

The Embodiment of SDGs in the Legal Sector: Optimizing the Provision of Legal Aid by Professional Advocates as Access to Justice for Underprivileged Communities

Dimas Wahyu Pratama^{1*}  and, Alex Sugandi²

^{1,2} Student Master of Law, University of Muhammadiyah Malang, Malang, Indonesia

^{*}Corresponding author. Email: dimaswahyupratama2023@gmail.com

Abstract. Advocates as an honorable profession (*officium nobille*) are obliged to provide legal assistance to poor people. However, in its implementation, advocates in providing legal aid to poor people provide unprofessional services. This impacts the difficulty of poor people getting access to justice. Furthermore, the Indonesian government has a sustainable development program or Sustainable Development Goals (SDGs), which includes objectives in the legal field (providing access to justice for everyone). The formulation of the problem in this research is: First, what are the issues of Advocates in providing legal aid to poor people. Second, how to provide legal aid by advocates to poor communities in realizing the Sustainable Development Goals (SDGs) in the legal field. The results of this research are, that Article 22 of Law Number 18 of 2018 concerning Advocates explains that "Advocatees are obliged to provide free legal assistance to poor people", but in general the quality of legal assistance provided by Advocates to poor people is not as good as when Advocates handle cases paid ones. Poor people tend to have difficulty getting access to justice. This condition increasingly permits the Indonesian government's programs (SDGs), one of which is providing access to justice for everyone. This research concludes that advocates must have idealism and commitment to fight for justice for everyone, especially the poor. One of the goals of the SDGs in the legal sector, namely "providing access to justice for everyone" can be realized through legal aid.

Keywords: Advocates, Legal Aid, Sustainable Development Goals (SDGs).

1. Introduction

In the concept of a legal state (*rechtstaats* or rule of law), the protection of human rights is one of the essential elements that must be fulfilled by the state [1]. However, in its development, human rights protection is not only provided by the state. Because often violations of citizens' rights are carried out by the government or state administrators [2]. Thus, the protection of citizens' rights can also be carried out by law enforcement officials, one of which is by advocates through a *pro bono* legal assistance mechanism.

Legal aid has a crucial role in the legal system in Indonesia. The right to obtain legal assistance from an advocate is everyone's human right and is an element of obtaining justice for everyone [3]. Apart from that, providing free legal assistance by Advocates is a form of maintaining the dignity of the Advocate Profession as an honorable profession (*officium nobille*) and implementing the principle of equality before the law.

The concept of legal aid is divided into two categories: broad legal aid and narrow legal aid. Legal aid in a broad sense is regulated in Law Number 16 of 2011 concerning Legal Aid, carried out by Legal Aid Institutions or organizations registered with the National Legal Development Agency, and its implementation is funded by the state. However, Legal aid in the narrow sense is regulated in Law Number 18 of 2003 concerning Advocates, the implementation of which is carried out by an Advocate and an Advocate organization.

In any case, the Advocate Law requires that an Advocate aid the underprivileged people through legal aid mechanisms in obtaining access to justice utilizing legal assistance programs. There are still concerns with its implementation, though. Advocates often tend to be money-oriented in carrying out their profession rather than fighting for justice and humanity [4]. This has an impact on the lack professionalism of Advocates in providing

free legal aid to poor people. Thus, an advocate should ideally provide the same level of service to everyone who receives free legal aid as when an advocate handles a paid case.

If this condition persists, law enforcement in Indonesia will deteriorate even more and the advocate profession's reputation as an honorable career (*officium nobile*) will degrade. Aside from that, it will be challenging for Indonesian law enforcement to achieve its goals of justice, legal clarity, and legal advantages. In fact, as we all know, Indonesia has a Sustainable Development Goals (SDGs) agenda, which is a worldwide and national agreement to encourage sustainable development that leads to human rights and equality, in the social, economic, and environmental fields [5]. There are seventeen Sustainable Development Goals (SDGs), and target number sixteen (peace, justice, and strong institutions) relates to the legal sector.

Furthermore, the author found several previous research results that were similar to the topic of this research, as follows:

- 1) Achmad Al-Muhajir, 2019, *Lisan Al-Hilal: Jurnal Pengembangan Pemikiran dan Kebudayaan*, Vol. 13 No. 2. Title "Problematics of Implementing Legal Aid in Indonesia". The reason for providing this research assistance is to see the implementation of legal procedures regulated in various laws and regulations. The research method used is normative research. In this research, it was found that the implementation of legal aid has not been optimal enough in Indonesia, so it has not been able to guarantee the rights of the poor [6].
- 2) Suyogi Imam Fauzi dan Inge Puspita Ningtyas, 2018, *Jurnal Konstitusi* Vol. 15 No. 1, Title "Optimization of Legal Assistance to the Fullest Access to Law and Justice for Poor People". This research is motivated by the ineffectiveness of various regulations regarding legal aid in Indonesia. The research method used is normative empirical. The results of this research reveal several problems in realizing access to justice for the poor. First, the legal framework does not work. Second, legal awareness regarding legal assistance. Third, access to justice is complicated and formal [7].
- 3) M. Rizki Yudha Prawira, 2024, *Forchungsforum Law Journal (FLJ)* Vol. 1 No. 2, Title "Juridical Problems of Pro Bono Practices by Advocate: Challenges in Expanding Access to Justice in Indonesia". The background to this research is that the implementation of legal aid by advocates in Indonesia is far from ideal. The mechanism for providing legal assistance to poor communities is not optimally regulated. The results of this research are that there is no definite guarantee that poor people will receive legal assistance from advocates. Legal assistance to the poor does not cover all types of cases (judicial review at the Constitutional Court). There are no strict sanctions for advocates who do not provide legal assistance to poor people [8].

Based on the description above, the research's problem formulation is as follows: First, what are the problems with advocates in providing legal assistance to poor people? Secondly, how to optimize the provision of legal assistance by advocates to underprivileged communities in realizing Sustainable Development Goals (SDGs) in the legal sector?

2. Methodology

The method used in this research is normative [9], because it is a document study, using primary legal material sources in the form of statutory regulations, and secondary legal materials in the form of books and scientific

articles [10]. Apart from that, the opinions of legal experts, legal principles, and legal theory are also used as analytical instruments [11].

3. Results And Discussions

3.1 The Issues with Advocates in Providing Legal Aid to Underprivileged Communities

The Advocate profession is an integral part of the justice system in Indonesia and has the status of one of the law enforcers in Indonesia. Advocates and other law enforcement officials in Indonesia's justice system, including judges, prosecutors, and police, have a legal and moral responsibility to ensure that justice is administered in a way that is professional, and effective to ensure that all citizens, regardless of status, have access to it. economic and social standing [12].

The guarantee of providing access to justice for every citizen can be realized in the form of legal assistance by advocates. Article 22 Paragraph (1) of Law Number 18 of 2003 explains that "Advocates are obliged to provide free legal assistance to justice seekers who cannot afford it" [13]. Based on this article, it is abundantly evident that providing legal assistance (pro bono) to every citizen or poor community is a necessity or obligation for every advocate in Indonesia. Based on Article 2 of the Indonesian Advocate Code of Ethics, an Advocate can only refuse to provide free legal assistance with the reason and consideration that "the case he will handle is not in accordance with his expertise or goes against his conscience, and if the case submitted is accepted it could result in a conflict." interests" [14].

However, in its development, there has been a shift in the paradigm of advocates refusing to provide legal assistance to justice seekers. The rejection is usually caused by social standing, specifically wealth, rather than the case being handled against conscience or outside the Advocate's area of expertise. In addition, the percentage of poor people in Indonesia in March 2020 increased by 26.42 million people (9.78%), or an increase of 0.56% compared to September 2019 [15]. Furthermore, the poverty rate has the potential to become even greater after the COVID-19 pandemic that occurred throughout the world, including Indonesia. Therefore, it is not surprising that when poor people experience legal problems, paying for an advocate's services can be difficult for those in poverty who need legal assistance. Moreover, some Indonesian people are still legally illiterate. What's worse, when advocates provide legal assistance to poor people, the service provided is not as good as services in paid cases.

In reality, there is a disparity between the legal services that advocates offer to wealthy and underprivileged communities. Advocates frequently provide unprofessional legal assistance (not as good as paid cases). This has an impact on society's perspective in resolving legal problems. As a result, poor people tend to be resigned to facing legal problems and are hesitant to ask lawyers for legal help, because the cost of lawyer services is expensive.

Providing legal aid with a professional attitude is one way to put the idea of equality before the law into practice. Furthermore, professional advocates need to be idealistic and dedicated to pursuing justice for all parties involved, particularly the underprivileged. The commitment to help any underprivileged individual or community must be carried out in accordance with the laws and the Indonesian Advocate Code of Ethics. Thus, this will provide legitimacy in society that the Advocate Profession is an honorable profession (*officium nobile*).

3.2 Optimizing the Provision of Legal Assistance by Advocates to Underprivileged Communities in Achieve SDGs in the Legal Sector

3.2.1 The Sustainable Development Goals (SDGs) in Indonesia

Sustainable Development Goals (SDGs) were designed as a continuation of the Millennium Development Goals (MDGs) which were adopted by the United Nations in 2000 as guidelines for global development in the period 2000 to 2015. In 2012, when the Millennium Development Goals were coming to an end, the United Nations member states decided to formulate even broader sustainable development goals. Moreover, the Sustainable Development Agenda (SDGs), which consists of seventeen goals that must be accomplished by 2030, was accepted by the United Nations General Assembly on September 25, 2015 [16].

As a form of the government's political commitment to implementing the SDGs agenda, Indonesia ratified Presidential Regulation Number 59 of 2017 concerning the Implementation of the Achievement of Sustainable Development Goals. Furthermore, the Presidential Regulation was created so that the implementation of realizing the SDGs goals was carried out in a participatory manner involving many parties, both government at the central and regional levels, community groups consisting of academics, practitioners, business actors, civil society organizations and the media [17].

The seventeen goals of the SDGs are divided into four categories of sustainable development: legal and governance development, economic development, social development, and environmental development. The following are the seventeen SDGs goals:

No.	Goal	Description
1	No Poverty	Eradicating poverty in any form, anywhere.
2	Zero Hunger	Alleviating hunger, achieving food security, improving nutrition, and implementing sustainable agriculture.
3	Good Health and Well-being	Ensuring a healthy life and promoting healthy living for all ages.
4	Quality Education	Providing education that is equal in quality, inclusive, and provides opportunities for lifelong learning.
5	Gender Equality	Targeting the achievement of gender equality and women's empowerment.
6	Clean Water and Sanitation	Protecting water supplies and sanitation in a sustainable manner.
7	Affordable and Clean Energy	Providing access to affordable and modern renewable energy.
8	Decent Work and Economic Growth	Encouraging of sustainable economic growth and full and good employment opportunities for all.
9	Industry, Innovation, and Infrastructure	Building an infrastructure development that supports sustainable industrialization and supports innovation.
10	Reduced Inequalities	Cutting gaps between countries.
11	Sustainable Cities and Communities	Building the construction of housing that is inclusive, safe and sustainable.
12	Responsible Consumption and Production	Ensuring sustainable production and consumption patterns.
13	Climate Action	Taking immediate emergency action to address climate change and its impacts.
14	Life Below Water	Implementing conservation measures for oceans, seas and water resources for sustainable development.
15	Life on Land	Employing sustainability of the terrestrial environment and its biodiversity.
16	Peace, Justice, Strong Institutions	Promoting a peaceful and inclusive society, providing access to justice for the entire community, and establishing effective, accountable, and

		inclusive institutions
17	Partnerships for the Goals	Strengthening implementation and revitalizing global cooperation for sustainable development

Source: Quoted from the SDGs Indonesia website [18].

3.2.2 Optimizing the Provision of Professional Legal Assistance as a Means of Realizing SDGs Goals in the Legal Sector

The legal aid provided by advocates to poor people or those seeking justice should not be viewed as a form of mercy only for vulnerable communities. The provision of legal aid is frequently interpreted by society as a form of compassion for the underprivileged. However, the provision of legal assistance by advocates should not be seen from a narrow perspective but needs to be interpreted in a broad sense. Basically, in a narrow sense, legal aid is a form of helping to fight for justice for the poor, while in a broad sense, legal aid is a moral and social responsibility for the Advocate Profession to fight for human rights [19]. Providing legal assistance to justice seekers or poor people is one of the consequences of becoming an advocate. There is a moral and social responsibility for advocates to spend time and energy defending underprivileged people who need justice.

In providing access to justice for everyone, especially the underprivileged, advocates must uphold the values contained in the code of ethics and applicable laws and regulations. In addition, legal assistance must be provided without discriminating against race, skin color, religion, culture, socioeconomic background, wealth, political beliefs, gender, and ideology. Furthermore, it is done professionally, just as if an advocate were handling a paid case.

Advocates that successfully implement the principle of equality before the law, maintain a professional attitude, and comply with the code of ethics and statutory regulations in providing legal assistance to all people, including the poor, will assist Indonesia achieve its sustainable development goals. The Sustainable Development Goals (SDGs) are particularly relevant in the legal field. The SDGs goals in the legal sector can be found in goal number sixteen, which are peace, justice, and strong institutions. In addition, the meaning of this goal is to support a peaceful, inclusive society, provide access to justice for all, and build effective, accountable, and inclusive institutions at all levels for sustainable development. Therefore, in goal number sixteen, there is a goal of providing access to justice for every citizen.

Normatively, guaranteeing access to justice for every citizen is not just the government's absolute responsibility. However, this responsibility is also imposed on certain professional groups, including the Advocate Profession. As a result, Advocates can actively contribute to the fulfillment of SDGs goals in the legal sector, such as providing equal access to justice to all citizens and the underprivileged through legal aid institutions.

4. Conclusion And Recommendation

Based on Article 22 Paragraph (1) of Law Number 18 of 2003 concerning Advocates, it is explained that Advocates are required to provide legal assistance to poor people. Additionally, advocates may only refuse to provide legal assistance to poor people on the grounds that the case being handled is against their conscience or the Advocate is incompetent to manage the case. However, in its development there has been a shift in the paradigm of advocates in refusing to provide legal assistance to poor people. Advocates tend to handle exclusively paid legal cases only. Worse, when advocates provide legal assistance to poor clients, the services provided are not carried out professionally.

Indonesia has a sustainable development program known as the Sustainable Development Goals (SDGs), which includes goals in the legal field number sixteen, "providing access to justice for every citizen". One of

these goals can be achieved through legal aid by advocates. A person who undertakes the Advocate Profession in providing legal assistance to the poor must do it professionally and in accordance with the Indonesian Advocate Code of Ethics and all applicable laws and regulations.

The author recommends that in the future research be conducted on the legal foundation for Advocates in providing comprehensive legal aid. Because an Advocate's commitment to provide legal assistance to everyone is governed by the Advocate Professional Organization's regulations.

References

- [1] C. W. H. Fitria Esfandiari, Dimas Wahyu Pratama, Surya Anoraga, "The Urgency of Forming Laws and Regulations on Citizen Lawsuits in Indonesia," *KnE Soc. Sci. / 4th Int. Conf. Law Reform (4th INCLAR)*, pp. 502–510, 2024, doi: 10.18502/kss.v8i21.14766.
- [2] A. M. T. Dimas Wahyu Pratama, "The Urgency of Regulating the Lame Duck Session in Indonesia on President Power," *Int. J. Soc. Sci. Hum. Res.*, vol. 7, no. 3, pp. 1804–1808, 2024.
- [3] A. S. Nirmala Many, "Bantuan Hukum Cuma-Cuma (Pro Bono) Sebagai Perwujudan Akses Keadilan Bagi Masyarakat Miskin Di Indonesia," *Media Inf. Penelit. Kesejaht. Sos.*, vol. 44, no. 3, pp. 263–278, 2020.
- [4] R. W. B. Agus Raharjo, Angkasa, "Akses Keadilan Bagi Rakyat Miskin (Dilema Dalam Pemberian Bantuan Hukum Oleh Advokat)," *Mimb. Huk. Fac. Law, Gajah Mada Univ.*, vol. 27, no. 3, pp. 422–444, 2015.
- [5] N. U. P. Fayza Ilhafa, Nizam Zakka Arrizal, "Mewujudkan SDGs Di Bidang Hukum: Peran Serta Mahasiswa Hukum Dalam Pembangunan Hukum," *Semin. Nas. Huk. Dan Pancasila*, vol. 1, 2022, [Online]. Available: <https://conference.untag-sby.ac.id/index.php/snhp/article/view/1121>.
- [6] A. Al-Muhajir, "Problematics of Implementing Legal Aid in Indonesia," *Lisan Al-Hilal J. Pengemb. Pemikir. dan Kebud.*, vol. 13, no. 1, pp. 341–366, 2019.
- [7] I. P. N. Suyogi Imam Fauzi, "Optimization of Legal Assistance to the Fullest Access to Law and Justice for Poor People," *J. Konstitusi*, vol. 15, no. 1, pp. 50–72, 2018.
- [8] M. Rizki Yudha Prawira, "Juridical Problems of Pro Bono Practices by Advocate: Challenges in Expanding Access to Justice in Indonesia," *Forchungsforum Law J.*, vol. 1, no. 2, pp. 1–18, 2024.
- [9] Muhaimin, *METODE PENELITIAN HUKUM*, Cetakan Pe. Mataram: Mataram University Press, 2020.
- [10] Peter Mahmud Marzuki, *PENELITIAN HUKUM: Edisi Revisi*. Jakarta: Prenada Media, 2017.
- [11] Dimas Wahyu Pratama, "Urgensi Pembentukan Peraturan Perundang-Undangan Tentang Gugatan Citizen Lawsuit Di Indonesia," Universitas Muhammadiyah Malang, 2023.
- [12] A. S. Kurniawan Tri Wibowo, Elza Syarief, Sugeng, *Etika Profesi Dan Bantuan Hukum Di Indonesia*. Surabaya: Pustaka Aksara, 2021.
- [13] *Undang-Undang Nomor 18 Tahun 2003 tentang Advokat.*
- [14] *Kode Etik Advokat Indonesia.*
- [15] *Badan Pusat Statistik Indonesia.*
- [16] Wahyuningsih, "Millenium Developpent Goals (MDGs) Dan Sustainable Development Goals (SDGs) Dalam Kesejahteraan Sosial," *BISMA J. Bisnis dan Manaj.*, vol. 11, no. 3, pp. 309–399, 2017.
- [17] B. P. K. R. Indonesia, "Peran Badan Pemeriksa Keuangan Republik Indonesia Dalam Sustainable Development Goals (SDGs)," 2023. <https://www.bpk.go.id/news/peran-penting-bpk-dalam-mendukung-implementasi-sdgs> (accessed Jun. 11, 2024).
- [18] SDGs Indonesia, "Agenda 2030 Untuk Pembangunan Berkelanjutan." <https://sdgs.bappenas.go.id/>.
- [19] Muhammad Arif Sahlepi, "Bantuan Hukum Bagi Masyarakat Dalam Meningkatkan Akses Keadilan Di Indonesia," *J. Huk. KAIDAH Media Komun. dan Infomasi Huk. dan Masy.*, vol. 17, no. 3, pp. 152–159, 2018.

Open Access This chapter is licensed under the terms of the Creative Commons Attribution-NonCommercial 4.0 International License (<http://creativecommons.org/licenses/by-nc/4.0/>), which permits any noncommercial use, sharing, adaptation, distribution and reproduction in any medium or format, as long as you give appropriate credit to the original author(s) and the source, provide a link to the Creative Commons license and indicate if changes were made.

The images or other third party material in this chapter are included in the chapter's Creative Commons license, unless indicated otherwise in a credit line to the material. If material is not included in the chapter's Creative Commons license and your intended use is not permitted by statutory regulation or exceeds the permitted use, you will need to obtain permission directly from the copyright holder.

