

## Legal Protection for Poor People to Get Justice Through Legal Assistance

Faishol Riza<sup>1\*</sup>, Erny Herlin Setyorini<sup>2</sup>

<sup>1,2</sup> Master of Law Study Program, Faculty of Law, University of 17 Agustus 1945  
Surabaya

Received: 6 December 2023  
Revised: 18 December 2023  
Accepted: 30 December 2023

### Abstract

The purpose of this research is to find out the nature of the provision of legal aid for people who cannot afford it and to find out the legal protection for people who cannot afford legal aid from the perspective of justice. In this research, a normative legal research method is used, to explain and examine the issues raised, there are several approaches that need to be taken in order to conduct a comprehensive and detailed research. In this context, researchers use a statutory approach (statue approach). The legal material analysis technique used in this research is normative/prescriptive analysis technique. Based on the results of the analysis conducted, the essence of providing legal aid for the poor is integral in a fair justice system. It is not only about providing financial assistance, but also about providing equal access to the law, protecting human rights, and maintaining justice in the legal system. Ensuring that every individual has equal access to the justice system is a crucial step in maintaining a just and democratic society.

**Keywords:** Legal Protection, Incapacitated Persons, Legal Assistance

(\*) Corresponding Author: [r\\_faishol@yahoo.co.id](mailto:r_faishol@yahoo.co.id)

**How to Cite:** Riza, F., & Setyorini, E. (2024). Legal Protection For Poor People To Get Justice Through Legal Assistance. *International Journal of Education, Information Technology, and Others*, 7(1), 187-198. <https://doi.org/10.5281/zenodo.10525376>

## INTRODUCTION

The Indonesian government has issued a regulation that aims to realize these principles and objectives, namely Law Number 16 of 2011 on Legal Aid, hereinafter referred to as the Legal Aid Law. This regulation has a substance that requires law enforcers, especially advocates as legal aid providers, to provide free legal aid to the poor in Indonesia (Sunggara, et al, 2021). The obligation of advocates to provide free legal aid is regulated in Law Number 18 of 2003 concerning Advocates. According to Article 5 of the Advocates Law, every advocate is obliged to provide legal assistance to the poor or those who cannot afford it, and provide legal assistance in accordance with the provisions in the law.

The requirements for those who cannot afford to get access to legal aid are set out in considerable detail in several laws and regulations in Indonesia. One requirement that is often used is a statement from the neighborhood association (RT/RW), which becomes the basis for the village head to issue a Certificate of Incapacity (SKTM) or similar letter indicating that a person or family qualifies as poor. In this context, the RT/RW statement is used as a form of verification that a person or family does indeed meet the criteria of being poor. The village head or authorized party then issues the SKTM based on this information.

Once these requirements are met, legal aid providers, in this case advocates, have obligations as stipulated in Law No. 18/2003 on Advocates. Article 5 of the Advocates Law states that every advocate is obliged to provide legal aid to the poor or underprivileged and is obliged to provide legal aid in the cases and in accordance with the provisions stipulated in the Law. In other words, if a person or their family has met the requirements of the poor, then advocates are obliged to accept legal aid applications from them in accordance with their obligations as stipulated in the Advocates Law. This is part of the advocate's responsibility to provide access to justice to all levels of society, including the financially disadvantaged.

Meanwhile, regarding the possibility of legal aid providers rejecting legal aid applications with reasons, this is regulated in Law Number 16/2011 on Legal Aid. Article 12 of the Legal Aid Law explains that legal aid providers have the authority to reject applications for legal aid for certain reasons, such as if the application is not in accordance with legal provisions, violates professional ethics, is submitted by a party who has the financial ability to pay advocate service fees, or there are differences of interest between the legal aid provider and the party submitting the application. The decision to reject an application must be explained with clear reasons and submitted in the form of a rejection letter. As such, legal aid providers have a responsibility to ensure that the refusal of legal aid is based on valid reasons and in accordance with applicable legal provisions.

Furthermore, this obligation is not only a normative responsibility for advocates as an *officium nobile* or noble profession, but also a mandate stipulated in Law Number 18 of 2003 concerning Advocates, hereinafter referred to as the Advocates Law. The Advocate Law affirms that advocates have the duty to provide defense for every individual facing legal problems, regardless of individual background, race, ethnicity, political beliefs, social strata, economy, and gender (Winarta, 2009:1-2).

Thus, through this regulation, the Government of Indonesia has established a mechanism that encourages advocates to provide free legal aid to the underprivileged. This aims to ensure that access to legal aid is not hindered by economic limitations, so that all individuals have an equal opportunity to obtain the legal defense they need.

This regulation is in line with the principles of equality, justice, and protection of human rights recognized by the Indonesian state. As such, this effort is a concrete step in realizing the goal of access to law and justice, where every individual has an equal opportunity to obtain legal aid, regardless of their social and economic conditions. Based on this, the right to legal aid for the poor is one of the objectives of access to law and justice (Asnawi, 2011:17).

When we talk about the principles of equality before the law, human rights, and access to law and justice, it sometimes seems easy and pleasant. However, when we look at the reality in society, this picture turns into a disappointing reality. The reality of equality before the law, human rights, and access to law and justice is far from what we are talking about. They are hardly realized, and are often blatantly ignored and violated by the government, law enforcement, and even by those seeking justice. This situation reflects how far the gap is between theory and practice in our legal system. This gap reinforces the

argument that although these principles serve as moral and ethical footing, their implementation is far from perfect in everyday life.

It is expected that the implementation of regional autonomy in accordance with Law Number 23 of 2014 will create prosperity for the community and improve the effectiveness and efficiency of government. To implement the Law, the East Java Provincial Government has issued Regional Regulation No. 3 of 2015 amending Regional Regulation No. 9 of 2012 on Legal Aid for the Poor. In addition, on December 31, 2015, the East Java Provincial Government also promulgated Governor Regulation No. 83 of 2015 which contains guidelines for the implementation of legal aid for the poor. The Governor's Regulation is based on the mandate of Law No. 16/2011, particularly Article 19 paragraph (2), which aims to ensure that the right to legal aid for the poor in East Java Province is well implemented. This Governor Regulation serves as the legal basis for the East Java Provincial Government in providing legal aid to the poor. This effort is expected to provide legal protection and justice for those in need in the East Java Province.

The presence of Law No. 16/2011 on Legal Aid should be a manifestation of the state's responsibility to guarantee the constitutional rights of every citizen so that they receive recognition, guarantees, protection and legal certainty. However, in reality there are still many poor people who have not received adequate legal assistance. The protection, recognition and guarantee of human rights for every citizen is the obligation of Indonesia as a state of law. Indonesia as a state of law has the responsibility to protect, recognize and guarantee the human rights of every individual, including the right to legal aid, especially for the poor. Although Legal Aid is not expressly stated as a state responsibility, the state recognizes and protects the human rights of every individual, including the right to Legal Aid, especially for poor people or groups of people. The provision of Legal Aid to citizens is an effort to fulfill and realize Indonesia as a state of law that recognizes, protects, and guarantees citizens' human rights to access to justice and equality before the law.

The right to legal aid is a right that cannot be reduced or suspended under any circumstances. Therefore, legal aid is a human right of all people, not only provided by the state or at the mercy of the state, but it is also the responsibility of the state to protect and guarantee the human rights of its citizens in realizing equality before the law, access to justice, and a fair trial. This conception is important because the state is often faced with the reality of a group of poor people who are often unable to realize their rights to justice. One of the problems faced by the poor is access to justice, especially for those who face or encounter legal problems both in litigation and non-litigation.

Based on this, a big question arises regarding the implementation of legal aid for the poor in East Java Province, whether the existing regulations have not been able to realize access to justice for the poor, or whether it is only a pseudo regulation and mere formality without executorial power. Therefore, it is necessary to find, research, and provide solutions to problems in the implementation of legal aid so that it can run optimally and effectively. Until now, not all regions in East Java Province have been able to provide legal aid to the poor.

Some regencies/cities in East Java that have Regional Regulations on Legal Aid for the Poor include: Surabaya City, Madiun City, Pasuruan City, Malang City, Mojokerto City, Banyuwangi Regency, Blitar Regency, Batu City, Bangkalan Regency, Kediri City, Gresik Regency, Jember Regency, Jombang Regency, Magetan Regency, Madiun Regency, Malang Regency, Lumajang Regency, Mojokerto Regency, Nganjuk Regency, Ngawi Regency, Pamekasan Regency, Pasuruan Regency, Sampang Regency, Sumenep Regency, Tuban Regency, Tulungagung Regency, Trenggalek Regency, Situbondo Regency. It can be seen that there are around 28 districts/cities that have regulations related to legal aid for the poor in each region, while the total number of districts/cities is 38, so there are some areas that do not have regional regulations or regulations related to legal aid for the poor. The purpose of this research is to find out the nature of the provision of legal aid for people who cannot afford it and to find out the legal protection for people who cannot afford legal aid from the perspective of justice.

## **RESEARCH METHOD**

In this research, a normative legal research method is used, to explain and examine the issues raised, there are several approaches that need to be taken in order to conduct a comprehensive and detailed research. In this context, researchers use a statutory approach (statue approach). In this statutory approach, researchers will examine Law No. 16/2011 on Legal Aid and. This approach requires an understanding of the hierarchy and principles of legislation. This approach is also used to find answers to the legal content regulated in this research.

To support this research, the author uses several primary legal sources referring to legal sources that have the authority and force of applicable law, secondary includes the views of experts documented in various literature such as books, journals, articles, and papers, and tertiary includes encyclopedias, legal dictionaries, and the Big Indonesian Dictionary which are used to provide explanation and understanding of various other legal materials. The legal material analysis technique used in this research is normative/prescriptive analysis technique.

## **RESULTS AND DISCUSSION**

Legal protection for the indigent through legal aid is key to achieving justice in the justice system. The basic principles of a fair and equitable legal system are reflected in legal protection, including the role of law in providing protection, regulating, and ensuring peace and security for individuals involved in the legal system. So it is important to understand that every citizen or legal subject has the same rights in obtaining proper and equal legal protection.

An understanding of legal protection will form a strong basis for maintaining justice and the integrity of the legal system in society. In this regard, legal aid can provide equal access to justice, prevent abuse of power, and ensure that the rights of indigent individuals remain protected in the eyes of the law. Legal aid is especially important in cases involving human rights, child

protection, and other sensitive issues, and ensures that indigent individuals have access to competent legal representation to protect their rights.

People with limited financial resources and little understanding of the law, when faced with situations that require court intervention, are often confronted with complex language and seemingly rigid legal procedures. In both litigation and non-litigation processes, all steps taken must comply with the applicable legal provisions. Otherwise, the application or lawsuit filed may be rejected by the court, even if the substance is well-founded. This can happen simply because of non-compliance with the procedural aspects of the law. The principle of equality under the law must be supported by equal treatment.

One form of implementation of equality of treatment is through the provision of legal aid to underprivileged individuals, including the poor. In this context, the provision of legal aid is not only available to those who are financially capable, but also to individuals who are in an underprivileged situation, so that they also have access to justice. As implied in Article 3 of Law No. 16/2011 on Legal Aid, it is indicated that the rationale for the existence of the Legal Aid Law (UUBH) is that the state has a responsibility to provide legal aid to underprivileged individuals. This is considered an effort to provide access to justice. In addition, the law also stipulates that legal aid provided by the state must be directed towards the realization of just social change (Panjaitan, 2019:48).

The existence of Legal Aid Organizations (OBH) and the obligation to implement legal aid regulated in UUBH is a response to the concerns of the lower economic class in handling the legal problems they face. Although the existence of legal aid has not been fully accepted by the lower economic community. People generally assume that obtaining legal assistance requires a lot of money. Lawyers are considered a luxury service that is difficult to access without high costs. Thus, the presence of UUBH is expected to guarantee the constitutional rights of every citizen to obtain legal protection in accordance with their respective economic capabilities.

Legal aid refers to the provision of legal services provided free of charge. It aims to provide free legal services including providing legal advice, acting as a power of attorney, providing legal representation, providing assistance, defending, and carrying out other legal actions for the benefit of individuals seeking justice, especially for those who lack financial capacity.

Initially, legal aid was provided to legal aid recipients as a form of public service, especially for the underprivileged. But over time, legal aid has also become an obligation that must be carried out in accordance with the constitutional mandate. The implementation of the provision of legal aid must be appropriate and targeted, meaning that individuals who receive legal aid must meet the criteria specified by law. As implied in Article 5 of Law No. 16/2011 on Legal Aid, those entitled to legal aid are every person or group of poor people who cannot fulfill their basic rights properly and independently.

Based on the many realities that occur in society, it shows that although the state guarantees the equality of every individual in the eyes of the law, achieving justice is not always easy because of the differences and abilities of each person. In fact, the law has a very important task to give every individual the right to justice that they should receive. Differences in treatment, for example, can

be seen in the way judges handle legal cases. An example of this is when a judge intentionally gives notice of a hearing to legal counsel at the 3rd hearing. Thus, the opportunity to file an exception is lost, limiting the questions asked by legal counsel, directing the defendant in giving testimony, and various other irregularities (Panjaitan, 2019: 61-62). Although not many judges or other judicial staff commit this form of misconduct in the judicial system, there are also many who do. As a result, the principles of justice cannot be properly implemented.

For some people, the judiciary is often difficult to access for those seeking justice. Some of the factors that make access to justice institutions difficult include:

1. Very rigid legal formalities.
2. Inadequate level of public knowledge, in this case about procedural law.
3. The legal process is considered tedious and too long.
4. Expectations of results that may not be proportional to the effort required in the process of upholding justice.
5. Relatively high costs, making it unaffordable for most individuals, especially those with financial disadvantages (Rahardjo, 2002:4).

The judiciary, which is supposed to be the last bastion of justice especially for the financially deprived, often fails to provide the level of justice expected. As a result, respect and trust for the judiciary is almost non-existent. This is likely to discourage individuals from taking their legal matters to court. If the situation where citizens seeking justice are hampered by complicated and unclear formalities is allowed to continue, it means that the state has separated the primary rule from the secondary rule. In this context, justice will not be achieved because the apparatus in the preliminary process has become an obstacle (Pangaribuan, 2004).

Based on this description, it is necessary for Legal Aid Organizations (OBH) to play a competent role and maximally comply with established regulations, to overcome injustice in the judicial process. Of the many provinces in Indonesia, East Java Province is one of the largest and most densely populated regions in Indonesia. Of course, with these conditions, the East Java Provincial Government has complex challenges in maintaining justice and access to the justice system for all its people. In this regard, the implementation of Legal Aid Organizations (OBH) in East Java Province plays a very important role as an entity that has a fundamental duty to provide legal assistance to the community. Especially to those who have limitations or are less financially capable, so that they can still access justice and their legal rights equally through existing Legal Aid Organizations (OBH).

East Java Province, with its relatively greater social, economic and cultural diversity, has a variety of legal challenges that require serious attention. These include legal issues relating to property rights, civil cases, land disputes, labor issues, and a number of other issues that affect the daily lives of the community. It is in this context that Legal Aid Organizations (OBH) in East Java Province serve as an important pillar in upholding justice and supporting access to the justice system.

As stated in Article 1 Paragraph (3) of Government Regulation Number 42 of 2013 concerning the Terms and Procedures for Providing Legal Aid and

Distributing Legal Aid Funds, then in Article 1 Paragraph (2) of the Regulation of the Minister of Law and Human Rights of the Republic of Indonesia Number 10 of 2015 concerning Regulations on the Implementation of Government Regulation Number 42 of 2013 concerning the Terms and Procedures for Providing Legal Aid and Distributing Legal Aid Funds, which is also in line with Article 1 Paragraph (8) of East Java Provincial Regulation Number 3 of 2015 concerning Amendments to East Java Provincial Regulation Number 9 of 2012 concerning Legal Aid for the Poor, as well as Article 1 Paragraph (7) of East Java Governor Regulation Number 57 of 2021 concerning the Second Amendment to East Java Governor Regulation Number 83 of 2015 concerning Implementation Guidelines for East Java Provincial Regulation Number 3 of 2015 concerning Amendments to East Java Provincial Regulation Number 9 of 2012 concerning Legal Aid for the Poor, that legal aid providers are legal aid institutions or community organizations that provide legal aid services based on Law Number 16 of 2011 concerning Legal Aid.

Based on Article 8 of Law Number 16 of 2011 concerning Legal Aid, the implementation of legal aid is carried out by legal aid providers who have met the requirements based on Law Number 16 of 2011 concerning Legal Aid. Then in the next paragraph, it is explained regarding the requirements of legal aid providers, including:

1. A legal entity.
2. Accredited based on Law Number 16 of 2011 concerning Legal Aid.
3. Have a permanent office or secretariat.
4. Has an executive board.
5. Has a legal aid program.

Based on Article 6 of Law Number 16 of 2011 concerning Legal Aid, the implementation of legal aid primarily aims and functions to help resolve legal problems faced by legal aid recipients. The provision of legal aid to legal aid recipients is organized by the minister and implemented by legal aid providers based on this law. The minister has the following duties:

1. Formulate and stipulate policies for the implementation of legal aid.
2. Prepare and set legal aid standards based on the principles of providing legal aid.
3. Prepare a legal aid budget plan.
4. Manage the legal aid budget effectively, efficiently, transparently and accountably.
5. Prepare and submit a report on the implementation of legal aid to the people's representative council at the end of each year.

The minister referred to in the above description is the minister who organizes government affairs in the field of law and human rights. Includes legal aid standards as guidelines for the implementation of legal aid provision set by the minister of law and human rights. This explanation is written in Article 1 of Law Number 16/2011 concerning Legal Aid. So that all matters relating to the implementation of legal aid, have been determined by the Regulation of the Minister of Law and Human Rights of the Republic of Indonesia Number 10 of 2015 concerning Regulations on the Implementation of Government Regulation Number 42 of 2013 concerning Terms and Procedures for Providing Legal Aid

and Distributing Legal Aid Funds, including legal aid standards, procedures for providing legal aid, implementing legal aid, legal aid budget, procedures for reporting budget implementation, supervision and evaluation, and other provisions.

The following is a recap of the list of Accredited Legal Aid Organizations (OBH) in East Java Province for the period 2022-2024.



Figure 1. Distribution of Accredited Legal Aid Organizations for the 2022-2024 Period in East Java Province

It is known that there are still several regions that do not have even a single Legal Aid Organization in their area, including: Bondowoso District, Kediri District, Madiun District, Magetan District, Pacitan District, Ponorogo District, Probolinggo District, Situbondo District, Batu City, and Pasuruan City. East Java Province is administratively divided into 29 districts and 9 cities, with Surabaya City as the provincial capital. This means that there are still 10 out of 38 districts/cities that have not been able to provide legal aid to the poor. Meanwhile, the closest regions are also still limited in the number of Legal Aid Organizations (OBH). Thus, the provision of legal aid in the region can be said to still not run optimally and effectively. The absence of Legal Aid Organizations (OBH) in an area can have various adverse consequences for the community and the justice system. The following are some of the impacts that are likely to occur if an area does not have a Legal Aid Organization:

1. Limited Access to Justice
 

One of the main consequences of the absence of Legal Aid Organizations (OBH) is limited public access to the justice system. People facing legal problems, especially those who are financially disadvantaged, will find it difficult to obtain the legal assistance they need. This can result in them being unable to defend their rights in court or obtain proper legal protection.
2. Inequality in the Eyes of the Law
 

The absence of Legal Aid Organizations (OBH) can lead to inequality in the eyes of the law. Those with greater financial resources can easily access advocates and legal aid with their material power, while those who are less well-off do not

have the same access. This can undermine the principle of equality in the eyes of the law.

3. Increase in Underserved Cases

Without Legal Aid Organizations (OBH), many legal cases are likely to receive insufficient attention. These include cases involving human rights violations, domestic violence, discrimination, and others. As a result, law enforcement is not maximized and perpetrators of criminal offenses are not brought to justice.

4. Increased Court Burden

With a lack of legal aid for those in need, many individuals will end up filing their own lawsuits with the courts. This can increase the workload of the courts and result in longer and more complex legal proceedings.

5. Decreased Trust in the Justice System

The absence of Legal Aid Organizations (OBH) or limited access to legal aid can lead to a decline in public trust in the justice system. People may feel that the legal system is unfair and unable to protect their rights.

It can be concluded that the absence of Legal Aid Organizations in an area can create serious challenges in terms of access to justice and protection of individual rights. Legal Aid Organizations, which are supposed to be the last guardians of justice for those who cannot afford it, cannot be found within a short radius. In an area where there are no well-operated Legal Aid Organizations, people will face great difficulties in dealing with legal issues.

For example, people facing land disputes, labor issues, divorce, or even criminal cases often feel trapped in a complicated legal maze. They may not have the knowledge or resources to understand the complex legal process. Without a Legal Aid Organization (OBH) that can provide the necessary legal assistance, many of them feel hopeless and feel that their rights cannot be properly defended. The importance of equality under the law is often overlooked. People who are less financially well-off do not have the same access as those who are better off. As a result, inequality in access to justice deepens.

It is not only the community that suffers from the absence of Legal Aid Organizations (OBH), but also the justice system itself. Courts in the region are often faced with increased workloads as individuals try to deal with their own legal problems. Slower and more complex legal processes can hinder effective law enforcement. The absence of Legal Aid Organizations (OBH) can also undermine public confidence in the justice system. People are more likely to feel that the legal system is unfair and unable to protect their rights, which in turn can reduce compliance with the law.

The situation demonstrates how the importance of effective Legal Aid Organizations in a region cannot be ignored. They play a crucial role in maintaining the principles of justice, equality and protection of human rights in the justice system. Without well-functioning Legal Aid Organizations, many citizens may continue to face insurmountable challenges when it comes to seeking justice. Therefore, it is necessary to examine more deeply and thoroughly the causes of Legal Aid Organizations (OBH), especially those in the East Java Province, that have not been optimally realized. These are some of the limitations

of this research, because it is limited to examining the implementation of legal aid for the poor from the perspective of justice.

It is known from the results of previous research related to "Optimizing the Provision of Legal Aid for the Realization of Access to Law and Justice for the Poor" that, the presence of the Legal Aid Law cannot be considered as an absolute guarantee for the realization of access to law and justice for the poor. Several challenges in practice are still an obstacle to achieving such access, including: the existing legal framework does not always function properly, legal awareness about legal aid is still low, access to justice tends to be a mere formality, there is discrimination and complicated procedures in funding legal aid, and supervision in the application of legal aid is still lacking. As a result of these challenges, the implementation of legal aid for the poor has not been optimal (Fauzi and Ningtyas, 2018).

Various ideas can be implemented to optimize the provision of legal aid, including:

1. Incentives are needed to encourage legal practitioners who are members of Legal Aid Organizations (OBH) to provide legal aid optimally.
2. Legal aid should be active, responsive, and have structural aspects.
3. All access to justice should be accommodated.
4. The concept of free legal aid needs to be clarified and optimized.
5. Supervision in the implementation of legal aid must be improved.

These are ideas that can help optimize the provision of legal aid, so that access to law and justice does not become impossible for the poor. It is suggested that the government needs to revise laws and regulations relating to legal aid, including accreditation and funding procedures, and strengthen supervision in its implementation. As far as the search is concerned, only the amount of the budget refers to the formal implementation of legal aid. Either in Law Number 16 of 2011 on Legal Aid, or Government Regulation Number 42 of 2013 on the Terms and Procedures for Providing Legal Aid and Distributing Legal Aid Funds, or Regulation of the Minister of Law and Human Rights of the Republic of Indonesia Number 10 of 2015 on the Implementation of Government Regulation Number 42 of 2013 on the Terms and Procedures for Providing Legal Aid and Distributing Legal Aid Funds, or East Java Provincial Regulation Number 3 of 2015 Concerning Amendments to East Java Provincial Regulation Number 9 of 2012 Concerning Legal Aid for the Poor, or East Java Governor Regulation Number 57 of 2021 Concerning the Second Amendment to East Java Governor Regulation Number 83 of 2015 Concerning Implementation Guidelines for East Java Provincial Regulation Number 3 of 2015 Concerning Amendments to East Java Provincial Regulation Number 9 of 2012 Concerning Legal Aid for the Poor.

Legal Aid Organizations (OBH) should indeed give priority to the interests of clients rather than personal interests that only focus on economic gain. But on the other hand, the government should also consider life insurance for legal practitioners who work in the field of legal aid as a form of encouragement so that legal practitioners who are members of Legal Aid Organizations (OBH) can provide legal aid optimally. In addition, public awareness of the importance of legal aid must be increased, so that together with the state and the parties involved, access to law and justice can be realized optimally.

## CONCLUSION

Based on the analysis conducted, the following conclusions can be drawn in accordance with the formulation of the problem. The nature of providing legal aid for the poor is integral to a fair justice system. It is not only about providing financial assistance, but also about providing equal access to the law, protecting human rights, and maintaining fairness within the legal system. Ensuring that every individual has equal access to the justice system is a crucial step in maintaining a just and democratic society.

It is important for a region to have at least one functioning Legal Aid Organization (OBH) that complies with applicable laws to ensure equal access to justice for all citizens. Individuals who are financially well-off may seek the services of an advocate when they have a case, albeit at a cost that may not be small. However, individuals who are financially strapped may not be able to immediately pay for the services of an advocate. Thus, Legal Aid Organizations (OBH) play an important role in maintaining the principles of justice, equality, and protection of human rights in the justice system.

Based on the results of the research, it may be necessary to review and improve the laws and regulations relating to legal aid, including accreditation and funding procedures, and strengthen supervision in its application. The author indicates that the non-optimal provision of legal aid by Legal Aid Organizations (OBH), in this case in the East Java region, is due to the lack of incentives for legal practitioners who are members of Legal Aid Organizations (OBH). However, the author is limited in examining more deeply related to this matter because it is not included in this research area. Thus, there is a need for more complex analysis in future academic research.

## BIBLIOGRAPHY

- Asnawi, Habib Shulton. "Politik Hukum Perlindungan Hak-Hak Asasi Manusia Kaum Perempuan di Indonesia (Studi Tentang Upaya Mewujudkan Keadilan dan Kesetaraan Gender Kaum Perempuan di Bidang Kesehatan Era Pemerintahan Susilo Bambang Yudhoyono/SBY)". Skripsi—Universitas Islam Indonesia, 2011.
- Fauzi, Suyogi Imam, dan Inge Puspita Ningtyas. "Optimalisasi Pemberian Bantuan Hukum Demi Terwujudnya *Access to Law and Justice* Bagi Rakyat Miskin". *Jurnal Konstitusi*, Vol. 15, No. 1. 2018.
- Pangaribuan, Luhut MP. "Interpretasi Pihak Ketiga yang Berkepentingan dalam Pra-Peradilan Tindak Pidana Korupsi". *Dictum Kajian Putusan Pengadilan*, Edisi 2. 2004.
- Panjaitan, Budi Sastra. "Bantuan Hukum Sebagai Sarana dalam Mewujudkan Keadilan". *Doktrina: Jurnal of Law*, Vol. 2, No. 1. 2019.
- Pemerintah Provinsi Jawa Timur. "Profil". [jatimprov.go.id/profile](http://jatimprov.go.id/profile), diakses pada 27 September 2023.
- Peraturan Daerah Provinsi Jawa Timur Nomor 3 Tahun 2015 Tentang Perubahan Atas Peraturan Daerah Provinsi Jawa Timur Nomor 9 Tahun 2012 Tentang Bantuan Hukum untuk Masyarakat Miskin

- Peraturan Gubernur Jawa Timur Nomor 57 Tahun 2021 Tentang Perubahan Kedua Atas Peraturan Gubernur Jawa Timur Nomor 83 Tahun 2015 Tentang Petunjuk Pelaksanaan Peraturan Daerah Provinsi Jawa Timur Nomor 3 Tahun 2015 Tentang Perubahan Atas Peraturan Daerah Provinsi Jawa Timur Nomor 9 Tahun 2012 Tentang Bantuan Hukum untuk Masyarakat Miskin.
- Peraturan Menteri Hukum dan Hak Asasi Manusia Republik Indonesia Nomor 10 Tahun 2015 Tentang Peraturan Pelaksanaan Peraturan Pemerintah Nomor 42 Tahun 2013 Tentang Syarat dan Tata Cara Pemberian Bantuan Hukum dan Penyaluran Dana Bantuan Hukum.
- Peraturan Pemerintah Nomor 42 Tahun 2013 Tentang Syarat dan Tata Cara Pemberian Bantuan Hukum dan Penyaluran Dana Bantuan Hukum
- Rahardjo, Satjipto. *Ilmu Hukum*. Bandung: Citra Aditya Bakti, 2002.
- Sunggara, Muhamad Adystia, et al. "Penerapan dan Pemberian Bantuan Hukum Bagi Masyarakat Kurang Mampu". *Solusi*, Vol. 19, No. 2. 2021.
- Undang-Undang Dasar Negara Republik Indonesia Tahun 1945.
- Undang-Undang Nomor 16 Tahun 2011 Tentang Bantuan Hukum.
- Winarta, Frans Hendra. *Hak Konstitusional Fakir Miskin untuk Memperoleh Bantuan Hukum*. Jakarta: Gramedia, 2009.