

Improving Access to Legal Assistance Services for Prisoners

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ABSTRACT

There is a need to evaluate Law Number 16 Year 2011 Concerning Legal Aid. Access to justice for disadvantaged people in the criminal justice system is still problematic. The experiences of prisoners in this regard can shed more light on the problems. This paper aims to describe the conditions of access to services related to legal aid using the experience of prisoners in criminal proceedings, as well as formulating ways to improve legal aid services for those prisoners. Research data is collected through a questionnaire surveys conducted in Bekasi (2015) and Enrekang (2020). Survey results showed that prisoners, like other disadvantaged people from poor communities, still had difficulty accessing legal aid services during criminal proceedings. Disadvantaged people's access to justice is also still hampered by the relative lack of support from law enforcement officials, concerns regarding the cost, benefit and effectiveness of legal aid offered, as well as the lack of dissemination of various information related to legal aid to the public. Based on the research, it is recommended that the government increase the quantity, quality, and distribution of legal aid services. The government should also increase the dissemination of information concerning government legal assistance services. To that end, The Ministry of Law and Human Rights should revise regulations concerning accreditation of legal aid providers, encourage the establishment of a Correctional Legal Aid Post in detention centers and other correctional facilities, and increase legal aid information dissemination.

Keywords: legal aid services, prisoners, access to justice.

1. INTRODUCTION

The global agenda contained in the Sustainable Development Goals (SDGs), particularly Goal 16 states its goal to promote peaceful and inclusive societies for sustainable development by providing access to justice for all and building effective, accountable and inclusive institutions at all levels [1]. Moreover, Goal 16 has an impact on other goals in the SDGs, such as those related to issues of education, health, economic growth, climate change and gender equality [2, p. 20]. In-depth, SDGs Goal 16.3 sets out specific objectives to promote the rule of law at the national and international levels and ensure equal access to justice for all (United Nations, 2019, p.20). Law has the function to protect the interests of all humans without exception [3, p. 5]. Basically, access to legal counsel is a basic right for everyone. The right to obtain defense from an advocate or public defender is an important element

in the effort to ensure that everyone receives justice [4, p. 1]. This defense is carried out in a *pro bono publico* manner regardless of the background of the individual concerned, such as religion, descent, race, ethnicity, political beliefs, socio-economic strata, skin color, and gender [5, p. 2]. The right to legal aid is basically a non-derogable rights, meaning that the right is absolute and its fulfillment cannot be reduced by the state under any circumstances [6, p. 3].

Recognition of human rights related to the principle of equality before the law (equality before the law) is guaranteed through articles 27 paragraph 1 and 28D paragraph (1). One of these constitutional rights is realized through the provision of legal assistance. Getting legal assistance for everyone is a manifestation of access to justice as an implementation of a guarantee for legal protection and a guarantee of equality before the law, where the essence of justice includes all essential moral requirements for human welfare [7, p. 44]. In the

context of applicable legal rules, basically, a person who is within the territory of a country must automatically comply with the provisions that apply in the territory of that country [8, p. 279]. This also applies to foreign nationals, who still have the obligation to comply with the applicable provisions of the country where they are located. However, these foreign nationals still receive protection from their country of origin [9, p. 686]. This provision affirms the nature of the law which applies equally and universally.

This guarantee of rights and obligations is affirmed and used as the basis for the formation of Law Number 16 of 2011 concerning Legal Aid (hereinafter referred to as the Legal Aid Law). The preamble to the Legal Aid Law states that the state guarantees the constitutional right of everyone to get recognition, guarantee, protection, and legal certainty that is just and equal treatment before the law as a means of protecting human rights. The fulfillment of the right to legal assistance is very important because it is a form of protection and equality before the law, as the main pillar in realizing a fair trial. The realm of providing legal aid in the Legal Aid Law includes assisting and / or exercising power starting from the level of investigation, investigation and prosecution, assistance and / or exercising power in the process of examination at trial and assistance and / or exercising power over Legal Aid Recipients at the Administrative Court. State Enterprises [10, p. 85]. This is in line with the provisions of the Criminal Code (KUHP) which state that everyone has the right to be accompanied by one or more legal advisers to defend their rights at every level of examination [11, p. 91]. In the last decade, the government has also developed an online legal aid information and data system facility, and a smart legal channel, to make it easier for people to access legal aid services [12, p. 3]. Broadly speaking, the purpose of legal aid as stated in Article 3 of the Legal Aid Law is to realize access to justice for the poor and to create an effective, efficient, and accountable justice system. The role of legal advisers in this case is very important as an instrument of supervision and control of possible irregularities in law enforcement practices [13, p. 8].

One of the things that is the focus of this research is the access of the poor to information related to legal aid services to which they are entitled. The right to obtain information is a human right guaranteed in the Constitution in Article 28 F of the 1945 Constitution. Freedom of information is also guaranteed internationally, especially in article 19 of the United Nations Universal Declaration of Human

Rights. With regard to the right to obtain information relating to legal assistance, Article 14, paragraph 3 (letter d), the International Covenant on Civil and Political Rights states that everyone should be entitled to legal assistance and be informed, if he does not have legal assistance, of this right [14, p. 1]. Thus, the right to information is an essential element in any form of legal aid provision for the poor.

Unfortunately, there are still many countries in the world that have not been able to provide the resources and capacity to provide legal assistance to suspects, defendants, prisoners, victims and witnesses [15, p. 6]. In fact, a fair trial is very difficult to achieve if the parties are not in an equal position. This is even more so if the parties who are in conflict with the law (whether suspects, defendants, witnesses or victims [16, p. 31]) become objects and not subjects in a judicial process. This becomes more complex if the parties dealing with the law have the status of the poor [17, p. 150]. Disregard for the rights of the poor, which leads to unfair treatment, can not only occur in the daily process of social life, but can also occur in the judicial process [18, pp. 147–150]. In the practice of law administration there is still a tendency that access to legal aid is only able to be felt by certain parties who can access it [19, p. 71]. Almost a decade since the enactment of the Legal Aid Law, conditions on the ground show that access to justice is still one of the main problems for many people dealing with the law. It is still difficult for the poor (especially from remote areas) to access legal aid. In addition to the lack of knowledge about the legal aid system in general as well as the services provided by Legal Aid Providers (*Pemberi Bantuan Hukum-PBH*), the current PBH is still centered on urban areas. Many areas in remote districts do not have PBH. There are 524 legal aid institutions that provided services for 28 million poor people in Indonesia. However, based on available data, the majority of PBH are primarily concentrated in centers of political and economic power (such as national or provincial capitals). Data shows that PBH presence is only accounted for in 215 regencies/cities from the total 514 districts/cities in the nation [20]. There is a notable lack of distribution of government-provided legal aid services in the periphery or remote areas of the country. Furthermore, it is estimated that those 524 PBH (registered with The Ministry of Law and Human Rights for the 2019-2021 period) are only able to handle around 6,796 cases yearly, a miniscule number which leads to doubts regarding their ability to provide legal aid for poor people who need it the

most, including those that are currently held in detention centers nationwide[21]. Meanwhile, The Rule of Law Perception Index prepared by the Indonesian Legal Roundtable states that the index of public perception of the law is still low, namely 4.53, where 60% of respondents think that judicial practice is still not clean from bribery. As a result, public trust in legal officers has decreased, legal services are not optimal, and there is often violence or fabrication of evidence in the law enforcement process [22, p. 17]. The implementation of legal aid faces various problems in law enforcement in Indonesia, ranging from regulatory constraints, professionalism of officials, and public understanding of accessing their rights [23, pp. 132–138].

The various problems in law enforcement and the judiciary will be a challenge for the effective implementation of this law. Therefore, the effectiveness of regulations and legal aid systems needs to be monitored in promoting the protection of community rights that are guaranteed by law. This paper seeks to provide an assessment of the access of the poor (especially in prisons) to information and legal aid services provided by the Ministry of Law and Human Rights through an accredited Legal Aid Provider (PBH). Hopefully this paper can influence efforts to improve the legal aid system in the future.

The study of the access to justice issues and legal needs of selected disadvantaged groups is a critical area of research. Prisoners are especially vulnerable because of the concentration of disadvantage experienced by the prison population in terms of higher levels of mental illness, intellectual disability, histories of alcohol and other drug misuse, poverty, poor education, and unemployment. There is available evidence that prisoners experience a unique range of barriers in meeting their legal needs. There is also a relative dearth of research on this topic[24, p. 1]. A fundamental premise of the study is that prisoners should be perceived as citizens—with the legal rights and protections of other citizens.

The research was conducted through a survey of inmates in the Class IIA Bekasi Correctional Facility in 2015 and the Class IIB Enrekang State Detention Center in 2020. As previously mentioned, there is a notable lack of distribution of government-provided legal aid services in periphery or remote areas of the country. In this context, conducting research in peripheral or remote areas such as Bekasi and Enrekang is a necessity.

2. RESEARCH METHOD

The paper uses a quantitative research approach that is intended to map prisoners' access to services and information related to the provision of legal aid services when they encounter the criminal justice system. The focus of the research includes: Fulfilling the right to legal aid in the criminal justice system as well as aspects of knowledge / understanding of the poor as legal aid recipients regarding legal aid services themselves.

The research was conducted quantitatively by using a survey method of prisoners. In 2015, the research location chosen was Class IIA Bekasi Correctional Facility in Bekasi City, West Java, as one of the buffer areas for the State Capital, DKI Jakarta. Meanwhile, the research location chosen in 2020 is the Class IIB Enrekang Detention Center in Enrekang Regency, South Sulawesi Province as one of the correctional UPT which is located relatively far from the State Capital (DKI Jakarta) and the capital city of South Sulawesi Province (Makassar). Respondents in this study were inmates who were incarcerated at the Class IIA Bekasi Correctional Facility in 2015 and the Class IIB Enrekang State Detention Center in 2020. Although the Bekasi Correctional Facility and Enrekang Detention Center were also inhabited by prisoners/detainee, the inmates were selected because they had completed the entire process of law in the criminal justice system. Meanwhile, the detainees were not made as respondents because they had not completed all the legal processes in the criminal justice system. By using prisoners as respondents, this research is expected to produce a more comprehensive picture of the experiences of people in conflict with the law during all processes in the criminal justice system, from investigations by the police to trials in court. The number of respondents surveyed in 2015 was 75 people. Meanwhile, for the research conducted in 2020, the respondents were prisoners at the Enrekang Class IIB State Detention Center numbering 38 people.

Primary data in this survey research was obtained using a questionnaire designed to determine people's access to services and information related to legal aid when they encounter the criminal justice system. Meanwhile, secondary data is obtained from library materials, books, scientific journal articles, mass media articles, internet articles, and laws and regulations.

3. FINDINGS AND DISCUSSION

3.1 Access to Services and Information on Legal Aid for Prisoners

The survey of prisoners in prison at the Class IIA Bekasi Prison in 2015 was intended to find out prisoners' access to services and information related to legal aid, as a description of public access to legal aid. The results of data processing show that, in general, there are still many people who have not been able to access legal aid services when they undergo the legal process. As can be seen in Table 1, only 10.7 percent of the interviewed respondents claimed to have received legal assistance when they were undergoing the investigation process by the police. Meanwhile, at the time of the prosecution process at the prosecutor's office, only 9.3 percent of prisoners claimed to have received legal assistance and only about 12 percent of respondents were assisted by legal counsel when they were tried in court. In general, 85.3 percent of respondents admitted that they receive no legal assistance at all during the entire legal process from police investigations to court trials. This is of course very concerning because it means that most of the poor who are in conflict with the law have not yet got their right to get legal assistance [25, p. 7].

Table 1
Legal Assistance (Bekasi 2015)

Num.	Variabel	Yes	No
1.	Police Offer of Assistance	60,0 %	40,0 %
2.	Prosecutor Offer of Assistance	42,7 %	57,3 %
3.	Judge Offer of Assistance	42,7 %	57,3 %

According to Table 2, only 7.9 percent of respondents in 2020 admitted to receiving legal assistance when they were undergoing the investigation process at the police. At the time of the prosecution process at the prosecutor's office, only 23.7 percent of the respondents of Enrekang Prison inmates admitted to having received legal assistance. The data in Table 2 shows that around 76.3 percent of the respondents had been accompanied by legal advisors when they were tried in court. The increase in the number of legal assistances during the trials in court is certainly encouraging, although there is still a need to increase the coverage of legal aid during investigations by the police and the prosecutor's office.

Table 2
Legal Assistance (Enrekang 2020)

Num.	Variable	Yes	No
1.	Police Questioning	7,9 %	92,1 %
2.	Prosecutor Questioning	23,7 %	76,3 %
3.	Court Trial	76,3 %	23,7 %
4.	No Legal Assistance at all	21,1 %	78,9 %

Table 3 shows that, in 2015, 60% of Bekasi Klas IIA prison inmates admitted that police officers informed them of their right to get legal assistance and offered legal advice if they had not been accompanied by legal advisors during the police investigation. Table 3 also shows that, at the prosecution level at the prosecutor's office, only 42.7% of the respondents admitted that the prosecutor informed them of their rights and offered legal advice. The conditions in court proceedings were relatively similar. Only 42.7% of the respondents admitted to being offered legal assistance by the judge.

Table 3
Offer of Free Legal Assistance (Bekasi 2015)

Num.	Variable	Yes	No
1.	Police Questioning	10,7 %	89,3 %
2.	Prosecutor Questioning	9,3 %	90,7 %
3.	Court Trial	12,0 %	88,0 %
4.	No Legal Assistance at all	85,3 %	14,7 %

Considering the data that many respondents claim to have not received legal assistance when they undergo legal proceedings with the police and prosecutors, it appears that law enforcement officers (APH) still have to increase their role in ensuring the right of the public to get legal assistance when they undergo legal processes in the criminal justice system. Table 4 shows that in 2020, during the investigation process, 73.7% of Enrekang prison inmates admitted that the police did not disclose their right to legal assistance and offered legal advice if they had not been accompanied by legal advisors. Table 4 also shows that, 55.3% of the respondents admitted that the Prosecutor did the same thing. Considering the data that 76.3% of the respondents stated that they had been accompanied by legal advisors when they were tried in court, in general, it

can be said that the judiciary is relatively better than the prosecutor's office and the police in providing legal assistance to people who need it at trial.

Table 4
Offer of Free Legal Assistance (Enrekang 2020)

Num.	Variable	Yes	No
1.	Police Offer of Assistance	73,7 %	26,3 %
2.	Prosecutor Offer of Assistance	44,8 %	55,3 %
3.	Judge Offer of Assistance	76,3 %	23,7 %

Table 5 shows that, in 2015, 57.3 percent of respondents to Bekasi Class IIA prison inmates stated that they needed legal assistance during the legal process. This is consistent with the fact that only 60 % of respondents admit to understanding the dynamics of the legal system from the police investigations to the court trials. Although in general, most respondents (72%) already know that they are entitled to legal assistance when they are faced with criminal justice processes. However, in 2015, only about a quarter (26.7%) of those who knew that the government had provided free legal aid services to poor people who needed it.

Table 5
Perception of Legal Aid (Bekasi 2015)

Num.	Variable	Yes	No
1.	In Need of Legal Assistance	57,3 %	42,7 %
2.	Understanding The Legal Process	60,0 %	40,0 %
3.	Knows Their Rights to Legal Assistance	72,0 %	28,0 %
4.	Knowledge of Government Legal Assistance Programmes	26,7 %	73,3 %

The collection of research data in 2020 also shows the need to increase public access to legal aid services considering that relatively many people do not understand the legal process when they are dealing with the criminal justice system (for example, in Enrekang Detention Center where only 42.1 percent of respondents understand the legal process they live and only 57.9 percent of respondents know their right to be accompanied by legal counsel when they undergo legal processes in the criminal justice system). Table 6 shows that only about half of the respondents (55.3%) answered that

they felt they needed legal assistance during the legal process in the criminal justice system. The National Legal Development Agency (BPHN) as the regulator for the management of legal aid funds for the poor needs to pay attention to the relatively high number of people who have not had access to information regarding the existence of a free legal aid program provided by the government (Table 6 shows that only 44.7 percent of respondents who are aware of the free legal assistance provided by the government).

Table 6
Perception of Legal Aid (Enrekang 2020)

Num.	Variable	Yes	No
1.	In Need of Legal Assistance	55,3 %	44,7 %
2.	Understanding The Legal Process	42,1 %	57,9 %
3.	Knows Their Rights to Legal Assistance	42,1 %	57,9 %
4.	Knowledge of Government Legal Assistance Programmes	44,7 %	55,3 %

Survey data shows that only about a quarter (26.7%) of respondents in Bekasi in 2015 and only 44.7% of respondents in Enrekang in 2020 knew that the government had provided free legal aid services for the less fortunate. need it. It must be noted that most of the respondents claimed to have received information about the existence of free legal assistance provided by the government from APH and PBH. This means that they only know about the free legal aid service when they are already dealing with the criminal justice system. The relatively small number of respondents who received prior knowledge about free legal aid provided by the government from the mass media and educational institutions shows that all stakeholders still need to increase their efforts to socialize the existence of this government program to the wider community [26, p. 61].

3.2 Analysis

Broadly speaking, legal aid can be interpreted as an effort to help groups who are less fortunate in the legal field. According to Adnan Buyung Nasution, this effort has three interrelated aspects; namely the aspect of formulating legal rules, the aspect of monitoring the mechanism to ensure that the rules are obeyed; and aspects of public education so that these rules are lived up to [27, p. 1]. The existence

of the state's obligation to provide legal aid for the poor and the state's acknowledgment of this obligation prompted the government of Indonesia to enact Law Number 16 of 2011 concerning Legal Aid. Based on Article 3 of Law Number 16 of 2011, the State is responsible for providing legal aid for the poor as a manifestation of access to justice. In addition, legal aid provided by the state must be oriented towards the realization of just social change.

Indonesian law stipulates that legal assistance in criminal cases can be provided since an examination is carried out at the investigation level [28, p. 51]. In Law Number 8 of 1981 concerning The Code of Criminal Procedure or better known as *Kitab Undang-undang Hukum Acara Pidana* (KUHAP) it is expressly regulated regarding the provision of legal assistance starting from the preliminary examination level at the investigation level, the detention period, and ending with the examination period in the court. The provisions of Article 54, Article 55, Article 56, and Article 57 of the Criminal Procedure Code explain that the provision of legal assistance starts from the preliminary examination level at the investigation level up to the examination in court. Article 56 of the Criminal Procedure Code explicitly explains the provision of legal aid, through provisions that read:

Article 56

(1). If a suspect or defendant is suspected or charged with committing a criminal act which is punishable by death or a sentence of fifteen years or more or for those who are unable to be punished with a sentence of five years or more who do not have their own legal counsel, the official concerned at all levels of examination in the judicial process is obliged to appoint legal counsel for them.

(2). Every legal adviser appointed to act in accordance with paragraph (1) shall provide his assistance free of charge.

In addition, in the elucidation of Article 56 of The Code of Criminal Procedure, it is stated that for a suspect whose criminal term is more than five years but less than fifteen years, a legal adviser will be appointed to make a defense with said appointment adjusted to conditions.

Per Law Number 16 of 2011 concerning Legal Aid, the role of PBH in providing free legal aid to disadvantaged people/groups in criminal case proceedings is essential in ensuring the rights to legal aid enshrined in The Code of Criminal Procedure (KUHAP). The law regulates that law

enforcement officials at all levels of examination in the judicial process are obligated to appoint legal counsel to anyone who cannot afford their own legal counsel free of charge as, stated in Article 56 Paragraph (2) of the KUHAP.

In terms of financing for legal aid programs, Article 16-19 of Law Number 16 of 2011 entrusted the Ministry of Law and Human Rights with the primary regulatory authority as well as budgetary responsibilities in the provision of state legal aid services. Although the law still enabled financing for legal aid providers from grants and other legal and non-binding sources of funding, as well as from local government budgets. In accordance with the stipulation of Law Number 16 of 2011 concerning Legal Aid and Government Regulation Number 42 of 2013 concerning Terms and Procedures for the Provision of Legal Aid Services and Distribution of Legal Aid Grants, Legal Aid Providers (PBH), as entities authorized to provide free legal aid services using the grant provided by the government, must first be verified and accredited. Article 7 paragraph (3) of Law Number 16 of 2011 stipulates that the verification and accreditation of PBH are to be carried out every three years, by the Ministry of Law and Human Rights through the National Legal Development Agency (*Badan Pembinaan Hukum Nasional*- BPHN).

This study, along with several others, demonstrates that the existence of Law No. 16 of 2011 and the free legal aid program provided by the government budget since 2014 has not been able to fully realised the right of the community to obtain legal aid when they need it. The low access to legal aid from the community can be seen from the experience of prisoners who have undergone all legal processes in the criminal justice system. The survey results show that the accessibility of primary legal aid to the population is still not optimal. Survey data has shown a general increase in representation among prisoners surveyed in 2020 (78.9 %) from 2015 (14,7 %). However, the high percentage of prisoners without representation during police questioning in 2020 (92,1 %) is of course still a cause for concern. Survey data have also shown a general increase in the awareness of law enforcement officials concerning the people's rights to legal representation in criminal proceedings, as shown by the uptick in their willingness to inform and provide legal assistance to those who don't have the knowledge and means of legal representation in criminal proceedings. However, the relative lack of understanding of the general public concerning their rights to legal representation, as shown by still the relatively high number of respondents who don't

view legal representation as a necessity (42,1 % in 2015 and 44.7 % in 2020) as well as the stubbornly high number of respondents who are still unaware of the existence of a free legal aid program provided by the government (73.3 % of respondents in 2015 and 55,3 % in 2020) demonstrates that a number of problems that were previously identified as inhibiting factors for public access to legal aid (lack of infrastructure, community culture, the inadequate role of law enforcement officials[29, pp. 469–473], to the relatively minimum public access to various information related to with the provision of free legal aid [23, pp. 132–138], still cannot be completely eliminated and a solution needs to be found.

Available data shows that it is still difficult for the poor from remote areas to access legal aid. Apart from the lack of knowledge about the Legal Aid Provider (PBH), the existing PBH is still urban-centered. Many areas in remote districts do not have PBH [20]. Based on YLBHI records in 2018, 405 legal aid agencies provide services to 28 million poor people in Indonesia. However, the PBH is only spread over 127 districts / cities. Of the PBH in Indonesia, it is only spread over 127 districts / cities, whereas in total there are 516 districts / cities. This means that there are 389 districts / cities are not covered by PBH [30]. Meanwhile, 2020 data shows that there are 524 PBH that provided services for 28 million poor people in Indonesia. Based on available data, the majority of PBH is still primarily concentrated in national or provincial capitals, with available data showing that PBH presence is only accounted for in 215 regencies/cities out of the total 514 districts/cities in the nation[20].

Even BPHN as the regulator admits that PBH has not been maximal in assisting the community as legal aid recipients [31, p. 5]. It is estimated that in a year a total of 524 PBH (Legal Aid Providers) registered with BPHN for the 2019-2021 period can only handle around 6,796 cases should they abide by the standards set by the government in The Regulation of Minister of Law and Human Rights (*Peraturan Menteri Hukum dan Hak Asasi Manusia-Permenkumham*) No.3 of 2013. When comparing the number of potential cases handling by PBHs throughout Indonesia, totaling 6,796 cases with the need for legal assistance in detention in December 2019 totaling 64,512 people [21], it can be seen that the potential for case handling by PBH is still far from sufficient. In addition, it must be noted that PBH not only handled cases of detainees, but also cases of daily complaints from the general public [22, p. 42]. By comparing the number of poor people and the number of available advocates in Indonesia, we can also see that the number of advocates is still

relatively insufficient, namely 50 thousand registered advocates[32] compared to 24.79 million poor people as of September 2019[33]. All the limitations that PBH has in terms of the number of human resources, as well as financial capacity, as previously described, directly or indirectly affect the quality of their performance in providing legal assistance to the assisted communities [34].

In accordance with the stipulation of Law Number 16 of 2011 concerning Legal Aid and Government Regulation Number 42 of 2013 concerning Terms and Procedures for Providing Legal Aid and Distribution of Legal Aid Funds, legal aid providers (PBH) must first be verified and accredited before they can provide free legal aid to poor people. Article 7 paragraph (3) of Law Number 16 of 2011 concerning Legal Aid states that verification and accreditation is carried out every 3 (three) years, by the Ministry of Law and Human Rights through the National Legal Development Agency (BPHN).

As previously mentioned, available data has shown that the current number of existing PBH is not directly proportional to the needs of its potential clients of legal aid recipients. This condition causes the need to improve the availability of new PBH. Therefore, to facilitate the establishment of a new OBH, the verification and accreditation process for OBH which is currently carried out every 3 years should only be intended for the currently already-registered PBH. To encourage the establishment of new PBH, verification and accreditation processes should be carried out more frequently. In addition, it is necessary to pay attention to how the implementation of the verification and accreditation process does not distract the PBH from carrying out its main duties and functions that focus on providing legal aid for the poor. Therefore, it is necessary to relax the requirements for accreditation and verification of PBH and it is necessary to shorten the accreditation and verification process for currently unregistered PBH, while noting that should a violation occur, the offending PBH can be sanctioned proportionally. Therefore, the government should immediately revise in the articles related to Verification and Accreditation, which were originally held once every 3 (three) years and revised to every 1 (one) year with the stipulation that if there is a violation of the implementation of the provision of legal aid to the recipient of legal aid, there will be proportional sanctions imposed.

Almost a decade after the promulgation of the Law on Legal Aid, the effectiveness of legal aid

programs is still doubtful in helping those who need it the most. The relatively limited public access to services and information related to the free legal aid program provided by the government should be a concern because the public still perceives legal aid as a “luxury item”, which most people cannot yet reach. The public still perceives legal aid/assistance by lawyers as an expensive item whose costs have not been affordable by the community. When legal aid is still perceived as a “luxury item”, not as a primary need, it is not uncommon for people to become less enthusiastic about using it. It is not surprising that later people who are in conflict with the law often “capitulate” to their fate and choose to undergo the legal process without being accompanied by a legal representative [26, p. 61].

If we compare the results of studies conducted by several parties with the results of research on service access surveys and legal aid information carried out in this paper, we will get an overview of developments in the conditions of public access to services and information related to legal aid for people who need it. The picture generated from several studies shows the fact that many people, especially those categorized as underprivileged, have not received the legal assistance they are entitled to when they are faced with the criminal justice process. Even though most people already know that they have the right to legal aid, there is still a perception that legal aid is an “expensive item”, where the “tariff” for legal assistance services is felt to be unreachable by most of the community. There is also an assumption in the community that the presence of legal advisors is not necessarily able to assist them in undergoing the legal process, and there is even a concern that the presence of legal advisors will result in the handling of their cases more complicated. Instead of inconveniencing and burdening them, many eventually choose to undergo the legal process without the help of legal advisors. The fact that relatively few people know that the government has provided legal aid services free of charge to those who need it, of course, must be of concern to the government, especially the Ministry of Law and Human Rights. Recent government initiatives in this regard, such as the enactment of Regulation of The Ministry of Law and Human Rights Number 4 Year 2021 Concerning the Standards of Legal Aid Services as well as the Decision of the Director General of Corrections Number: PAS-280.PK.01.05.12 Year 2016 Concerning The Standards of Legal Aid Services in Rutan, Lapas, Bapas, LPA and LPKA are welcome

development, however more still needs to be done to alleviate the problem.

4. CONCLUSION

The results of the research showed that prisoners who came from poor communities still had difficulty accessing legal aid services when they were undergoing legal processes in the criminal justice system. The survey results also show that there are many respondents who did not receive legal assistance when they were undergoing legal proceedings, especially in the police and prosecutors. This is of course a cause for concern when considering the relatively large number of respondents who admit that they do not understand the legal process they face. This study also found that poor people's access to information and legal aid services is still hampered due to inadequate support from law enforcement officials and due to inadequate socialization of various information related to legal aid to the public. The fact that most of the information regarding free legal aid from the government is obtained by respondents through law enforcement officials when they have faced the legal process shows that socialization through mass media and the education system is not optimal. There is still a perception that legal aid is an “expensive item” that is not affordable. While many respondents admit that they cannot pay lawyers, the lack of optimal socialization from APH, especially in the police and prosecutors regarding the existence of a free legal aid program from the government, certainly makes the condition even more alarming. In addition, prisoners still doubt the effectiveness of legal aid in helping to settle their cases. There are even concerns that legal aid will actually hinder the settlement of legal cases they face.

Suggestion

- The government needs to increase the quantity, quality, and distribution of legal aid service infrastructure, among others, by increasing the number, quality and distribution of Legal Aid Providers, especially in areas that do not yet have PBH. Revising the regulation concerning the verification and accreditation of PBH should be one of the priorities in this regard, i.e by increasing the frequency of PBH verification from once in 3 years to annually every year.
- The government also needs to increase the socialization of information related to the free legal aid program from the government, especially through the mass media and educational institutions. The Ministry of Law and Human Rights among other thing, should improve legal aid services and information dissemination, establish a legal aid database, as well as increase support for the

establishment and operation of Pos Bantuan Hukum Pemasarakatan (Correctional Legal Aid Post) in detention centers and other correctional facilities.

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