



The Role of Legal Consultation and Legal Aid Assistance for Disadvantaged Communities

Suryaningsi Suryaningsi^{1*}, Aullia Vivi Yulianingrum², Widyatmike Gede Mulawarman³, Rosmini Rosmini⁴, Marwiah Marwiah⁵, Endang Herliah⁶

^{1,5,6} Pancasila and Citizenship Education Study Program, Faculty of Teacher Training and Education, Mulawarman University Samarinda

² Faculty of Law, Muhammadiyah University of East Kalimantan Magister

³ Educational Management, Faculty of Teacher Training and Education, Mulawarman University Samarinda

⁴ Faculty of Law, Mulawarman University, Samarinda

Corresponding Author's e-mail*: suryaningsi@fkip.unmul.ac.id
avy598@umkt.ac.id
widyatmike@fkip.unmul.ac.id
rosmini@fh.unmul.ac.id
marwiah@fkip.unmul.ac.id
endangherliah@fkip.unmul.ac.id

Received: 23 August 2023; Revised: 12 October 2023; Accepted: 17 December 2023
DOI: <http://dx.doi.org/10.37905/aksara.10.1.467-476.2024>

Abstract

The Constitution mandates that every person receive fair legal recognition, guarantees, protection and certainty as well as equal treatment before the law as the protection of human rights. Therefore, the government is responsible for providing legal assistance to poor people or groups of people as a manifestation of access to justice. Using a qualitative descriptive type with data collection techniques through observation, interviews and documentation with predetermined informants. Data analysis techniques consist of data collection, data reduction, data presentation and drawing conclusions or data verification. The subjects of this research are representatives of the management of the Law and Human Rights Council in 9 Regencies and Cities in East Kalimantan as Seekers of Justice. Next, the data obtained is used to analyze roles. The research results show that initial knowledge about the existence of Posbakum is limited within the 'Aisyiyah Organization, highlighting the need for increased outreach efforts. However, after learning about its existence, the community expressed the need for Posbakum as an alternative way to obtain legal assistance, especially in the context of legal problems. The conclusion highlights the importance of outreach efforts, providing information, and the role of Posbakum in providing access to justice. Therefore, this research contributes to the understanding of the effectiveness of Posbakum and its implications in the context of legal services at the local level

Keywords

Poor Society, Legal Aid Posts, Values of Justice



INTRODUCTION

Before the Legal Aid Law was born, several regions had initiated regulations at the regional level to provide a local legal basis for poor people who needed legal aid (Aryaputra & Astanti, 2020; Marsini, 2019). The state has an obligation to guarantee the rights of the community to obtain legal assistance, especially for the poor (Lanang Putra Perbawa & Perbawa Sukawati, 2020; Sucipto, 2021). Providing legal aid is one way to realize access to law and justice for the poor, which is provided by the state as mandated by the constitution (Afriliani, 2021; Budiantoro et al., 2020; Kadek & Suardianti, 2021; Yusrizal, 2020).

The provision of legal aid to citizens in Indonesia is an effort to fulfill and at the same time implement a rule of law that recognizes, protects and guarantees the human rights of citizens (Aulia Vivi Yulianingrum, Suryaningsi Suryaningsi, Alfina, 2023; Erika, 2021). Legal Aid Institutions (LBH) are really needed by the community. LBH was formed as a means of realizing the principle of fair trial (Cahyono, S., A., T., and Prabokusumo, 2016; Rifai & Humaedi, 2020; Yulia Erika, 2021), then creating a sense of justice, especially for minority groups or people who economically incapable and blind to insight. Legal aid can be interpreted as providing legal services to people who cannot afford it, usually measured economically (Harimisa, 2016; Herlinda Ragil Feby Carmela, 2021)

But in reality, many legal aid institutions do not care enough and feel sorry for a group of people to provide free or free legal aid, because the law does not understand the substance of the legal cases at hand. LBH plays a very important role when people who have legal problems do not receive a sense of empathy, which sometimes prevents applicants for assistance from releasing funds. In this way, people who need legal assistance are more likely to ignore the problems that are entangling them and drown in unfavorable circumstances (Alifiah et al., 2022; Hensy & Putri, 2021; Luthfi, 2023; Yuniarsih, 2021).

The Center for Legal Aid Organizations (Posbakum) for the East Kalimantan Aisyiyah Regional Leadership is one of the Legal Aid Organizations that has been accredited from 9 other Legal Aid Organizations (OBH) which are spread across several cities and agencies that handle cases for underprivileged people in East Kalimantan City, In the vulnerable 2.5 years as a C-accredited OBH, they are unable to assist aid applicants optimally due to the limited budget they receive from the government. Some of the challenges faced in increasing the accreditation of Posbakum Aisyiyah/OBH are as follows:

- 1) Still, there is no orderly administration;
- 2) Management knowledge and commitment;
- 3). Limited quantity, quality and capacity of HR and Human Resources for Advocates, paralegals.
- 4). Limited amount of budget for handling Litigation and Non-Litigation cases.

It is hoped that coaching and training will trigger the growth and development of institutions that do not only rely on assistance from the government but are more pro-bono (social spirit) (Ary Astuti & Marketing, 2019; Ramadhan & Suryaningsi, 2021).



The administrators' desire to increase institutional capacity is due to the increasing number of institutions and providers of legal aid that have intense competition and legal aid institutions that do not have a social spirit for poor people, making people feel that there is no access to justice for them. To find a solution to this problem, the East Kalimantan PWA Posbakum certainly needs parties who can help them to provide education about improving accreditation.

Legal Consultation is a legal service in the form of advice, explanation, information or guidance to members of the public who have legal problems, to solve the problems they face in accordance with the provisions of applicable laws and regulations (Bhakti & Pigay, 2016; Fadli, 2021; Kadek & Suardianti, 2021; Suryaningsi, 2019). Legal Aid is a legal service in the form of providing legal aid through legal advisors from the University Legal Aid Institute or other Legal Aid Institutions to provide defense for cases faced by underprivileged members of society, who wish to obtain justice in cases in court (Nadia & Afifah, Zahratul, 2021).

Legal aid is a medium that can be used by everyone to claim their rights for treatment that is not in accordance with applicable legal rules (Alesandra, 2021; Julijanto, 2019; Lamtiur, 2021; Ur, 2021). This is based on the importance of legal protection for every human being as a legal subject in order to ensure law enforcement. Legal aid is to defend society regardless of background, ethnicity, origin, descent, skin color, ideology, political beliefs, rich and poor, religion and the group of people it defends.

But in reality, there are still many people who cannot afford to pay for the services of a legal advisor in supporting their case. Even though he has facts and evidence that can be used to lighten or show the truth in the matter, so that their case did not reach the court. Although legal aid is a right of the poor that can be obtained without paying (*pro bono publico*). (Erika, 2021; Ihsani, 2021; Sucipto, 2021) The existence of the community's financial inability to claim their rights in accordance with legal procedures, demands that a policy be implemented so that they can file a civil case without being hampered by costs, especially in civil cases, because It requires a procedure to file a case for free / no need to pay a case manager (*prodeo*).

So that parties who are less fortunate can file a lawsuit for free, which is called *pro-deo* litigation. This is in accordance with the principles of the judicial trilogy, namely fast, simple and cheap justice. Regarding how the flow of a legal process works, we discuss it in 3 aspects, namely: what the law is, how the law is enforced and the legal process, providing responses to legal phenomena that are rife among society. This Legal Consultation Program is expected to increase community insight to better understand how the flow of a legal process works in the area where they live.

METHOD

This paper is a juridical-empirical research that uses a non-doctrinal qualitative approach. The location of this research is East Kalimantan, because it has the highest level of problems involving women and children in conflict with the law. Primary data was obtained through a purposive sampling method in certain areas and from selected



informants. The informants in this research are as follows: East Kalimantan consists of 10 districts and cities, but the research was only carried out in 9 districts and cities, except Mahakam Hulu district, so there are 9 as primary data sources. Primary data has an activist background in the 'Aisyiyah organization who cares about family, society, women, children and various groups. This research data was collected through three methods, namely in-depth interviews, observation, and analysis of legal documents. Additional instruments that the author uses in conducting interviews include interview guides, recording equipment, field notes, and cameras. Data obtained from in-depth interviews were processed manually based on qualitative data processing guidelines. Then the data is analyzed using the content analysis method and then interpreted. Finally, the data is presented narratively.

RESULTS AND DISCUSSION

Result

Table 1.

Table of Types of Legal Problems and Number of People in the Disadvantaged Category

No .	Types of Legal issues	Amount Case	Information
1 .	Divorce	119	in accordance
2 .	Divorce Divorce	53	in accordance
3 .	Confirmation of Marriage	16	in accordance
4.	Origins of Children	6	in accordance
5.	Marriage Dispensation	15	in accordance
6.	Designation of Heirs	10	in accordance
7.	Guardianship	6	in accordance
8.	Inheritance Lawsuit	1	in accordance
9.	Resists	1	in accordance
10.	Common Property	2	in accordance
11.	Consultation	190	in accordance
12.	Making G/P Letters	229	in accordance

Data Source: Research results processed in 2023

Table 2. Conditions for Providing Legal Aid

No	Description	Information
1	Give a letter of complaint	Must
2	Reflects must be submitted at the time of the hearing	Must

Data Source: processed in 2023



Discussion

Legal consultations are carried out to increase their knowledge of the impacts that will occur if they take the risk of committing arbitrary actions. In its implementation, the Legal Consultation activity ran smoothly and enthusiasm from the community/youth of Gede Pangrango Village was very good and welcomed our arrival very well. The implementation of this activity is still carried out by observing strict health protocols. If we look at the system/work pattern of implementing Legal Aid, then Legal Aid falls under the characteristics of the absolute authority of the central government. This is reinforced that the implementation of legal aid is carried out alone by the Central Government (Ministry of Law and Human Rights cq BPHN) or delegated authority to Vertical Agencies in the Regions (Regional Offices of the Ministry of Law and Human Rights) or governors as representatives of the Central Government based on the principle of Deconcentration.

The government's form of care for the community in getting access to justice is very great through the National Legal Development Agency (BPHN) of the Ministry of Law and Human Rights in collaboration with Legal Aid Organizations, one of which is the East Kalimantan PW Aisyiyah Legal Aid Consultation Center. To increase institutional capacity, there are three assessment methods carried out by the central supervisor who is assisted by the Regional Office of the Ministry of Law and Human Rights which is also the Regional Supervisory Committee (PANWASDA) which is carried out through direct surveys looking at OBH performance, there are four assessment methods, namely:

- (1). Administrative inspection by the Regional working group regarding updates to organizational data/profiles that have been input by the Legal Aid Provider,
- (2). Physical document inspection is carried out by means of an accredited Legal Aid Provider coming directly to the Regional Office of the Ministry of Law and Human Rights of the Republic of Indonesia to carry out a match between the data/profile update documents filled in on the application and legalized photocopies of the documents with the original documents,
- (3). Monitoring and evaluation of legal aid services provided to Legal Aid Recipients as well as factual examination with field surveys of the offices or secretariats of Legal Aid Providers carried out by the Verification and Accreditation Committee together with the Central Working Group and Regional Working Group or each.

This is where the existence of Legal Aid Organizations become (Suryaningsi, 2020)es important and strategic to help community members in dealing with legal problems, both through litigation and non-litigation processes. The practice of providing legal aid by legal aid organizations that is developing today cannot be separated from how legal aid has developed over time (Suryaningsi, 2020). Handling legal problems requires the role of people who understand and have the capacity to do so, which is generally carried out by Advocates and Paralegals. Mathematically, the number



of Advocates and Legal Aid Institutions that provide assistance to poor people is not proportional to the cases handled and the number of poor people seeking justice, this has an impact on the role of legal assistance that has been carried out so far.

There are many cases that are not handled until they are resolved due to the limited number of assistant/advocate resources. (Yasri & Adhim, 2021) East Kalimantan PWA East Kalimantan is very strategically located in the middle of the community of East Kalimantan city, namely on Jalan Bali, East Kalimantan Muhammadiyah University Complex, Kasih Ibu Orphanage, East Kalimantan PWA Posbakum, established in 2016 under the Law and Human Rights Council The Aisyiyah Regional Leader, began his work among the justice-seeking community through socialization activities and legal counseling as well as carrying out legal advocacy, in 2018 the East Kalimantan PWA Posbakum took part in the selection of Legal Aid Providers held by the Ministry of Law and Human Rights and Obtaining C Accreditation, over time the East Kalimantan PWA Posbakum began to become known to the public with legal assistance in court.

In 2019-2020, the assistance provided increased very significantly. Consultations and legal advice reached 900 clients at the East Kalimantan Religious Court. In this case, the real efforts of Posbakum Aisyiyah as a Legal Aid Organization have resolved many problems, received complaints, assisted and provided solutions to cases that occurred in the community. To increase the capacity of Posbakum Aisyiyah, it is very necessary to obtain legality and accreditation, while for old or accredited legal aid providers it is very necessary to increase accreditation.

Re-accreditation/extension of certification for providing legal aid (PBH) for the 2019-2021 period (Old PBH) will be carried out within 15 days, namely 15-24 August 2021. Verification and re-accreditation for providers for the 2018-2021 period this year seeks to attract integrated OBH and quality in providing legal aid services. Based on identifying partner problems, the service team provides solutions to partner problems by carrying out several stages in education, training and mentoring. The activity stages can be described as follows:

1. Carrying out education about institutional strengthening. This education about Legal Aid was attended by the Management, Staff and Paralegals of the East Kalimantan PW Aisyiyah Posbakum. The form of activity is carried out with lectures for administrators, staff, paralegals and advocates. For administrators, education is carried out by means of lectures and dialogues about strengthening institutional capacity through maximum legal assistance. This activity was delivered by the community service team and the East Kalimantan Ministry of Law and Human Rights Team. The presence of the Ministry of Law and Human Rights team is a form of support from the government to expand and increase the provision of legal assistance to disadvantaged/poor people. This is what motivates administrators, staff, paralegals and advocates to improve their accreditation. This activity is an effort and motivation for the Posbakum Management to increase institutional capacity. From this activity, the target and achievement is to increase the management's understanding of the importance of increasing institutional accreditation so that



poor/disabled people in their search for justice are more helped by the presence of the East Kalimantan PWA Posbakum.

2. Assisting in the preparation of administration and institutional profiles. The service team in this activity empowers the preparation of institutional administration by making details of the administration that will be needed which are ready to be submitted for physical examination by the PANWASDA Team of the Ministry of Law and Human Rights, East Kalimantan. The preparation of the administration and institutional profile was carried out in approximately 2 months, carried out carefully and in detail, the service team created a reference form which was used as the basis for preparing good and necessary administration.
3. Assistance with applications for accreditation extension of Posbakum PWA East Kalimantan East Kalimantan. The next activity is to provide assistance with applications for Certification extension by means of re-accreditation with the following selection stages:
 1. Accompanying Re-Accreditation Registration accompanied by a Certificate Renewal Application Letter for Accredited Legal Aid Providers for the 2022-2024 period can be done online via the existing application.
 2. Accompanying the updating of data/profiles of Legal Aid Providers through the existing website
 3. Accompanying administrative checks by the Regional Working Group on updates to Organizational data/profiles that have been input by Legal Aid Providers.
 3. Accompanying the inspection of physical documents is carried out by means of an accredited Legal Aid Provider coming directly to the Regional Office of the Ministry of Law and Human Rights of the Republic of Indonesia to carry out a match between the data/profile renewal documents filled in on the application and legalized photocopies of the documents with the original documents.

Accompanying Monitoring and Evaluation of legal aid services provided to Legal Aid Recipients as well as Factual Checks

CONCLUSION

Legal Consultation and Legal Assistance are an important part of the scope of the 'Aisyiyah organization. Legal Aid Institutions, whether in the government or private sector, aim to provide services to people seeking justice, especially poor people who, when facing trials, still do not understand the process of litigating in court. The 'Aisyiyah organization through the Law and Human Rights Council is trying to approach 9 districts and cities so that Posbakum can be immediately established. The aim is to help underprivileged people, starting from writing lawsuit letters to providing legal assistance during trials. The role of the Legal Aid Post (Posbakum) has extraordinary significance in providing access to justice to people in need. Based on the existing data description, it can be understood that Posbakum as a legal service provider is not only a source of legal information for the community, but also carries out a practical role in providing holistic and effective legal assistance. The Posbakum service process involves various stages, from case identification to advocacy and mediation, reflecting its role as a facilitator of access to justice. This is in accordance with the 1945 Constitution Article 28 D paragraph



(1) of the 1945 Constitution that: Every person has the right to recognition, guarantees, protection and fair legal certainty as well as equal treatment before the law.

REFERENCES

- Afriliani, R. (2021). Fulfillment of Children's Rights during the Pandemic in Kutai Regency. *Nomos: Legal Research Journal*, 1(4), 115–126.
- Alesandra, M. P. (2021). Legal Prevention of Child Violence in Indonesia. *Nomos: Legal Research Journal*, 1(6), 233–238.
- Alifiah, N., Education, C., & Program, S. (2022). Self Efficacy of Civics Teachers in Developing Disciplined Character in Student at the integrated Islamic high School DaarulHikmah Boarding School. *Unmul Civic Education Journal*, 156–164.
- Aryaputra, M. I., & Astanti, D. I. (2020). *Strengthening Community Understanding of Access to Legal Aid*. 1–13.
- Aryastuti, G. A. K., & Markeling, I. K. (2019). Implementation of the Employment Social Security Administering Agency Program for Workers at the Temesi Village Landfill, Gianyar Regency. *Kertha Semaya: Journal of Legal Studies*, 7(5), 1. <https://doi.org/10.24843/km.2019.v07.i05.p09>
- Aulia Vivi Yulianingrum, Suryaningsi Suryaningsi, Alfina, W. F. K. (2023). Socialization of the Law on Preventing Violence and Bullying Behavior in Children at the ABA Samarinda Kindergarten Introduction. *PARTA: Journal of Community Service* <Http://Journal.Undiknas.Ac.Id/Index.Php/Parta>. Volume 4 | Number 2 | December | 2023 e-ISSN: 2809-4433 And p-ISSN: 2809-5081 Socialization, 4, 156–163.
- Bhakti, I. N., & Pigay, N. (2016). Finding the Root of the Problem and Solution to the Papua Conflict: Supenakah? (Finding the Root of Problems and Solutions to Papuan Conflict: Is it important?). *Journal of Political Research*, 9(1), 18. <http://ejournal.politik.lipi.go.id/index.php/jpp/article/view/443>
- Budiantoro, A., Hilda, A. M., & E. Rizal. (2020). Expert System for Determining Sanctions for Motorcycle and Car Traffic Violators Using the Web-Based Forward Chaining Method. *Proceedings of the Teknoka National Seminar*, 4(2502), I117–I125. <https://doi.org/10.22236/teknoka.v4i0.4272>
- Cahyono, S., A., T., and Prabokusumo, P. N. (2016). Disabled Rights That Are Neglected Study of Meeting the Basic Needs of People with Disabilities in Poor Families. *Journal of Social Welfare Research Information Media*, 40(2), 93–108.
- Elliza, S. (2021). Legal Protection of Children and Girls from Sexual Harassment. *Nomos: Legal Research Journal*, 1(5), 199–206.
- Erika, Y. (2021). Descriptive Study of Equality in Human Rights in the Community. *Nomos: Legal Research Journal*, 1(8), 323–333.
- Fadli, M. A. (2021). Transcendental Approach in Legal Aid Concept in Indonesia: A Philosophy of Law Perspective. *The Indonesian Journal of International Clinical Legal Education*, 3(4), 465–480. <https://doi.org/10.15294/ijicle.v3i4.48293>
- Harimisa, D. (2016). The criminal act of obstructing or prohibiting the rights of persons with disabilities according to Article 145 of Law Number. 8 of 2016 concerning Persons with Disabilities. *Privacy Law*, 15(2), 1–23.



- Hensy, A., & Putri, P. (2021). *Analyzing the Protection of Human Rights Against the Workforce*. 1(8), 1–11.
- Herlinda Ragil Feby Carmela, S. (2021). Law Enforcement in Education and Child Protection in Indonesia. *Nomos: Legal Research Journal*, 1(2), 58–65.
- Ihsani, M. H. (2021). Fulfilling children's rights during the pandemic in Kutai Kartanegara Regency. *Nomos: Legal Research Journal*, 1(2), 33–43.
- Julijanto, M. (2019). Politics of Disability Law: Case Study of Regional Regulation No. 8 of 2013 in Wonogiri. *Inclusion*, 6(1), 127. <https://doi.org/10.14421/ijds.060106>
- Kadek, N., & Suardianti, D. (2021). *Law Enforcement and Human Rights Values to Overcome Party Injustice*. 1(12), 1–9.
- Lamtiur, C. (2021). Legal Protection for Victims of Child Exploitation in. *Nomos: Legal Research Journal*, 1(3), 71–81.
- Lanang Putra Perbawa, K. S., & Perbawa Sukawati, M. (2020). Legal Assistance For The Poor. *Ganaya: Journal of Social Sciences and Humanities*, 3(1), 146–162. <https://doi.org/10.37329/ganaya.v3i1.430>
- Luthfi, A. (2023). How is the Alternative Use of Post Mining Land? Empirical Evidence at PT. Nuansacipta Coal Investment. *Proceeding ADRI International Conference on ...*, 342–354. <https://prosiding.p-adri.or.id/index.php/icadri/article/view/65%0Ahttps://prosiding.p-adri.or.id/index.php/icadri/article/download/65/48>
- Marsini, N. L. Y. (2019). The Influence of Individual Morality, Internal Control System, and Law Enforcement on Fraud Tendencies in BUMD Financial Management in Buleleng Regency. *Journal of Professional Accounting I*, 10(2).
- Nadia, H., & Afifah, Zahratul, S. S. (2021). Analysis of Law Enforcement to Achieve Justice in Perspective. *De Cive: Journal of Research on Pancasila and Citizenship Education*, 1(11), 1–7.
- Ramadhan, W. A., & Suryaningsi, S. (2021). Optimizing Legal Services for the Poor. *Nomos: Journal of Science Research*, 1(4), 135–141.
- Rifai, A. A., & Humaedi, S. (2020). Inclusion of Persons with Disabilities in the COVID-19 Pandemic Situation from the Sustainable Development Goals (SDGs) perspective. *Proceedings of Research and Community Service*, 7(2), 449. <https://doi.org/10.24198/jppm.v7i2.28872>
- Sucipto, K. R. (2021). Analysis of the Human Rights Position of Workers at Work Tempest. *Nomos: Legal Research Journal*, 1(3), 89–97.
- Suryaningsi, S. (2019). *Introduction to Legal Science* (Mulawarman). Mulawarman University Press.
- Suryaningsi Suryaningsi, A. M. (2020). The Role of a Female Head Assistant at Al-Walidaturrahmah Orphanage in Implementing A Just and Civilized Humanity in Samarinda. *Salasika Indonesia Journal of Gender, Woman, Child, and Social Inclusion's Studies Studies*, 3(2).
- Ur, S. (2021). Human Rights against Domestic Violence in the City. *Nomos: Legal Research Journal*, 1(4), 127–134.
- Yasri, M., & Adhim, F. (2021). *Efforts to Minimize Violence in Schools by Implementing Schools*. 1(12), 1–8.
- Yulia Erika, S. S. (2021). Community Efforts to Obtain Access to Justice for the



- Realization of Human Rights. *Nomos: Legal Research Journal*, 1(4), 142–151.
- Yuniarsih. (2021). Protection against Harassment of Women on Social Media. *Nomos: Legal Research Journal*, 1(4), 152–159.
- Yusrizal, Y. (2020). State Responsibility for Supervising Social Assistance During the Covid-19 Pandemic. *Suloh: Journal of the Faculty of Law, Malikussaleh University*, 8(2). <https://doi.org/10.29103/sjp.v8i2.3065>