



## The Effectiveness of Legal Aid Standards for Suspects in the Indonesian Criminal Justice System in Achieving Access to Justice

Nurani Ajeng Tri Utami<sup>1</sup>, Dwiki Oktobiran<sup>2</sup>, Enny Dwi Cahyani<sup>3</sup>, Gebi Emada Turnip<sup>4</sup>, Fadia Rahma Safitri<sup>5</sup>

<sup>1</sup>Universitas Jenderal Soedirman, Indonesia, Email: [nurani.utami@unsoed.ac.id](mailto:nurani.utami@unsoed.ac.id)

<sup>2</sup>Universitas Jenderal Soedirman, Indonesia, Email: [dwiki.oktobrian@unsoed.ac.id](mailto:dwiki.oktobrian@unsoed.ac.id)

<sup>3</sup>Universitas Jenderal Soedirman, Indonesia, Email: [enny.dwi@unsoed.ac.id](mailto:enny.dwi@unsoed.ac.id)

<sup>4</sup>Universitas Jenderal Soedirman, Indonesia, Email: [fadia.safitri@mhs.unsoed.ac.id](mailto:fadia.safitri@mhs.unsoed.ac.id)

<sup>5</sup>Universitas Jenderal Soedirman, Indonesia, Email: [gebi.turnip@mhs.unsoed.ac.id](mailto:gebi.turnip@mhs.unsoed.ac.id)

Submitted: November 26, 2023; Reviewed: March 7, 2024.; Accepted: July 1, 2024.

### Article Info

#### Keywords:

Access to justice, criminal justice system, legal aid, legal aid service standards.

#### DOI:

10.25041/flatjustisia.v18no2.3249

### Abstract

The implementation of legal aid service standards, as outlined in Regulation No. 4 of 2021 by the Minister of Law and Human Rights of Indonesia, was expected to enhance the quality of legal aid services. However, in reality, suspects continue to experience inconsistent access to their rights, especially within the criminal justice system. This study aims to investigate the application of these standards across the police, prosecutor's office, and court sectors. Employing an empirical juridical approach with a qualitative and comparative study method, data was gathered through interviews and literature review, then analyzed using content and comparative analysis techniques. The findings reveal that the enforcement of legal aid service standards in the criminal justice system has been ineffective, marked by frequent violations of suspects' rights. These violations include providing indirect assistance, inadequate representation at various stages of trials, appointing advocates not affiliated with accredited LBH (Legal Aid Institute), and advocates displaying insufficient responsiveness and engagement in assisting suspects. Such violations significantly hinder suspects' access to justice within the criminal justice system.

## A. Introduction

The UN General Assembly adopted principles and guidelines on access to legal aid in criminal justice systems in December 2012, affirming the rights of suspects within these systems.<sup>1</sup> These principles were inspired by the Miranda Rules, which stipulate that suspects cannot be interrogated without access to legal assistance.<sup>2</sup> In Indonesia, legal aid is enshrined in the Criminal Procedure Law (KUHAP) and has evolved over time.<sup>3</sup> The right to legal defense is fundamental to human rights and essential for achieving justice for all.<sup>4</sup>

Under Article 27 paragraph (1) of Indonesia's 1945 Constitution, every citizen is guaranteed recognition, protection, legal certainty, and equal treatment before the law, including access to legal assistance. Equal treatment is a critical aspect of ensuring access to justice<sup>5</sup>, a human right upheld by international law and safeguarded by the European Convention. Law No. 16/2011 introduced a new framework for legal aid, particularly aimed at supporting disadvantaged individuals in accessing justice.

The concept of legal aid under Law No. 16/2011 in Indonesia differs significantly from previous systems, particularly in terms of government funding and standards for legal aid services. To access government legal aid funds for financially disadvantaged individuals, legal aid providers must belong to or be affiliated with accredited legal aid organizations.<sup>6</sup> This system mirrors historical developments in legal aid funding, originally focused on civil cases and primarily benefiting white individuals during apartheid, but

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<sup>1</sup> Auke Willems, "The United Nations Principles and Guidelines on Access to Legal Aid in Criminal Justice Systems," *New Criminal Law Review*, 2014, <https://doi.org/10.1525/nclr.2014.17.2.184>.

<sup>2</sup> Moh Fadhil and Mochammad Imam Ghiffary, "Problematika Pemeriksaan Terdakwa Di Pengadilan Tanpa Dampingan Penasehat Hukum (Studi Kasus Di Pengadilan Negeri Sungguminasa)," *Jurnal Mahkamah*, 2019, <https://doi.org/10.25217/jm.v4i2.589>.

<sup>3</sup> Dwi Dasa Suryantoro, "Konsep Bantuan Hukum Dalam Peradilan Pidana Di Indonesia," *At-Turost: Journal of Islamic Studies*, 2021, <https://doi.org/10.52491/at.v8i2.71>.

<sup>4</sup> Agus Raharjo, Angkasa, and Rahadi Wasi Bintoro, "Akses Keadilan Bagi Masyarakat Miskin (Dilema Dalam Pemberian Bantuan Hukum Oleh Advokat)," *Jurnal Mimbar Hukum* 27, no. 3 (2015): 432–44.

<sup>5</sup> Mehmet Yardım, "Concept of Legal Aid in Civil Litigation in Accordance with the Decisions of the European Court of Human Rights," *Annales de La Faculté de Droit d'Istanbul*, 2023, <https://doi.org/10.26650/annaes.2023.72.0004>.

<sup>6</sup> Agus Raharjo, "Discriminatory Policy of the Indonesian Government Toward Advocates and Poor People: Funding Solution for Legal Aid," *Indonesian Journal of International Law*, 2016, <https://doi.org/10.17304/ijil.vol13.3.656>.

gradually expanding to include criminal cases for economically disadvantaged individuals in Africa.

In Indonesia's current legal aid framework, suspects in the criminal justice system are provided with legal representation, recognizing their vulnerable position. This is crucial to safeguarding their rights during law enforcement processes, where suspects often face rights violations or improper treatment. Legal assistance from advocates or legal advisors<sup>7</sup> is essential to uphold the principle of legal protection against state harassment and arbitrary actions.<sup>8</sup>

However, challenges exist in ensuring effective legal aid. Advocates' roles are pivotal throughout the criminal justice process, from investigations to court decisions. Yet, there are instances where advocates may not provide optimal assistance<sup>9</sup>, such as not defending suspects during examinations or only appearing formally without active involvement in the case. Addressing these issues is crucial for enhancing the effectiveness and fairness of legal aid in Indonesia's criminal justice system.

The issuance of Indonesia's Legal Aid Law has indeed brought forth several challenges regarding community access to legal aid, particularly for suspects from underprivileged backgrounds. Requirements from both recipients and legal aid providers, alongside funding and administrative issues, must be met under this law.<sup>10</sup>

These challenges impact access to justice in several ways. Firstly, there is a focus on ensuring equitable benefits and the use of judicial institutions. Secondly, there's an emphasis on guaranteeing the rights of the poor to achieve justice. Thirdly, efforts aim to expand public access to justice effectively.<sup>11</sup>

Common issues in legal aid provision include discrepancies among advocates, both independent and those affiliated with legal aid institutions, regarding fees or honorariums. The absence of clear regulations on this matter under the Advocates Law or Minister of Law and Human Rights regulations

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<sup>7</sup> Rigmor R. Diseth and Per A. Høglend, "Potential Legal Protection Problems in the Use of Compulsory Commitment in Mental Health Care in Norway," *International Journal of Law and Psychiatry*, 2011, <https://doi.org/10.1016/j.ijlp.2011.10.003>.

<sup>8</sup> Margo Hadi Pura and Hana Faridah, "Asas Akusator Dalam Perlindungan Hukum Atas Hak Tersangka Berdasarkan Undang-Undang Nomor 8 Tahun 1981 Tentang Kitab Undang-Undang Hukum Acara Pidana," *Jurnal Hukum Sasana*, 2021, <https://doi.org/10.31599/sasana.v7i1.536>.

<sup>9</sup> Agus Raharjo, Angkasa Angkasa, and Hibnu Nugroho, "Pengawasan Kinerja Advokat Dalam Pemberian Bantuan Dan Pelayanan Jasa Hukum (Studi Di Jawa Tengah)," *Jurnal Dinamika Hukum*, 2014, <https://doi.org/10.20884/1.jdh.2014.14.2.295>.

<sup>10</sup> Raharjo, Angkasa, and Nugroho.

<sup>11</sup> Wahyu Widiani, "Access to Justice for The Poor: The Badilag Experience," *IACA ASIA-PACIFIC Conference*, 2011.

often leads to legal aid being delivered inconsistently or informally due to restrictions on receiving honorariums.

In response to these challenges, the government has established technical regulations governing legal aid service standards. These standards, outlined in Minister of Law and Human Rights Regulation Number 4 of 2021, provide benchmarks for delivering legal aid services. They ensure the quality and consistency of legal aid across various categories, including litigation and non-litigation legal aid, particularly in criminal cases.

The article focuses on providing legal assistance to criminal suspects involved in court proceedings, emphasizing the importance of legal aid service standards in ensuring consistent and effective provision of legal aid. These standards govern the involvement of law enforcement entities such as police, prosecutors, courts, and correctional facilities in delivering legal assistance throughout the criminal justice process. For instance, investigators must inform suspects of their right to legal counsel and ensure assistance is provided until the conclusion of the case.

The effectiveness of these standards in meeting the needs of suspects will be examined across four stages: investigation, prosecution, court proceedings, and legal remedies. The research methodology employed is empirical-judicial with a qualitative approach, utilizing primary data from observations and interviews, supplemented by secondary data from literature studies. Qualitative analysis methods, including content analysis and comparative analysis, will be used to systematically present and interpret the research findings.

## **B. Discussion**

In Indonesia, the provision of legal aid must adhere to principles such as justice, equality before the law, openness, efficiency, effectiveness, and accountability. These principles are safeguarded through the Legal Aid Service Standards outlined in Regulation No. 4 of 2021 by the Minister of Law and Human Rights. Legal representation for suspects falls within the scope of litigation legal aid in criminal cases within the criminal justice system.

The criminal justice system encompasses various institutions responsible for handling criminal cases, starting from investigation through to the enforcement of court decisions. As described by Mardjono Reksodiputro, these components include the Police, Prosecutors, Courts, and Correctional Institutions, which must collaborate and coordinate effectively to achieve the objectives of an integrated criminal justice system. This coordination ensures

that legal aid is provided consistently and effectively across all stages of the criminal process, promoting fairness and upholding the rights of suspects.<sup>12</sup>

Based on Articles 54 and 56 paragraph (1) of KUHAP, suspects in Indonesia have the right to legal counsel during the investigation and examination stages. The law mandates that investigators or examining officials inform suspects of this right and allow them to choose their legal counsel.<sup>13</sup> If a suspect cannot afford legal representation, the investigator must appoint a legal counsel to assist them.<sup>14</sup>

Empirical data, including interviews with experts from the National Law Development Agency of the Ministry of Law and Human Rights of Indonesia, indicates that legal aid providers adhere to the Legal Aid Service Standards Regulation No. 4 of 2021. These standards guide the provision of legal assistance from the investigation phase through court proceedings and any subsequent legal remedies. However, the regulation does not specify how court decisions are enforced.

Legal aid providers, which include advocates and paralegals from accredited or verified legal aid organizations, play a crucial role in implementing these standards. The application of legal aid service standards for suspects in the criminal justice system ensures consistent and quality legal assistance as described in the following sections.

## **1. The Implementation of Legal Aid Service Standards at the Police Investigation Stage**

Based on the Legal Aid Service Standards regulated by the Ministry of Law and Human Rights, legal aid providers in Indonesia are required to actively engage during the investigation stage of criminal cases. This involvement includes seeking peaceful settlements or employing restorative justice approaches as per statutory regulations.<sup>15</sup> Restorative justice emphasizes the responsibilities of the offender towards the victim and encourages cooperative efforts among all involved parties.<sup>16</sup>

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<sup>12</sup> Mardjono Reksodiputro, *Hak Asasi Manusia Dalam Sistem Peradilan Pidana. Kumpulan Karangan*, 3rd ed. (Jakarta: Pusat Pelayanan Keadilan dan Pengabdian Hukum Universitas Indonesia, 2007). p. 141.

<sup>13</sup> Setiadi Edi and Kristian, *Sistem Peradilan Pidana Terpadu Dan Sistem Penegakan Hukum Di Indonesia* (Jakarta: Prenadamedia Group, 2017).

<sup>14</sup> Sunaryo Sunaryo, "Bantuan Hukum Terhadap Tersangka Yang Diancam Pidana Lima Tahun Atau Lebih Dalam Proses Penyidikan," *Jurnal Akta Yudisia*, 2020, <https://doi.org/10.35334/ay.v5i1.1252>.

<sup>15</sup> Rena Yulia, Dadang Herli, and Aliyth Prakarsa, "Perlindungan Hukum Terhadap Korban Kejahatan Pada Proses Penyelidikan Dan Penyidikan Dalam Sistem Peradilan Pidana," *Jurnal Hukum & Pembangunan*, 2019, <https://doi.org/10.21143/jhp.vol49.no3.2193>. p. 662.

<sup>16</sup> Ariefulloh Ariefulloh et al., "Restorative Justice-Based Criminal Case Resolution in Salatiga, Indonesia: Islamic Law Perspective and Legal Objectives," *Ijtihad* :

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Empirical data gathered from interviews with accredited Legal Aid Institutions under the Ministry of Law and Human Rights supports these practices. Legal aid providers are mandated to participate in every examination conducted during the investigation stage, ensuring that suspects receive comprehensive legal assistance as stipulated by the standards as follows.

- a. The suspect is entitled to a copy of the investigation report and other investigation- related documents from the investigator.
- b. Explain to the suspect the rights he or she may have during the course of the investigation, such as the right to protest detention, the right to a preliminary hearing if the circumstances surrounding the suspect's arrest do not comply with the law and regulations, and the right to self-defense through access to medical care, psychological services, and other options
- c. coordinate with the suspect for the collection of mitigating evidence during the investigation process.
- d. defend against violations in the investigation process;

The implementation of legal aid service standards at the investigation stage in Indonesia reveals discrepancies, particularly concerning the involvement of legal aid institutions accredited by the Ministry of Law and Human Rights. According to interviews with police officials, legal aid for individuals unable to afford it is typically facilitated through the appointment of a known advocate within the police force, especially for suspects facing potential sentences of at least five years in prison, as mandated by the Criminal Procedure Law.

However, challenges arise as many resort police stations do not collaborate with accredited legal aid institutions, thus bypassing the use of advocates from these organizations. Consequently, not all aspects of the legal aid service standards set by Regulation No. 4 of 2021 are consistently implemented during the investigation process. Legal aid provision at this stage often serves as a procedural formality to meet the requirements of Article 56 of the Criminal Procedure Code, rather than ensuring comprehensive legal assistance. Research findings indicate that legal aid assistance during investigations may not always be thorough, and suspects sometimes opt out of receiving assistance by signing documents, which could limit their access to adequate legal representation in subsequent stages of the legal process.

To address these issues, it is crucial to ensure that the provision of legal aid at the police investigation stage aligns with the Legal Aid Service Standards outlined by the Ministry of Law and Human Rights. This approach would promote consistency and fairness in legal aid provision across different stages of the criminal justice system, adhering to the principle that specific

regulations (*lex specialis*) should prevail over general regulations in legal practice. Achieving uniformity in legal aid provision would enhance access to justice and protect the rights of suspects throughout their legal proceedings.

## **2. The Application of Legal Aid Service Standards at the Prosecution Stage at the Public Prosecutor's Office**

There are varying implementations of legal aid service standards at the police level during the investigation stage. The author contends that, as a specialized regulation governing legal aid, adherence to the Minister of Law and Human Rights' Regulation on Legal Aid Service Standards should guide legal aid provision by police. Consequently, the presence of advocates may be perceived as less crucial during the prosecution stage. This viewpoint was echoed by a prosecutor from the Central Java District Attorney's Office, indicating that legal aid continuity from the investigation stage applies if the suspect has received advocate assistance. However, in cases where no assistance has been provided, the prosecutor still ensures the suspect's right to legal accompaniment, particularly for those facing potential imprisonment exceeding five years, the death penalty, or life imprisonment.

## **3. The Application of Legal Aid Service Standards at the Trial Stage in Court**

Based on the Permenkumham standard, legal aid services at court mandate that advocates provide assistance throughout every stage of the trial process. This means that advocates must accompany the proceedings starting from the following stages:

- a. Ensuring a copy of the case file is received by the suspect
- b. Preparing evidence that can alleviate the suspect
- c. Examining witnesses presented by the public prosecutor as a form of balancing rights
- d. Making and submitting a defense or "pledoi"
- e. Making and submitting a written reply to the prosecutor's replication strive to obtain a copy of the decision and explain the decision made by the judge so that they can exercise their right to accept or explore the decision of the judge.

The court safeguards the legal rights of suspects and defendants. Among these rights is the right to legal representation, which extends not only to suspects and defendants but also to victims. Access to legal aid is integral to ensuring a fair trial, whether through free or affordable legal support services.<sup>17</sup>

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<sup>17</sup> Yardim, "Concept of Legal Aid in Civil Litigation in Accordance with the Decisions of the European Court of Human Rights."

Every individual involved in a case is entitled to legal assistance to uphold their right to representation in court. For low-income individuals seeking justice, the state covers the costs and establishes legal aid offices at each District Court. The Indonesian Supreme Court and its subordinate judicial bodies are tasked with ensuring broad access to justice, particularly for those unable to afford it.

Legal aid for suspects in court is implemented in accordance with applicable laws and regulations. This can be pursued directly by applicants or appointed through the district court, ensuring the protection of the rights of suspects who may not be able to advocate for themselves. Posbankum, one of the legal aid services specified in Supreme Court Regulation Number 1 of 2014 on Guidelines for Providing Legal Services for the Poor in Court, is offered within the court system. Researchers have noted collaboration between Posbankum and accredited legal aid organizations (LBH) recognized by the Ministry of Law and Human Rights, ensuring compliance with ministry regulations in its execution.<sup>18</sup>

According to Law Number 49 of 2009 Concerning Judicial Power and further detailed in Supreme Court Circular Letter Number 10 of 2010, legal aid posts, also known as Posbakum, were established. However, this Circular Letter was subsequently revoked with the introduction of Supreme Court Regulation Number 1 of 2014 on Guidelines for Providing Legal Services for the Poor in Court. This regulation mandates the provision of pro bono or free legal services to suspects and defendants lacking legal representation in court.<sup>19</sup>

Legal aid posts play a crucial role in facilitating legal aid by assisting applicants in completing forms, drafting legal documents, providing consultations, and referring cases for fee exemptions or advocate services. Law Number 18 of 2003 concerning advocates further reinforces the implementation of legal aid through these posts, ensuring the right to legal aid is upheld.

Law Number 49 of 2009 Concerning Judicial Power established the legal aid post, later known as Posbakum, as an institution. Further regulation was provided by Supreme Court Circular Letter Number 10 of 2010. Subsequently, Supreme Court Regulation Number 1 of 2014 was introduced to ensure the provision of pro bono or free legal services to suspects and

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<sup>18</sup> Romi Susilawati, Sukmareni Sukmareni, and Syaiful Munandar, "Pelaksanaan Pemberian Bantuan Hukum Secara Prodeo Terhadap Tindak Pidana Narkotika Di Pos Bantuan Hukum Pengadilan Negeri Bukittinggi," *JKIH : Jurnal Kajian Ilmu Hukum*, 2023, <https://doi.org/10.55583/jkih.v2i1.449>.

<sup>19</sup> Romi Susilawati, Sukmareni Sukmareni, and Syaiful Munandar, "Pelaksanaan Pemberian Bantuan Hukum Secara Prodeo Terhadap Tindak Pidana Narkotika Di Pos Bantuan Hukum Pengadilan Negeri Bukittinggi," *JKIH : Jurnal Kajian Ilmu Hukum*, 2023, <https://doi.org/10.55583/jkih.v2i1.449>.



defendants without legal representation in court, leading to the revocation of the earlier Circular Letter.<sup>20</sup>

One of Posbakum's primary goals within the court system is to enhance community access to justice. The concept of legal aid gained international recognition with the establishment of the Nigerian Legal Aid Board in 1976, responding to high levels of illiteracy and poverty in the country. Therefore, legal aid can be defined as the provision of legal services to those who are unable to afford them.<sup>21</sup> Access to justice for all is a fundamental objective of court-based legal aid programs, as access to justice and legal aid are closely interconnected concepts that ensure individuals can seek justice under favorable conditions.<sup>22</sup>

The Court's legal aid services for the poor aim to alleviate financial burdens, enhance access to justice, and ensure equitable access to legal aid in court. Services provided for the underprivileged include waiver of case fees, arranging hearings outside the courthouse, and offering Posbakum services within the court premises.

For individuals lacking access to legal information and consultation, Posbakum services offer assistance such as information provision, consultations, legal advice, and help in preparing necessary legal documents. Proof of poverty can be established through documents like a Certificate of Incapacity (SKTM), a Certificate of Social Allowance, or a self-declaration of inability to afford legal services, approved by a Posbakum officer.

Posbakum's implementation of legal aid in criminal cases at the District Court involves defining eligibility criteria, processing applications, and overseeing the provision of legal aid. Service procedures ensure a structured settlement process, typically initiated when clients visit Posbakum to voice their concerns, followed by registration, identity verification, consultation, action/assistance, and case resolution.<sup>23</sup>

The Supreme Court Regulation No. 1/2014 Article 32 stipulates the procedure for providing legal aid in court is as follows:

- a. By completing the form and submitting the required materials, an individual or group of individuals submits an application to the Posbakum Court.

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<sup>20</sup> Susilawati, Sukmareni, and Munandar.

<sup>21</sup> Akintunde Adebayo and Anthonia Ugowe, "Access to Justice through Legal Aid in Nigeria: An Exposition on Some Salient Features of the Legal Aid Act," *Brawijaya Law Journal*, 2019, <https://doi.org/10.21776/ub.blj.2019.006.02.02>.

<sup>22</sup> Adebayo and Ugowe.

<sup>23</sup> Sanawiah Sanawiah and Rita Rahmaniati, "Peran Pos Bantuan Hukum 'Aisyiyah Kalimantan Tengah Terhadap Perlindungan Hukum Perempuan Dan Anak Dimasa Pandemi Covid-19,'" *Anterior Jurnal*, 2021, <https://doi.org/10.33084/anterior.v21i1.2720>.

- b. The Court Posbakum service can be directly provided to individuals or groups of individuals who have completed the form and satisfy the requirements.
- c. The application form will be included in the case file that the Court Posbakum Service Provider creates for the Court Posbakum Service Recipient as court documentation. document requirements, a timeline of the case, including the trial's date and schedule, legal documents created by the Court Posbakum, The Court Posbakum Officer and the Posbakum Service Recipient both signed a statement of services rendered. The Posbakum Service Recipient and the Court Posbakum Officer.
- d. The Court Posbakum Officer will provide a case fee waiver application form to be submitted to the Court President if the Court Posbakum Service Recipient is unable to pay the court fee.
- e. The Court Posbakum Officer will provide details on the court's legal aid policies and a list of legal aid organizations if a Court Posbakum Service Recipient needs legal assistance in the form of accompaniment at a court hearing. Organizations that provide free legal assistance include those listed in Law No. 16 Year. 2011 on Legal Aid, as well as other similar groups.

The standards for providing legal aid in court are guided not only by the Regulation of the Minister of Law and Human Rights on Legal Aid Service Standards but also by the Supreme Court Regulation on Legal Aid Services in Court, particularly through Posbakum.

#### **4. The Application of Legal Aid Service Standards at the Legal Remedies Stage**

The regulations also ensure the right to legal assistance extends to the stage of legal remedies, allowing suspects in criminal cases to receive support beyond the district court's decision. Legal remedies enable defendants or their public defenders to challenge judicial rulings. If a recipient of legal aid, such as a suspect, wishes to pursue legal action, both standard and extraordinary legal remedies are available under the Minister of Law and Human Rights' Regulation on Legal Aid Service Standards. The implementation of legal aid service standards covers both ordinary and extraordinary legal remedies, including:

- a. Assistance from legal aid providers, in this case attorneys who are part of accredited legal aid institutions, to make sure the suspect is aware of the decision's legal implications as well as its contents. Assistance includes asking for a copy of the decision for the suspect's use should he or she file ordinary legal actions or extraordinary legal actions.
- b. Assisting, compiling and submitting an appeal or counter-appeal or cassation memory and ensuring that it does not exceed the specified time

limit or in the case of filing a judicial review, it can compile a memory or counter-memory of the judicial review.

- c. Ensure that the conditions are met before filing a request for judicial review;
- d. conduct a novum examination with the Legal Aid Recipient; and
- e. seeking a copy of the court decision at the review level to be received by the Legal Aid Recipient

Legal assistance for suspects in legal remedies is possible as long as there is a power of attorney and an application from the legal aid provider to the Ministry of Law and Human Rights, based on interviews with legal aid providers and Ministry officials. Standard legal aid services include coordinating the submission of legal remedies with the legal aid recipient, obtaining a copy of the court decision, and assisting suspects with their legal remedies.

However, according to Ministry of Law and Human Rights monitoring results on legal aid recipients or suspects, several standards for providing legal aid are not consistently met by legal aid providers or advocates. Some legal aid recipients fail to recognize their advocates because they are not accompanied throughout the trial process despite having a power of attorney. Additionally, some recipients are not adequately involved or assisted in preparing their defense during trial.

The standard of legal aid services for suspects in Indonesia's criminal justice system is theoretically well-established. However, in practice, implementation varies across institutions within the criminal justice system, leading to inconsistencies. Many law enforcement officials lack a comprehensive understanding of legal aid service standards. Currently, when suspects require legal representation, advocates are often appointed based on personal connections or for ease of communication if they are familiar with the case. This practice raises concerns about objectivity and professionalism in providing legal assistance to suspects.

Regarding the legal culture surrounding the implementation of legal aid service standards, there remains reluctance among legal aid recipients to utilize these services due to concerns about future financial implications. This situation reflects Lawrence M. Friedman's theory that a legal system's effectiveness is influenced by three components: legal substance, legal structure, and legal culture.<sup>24</sup>

The essence of legal provisions pertains to the content of regulatory frameworks, particularly concerning legal aid, which explicitly uphold the rights of its recipients through statutory laws, implementing regulations, instructions, and technical guidelines. The legal framework encompasses institutions involved in law creation and enforcement, such as judiciary

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<sup>24</sup> Esmi Warassih, *Pranata Hukum, Sebuah Telaah Sosiologis* (Semarang: Badan Penerbit Universitas Diponegoro, 2011), p. 56.

bodies, law enforcement officials including police, judges, prosecutors, and advocates. Their pivotal role in facilitating legal aid is crucial for ensuring access to justice. Equally significant is the legal culture, encompassing values, perspectives, and attitudes influencing legal operations. This includes internal legal culture among law enforcement and legal aid institutions, alongside external legal culture shaped by public perceptions, where some may misconstrue legal aid as requiring payment, thereby hesitating to seek it. Effective law enforcement thus entails not only legislative adherence but also empowering legal entities and fostering a societal legal culture conducive to justice, with proper access to legal aid being a fundamental aspect.

### C. Conclusion

Legal aid service standards were established to uphold the quality of services provided. These standards encompass investigations, trials, and legal remedies for suspects within the criminal justice system. However, in practice, adherence to these standards remains incomplete. According to legal system theory, the issue lies less in the substance and structure, given the existence of Minister of Law and Human Rights Regulation No. 4 of 2021 on Legal Aid Service Standards and the availability of LBH (Legal Aid Institute) and its accreditation scheme. Rather, the challenge primarily stems from the legal culture among law enforcement officials and advocates. Instances of non-compliance with these standards, such as providing indirect assistance, conducting examinations without advocate presence, or engaging non-accredited advocates, are prevalent. These violations significantly impede suspects' access to justice within the criminal justice system.

### Acknowledgements

Gratitude is expressed to the Institute for Research and Community Service of Universitas Jenderal Soedirman for funding the research grant under the Competency Improvement Research scheme for the funding year of 2023

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