financed legal aid. When the requirements to have access to the legal aid are fulfilled, the fraction of the Plaintiff’s legal costs that are covered by the state can vary from country to country. For instance, in France the range is from 15 to 100%, while in Germany it is always 100%. To sum up, legal aid is a way of financing civil litigation by public spending with the goal of assisting people who cannot afford legal costs to bring a case to justice (Costello, 2012).

Legal aid is also known as advocacy. The concept of advocacy includes endeavors related to activities affecting the authorities on issues concerning the people, especially those who have been marginalized and excluded from the political process (Valerie, 2005).

Even though the aforementioned formulation of legal aid has a variety of characteristics, there are several common principles, which as a whole can be stated as follows (Abdurahman, 1983):

- Legal aid is a right, meaning that it is something that can be demanded by every legal subject when he/she needs it and when the fulfillment is an obligation.
- Legal aid is a professional work which means that to execute the work, a special education and expertise are required.
- Legal aid is a profession of providing services, meaning that there are certain people who provide the services to those who need it.
- Legal aid is provided for all aspects of life.

Even if legal aid is granted there can still be difficulties in finding a lawyer who deal with a legal aid family law case. In 2015, The House of Commons Justice Committee found fourteen local authorities for which there were no lawyers taking on civil legal aid cases. (House of Commons Justice Committee, 2015). In other hand, The Women's Aid's survey found 71% of respondents who found it difficult or very difficult to find a legal aid solicitors. 23% had to travel more than 15 miles to access legal advice and an additional 34% between 6 and 15 miles (Women Aid, 2015).

Provisions Of Legal Aid in Indonesia

They have regulated legal aid in various laws and regulations. Besides human rights, legal aid is also a constitutional movement. Therefore, it is a constitutional right of the Indonesian citizens. There are several articles in the 1945 Constitution that act as the basis for providing legal aid, and also contained in the principle of equality before the law, including Article 27 Paragraph (1), Article 28 D Paragraph (1), Article 28 I Paragraph (2) and Article 34 Paragraph (1) of the 1945 Constitution.

The 1945 Constitution of the Republic of Indonesia Article 27 Paragraph (1) states that “[a]ll citizens are equal before the law and the government must uphold the law and with no exception”. Equality before the law can be realized and relished by the community if there is an equal opportunity to obtain justice. The equality before the law must be accompanied by various facilities to obtain justice, including the fulfillment of the right to legal aid.

Providing legal assistance to people or groups of people with financial problems originally contained in the Criminal Procedure Code (KUHAP) that can be seen in Article 56 of the Criminal Procedure Code which reads:

- In the event that a suspect or defendant is suspected or charged of a criminal offense that is threatened with capital punishment or criminal sanction of fifteen years or more or for poor people threatened with a sentence of five years or more who do not have their own legal counsel, the concerned official of all levels of examination in the judicial process must appoint a legal counsel for them.
- Every legal counsel appointed to act as referred to in paragraph (1), provides his/her legal aid that is free of charge.

Subsequently, on 4 October 2011, the House of Representatives of the Republic of Indonesia has ratified the Draft of a Law on Legal Aid in order to

guarantee the constitutional rights of every citizen which includes legal protection, legal certainty, equality before the law, and protection of Human Rights. The enactment of this law means 2 (two) things, namely:

- First, through this law, everyone, especially poor citizens have the right to legal aid and the Country fulfils this right by providing an adequate budget. The right to legal aid is the basic right of every citizen that is equal to other rights such as health, work, clothing, food, and so on.
- Second, the Country, through the Ministry of Law and Human Rights, manages legal aid programs accountably so that the program implementation can be felt by the community by receiving professional and responsible legal aid that fulfill the sense of justice for the justice seekers.

To implement Article 15 paragraph (5) of Law No. 16 of 2011 on Legal Aid, the government stipulates Government Regulation No. 42 of 2013 on Terms and Procedures for Providing Legal Aid and Distribution of Legal Aid Funds.

The purposes of organizing Legal Aid according to Article 3 of Law No. 16 of 2011 on Legal Assistance, include:

- Ensuring and fulfilling the right to receive legal aid to get access to justice;
- Realizing the constitutional rights of every citizen in accordance with the principle of equality before the law;
- Ensuring a certainty that implementing legal aid is carried out equally throughout the territory of the Republic of Indonesia; and
- Realizing an effective and accountable justice system.

According to Law No. 16 of 2011 on Legal Aid, Legal Aid Providers are legal aid institutions or community organizations that provide legal aid services under this Law. As for those who have the right to provide the legal aid are Advocates/Lawyers/Legal Counselors, both individuals and those who are members of professional Legal Counseling organizations (Legal Aid Institute/Legal Bureau) that have been registered with the Ministry of Law and Human Rights or the Higher Court. Whereas the recipient of legal aid according to Law No. 16 of 2011 of Legal Aid is a person or group of persons who are poor.

They regulate the procedure for granting legal aid to marginal communities in Government Regulation No. 42 of 2013 on Terms and Procedures for Providing Legal Aid and Distribution of Legal Aid Funds. Based on the regulation, it is stated that Legal Aid funds are charged to the Central and Regional Government Budgets so that the provision of legal aid is provided free for people or groups of people who are poor.

It based the mechanism for providing legal aid for free on the Government Regulation No. 42 of 2013, namely:

- The applicant submits a written or oral application containing at least the identity and a brief description of the subject for which Legal Aid is requested.
- The applicant submits documents related to the case.

- The applicant attaches a certificate stating that the bearer is poor from the Village Head or official at the level of residence of the applicant of legal aid.
- Within a maximum period of 3 (three) working days after the application for legal aid who has been declared complete, Legal Aid Provider must answer whether to accept or reject the legal aid application.
- In the event that a legal assistance application is received, the Legal Aid Provider gives legal assistance based on a special power of attorney from the Legal Aid Recipient. In the event that the application is rejected, the Legal Aid Provider shall state the reason for the refusal

Implementation Of Mandate of The Advocate in Providing Legal Aid for Marginal Communities in Indonesia (Victims of Investment Fraud Case)

Advocate is an honorable profession (*officium nobile*) because in carrying out his/her duties, an advocate is not merely making a living, but carries out his/her professional duties to uphold justice based on applicable law for the benefit of justice seekers. The position of an advocate, according to the applicable law and regulations in Indonesia (Law No. 18 of 2003 on Advocates) as well as law enforcement with the implication that advocate is one element that upholds the rule of law and human rights. With the honor and respect embedded in the profession, the advocate should uphold his/her behavior and dignity. In Indonesia, behavior, roles and functions of an advocate have been regulated in the Indonesian Advocates Code of Ethics and Law No. 18 of 2003 on Advocates. This Advocate Law regulates status, rights and obligations of advocates; appointment, supervision, prosecution and dismissal of Advocates; as well as providing guidelines and restrictions for advocates in providing services to clients.

Advocates as law enforcers, in carrying out their professional responsibilities namely providing legal services to justice seekers, are not solely seeking income, but there are ideals and morality that are highly upheld. The advocate profession is known as a noble profession (*officium nobile*) because Advocates are trusted with the responsibility to defend all people regardless of race, color, religion, culture, socio-economic background, political beliefs, gender and ideology. Advocates, in handling cases, must truly defend the interests of clients and the public (public defender). The existence of advocates is needed by people who face legal problems (Rompuan, 2001).

Bambang Sunggono and Aries Harianto also stated that the need for justice is one of the basic human needs that is always desired by everyone, whether rich or poor. However, sometimes an outcome can happen where the rich can get justice more easily, thus, he/she can master the mechanism of the law, even worse in such a way it will oppress the poor, which will only create the impression that the law is only for the rich, not for the poor (Soebagio & Supriatna, 1987; Soekanto & Mamudji, 2001; Sunggono & Harianto, 1994). If for all this time the rich had felt enough justice and the poor were already far away from justice, then it is the time for such a change. Legal aid programs, especially for the poor, are basically equal justice (Bambang, 2009).

For advocates who are members of the Indonesian Advocates Association (PERADI) a provision to assist marginal communities is a responsibility that advocates must conduct. Based on regulating the Indonesian Advocates Association No. 1 of 2010 on Guidance for Free Legal Aid that applies to advocate organizations, PERADI Advocates are recommended to provide free legal aid as much as 50 hours/annum. These provisions have clearly stated that advocates must provide legal assistance for a person or groups of people who are poor.

Legal aid is the right of a person or group of people who are poor that has been regulated in various international and national instruments. As a universally recognized right, which is the actualization of human rights and equality before the law, the right to legal aid provided by advocates has been known and given for a long time. Historically, legal aid by advocates has actually been implemented in western societies since the Roman times. Legal aid is only known in Indonesia since the entry of western law in Indonesia. The development of legal aid in Indonesia was initiated by the advocate movement by establishing several bureaus or legal aid institutions as consultations, including legal aid bureau at the Jakarta Rechtshoge School in 1940 by Prof. Zeylemaker, to provide legal advice to poor people. However, the bureau did not fully functional because of the lack of experience in practice (Yesmil & Adang, 2009).

Subsequently, Groenendijk and Sloot distinguished legal aid into five types (Binziad, 2001), namely:

- Preventive Legal Aid, namely legal aid carried out in the form of providing information and legal counseling to the community so that they understand their rights and obligations as citizens.
- Diagnostic Legal Aid, namely legal aid carried out by providing advice or commonly known as legal consultation.
- Legal Aid for Conflict Control is a legal aid that focuses on actively addressing concrete legal issues that occur within the community. Usually, it is conducted by providing legal service to community members who are unable to hire/use the services of advocates to fight for their interests.
- Legal Aid of Legal Formation is legal aid intended to provoke stricter, precise, clear and correct jurisprudence.
- Legal Aid of Legal Reform is a legal aid that focuses more on legal reform, whether through judges or through legislators (in a material sense).

In its development, advocates who are members of Legal Aid Institutions that provide legal aid in Indonesia are divided into two groups (Frans, 2000) namely:

- Private Legal Aid Institute that has recently emerged and developed.

Generally, its members consist of groups of professional lawyers. The concept and role are far wider than merely providing formal legal aid before the court hearing for those who are poor and do not understand law. In short, the concept and program emphasize on providing legal aid and advice to poor

communities, providing legal advice outside the court for labourer, farmers, fishermen, and providing legal aid directly in a court trial covering both civil and criminal cases.

- Legal Aid Institutions Underpinning the Higher Education. They often knew this institution as the Legal Aid Bureau. This institution is almost similar to a private legal aid institution.

The Development Agency of national law (BPHN) was appointed organizer of national legal aid systems which include the authority to: 1) oversees and ensures the Organization of legal aid as well as 2) Do verification and accreditation towards legal aid agency or organization development to meet the feasibility as the giver of legal aid. As stated in article 7 paragraph (1) and Law No. 16 of 2011 on Legal Aid

Since the passage of and Law No. 16 of 2011 on Legal Aid, the Ministry of Law and Human Rights as the organizer of legal aid through the Development Agency of National Law (BPHN) has given accreditation against 405 legal aid organizations (OBH) that scattered in 34 provinces and 167 cities in the period 2015-2018. Of 405 legal aid organisation (OBH), 2,070 advocates and 2,130 paralegals. The Government allocates a budget of state budget (APBN) approximately 45 billion rupiahs. As for the number of recipients of legal aid of 2017, almost 50,000 people recorded in Indonesia (YLBHI, 2018).

Based on the decision of the Minister of Justice and Human Rights of the Republic of Indonesia number: M. HH-01. HN 07 02 of 2018 on Institution/Organization legal aid that passed verification and Accreditation as legal aid givers period in 2019–2021 verified there are 524 Institutions/organizations to carry out legal aid granting help inform to the marginal communities in Indonesia.

One challenge in implementing legal aid for marginal communities in Indonesia is the low availability of legal aid advocates. Based on research on the needs of the Justice Society conducted by YLBHI along HII, a legal Research Institute based in the Netherlands, at least it can be concluded that 16% of citizens suffered legal issues (Ibrani, Julius, 2016). If the percentage is used to measure the need for justice for the marginal communities, then the number of marginal communities in Indonesia is estimated at 25.67 million inhabitants, at least there are several poor citizens who are having 4,107,200 legal issues, or potentially in need of legal aid (BPS, 2019).

It also provided legal aid for the marginalized community for victims of fraudulent investment fraud. Case examples several victims of fraudulent investment under the guise of “forex trading” involving brokers from the Guardian Capital Group (GCG) Asia came to the Headquarters of the Big-City Police (Polrestabes) Surabaya on Jalan Sikatan No. 1, to inquire about the progress of the investigation of causes related to the investment fraud.

According to the Financial Services Authority, another case of investment fraud is the victim of fraudulent investment in the Pandawa Group. The

victims were 549,000 people with a total loss of IDR 3.8 trillion. Said the Hongam Financial Services Authority in a press conference at the OJK Building, Central Jakarta, Thursday (30/11/2020).

Meanwhile, First Travel under the guise of offering cheap Umrah packages has claimed 58,600 people with a total loss of IDR 800 billion. PT Cakrabuana Sukses Indonesia, which is a consortium investment company to pan gold by 5 percent per month, claimed 7,000 victims with a total loss of Rp 1.6 trillion, “he said. Last, Dream Freedom has harmed around 700,000 people. “The total loss is Rp 3.5 trillion.”

Tongam emphasized that this fraudulent or illegal investment took victims and caused losses because there were still many people who did not understand the ins and outs of investing. In fact, it is not uncommon for these fake investment companies to use religious or community leaders to be more convincing.

In the year 2017, the number of human resources legal aid Organization 15 of 34 provinces in Indonesia, such as: legal aid-servants (Advocates/Advocate candidates, non-Advocate, administration staff, Assistant/Volunteer) and Paralegal. The entire Legal Aid Servants totaled 316 people, while paralegals 608 people (BPHN, 2017).

Legal Aid Servants in Indonesia

(BPHN, 2017)

No.	Legal Aid Office	Legal Aid Servant				Paralegal
		Advocate/ Advocate Candidate	Non – Advocate	Admin Staff	Assistant/ Volunteer	
1.	Legal Aid Banda Aceh	11	2	5	20	6
2.	Legal Aid Medan	26	2	4	-	35
3.	Legal Aid Padang	9	2	3	3	86
4.	Legal Aid Pekanbaru	9	-	2	16	-
5.	Legal Aid Palembang	6	1	2	4	3
6.	Legal Aid Bandar Lampung	5	2	1	2	2
7.	Legal Aid Jakarta	13	4	9	14	3
8.	Legal Aid Bandung	12	5	4	2	43
9.	Legal Aid Semarang	3	-	4	9	31
10.	Legal Aid	6	3	3	10	51

	Yogyakarta					
11.	Legal Aid Surabaya	6	2	2	4	80
12.	Legal Aid Bali	6	5	3	5	87
13.	Legal Aid Makassar	13	-	3	1	32
14.	Legal Aid Manado	9	1	1	5	6
15	Legal Aid Papua	6	3	3	-	15
Total		140	32	49	95	608
		316				

Meanwhile, in the year 2018, only there are about 524 legal aid institutions or organizations that are listed in The Development Agency of national law (BPHN). When the amount of availability your organization or Institution such as mean as compared to legal aid needs among marginal communities, then the comparison is 1: 7.838 (BPHN, 2018).

National legal aid scheme of the program currently only allocate funds up to 8 million rupiahs for each case/legal aid activities that are run by the organisation of legal aid, the Fund of legal aid are considered sufficient for the needs are still not legal accompaniment per case, let alone when the case reached the appeal stage to Appeal or cassation at supreme court. (Chrisbiantoro et al, 2014) Thus the needs of the operational cost for legal aid organizations as well as the addition of a number of advocates and paralegals cannot be fulfilled from the legal aid fund allocations.

From the results of the monitoring of the United Nations Development Programme (UNDP) in Jakarta the year 2014-2015, though most clients legal aid Organizations feel quite up legal aid services provided by the legal aid Organization, but found some the weakness of the legal aid services should be a concern, these weaknesses are as follows:

- the limitations of the Organization's infrastructure inadequate legal aid, so that the client communicates with the difficult legal aid legal aid givers.
- the lack of development of case-related information provided by legal aid Organizations to their legal aid clients.
- Legal Consultation is often not obtained by clients of legal aid from the legal aid Organization that stood for
- Advocate is not behaving professionally so that legal aid clients are not getting maximum accompaniment.

CONCLUSION

Legal aid is a right of a person or group people who are poor that has been regulated in various international and national instruments. As a universally recognized right, which is the actualization of human rights and equality before the law. On 4 October 2011, Law No. 16 of 2011 on Legal Aid was ratified. In providing legal aid to marginalized communities, advocates have

the responsibility to carry out the legal aid programs because advocate is a noble profession (*Officium Nobile*), which requires the defense of all people regardless of race, color, religion, culture and socio-economic background. Legal aid provided to marginalized clients aims to guarantee and fulfill the right to receive legal aid and to get access to justice; to realize the constitutional rights of every citizen in accordance with the principle of equality before the law; to guarantee the certainty of the implementation of Legal Aid carried out evenly throughout the Republic of Indonesia; and to realize effective, efficient and accountable justice.

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