

# ICORAD 3

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## 6 PRODEO LEGAL SERVICES TO NEEDY COMMUNITIES IN THE DISTRICT COURT SYSTEM

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**Abstract.** The purpose of this research is to determine the best methods for providing legal assistance and the role of advocates in providing legal assistance to the needy community on Mandailing Natal's district court. The type of research used is sociological juridical, to determine how the law is applied in the community. Implementing legal aid for the poor is critical because it touches on every citizen's constitutional rights. Regarding some of the documentation requirements, the applicant must submit a written application containing at the very least his or her identity and a brief description of the subject matter for which legal aid is being sought, followed by the submission of case documents and an attachment of a poor certificate from the headman, village head, or another official equivalent in the applicant's place of residence. As a result of this research, it is concluded that providing legal aid to the poor is necessary, as it involves the constitutional rights of every citizen. Assistance is required by an advocate.

**Keywords:** advocate; court; legal services; needy community.

### INTRODUCTION

The first paragraph of the preamble to the 1945 Constitution of the Republic of Indonesia states that because independence is a universal right, colonialism in the world must be abolished, as it is incompatible with humanity and justice. The statement's purpose and objective are to demonstrate that humans, as creatures created by God Almighty, share a fundamental dignity and worth, which cannot be contested or revoked by anyone. Thus, all matters about the protection of dignity and worth are further regulated by the mandate contained in Article 28D paragraph (1) of the 1945 Constitution, which states: "Everyone has the right to recognition, guarantees, protection, and fair legal certainty, as well as an equal treatment before the law."

The 1945 Constitution serves as the foundation for enacting legislation and regulations, one of which is Law No. 16 of 2011 on Legal Aid. The rationale for enacting this law is that the state is responsible for providing legal aid to the poor as a matter of justice and that the state's regulation of legal aid must be based on the realization of social changes. Fair To carry out the provisions of Article 15 paragraph (5) of Law No. 16 of 2011 concerning Legal Aid, which states that "further provisions regarding the terms and procedures for providing legal aid are regulated by government regulation," and the provisions of Article 18 of Law No. 16 of 2011 concerning the Law, which states that

"further provisions regarding the assistance of aid funds as referred to in Article 16 paragraph (1) of the provision of legal aid are regulated by government regulation."

Legal aid is a term that refers to legal services that are provided free of charge to legal aid recipients by legal aid providers. Legal Aid recipients are low-income individuals or groups of individuals. Meanwhile, legal aid providers are institutions of legal aid or community organizations that provide legal aid services by Law No. 16 of 2011. The advocate profession is an honorable one (officium Nobile) because it is dedicated to the greater good of society rather than to personal gain. Advocates as a participant in Indonesia's law enforcement and human rights protection systems. The advocate's role as a supervisor and guardian of justice is one of his or her responsibilities. Indonesia, as a state of law, possesses inherent fundamental characteristics such as legal protection for human rights, equality before the law, and an independent and impartial judiciary that is unaffected by external powers.

As explained in Article 5 paragraph 1 of Law No. 18 of 2003 Concerning Advocates, "Advocates are law enforcers" called law enforcers who accompany defendants in trials are not only objects but also subjects, working alongside other law enforcers to reach a just decision. In practice, the defendant's position is precarious, as other law enforcers, such as police officers, prosecutors, and judges, are already familiar with the law. As a result, the defendant must have an advocate to assist him or her throughout the judicial process.

One of the advocates' responsibilities to the community is to provide legal assistance to those who are considered vulnerable (poor). According to section 7 point 8 of the Indonesian Advocates' Code of Ethics, "advocates must provide free legal aid (without charge) to those who cannot afford it."

This is confirmed in Article 22 of the 2003 Law No. 18 on Advocates, which reads as follows:

- 1) Advocates are required to provide free legal assistance to those in need of it.
- 2) Provisions relating to the requirements and procedures for providing free assistance, as defined in paragraph (1), shall be supplemented by a Government Regulation.

As years progress, the advocate profession is perceived to be becoming more commercial, owing to changes in the level of professionalism and the increasing demand for the specialization of advocates. The advocate profession is increasingly becoming a business, rather than a means of defending the poor's rights. Based on the foregoing, the writer is interested in adopting the title: Prodeo Legal Services To Needy Communities In The District Court System

## METHOD

This study employs an empirical juridical method. Another type of sociological legal research is what is referred to as field research, which involves comparing the applicable



legal provisions to what occurs in society. In other words, it is research conducted on an actual situation or a real situation that occurs in the community with the intent of determining and obtaining the necessary facts and data; once the necessary data has been gathered, problem identification occurs, which ultimately results in problem resolution. The sociological juridical approach seeks to define and conceptualize law as a genuine and functional social institution embedded in a real-world system. The sociological juridical approach places a premium on empirical research aimed at acquiring legal knowledge. The only way to proceed directly to the object is to know the prodeo services for needy communities at Mandailing Natal.

## RESULTS & DISCUSSION

### A. Advocates at the Mandailing Natal District Court Providing Legal Aid to Underprivileged Communities

Legal aid exists to protect low-income (low-income) individuals and groups of individuals. It must be able to provide justice in the field of law to underprivileged groups of people who have legal problems through the Ministry of Law and Human Rights as the organizer of legal aid.

This is stated in the Legal Aid Law No. 16 of 2011. According to the provisions of Law No. 16 of 2011, legal assistance may be provided by advocates, legal lecturers, and law faculty students who are deemed to understand the law and possess the necessary ability and experience in the field of law. The budget for legal aid for the poor is derived from the APBN (State Revenue and Expenditure Budget).

In addition to the APBN budget, several regions in Indonesia, ranging from city/regional governments to provincial governments, have attempted to provide legal assistance using funds from the APBD (Regional Revenue and Expenditure Budget). Numerous regions operate legal aid programs for their citizens, each with its own set of standards and provisions codified in local public policy (PERDA).

However, the government issues derivative products as a complementary product to this Legal Aid Act. Government Regulation No. 42 of 2013 on the Terms and Procedures for Legal Aid Provision and Distribution (PP 42/2013), Minister of Law and Human Rights Regulation No. 3 of 2013 on the Procedures for Verification and Accreditation of Legal Aid Institutions or Community Organizations (Ministerial Regulation 22/2013), Minister of Law and Human Rights Regulation No. 22 of 2013 on the Implementing Regulations of Government Regulation No. 42 of 2013 on the Terms and Procedures for Legal Aid Provision and Distribution (PP 42/2013), Minister of Legal aid for the poor is essentially a strategy for providing legal services in the public interest. Therefore, the issue that arises is the debate over who is ultimately responsible for fulfillment. The probono discourse is frequently interpreted as a reference to the moral character of legal professionals,

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particularly advocates. This view appears to absolve the state of its responsibility to provide fulfillment. However, pro bono's work is not a substitute for the state-funded legal aid system but rather complements it, particularly for the poor.

#### B. Advocates' Role in Mandailing Natal District Court's Legal Aid Program for Underprivileged Communities

In providing legal aid, it is very rarely done because the procedure is rather complicated, and not many people understand how to get free legal aid from an advocate. The mechanism in the process of applying for free legal aid from an advocate is that there are several requirements and procedures according to the rule of law, which include:

- a. Submit a written application specifying the applicant's identity and the nature of the legal assistance requested.
- b. Submit case-related documents.
- c. Include a certificate of poverty from the village head, lurah, or another official on the same level as the legal aid applicant's place of residence.

In legal aid from advocates, two terms are used: legal aid and legal assistance. The term "legal aid" is frequently used to refer to legal aid in a narrow sense, namely the provision of free legal services to those involved in a case, particularly those who cannot afford it. While the term "legal assistance" is used to convey the broad meaning of legal aid, it should be understood that in addition to providing legal assistance to those who cannot afford it, legal aid is also provided by lawyers who accept honoraria or are compensated by clients. Legal subjects become recipients of legal aid during the course of providing legal aid. Although the recipient of legal aid is not specified in the law on legal aid, it must, in principle, refer to the provisions of Article 5 of the Law on Legal Aid.

Thus, the following criteria apply to the subject of legal aid recipients:

1. Individuals who are experiencing difficulties with civil, criminal, or state administrative law, both through litigation and non-litigation (referring to Article 4 of the Law on Legal Aid).
2. Individuals who have had their constitutional rights violated by law enforcement officers.
3. Individuals who lack access to justice.
4. Individuals who are persecuted as a result of legal issues.

It is extremely rare for advocates and other law supremacists to provide legal assistance in Mandailing Natal; this is a burden and a challenge for advocates and other law supremacists. According to the author's analysis of the law requiring advocates to provide legal assistance to the community, it has not been widely implemented by advocates, necessitating another regulation that explicitly regulates and must be coercive on every

advocate to carry out the law's mandate. The ratification of the legal aid law represents a significant step forward for the community in terms of making justice more affordable and accessible, but the implementation and implementation are still far from optimal.

According to the findings of interviews and data collection, an advocate is aware of his responsibility to provide legal assistance and his role in ensuring justice for all communities in need; however, it is unavoidable that every advocate continues to view providing legal services as a means of obtaining material or honorarium, and until now, advocates in Mandailing Natal have played little role in the process of providing it.

## 2.2 CONCLUSION

The following conclusions can be drawn from the previous description:

1. That the provision of legal aid to the poor is a legal requirement, as it affects every citizen's constitutional rights. This is following Law No. 16 of 2011 on Legal Aid, which applies to advocates as well, provided they meet the requirements for obtaining legal assistance, which is as follows: Submit a written application that includes the applicant's name and a brief description of the principal issues raised. requested legal counsel. Submit case-related documents. Include a certificate of poverty from the lurah, village head, or an official at the same level as the legal aid applicant's residence.
2. The role of advocates in providing legal aid to underprivileged communities at the Mandailing Natal District Court, according to the legal aid and advocates laws, the legal aid provider is an advocate, and the recipient of legal aid is poor and underprivileged. The underprivileged can obtain free legal aid by meeting the requirements which include submitting a written application that includes his or her identity and a brief description of the subject matter for which legal aid is requested, as well as submitting case-related documents. Following that, the applicant must submit a certificate of poverty from the Lurah, Village Head, or another official on the same level as the applicant's place of residence. After meeting the aforementioned requirements, members of the underprivileged community seeking justice may apply for legal aid funding through the Court.

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