JURNAL ILMIAH KEBIJAKAN HUKUM
Volume 16 Number 3, November 2022: 397-422
Jurnal Nasional SINTA 2, Accredited No: 164/E/KPT/2021
p-ISSN: 1978-2292 (print) e-ISSN: 2579-7425 (online)
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MEASURING THE QUALITY OF LEGAL AID SERVICES AS THE EMBODIMENT OF ACCESS TO JUSTICE

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Accepted: 04-02-2022; Revised: 13-06-2022; Approved and Published: 15-06-2022
DOI: http://dx.doi.org/10.30641/kebijakan.2022.V16.397-422

ABSTRACT

Since the enactment of Law Number 16 of 2011 concerning Legal Aid, the practice of legal aid services still has several problems including not being able to reach all districts/cities due to the limited number of Legal Aid Organizations that can provide services. This paper aims to describe the implementation of legal aid services and analyze optimal strategies in improving the quality of legal aid services. This study used two approaches, qualitative and quantitative or commonly referred to as the Mix Method. Data collection methods used in this study are surveys, interviews and document studies. The results of the study show that the quality of legal aid services as a manifestation of access to justice can be said to be very good by referring to the results of the assessment on the performance of legal aid organization units and the quality of litigation and non-litigation legal aid services. However, several aspects need attention, namely the information aspects in litigation services and the procedural aspects of non-litigation services. Guided by the results of the study, a strategy is needed to improve the quality of legal aid organization services by increasing access to information to service recipients. Legal Aid providers can use online surveys in evaluating the implementation of legal aid services throughout Indonesia. This strategy is the right step, effective, efficient and in accordance with the pandemic conditions and technological advances.

Keywords: legal aid; online surveys; access to justice

INTRODUCTION

Background

Article 1 paragraph (3) of the 1945 Constitution of the Republic of Indonesia (*NRI*) states that Indonesia is a state of law. According to Patrialis Akbar, the understanding of the article is that all aspects of state administration should be based on law (*rechtsstaat*) and not based on power (*machtstaat*) with Pancasila as the source of all sources of state law and the 1945 Constitution as the basic law and the highest hierarchy in legislation. To realize the concept of a state of law (*rechtsstaat*/the rule of law), it is necessary to understand the law as a unified system in which each system generally consists of supporting elements.[1] . To realize

1 Patrialis Akbar, "Arah Pembangunan Hukum Nasional Menurut Undang-Undang Dasar Negara Republik Indonesia Tahun 1945," *Fh.Umj.Ac.Id*, accessed May 11, 2022, https://fh.umj.ac.id/arah-pembangunan-hukum-nasional-menurut-undang-undang-dasar-negara-republik-indonesia-

the concept of a state of law (*rechtsstaat*/the rule of law), it is necessary to understand the law as a unified system in which each system generally consists of supporting elements.[2] By referring to Friedmann's theory, substance, structure, and culture are 3 (three) supporting elements that are very important as pillars of the legal system.[3] On the other hand, the idea of the rule of law talks about how the law should focus on citizens to be balanced with the government.[4] Therefore, the essence of the rule of law are human rights and limitation of power.[5] As a democracy state, the meaning of democracy is believed to be a system that reflects a political mechanism that is considered capable of guaranteeing a government that is responsive to the preferences and desires of its citizens..[6]

The enactment of Law Number 16 of 2011 on Legal Aid is an act of the state or government to protect the constitutional rights of every individual to obtain equal access to justice and to accommodate the protection of underprivileged people in facing legal cases.

The concept of legal assistance is present as a state guarantee to provide access to every citizen who faces legal cases because not everyone can pay or hire an advocate or legal counsel when someone faces a legal case. Winarta in Sugiantari et al argues that many people who lack knowledge about the legal field and lack of *financial* capacity experience difficulties to get legal assistance when facing their cases.[7]

The right to legal assistance has been universally accepted and categorized as *Non-Derogable Rights.* The Universal Declaration of Human Rights of 1948 has recognized the right of every person to be recognized before the law as a human being wherever they are, and guarantees that everyone is equal before the law and has the right to equal protection of the law without discrimination.[8] On the other hand, the concept of legal assistance is present to accommodate the principle of *equality before the law*, which is formally stated in Indonesia in the 1945 Constitution in Article 1 paragraph (3), Article 24 paragraph (1), Article 27 paragraph (1), Article 28 paragraph (1) and paragraph (2). The principle aims to ensure the implementation of justice and improve the quality of morality. The consequence of this principle is that a person has the right to be treated equally before the law, including the poor who are in trouble with the law.[9] Moreover, the Indonesian constitution in Article 34 (1) of the 1945 Constitution states that the poor and abandoned children are managed by the state. The phrase "are managed" does not only provide the need for food and clothing, but also the need for access to law and justice, in other words the principle of *equality before the law* is not only interpreted as equality in the law, but according to Rhode

tahun-1945/.

2 Ibid.

3 Ibid.

4 Bivitri Susanti, "Negara Hukum vs Supremasi Hukum," *Jentera.Ac.Id*, accessed May 11, 2022, https://www.jentera.ac.id/publikasi/negara-hukum-vs-supremasi-hukum/.

5 Ibid.

6 Pramella Yunindar Pasaribu and Bobby Briando, "Pelayanan Publik Keimigrasian Berbasis HAM Sebagai Perwujudan Tata Nilai 'PASTI' Kementerian Hukum Dan HAM Republik Indonesia," *Jurnal HAM* 10, no. 1 (2019): 39–56. hlm. 39-40.

7 Anak Agung Putu Wiwik Sugiantari, Ni Putu Noni Suharyanti, and I Made Nistra, "Efektivitas Peraturan Menteri Hukum Dan Ham Nomor 1 Tahun 2018 Tentang Paralegal Dalam Pemberian Bantuan Hukum Di Lbh-Apik Bali," *Jurnal Analisis Hukum* 4, no. 1 (2021): 16–33. hlm. 18.

8 Hakki Fajriando, "Revisi UU Bantuan Hukum Demi Meningkatkan Pemenuhan Hak Korban Untuk Mendapatkan Bantuan Hukum (Revision of L Egal A Sistance L Aw to I Mprove t He Fulfillment of Victim ' s Right to Legal Assistance)" 11, no. 3 (2020): 467–485. pg. 468.

9 Suyogi Imam Fauzi and Inge Puspita Ningtyas, "Optimalisasi Pemberian Bantuan Hukum Demi Terwujudnya Access to Law and Justice Bagi Rakyat Miskin," *Jurnal Konstitusi* 15, no. 1 (2018): 50–72. pg. 52.

it is interpreted as equality of access to the legal system and justice.[10]

In relation with the process of implementing the Legal Aid Law, there are parties involved in the legal aid business process. The parties in question are first, legal aid providers in this case the government (represented by the Minister of Law and Human Rights); second, legal aid providers as implementers in this case Legal Aid Organizations or *Organisasi Bantuan Hukum (OBH)* and, third, the recipients of legal aid who in this case are people or groups of poor people.

In the initial practice of the issuance of the Legal Aid Law, the implementation of legal aid still had shortcomings, but later with improvements in several aspects, the implementation of legal aid began to give benefits. However, even though improvements have been made, if we look back at the goals and objectives of the implementation of legal aid, it is still considered not optimal in its implementation.

The guarantee of constitutional rights has not received adequate attention, especially for poor people or groups of people to get access to justice and equality before the law.[11] This is reinforced by a note from the Indonesia Judicial Research Study in the Access to Justice Index in Indonesia in 2019 showing that there were 53 percent of people who did not know about the existence of free legal assistance and 24 percent of people did not know how/procedures for solving their problems.[12]

Other factual support was also conveyed by the Indonesia Judicial Research Study (IJRS) in its 2020 report stating that "since its enactment in 2013, Law Number 16 of 2011 on Legal Aid until now still has many problems that have affected the purpose of the law. Some of these problems include matters of a technical nature as well as substance, such as (1) the impartiality of legal assistance services to vulnerable groups; (2) the role of paralegals has not been maximized; (3) the uneven distribution of Legal Aid Organizations; and (4) administrative procedures for accessing legal assistance services which are still considered difficult for the community". Furthermore, the report stated that "The gap between the types of legal problems that respondents face and their choice to request/not request legal aid is highly dependent on the information and access they have".

The results of research conducted by Santoso stated that there are several things that need to be revised and reviewed in this Law.[13] First, there is restriction of legal aid recipients which only focuses on the poor. In this case, incapacity needs to be defined more broadly. This should not only include economic incapacity but also social, political, and other areas.[14] Second, there is unlimited authority on the part of legal assistance providers. Law number 16 of 2011 explains that the government through the Ministry of Law and Human Rights is the only party authorized to provide legal assistance. Those are regulating, implementing, budgeting, and controlling. All of this is not in accordance with the principles of *good governance* because the authority of one party is prone to abuse of power.[15] Third, there are problems

10 Ibid.
11 Yusuf Saefudin, "Implementasi Pemberian Bantuan Hukum Bagi Rakyat Miskin Di Jawa Tengah Berdasarkan Undang-Undang Nomor 16 Tahun 2011 Tentang Bantuan Hukum," *Jurnal Idea Hukum* 1, no. 1 (2015): 65–76. pg. 65-66.
12 Dio Ashar Wicaksana, Erwin Natosmal Oemar, and Siti Rakhma Mary Herwati, *Indeks Akses Terhadap Keadilan* (Jakarta: Konsorsium Masyarakat Sipil Untuk Akses Terhadap Keadilan, 2020). pg. 10.
13 Andi Muhammad Santoso, "Eksistensi Gerakan Bantuan Hukum Menurut Peraturan Yang Pernah Ada Dan Masih Berlaku Di Indonesia," *Jurnal Dialektika Hukum* 3, no. 2 (2021): 192–212. pg. 208-209.
14 Ibid.
15 Ibid.

in verification and accreditation. It should be emphasized that verification and accreditation are not a legalization of an organization but only a requirement document in obtaining legal assistance funds from the government through the APBN. The verification and accreditation process should not be a barrier to the provision of law for the poor who needs legal assistance.[16] Fourth, it is the procedure in obtaining legal aid, Law No. 16/2011 determines the requirements and procedures in providing legal aid. However, on the contrary, sometimes the right to obtain legal assistance is declined due to administrative problems.[17]

Based on the results of a search of several literatures, there were found several legal assistance issues, including: first, research conducted by Andan Adi Satriawan, Upik Hamidah, Satria Prayoga with the title Implementation of Legal Aid to the Poor in Bandar Lampung City (Study at the Bandar Lampung Legal Aid Institute) in 2014, discussed the implementation of legal assistance to the poor in Bandar Lampung City and factors inhibiting the implementation of legal assistance to the poor in Bandar Lampung City. The results of the study explain that the obstacles to the implementation of legal assistance to the poor in Bandar Lampung City include, (a) Legal factors include the lack of legal law for legal aid issues, (b) Human resource factors related to the quality and quantity of legal aid providers, (c) Factors from the society's culture related to the lack of public awareness about legal aid and the laziness of the society to report to the Legal assistance Institute.[18]

The second one the study by Yusuf Saefudin under the title The Implementation of Providing Legal Aid for the Poor in Central Java Based on The Law Number 16 of 2011 on Legal Aid in 2015. In his study, he discussed the implementation of providing legal aid for the poor in Central Java in accordance with the Law number 16 of 2011 on Legal Aid and the obstacles in the implementation of providing legal aid for the poor in Central Java. The result of this study explained that the implementation of legal aid for the poor in Central Java has not been executed properly. This happened due to several factors, including (1) Supervision has not been maximized (2) There are still a lot of poor people who do not know about legal aid programs (3) There are still a lot of poor litigants who do not get legal aid (4) The reimbursement process is often late (5) The related legal institutions have a high ego (6) The reimbursement administration is too difficult, ineffective and inefficient.[19]

The third study is conducted by Ima Riska Yanti. Based on her study, she suggested The Ministry of Law and Human Rights of South Sumatra to improve and supervise the performance of The Legal Aid Institutions alongside with the Advocate's office which have passed the verification and accreditation as the providers of legal aid.[20]

The fourth study conducted by Mangi, et al. explained that other obstacles encountered in providing legal aid to the poor can be seen from two perspective. The first perspective is from the recipients of legal aid where the people feel they have the ability to solve their

16 Ibid.
17 Ibid.
18 Andan Adi Satriawan, Upik Hamidah, and Satria Prayoga, "Implementasi Bantuan Hukum Pada Masyarakat Miskin Di Kota Bandar Lampung (Studi Di Lembaga Bantuan Hukum Bandar Lampung)," *Jurnal Online FH Unila* 1, no. 3 (2014). pg. 5.
19 Saefudin, "Implementasi Pemberian Bantuan Hukum Bagi Rakyat Miskin Di Jawa Tengah Berdasarkan Undang-Undang Nomor 16 Tahun 2011 Tentang Bantuan Hukum." pg. 75.
20 Ima Riska Yanti, "Pelaksanaan Pemberian Bantuan Hukum Bagi Masyarakat Tidak Mampu (Studi Kasus Di Kantor Hukum Polis Abdi Hukum STIH Di Palembang) Dalam Pandangan Hukum Islam" (Universitas Islam Negeri (UIN) Raden Fatah Palembang, 2018). pg. 83.

own problems themselves and their hesitation to find help from the legal aid institutions because of the reputation of the advocates in the eyes of the public is very money-oriented, not to mention the involvement of case brokers who take advantages of this situation for the sake of the profit. The second perspective comes from the side of legal aid providers, where the distribution of advocates is not even because they are focused in the city center. It is difficult for people in remote villages to access them.[21]

Perceiving the facts and the previous data which revealed that there are still problems in providing legal aid to the poor, it is necessary to review whether the implementation of legal aid that has been occurred has really been able to fulfill the sense of justice for the poor, both formally and materially. The difference or the novelty of this research to the previous ones is that this study intended to evaluate the implementation of legal aid from three parties involved in legal aid business process, which are the organizers, the legal aid providers and the recipients, as well as measuring the quality of services provided in fulfilling access to justice for the legal aid recipients. The indicators used in this study are based on The Regulation of The Minister of State Apparatus Utilization and Bureaucratic Reform of the Republic of Indonesia Number 14 of 2017 regarding The Guidelines for Compiling a Community Satisfaction Survey for Public Service Providers, and The Regulation of The Minister of State Apparatus Utilization and Bureaucratic Reform of the Republic of Indonesia Number 17 of 2017 regarding The Guidelines for Performance Assessment of Public Service Providers.

These two regulations from the ministry show that legal aid services provided are not implemented randomly. The quality of legal aid services will have an excellent performance when the Legal Aid Organizations as the legal aid provider also has great quality-capacity. From this fact, it can be presumed that conducting a study in which the objective is to measure the quality of legal aid services as an embodiment of access to justice is necessary.

The framework of this study consisted of the introduction of the research which presents the overview of the current implementation of legal aid and the problems encountered. This paper then described the problems and the methods used in this study. In order to project and to analyse the data, the researcher described them in the sub-chapters entitled the discussion. This part of the paper is the closing points which contain the conclusions along with some recommendations on the problem that has been previously stated.

Research Questions

Based on the previous background mentioned above, this study had two research questions. The questions are:

1. How is the implementation of the legal aid services in Indonesia?
2. What are the strategies implemented to improve the quality of legal aid services in order to fulfill access to justice?

Research Objectives

This study aimed to:

1. Discover the implementation of legal aid services in Indonesia; and
2. Analyze the quality of legal aid services in order to fulfill access to justice.

Research Method

Study Approach

The approach used in this study is a mixed method research approach. The mixed method research approach allowed the researcher to unfold more spaces

21 Sharen H.M. Mangi, Michael Barama, and Refly Umbas, "Pemberian Bantuan Hukum Secara Cuma-Cuma Kepada Orang Atau Kelompok Orang Miskin Menurut Undang-Undang Nomor 16 Tahun 2011," *Lex Administratum* X, no. 1 (2022): 198–208. pg. 207.

in the research in a various perspective with all different hypothesis and all kinds of data collection and data analysis in correspondence with the objectives of the research.[22] Succinctly, this study combined the interview method (qualitative data) with the questionnaire distribution method (quantitative data).

Husein Umar stated that quantitative research is based on data that can be calculated to produce a solid quantitative assessment.[23] The quantitative approach refers to the word "quantity" itself. Quantity means the amount or amount of something.[24] Quantitative approach means an approach that is "summing up or collecting".[25] In social researches, statistical method is the most obvious representation of quantitative methods since there is a "quantification" process, which is the process of assigning a number to the "quality" of something in this method.[26] In summary, the use of a quantitative approach in this study was to measure the quality of legal aid services provided by the organizers (such as The Agency of National Law Development of Indonesia and The Ministry of Law and Human Rights of The Republic of Indonesia) and the providers (Legal Aid Organizations) to the aid recipients (poor communities).

In addition, the use of the qualitative approach was to find and to describe the activities carried out and the impact of the actions taken on their lives in a narrative way.[27] The use of a qualitative approach in this study aimed to narrate the results of the quantitative approach and to provide the overview of the analysis of the result of the questionnaire along with the interview conducted by the researcher to the suitable respondents for this study.

Data Collection Method

The primary data were obtained through:

Survey

One of the data collection method used in this study was the survey method, which is an investigation method that is conducted to obtain information from the existing facts and seek the factual information.[28]

The tool used during this data collection method was a similar questionnaire (with structured questions) for every respondent of this study. The indicators of this questionnaire was made based on The Regulation of The Ministry of State Apparatus Utilization and Bureaucratic Reform of the Republic of Indonesia Number 14 of 2017 regarding The Guidelines for Compiling a Community Satisfaction Survey for Public Service Providers. The survey respondents in this study were the community who had received legal aid services as well as legal aid organizers who had been assessed by legal aid providers (legal aid organizations) by using a questionnaire (with structured questions) which was constructed based on The Regulation of The Ministry of State Apparatus Utilization and Bureaucratic Reform of the Republic of Indonesia Number 17 of 2017 regarding The Guidelines for Performance Assessment of Public Service Providers.

22 Deni Indrawan and Siti Rahmi Jalilah, "Metode Kombinasi/Campuran Bentuk Integrasi Dalam Penelitian," *Jurnal Studi Guru dan Pembelajaran* 4, no. 3 (2021): 735–739. pg. 735.

23 Husein Umar, Metode Penelitian untuk Skripsi dan Tesis Bisnis, (Jakarta: PT Raja Grafindo Persada, 1998) pg. 36.

24 Sermada Kelen Donatus, "Pendekatan Kuantitatif Dan Kualitatif Dalam Penelitian Ilmu Sosial: Titik Kesamaan Dan Perbedaan," *Studia Philosophica et Theologica* 16, no. 2 (2016): 197–210. pg. 199.

25 Ibid.

26 Ibid.

27 Albi Anggito and Johan Setiawan, *Metodologi Penelitian Kualitatif* (Sukabumi: CV. Jejak Publisher, 2018). pg. 7.

28 Moh Nazir, *Metode Penelitian* (Bogor: Ghalia Indonesia, 2005). pg. 56.

Interview

The second data collection method was conducted through interviews. It was managed to be conducted with purposively selected informants, which are the recipients of legal aid services community and the legal aid service providers (Legal Aid Organizations/ OBH) who are considered to have legitimate knowledge or are directly associated to the implementation of legal aid.

The secondary data was also used for the completion of this paper. The data were obtained from literature review on books, journals, undergraduate theses, theses and other supporting documents, related regulations to the implementation of legal aid, as well as other reading sources both in printed and electronic media related to the research topic.

Analysis Method

Since this study would like to focus on the satisfaction of legal aid services, there are two data analysis method chosen in this research, they are: first, by employing the qualitative descriptive analysis which is an analysis describing a situation or a phenomenon with words or sentences then separated according to its category based on the formulation of the research questions to obtain conclusions. The steps taken in employing the qualitative descriptive analysis were the researchers reduced or selected the condition or the phenomenon obtained from the result of the interview, which then used to classify the data based on the formulation of the research questions in this study.

Furthermore, an analysis was carried out based on determined theory to answer the problems being researched. Finally, the researchers draw up a precise and sharp conclusion and make recommendations based on the findings and analysis of the research problems.

Second, to support the qualitative data, quantitative methods with questionnaires were employed through statements/ questions, in which the results of the questionnaires were processed and analyzed using measurements using a Likert Scale with a range from 0 to 5 (gradations from very poor to excellent service). The Likert scale is a psychometric scale that is commonly used in questionnaires and is the most widely used scale in survey research. This method was developed by Rensis Likert. It is a scale that can be used to measure attitudes, opinions, and perceptions of a person or group of people towards a type of public service. On a Likert scale, respondents are asked to determine their level of agreement with a statement by choosing one of the available options. In addition, in the survey process, there is also term Margin of Error (MoE). It describes the number of errors that usually occur in sampling in surveys conducted by researchers. The description of the Margin of Error of the survey conducted was 4.9% of the total population or sampling in the questionnaire.

Meanwhile, in conducting quantitative data analysis, it is necessary to determine an operational definition. It is an indication of how a variable in research is intended to clarify terms and also not to cause other interpretations. In this study, the researcher limits the service quality criteria by using 5 (five) variables or aspects in accordance with the Regulation of the Minister of State Apparatus Utilization and Bureaucratic Reform Number 17 of 2017 on Guidelines for Performance Assessment of Public Service Providers. It will be used as an instrument of measurement from respondents in providing responses on the question as the basis for measuring the Community Satisfaction Index.

DISCUSSION

Implementation of Legal Aid Services in Indonesia

1. Overview

Legal aid in the broadest sense can be interpreted as an effort to help disadvantaged groups in the legal field. Adnan Buyung in Anwar and Adang argues that efforts to help disadvantaged groups have three most related aspects, namely aspects of the formulation of legal rules, aspects of supervision of mechanisms to ensure that the rules are obeyed, and aspects of public education so that these rules are enforced.

Zulaidi in Anwar and Adang stated that bantuan hukum (legal aid) comes from the terms 'legal assistance and legal aid'. Legal aids are usually used to mean legal aid in a narrow sense in a form of providing services in the legal field to people involved in a case free of charge for those who can't afford it (the poor). Meanwhile, legal assistance is a term used to show the meaning of legal aid to those who cannot afford it, using honoraria.

However, it was studied further that basically the popularization of the term *bantuan hukum* is a translation of the terms "legal aid", "legal assistance" and "legal service" which in practice all have slightly different orientations from each other.

Law number 16 of 2011 on Legal Aid (Legal Aid Law) as the basis for providing legal aid in Indonesia gives an opportunity to protect the rights of citizens who are undergoing legal processes. There are two backgrounds that form the basis for the formation of the Legal Aid Law, namely (i) state guarantees for the constitutional rights of everyone to obtain fair recognition, guarantees, protection and legal certainty as well as equal treatment before the law as a means of protecting human rights, (ii) the state is responsible for providing legal aid for the poor as a manifestation of access to justice.

However, legal aid referred to in the Law on Legal Aid is legal services provided by legal aid providers, namely legal aid institutions or organizations that provide free legal aid services to legal aid recipients.

Law number 16 of 2011 generally regulates the granting of legal aid through legal aid providers (legal aid organizations). The state plays a role in providing support in ensuring the implementation of legal aid. Law No. 16 of 2011 consists of 11 chapters, covering: General Provisions, Scope, Implementation of Legal Aid, Legal Aid Providers, Rights and Obligations of Legal Aid Recipients, Terms and Procedures for Providing Legal Aid, Funding, Prohibition, Criminal Provisions, Transitional Provisions, and Closing.

In setting the scope of legal aid provision, legal aid is given to legal aid recipients who are facing legal problems. Where the legal issues are determined in a limited manner, namely (i) civil law issues, (ii) criminal matters, and (iii) state administration, both litigation and non-litigation.

Another concept regarding the granting of legal aid in Law number 16 of 2011 is also interpreted as financial assistance from the State for the poor who face legal problem to gain access to justice. However, one of the biggest challenges in actualizing access to the justice is the limited state budget funds. Therefore, the Central Government encourages the Regional Government to allocate the Legal Aid Budget through the Regional Government Budget (APBD).

In the criminal justice system, legal aid is limited to charity (aid based on free charity) in the framework of creating justice. However, the concept of legal aid implemented in Indonesia is also understood to accommodate access to justice for its citizens. The concept of access to justice in Indonesia is focused on a goal, that is to obtain a legal system that can be accessed by all citizens and should

be able to produce fair provisions or decisions for all citizens, both individuals and groups.

Djohansjah states that access to justice is "the opportunity or ability of every citizen regardless of their background (race, religion, descent, education, or place of birth) to obtain justice through the judiciary".

Nonetheless, referring to the concept of access to justice for all citizens, the size of the budget becomes one of the factors whether legal aid has been implemented or not. The budget is managed by the government and is a social wisdom. It is hoped that the government will be able to protect human rights through granting financial assistance to the poor to pay for the services of legal aid providers.

In line with Soerjono Soekanto's opinion which states that legal system structurally includes the order of formal legal institutions, the relationship between these institutions and their rights and obligations. where there are elements that play a role in providing legal aid to the poor, such as:

1. Legal Aid Organizer

   Article 6 paragraph (2) of Legal Aid Law gives the Minister of Law and Human Rights the role in providing legal aid. The roles in question are:

   a. Develop and establish policies for the implementation of legal aid;
   b. Develop and establish legal aid standards based on the principle of granting legal aid;
   c. Prepare legal aid budget aid
   d. Manage the legal aid budget in an effective, efficient, transparent and accountable manner; and
   e. Prepare and submit reports on the implementation of legal aid to the House of Representatives at the end of the fiscal year.

   In carrying out these duties, the Minister of Law and Human Rights is given the authorities to:

   a. Supervise and ensure that the implementation of legal aid and the granting of legal aid is carried out in accordance with the principles and objectives set out in the Legal Aid Law; and
   b. Verify and accredit legal aid institutions or community organizations to meet the eligibility as legal aid providers based on the Legal Aid Law

   In addition, the implementation of verification and accreditation is carried out by the Ministry of Law and Human Rights every 3 (three) years by forming a committee consisting of (i) the Ministry of Law and Human Rights, (ii) academics, (iii) community leaders, and (iv) institutions or organizations that provide legal aid services. Furthermore, the procedure for implementing the verification and accreditation is regulated by a Ministerial Regulation.

2. Legal Aid Provider

   The legal aid providers are community organization or a legal aid institution that gives legal aid services based on the Legal Aid Law.[29]

   Regarding to the legal aid provider requirements are:[30]

   a. Incorporated;
   b. Accredited by the Legal Assistance Law;
   c. Has permanent office or secretariat;
   d. Has administrators;
   e. Has legal aid programs.

   The Legal Aid Law gives rights to the legal aid providers to:[31]

   a. Recruit the advocates, paralegals, lectures, and students of law faculty;
   b. Provide legal aid services;
   c. Organize law counseling, law consultation, and other program

29 Ibid. Article 1 paragraph (3).
30 Ibid. Article 8 paragraph (2).
31 Ibid. Article 9.

activities related to law aid programs;

d. Receive the budget from the country to implement legal assistant based on the Legal Aid Law:
e. Issue the statement or the argument in defending the case they handle in the court according to the laws and the regulations provisions.
f. Obtain other information and data from the government or other institutions, for the purpose of defending the case; and
g. Guaranteed with legal protection, security, and safety while providing legal aid services.

Meanwhile, the legal aid providers are obliged to:[32]

a. Report their legal aid programs to The Minister;
b. Report any use of the state budget for the provision of legal aid under the Legal Aid Law;
c. Organize the legal assistance education and training for the recruited advocates, paralegals, lecturers and the law faculty students;
d. Keep the secrecy of the information, the data, and/or other evidence obtained from the legal assistance recipients related to the current case, except determined by the laws; and
e. Give the legal aid to the legal aid recipients based on the requirements and the terms in the Legal Act Law until the case is completed, unless there are legally valid reasons.

Article 11 of the Legal Aid Law grants the immunity rights to the legal aid providers, where the legal aid providers can not be sued criminally or civilly in giving legal aid which they are responsible for and is done under good intention both in and out of the court, in accordance with the standard of the legal aid based on the laws and/or the advocate code of ethics. Although they get the immunity right, it is not without limitation. The limitation means that the legal aid provider is prohibited to accept or ask for payment from the legal aid recipients and/or other party related to the case they handle.[33]

3. Legal Aid Recipients

Article 5 paragraph (1) and (2) of the Legal Aid Law determines the qualification of the legal aid recipients that is "every person or group of the poor that cannot meet the basic rights properly and independently". The Basic Rights are the right to food, clothing, health services, education services, employment and business, and/or housing

This thing also can be seen in the consideration "Considering" letter b of the Legal Aid Law, where the state is responsible in giving legal aid to the poor as the manifestation of access to justice. The article 12 and 13 of the Legal Aid Law regulate the rights and obligations of the legal aid recipients. The rights for legal aid recipients are:

v. Receiving legal aid until the case is completed and/or the case has permanent legal power, as long as the legal aid recipient does not revoke the procuration;
a. Receiving legal aid in accordance with the standard of the legal aid or the advocate code of ethics; and
b. Receiving the information and documents related to the establishment of legal assistance services in accordance with the laws and the regulations.

Whereas their obligations are:

a. Delivering credible evidences, information, and/or explanations to the legal aid provider; and

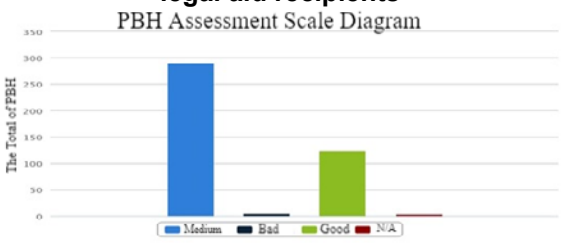
32 Ibid. Article 10.

33 Ibid. Article 20.

b. Assisting the continuation of the legal process.

In the practice, since the enactment of Legal Aid Law, there have been significant dynamics in the law implementation, where at the beginning of the implementation there were shortcomings in terms of the requirements needed to obtain legal aid for the poor. However over the times, the government has accelerated by simplifying the requirements until the society can easily obtain the service. In 2020, the Agency of National Law Development of the Ministry of Law and Human Rights of the Republic of Indonesia made an internal assessment towards the legal aid implementation in Indonesia. The result of the assessment can be seen in the following graph:

Chart 1. Diagram of the Rating Scale for the legal aid recipients



Source: SIDBANKUM, BPHN, 2020.

The diagram above shows that the assessment of the implementation of legal aid was assessed in various ways by the recipients. There were good, moderate, and bad ratings. However, the most assessments are in the medium and good ratings.

Meanwhile, based in the assessment results there are strategic way to reach the realization of justice for the poor, in the legal aid implementation, there are: verification and accreditation, this method believe to be able to produce a large number of Legal Aid Organization that able to meet the requirements needed to carry out legal aid. This is very important because it is related to the freedom given to Legal Aid Organizations to recruit Advocates and Paralegals. If possible, it is carried out annually to verify and accredit each Legal Aid Organization in order to provide improvement or quality of legal aid services that are right on target and in accordance with those stipulated in Law Number 16 of 2011 concerning Legal Aid and its implementing rules. Those verifications and accreditations are really important to make a qualified Legal Aid Organization, but it does not mean they should reduce the important requirements.[34]

The Head of Agency of National Law Development of the Ministry of Law and Human Rights of the Republic of Indonesia stated that regarding to the constitution trust, the state is responsible in giving legal assistance for the poor as the embodiment of access to justice to the society. In realizing the legal assistance access to the poor and the poor group is an implementation of the Legal Aid Law number 16 of 2011 on Legal Aid and increasing public awareness of law, it is necessary to take several steps to improve better the legal aid program that has been running. The strategic way that we need to do is expanding access to justice through optimizing the quality of legal aid services which is a national priority program.[35]

Other data that supports the previous statement can be seen based on the distribution table of Legal Aid Providers that have passed verification and accreditation based on the Decree of the Minister of Law Human Rights of the Republic of Indonesia Number M.HH-02.HN.03.03 of 2021 regarding Organizational Institutions that Pass Verification and Accreditation as Legal

34 Ahyar Ahyar, "Optimalisasi Pelayanan Bantuan Hukum Bagi Masyarakat Miskin," *Jurnal Penelitian Hukum De Jure* 20, no. 3 (2020): 409–433. pg. 430.

35 Benny Riyanto, "Perluasan Akses Keadilan Melalui Optimalisasi Layanan Bantuan Hukum Yang Berkualitas," in *Konferensi Nasional Bantuan Hukum II Badan Pembinaan Hukum Nasional* (Jakarta: Badan Pembinaan Hukum Nasional, 2019). pg. 1.

Aid Providers for the Period of 2022-2024 as follows :

Table 1. The Legal Aid Provider Distribution for the Period of 2022-2024

No	Province	Total of Legal Assistance Organization (OBH)
1.	Aceh	24
2.	Bali	6
3.	Banten	21
4.	Bengkulu	13
5.	DI Yogyakarta	21
6.	DKI Jakarta	40
7.	Gorontalo	10
8.	Jambi	18
9.	West Java	50
10.	Central Java	62
11.	East Java	64
12.	West Kalimantan	5
13.	South Kalimantan	7
14.	Central Kalimantan	9
15.	East Kalimantan	18
16.	North Kalimantan	1
17.	Bangka Belitung Islands	8
18.	Riau Islands	7
19.	Lampung	21
20.	Maluku	7
21.	North Maluku	9
22.	West Nusa Tenggara	18
23.	East Nusa Tenggara	15
24.	Papua	6
25.	West Papua	5
26.	Riau	14
27.	West Sulawesi	6
28.	South Sulawesi	30
29	Central Sulawesi	16
30.	Southeast Sulawesi	17
31.	North Sulawesi	9
32.	West Sumatera	12
33.	South Sumatera	13
34.	North Sumatera	37
Total		**619**

Source: the Ministery Decree of the Ministry of Law and Human Rights of the Republic of Indonesia Number M.HH-02.HN.03.03 Tahun 2021.

Based on table 1, currently there are 619 Legal Aid Organizations in 34 provinces, however, compared to the number of regencies/cities in each province it is not evenly distributed in every district/city for each province.

In parallel with the previous statement by the Head of Agency of National Law Development, the need for Legal Aid Organization in each district or city may be a concern for the local government to be able to encourage the community or non-governmental organizations to be able to form legal aid organizations in order to optimize the provision of legal aid for the poor or underprivileged. On the other hand, with an even distribution, it is expected that the workload for Legal Aid Organizations that actually does not have a workload in a place that is not their territory will be reduced and can focus on their area only.

1. Measuring the Quality of Legal Aid Services in Indonesia

After knowing the initial description of the implementation of legal aid services in Indonesia, the researcher wants to know the assessment of public services carried out by Legal Aid Organizations (legal aid providers) for the poor. In general, legal aid services measured in this study refer to legal aid services in general, namely legal aid services provided by service providers based on applicable laws and regulations, namely Law Number 16 of 2011 concerning Legal Aid. Therefore, in substance, the service referred to by the researcher is guided by Law Number 16 of 2011 on Legal Aid. Meanwhile, in the context of the variables, the researcher is guided by the Regulation of the Minister of State Apparatus Empowerment and Bureaucratic Reform of the Republic of Indonesia Number 14 of 2017 concerning Guidelines for Compiling a Community Satisfaction Survey for Public Service Providers which consists of several aspects, namely service policy aspects, human resources (HR) aspects, facilities and infrastructure aspects, information systems aspects and consultation and complaints aspects.

Amin Ibrahim states that, "The quality of public services is a dynamic condition related to products, services, people, processes and the environment where the quality assessment is determined at the time the public service occurs."[36] Meanwhile Sedarmayanti states that basically the quality of public services includes: aspects of human resource capabilities, aspects of facilities and infrastructure, aspects of procedures and the form aspects of services provided to the community in the form of ease of obtaining information, accuracy, speed of service, so that service quality better will be realized.[37]

In general, based on a survey conducted to 159 respondents, the index result was 4.65 with service quality A and service unit performance namely excellent service. The description of the assessment in question can be described as follows:

Service Policy Aspect

Table 2. Assessment of the Policy Aspects of Legal Aid Services

AREA/VARIABLE/ QUESTION		INDEX	SERVICE QUALITY (X)	SERVICE UNIT PER-FORMANCE (Y)
I. LEGAL AID SERVICES POLICY		**4,63**	**A**	**Excellent**
1.a.K1	Information on procedures for providing legal aid services	4,68	A	Excellent
1.a.K3	Queue system applied reflects the fairness of legal aid services	4,66	A	Excellent
1.a.As	Publication of service standards in various places and media makes it easier for the users of legal aid services	4,60	A	Excellent
1.c.P	The Community Satisfaction Survey (SKM) is a forum for community participation conveying aspirations	4,58	A	Excellent
1.c.T	The publication of the results of the *SKM* which is available in various places and media, provides transparent information	4,61	A	Excellent

Source: Research of Data Processing Team, 2021.

Table 2 shows that the respondents gave a perfect score on the policy aspects of legal aid services. The average score related to legal service policy aspects is 4.63 with the service quality category being A and the service unit performance category being categorized as excellent service. In particular, the role of strengthening the policy aspect of this legal aid service is the indicators

36 Amin Ibrahim, *Teori Dan Konsep Pelayanan Publik Serta Implementasinya* (Bandung: Mandar Madju, 2008).pg. 40.

37 Sedarmayanti, *Good Governance* (Bandung: Mandar Madju, 2004).pg. 35.

regarding the procedures for providing legal aid services which are qualitatively conveyed by service recipients that are clearly available regarding the procedures in question. This means that the description of the service delivery procedure has been informed from the initial stage to the final stage which in the end resulting good score on the assessment of this aspect.

Human Resources Aspect

Table 3. Assessment of Human Resources Aspects

AREA/VARIABLE/ QUESTION		INDEX	SERVICE QUALITY (X)	SERVICE UNIT PERFOR-MANCE (Y)
II. HR PROFESSIO-NALISM		**4,65**	**A**	**Excellent**
2.b.AK1	Officer working hours (no-break working hours, information services, consultants and complaints, customer service) as scheduled	4,67	A	Excellent
2.g.Ak	Attitudes, behavior and attributes worn by service officers reflect the quality legal aid services	4,63	A	Excellent

Source: Research of Data Processing Team, 2021.

Table 3 shows that the respondents still gave a perfect score on the Human Resources aspect. This means that from the point of view of HR in providing services, it is considered to have shown a professional side. The average score related to the Human Resources aspect is 4.65 with the service quality category being A and the service unit performance category being included in excellent service. Specifically, those who play a role in strengthening this HR aspect are the indicators of officer working hours (no-break working hours, information services, consultations and complaints, customer service) as determined. Qualitatively, it is also known that in the context of providing legal aid services, officers also understand the services provided and are in accordance with the established service working hours.

Therefore, this indicator shows a score of 4.67 with the category A and the performance of the service unit is categorized as excellent service. In addition, this aspect is also strengthened with indicators of attitudes, behavior and attributes worn by service officers reflecting quality legal aid services. In this indicator, the respondents also gave an optimal score of 4.63 with the category A which is also included in excellent service.

Facilities and Infrastructure Aspects

In facilities and infrastructure aspect, respondents give a fairly good score. The description of the assessment in question can be explained based on the following table:

Table 4. Assessment of Human Resources Aspects

AREA/VARIABLE/QUES-TION		INDEX	SERVICE QUALITY (X)	SERVICE UNIT PER-FORMANCE (Y)
III. INFRASTRUCTURE		**4,66**	**A**	**Excellent Service**
3.a.As	Public places are safe, comfortable, and accessible	4,71	A	Excellent Service
3.b.K1	Comfortable waiting room facilities	4,65	A	Excellent Service
3.b.As	Clean, hygiene, and adequate toilet facilities for service users	4,63	A	Excellent Service

P.4	The application provided by the organizer is accessible and runs in real-time (fast-response officer)	4,64	A	Excellent Service

Source: Research of Data Processing Team, 2021.

Table 4 shows that in facilities and infrastructure aspect, the assessment of the respondents showed an optimal score of 4.66 with the service quality category, namely A and included in excellent service. The indicator that strengthens the assessment relates to the indicator of safe, comfortable and accessible public places which shows a score of 4.71. In the provision of public services, especially legal aid, the need for a safe, comfortable and accessible place is absolutely necessary considering that service recipients will not want to tell their problems when the available places cannot provide comfort for themselves. Therefore, it is important for service providers to provide a safe, comfortable and accessible place to be able to provide more optimal services for service recipients. However, it is not only about the location, but also the availability of applications that they are accessible and real time. However, the assessment of the application indicators provided by the operator also received an optimal rating by service recipients of 4.64 who were still in the category A and entered as excellent service.

Information System Aspect

In the aspect of information systems, respondents still give a fairly good score. However, the indicator used in this assessment is only one (1) item, namely talking about updating public service information on an ongoing basis. The description of these indicators can be described through the following table:

Table 5. Assessment of the Aspects of Public Service Information Systems

AREA/ VARIABLE/ QUESTION		INDEX	SERVICE QUALITY (X)	SERVICE UNIT PERFORMANCE (Y)
IV. PUBLIC SERVICES INFORMATION SYSTEM		**4,65**	**A**	**Excellent Service**
4.a.Ak2	Update on public service information is carried out continuously	4,65	A	Excellent Service

Source: Research of Data Processing Team, 2021.

Table 5 shows that in public service information system aspect, the assessment of the respondents showed an optimal score of 4.65 with the service quality category, namely A and included in excellent service. The indicator that strengthens the assessment relates to the continuous updating of public service information. This means that based on the assessment of respondents, data and information regarding legal aid are considered to be always updated properly. Not only changes to the rules but the mechanism or the amount of the budget provided are also always updated through the existing system.

Consultation and Complaint Aspects

Consultation and Complaint Aspects which is the last aspect is sufficiently assessed by the respondents. This aspect contains two indicators that affect the rating. The illustration of the indicators can be described in the table:

Table 6. Assessment of Aspects of Consultation and Complaint

AREA/VARIABLE/QUESTION		INDEX	SERVICE QUALITY (x)	SERVICE UNIT PERFORMANCE (y)
V. CONSULTATION AND COMPLAINT		**4,64**	**A**	**Excellent Service**
5.1.a.K	Face-to-face consultation and information service, accessible	4,66	A	Excellent Service
P.5	Followed-up complaints	4,62	A	Excellent Service

Source: Result of the Research Team's data

processing, 2021.

Table 6. shows that generally the assessment of consultation and complaint aspects was perceived sufficient by the index of 4,46 with the category A for service quality and service unit performance which is an excellent service. As for the factor that affects the best number is in the indicator of consultation and face-to-face information services, the accessibility by the index of 4,66 with the category A for service unit performance which is an excellent service. Meanwhile, another indicator related to complaint service which has regularly been followed up also shows an excellent service by the index of 4,62 with category A. The need of consultation and complaints is absolutely required because the context of public service for the people will be a measuring or evaluation tool for the services provided. Criticism and suggestions from the service recipients actually will be the notes for the service providers to always improve the service qualities.

Litigation Legal Aid Service Standards

The description of legal aid service standards by litigation involves these activities:

- assisting and/or exercising power of attorney starting from the level of investigation and prosecution;
- assisting and/or exercising power of attorney in the examination process at trial; or
- assisting and/or exercising power of attorney against recipients of legal aid in the Administrative Court.

Regarding the standards survey of litigation legal aid service, it focuses on 3 aspects. They are procedural quality aspect, information quality aspect, and interpersonal quality aspect.

As for the description of each aspect can be seen in the table below:

Procedural Table

Table 7. Assessment of the Procedural Quality Aspect of Litigation Legal Aid Service Standards

AREA/VARIABLE/QUESTION		INDEX	SERVICE QUALITY (X)	SERVICE UNIT PERFORMANCE (y)
C. PROCEDURAL QUALITY		4,06	A-	Very Good
C1	Easy/uncomplicated legal aid procedure	4,13	A-	Very Good
C2	OBH provided ease in solving problems	4,07	A-	Very Good
C3	OBH provided a thorough and finished service	4,13	A-	Very Good
C4	OBH discussed related every step employed	3,91	B	Good
C5	OBH get assisted in meeting the special needs	3,87	B	Good
C6	OBH provided free legal aid service within the legal proceeding	4,24	A-	Very Good

Source: Result of the Research Team's data processing, 2021.

According to the previous table, it can be seen that in the context of procedural quality, the respondents generally assessed with exemplary rating by the average index of 4,06, A- for service quality and very good service unit performance. In accordance with the assessment, the highest number is reflected in Legal Aid Organizations (OBH) that provided free legal assistance during legal proceedings by index value of 4.24. Generally, in the implementation, these OBH never asked any amount of money in the proceedings. However, if they did, the OBH related would be fined. Despite having positive feedback in general, there was two indicators submitted by respondents in the category of good service quality by the index of 3,87 and 3,91. The indicators referred to

are related to OBH discussing each step taken and OBH assisting in meeting the specific needs. In accord with the information collected qualitatively from the respondents, it is stated that OBH lacked of giving further information in the proceedings related to the process experienced by the clients. Other than that, the clients were rarely informed regarding the anticipated or solving steps to minimize the penalty. Thus, those two indicators received lesser score for the feedback. Furthermore, there were questions coming from several WBP concerning the legal aid that they had not received from the beginning (investigation stage in the police). It means that WBP perceived this legal aid would be received at the end which shows that they have limited options.[38]

Information Quality

In the information quality aspect, there were 9 impactful indicators. Generally, the index score shows an average number by 3,95 with B category in service quality. In details regarding the information quality, it can be seen in the following table:

Table 8. Assessment of Information Quality Aspects in Litigation Legal Aid Service Standards

AREA/VARIABLE/QUESTION		INDEX	SERVICE QUALITY (x)	SERVICE UNIT PERFORMANCE (y)
D. QUALITY OF INFORMATION		3,95	B	Good
D1	OBH informed clearly regarding the requirements to be met to proceed the legal aid	3,95	B	Good
D2	OBH informed clearly regarding the steps of legal aid proceeding employed	3,93	B	Good
D3	OBH informed clearly regarding the progress/uodate of the legal aid proceeding	3,86	B	Good
D4	OBH informed clearly regarding the process duration	3,88	B	Good
D5	OBH informed clearly regarding the services provided	3,89	B	Good
D6	OBH provided the accurate information	4,05	A-	Very Good
D7	OBH provided information in simple words	4,07	A-	Very Good
D8	OBH provided explanation and suggestion within each proceeding	4,01	A-	Very Good
D9	OBH provided followed-up criticism/complaint services	3,95	B	Good

Source: Result of the Research Team's data processing, 2021.

Table 8. shows that the highest score was in the D7 indicator. It states that OBH delivering information in simple words by the index of 4,07. According to the information obtained by the recipients, in the context of providing litigation legal aid service standard, these OBH delivered the information in simple words. It makes the clients easily understand their case. However, in the information quality aspect, there was an index score that was not yet optimal in the D3 indicator. It was showed by the statement of OBH informed clearly related to the progress/update from legal

38 Results of interviews with prisoners at the Prison Class IIA Cibinong on 9-10 November 2021.

proceeding by the index of 3,86. In practice, based on the information collected from the recipients, it is stated that OBH as a service provider occasionally concealed the progress/ update of the legal proceedings from the clients'. By doing this, the clients were left clueless. It is because the information would be provided by the OBH only if it was about the time to accept the judge's decision so that the clients sometimes gave in. This situation is also proved by the interview result on a number of prisoners in Prison Class IIA Bogor which stated that "it is still lacked in the context of providing information, particularly in the information regarding the prisoners' progress of legal proceeding, and the explanation and suggestions on every process taken"[39]

Interpersonal Quality

In the interpersonal quality aspect, there were 3 impactful indicators. Generally, the index score shows an average number by 4,21 with A- category in service quality. In details regarding the interpersonal quality, it can be seen in the following table:

Table 9. Assessment of Interpersonal Quality Aspects in Litigation Legal Aid Service Standards

AREA/VARIABLE/QUESTION		INDEX	SERVICE QUALITY (x)	SERVICE UNIT PERFORMANCE (y)
E. INTERPERSONAL QUALITY		4,21	A-	Very Good
E1	OBH provided service in polite/friendly manner	4,20	A-	Very Good
E2	OBH maintained the confidentiality/kept the case information safe	4,18	A-	Very Good
E3	OBH provided non-discriminative service due diversity of tribes, religions, races, etc.	4,25	A-	Very Good

Source: Result of the Research Team's data processing, 2021.

Table 9. shows that the three indicators received an excellent assessment from respondents. In the context of providing services with polite/friendly manner, the index value is 4,20 with A- on service quality, but they excelled in the performance of the service unit. A similarity can be seen in the indicator of confidentiality/keeping the information safe regarding the clients' cases by the index of 4,18. In addition, the last indicator related to non-discriminative service (acceptance on diversity in terms of tribes, religions, races, etc) receives an excellent score by 4,25. This qualitative scoring is in accordance with the results of qualitative interviews. It shows that several informants approved that the service in the aspect of interpersonal quality was sufficient due to the politeness of the OBH in providing information including the principal of diversity applied.

Non-Litigation Legal Aid Service Standards

In discussing about non-litigation legal aid standard, the service is actually less accessible due to the limitation of activities in several regions in this pandemic. This condition results in non-optimal service. The provision of non-litigation legal aid includes the following activities:

- legal advice;
- legal consultation;
- case investigation, both electronically and non-electronically;
- legal research;
- mediation;
- negotiation;
- community empowerment;
- assistance outside the court; and/or
- legal documents drafting.

However, the context of non-litigation legal aid service standards survey focuses into 3 aspects. They are procedural quality aspect, information quality aspect, and interpersonal quality aspect. As for the description of each aspect can be seen in the table below:

39 Results of interviews with correctional inmates at the Prison Class IIA Bogor on 11-12 November 2021.

Procedural Table

In the procedural quality aspect, there are 29 impactful indicators, but generally the index score shows an excellent number by 4,34 with A- category in service quality. The details regarding the procedural quality of non-litigation legal aid service standards can be seen in the table following table:

Table 10. Assessment of the Procedural Quality Aspects of Non-Litigation Legal Aid Service Standards

	AREA/VARIABLE/QUESTION	INDEX	SERVICE QUALITY (X)	SERVICE UNIT PERFORMANCE (Y)
C.	**INFORMATION QUALITY**	**4,34**	**A-**	Very Good
C1	Easy/uncomplicated legal aid procedure	4,44	A-	Very Good
C2	OBH provided ease in solving problems	4,38	A-	Very Good
C3	OBH provided service from start to finish/not abandoning in the middle of the process of legal aid service	4,43	A-	Very Good
C4	OBH discussed each step employed	4,43	A-	Very Good
C5	OBH assisted in meeting the special needs	4,31	A-	Very Good
C6	OBH charged unnecessary fees in the legal proceeding	4,21	A-	Very Good
C7	If so, how much was the unnecessary fee? For which service it was required for?	4,14	A-	Very Good
	CASE INVESTIGATION	**4,39**	**A-**	Very Good
C8	OBH informed the result of the investigation or search of the case	4,39	A-	Very Good
C9	OBH provided information regarding the result of the investigation	4,38	A-	Very Good
	MEDIATION	**4,37**	**A-**	Very Good
C12	OBH provided a report regarding the result of the mediation	4,36	A-	Very Good
C13	OBH assisted in reaching the parties	4,37	A-	Very Good
	NEGOTIATION	**4,36**	**A-**	Very Good
C14	OBH provided a report regarding the result of the negotiation	4,37	A-	Very Good
C15	OBH assisted in reaching the parties	4,35	A-	Very Good
	DRAFTING LEGAL DOCUMENT	**4,37**	**A-**	Very Good
C16	OBH arranged the documents according to the request	4,39	A-	Very Good
C17	OBH considered the special needs in the documents	4,34	A-	Very Good
	LEGAL CONSULTATION	**4,36**	**A-**	Very Good
C18	OBH arranged the chronology or sequence of the case incidents	4,38	A-	Very Good
C19	OBH provided legal advice or steps employed	4,33	A-	Very Good
	ASSISTANCE OUTSIDE COURT	**4,37**	**A-**	Very Good
C20	OBH assisted in checking in each agency	4,37	A-	Very Good
C21	OBH provided a report regarding the result of assisting activity outside the court	4,37	A-	Very Good
	LEGAL EXPLANATION	**4,41**	**A-**	Very Good
C22	OBH provided user-friendly explanation regarding Legal Advice	4,42	A-	Very Good
C23	OBH provided an explanation regarding Legal Advice as expected/needed	4,39	A-	Very Good
C24	OBH provided opportunity for discussion and Q&A	4,40	A-	Very Good
C25	Comprehension regarding the material delivered	4,42	A-	Very Good
C26	The benefit and comprehension of Legal Advice activity	4,41	A-	Very Good
	COMMUNITY EMPOWERMENT	**4,38**	**A-**	Very Good
C27	OBH delivered a user-friendly explanation regarding Community Empowerment	4,39	A-	Very Good
C28	OBH provided Community Empowerment material as expected/needed	4,37	A-	Very Good
C29	OBH provided opportunity for discussion and Q&A	4,37	A-	Very Good
C30	Comprehension regarding the material delivered	4,37	A-	Very Good
C31	The benefit and comprehension of Legal Advice activity	4,39	A-	Very Good

Source: Result of the Research Team's data processing, 2021.

Table 10 shows that the respondents excellently assessed the context of non-litigation legal aid service standard despite of not having the perfect score (A). This support is shown in procedural quality through non-litigation activities that were perceived average by the respondents by the index of 4,34-4,41. Thus, there were no specific notes for the service provider in this procedural quality since it already met the qualification determined by the Law.

Information Quality

In the procedural quality aspect, there are 9 impactful indicators, but generally the index score shows an excellent number by 4,34 with A- category in service quality. The information quality of non-litigation legal aid service standards can be seen in the following table:

Table 11. Assessment of Information Quality Aspects on Non-Litigation Legal Aid Service Standards

	AREA/VARIABLE/QUESTION	INDEX	SERVICE QUALITY (x)	SERVICE UNIT PERFORMANCE (Y)
D.	QUALITY OF INFORMATION	4,43	A-	Very Good
D1	OBH informed clearly regarding the requirements to be met to proceed the legal aid	4,44	A-	Very Good
D2	OBH informed clearly regarding the steps of legal aid proceeding employed	4,41	A-	Very Good
D3	OBH informed clearly regarding the progress/update of the legal aid proceeding	4,43	A-	Very Good
D4	OBH informed clearly regarding the process duration	4,41	A-	Very Good
D5	OBH informed clearly regarding the services provided	4,47	A-	Very Good
D6	OBH provided the accurate information	4,43	A-	Very Good
D7	OBH provided information in simple words	4,47	A-	Very Good
D8	OBH provided explanation and suggestion within each proceeding	4,39	A-	Very Good
D9	OBH provided followed-up critisism/complaint services	4,39	A-	Very Good

Source: Result of the Research Team's data processing, 2021.

Table 11 shows that the highest number is contained in area of OBH stated clearly the services provided and OBH providing information in simple words. As for each index showed the score of 4,47 with A- in service quality and excellent unit service performance. This assessment actually was in line with what the respondents stated quantitatively that the service provider provided information clearly and in simple words so that the recipients acknowledged the service well. However, there was an insignificant note in the indicator of OBH providing explanation and suggestion in each proceeding and OBH provided criticisms/ complaints and followed up with solution by each index of 4,39. Regarding to that, there is information based on interviews with the informants who stated that "sometimes we are not further informed regarding the proceeding, besides that we are clueless concerning the mechanism of delivering complaints when the service officers violate the rules"

Interpersonal Quality

In the interpersonal quality aspect, there were 3 impactful indicators, but generally the index score showed an excellent number by 4,46 with A- category in unit service quality performance. In details regarding the interpersonal quality, it can be seen in the table following:

Table 12. Assessment of Interpersonal Quality Aspects in Non-Litigation Legal Aid Service Standards

	AREA/VARIABLE/QUESTION	INDEX	SERVICE QUALITY (x)	SERVICE UNIT PERFORMANCE (Y)
E.	INTERPERSONAL QUALITY	4,46	A-	Very Good
E1	OBH provided service in polite/friendly manner	4,51	A	Excellent Service
E2	OBH maintained the confidentiality/kept the case information safe	4,38	A-	Very Good
E3	OBH provided non-discriminative service due diversity of tribes, religions, races, etc.	4,50	A-	Very Good

Source: Result of the Research Team's data processing, 2021.

Table 12. shows that the highest index score was shown in OBH indicator by providing service with polite/friendly behavior by the index of 4,51 and S- for the service quality, but with excellent service unit performance. Meanwhile the lowest in this aspect was shown in OBH indicator of maintaining the confidentiality/not spreading the case information by the index of 4,38 with A- service quality and excellent service unit performance. Most likely the reason why this number is below the other indicators is due to the leak of the case information by a service officer so that the scoring in this indicator is not yet optimum. However, in other indicators related to OBH providing a service despite of diversity on the clients' background of tribes, religions, races and etc received the score of index by 4,50 with A- and excellent service quality. Thus, the average index score in the interpersonal quality by the service provider is considered sufficient.

Strategies to Improve the Quality of Legal Aid Services in Indonesia

Even though the previous assessment shows sufficient scoring of legal aid service by the recipients, to improve and maintain the quality of the service, it is required a better strategy to speed up and advance the legal aid service quality as a manifestation of justice access.

First, improvement on the information access to reach legal aid becomes the first strategic step in order to improve service. For instance, based on the result of interview with a prisoner in several prisons according to the locus in East Java Province, it is stated that "we received the process to reach the legal aid after the sentence from the court. That is to say that we were lacked of information related to this legal aid program since the beginning of investigation process in the Police."[40] Observing the result of the previous interview then it can be analyzed that the need towards information access becomes crucial and strategic due to the financial background of the suspects, when they are impoverished, the information providing related this program is limited. On the other side, based on the fact as the result of interview with WBP[41], a number of law enforcer institutions (Police or Courts) often missed the opportunity to socialize the information regarding the legal aid program provided by the government.

According to the literature review it is also known that the issue of legal aid is a significant challenge experienced by many parties. Zakia from the Indonesian Diffability Movement for Equality (PERDIK) stated that there are still a number of disabled communities that are clueless when they required a request for legal aid for one when one experiences a legal case.[42] Similar problem also experienced in sexual abuse cases of females and children. Uli Pangariban from LBH APIK Jakarta explained that in this pandemic there is an increase of sexual abuse cases of females and children. Yet, there are still many who are reluctant to report due to the lack of information one has or being afraid of complicating the problem.[43]

On the other side, in the initial investigation process, Susiyanto et al stated that the suspect or defendant owns a right of legal aid provided by legal aid provide (lawyer), yet this information related to free legal aid has not yet been optimum. Consequently, there are a number of drug users who encounter legal proceedings without the assistance of

40 Results of interviews with prisoners at several prisons in East Java on 11-13 November 2021.
41 Ibid.
42 "Upaya ICJR Mendorong Aksebilitas Bantuan Hukum Lewat Penggunaan Teknologi," *Ngertihukum.Id*, last modified 2022, accessed May 13, 2022, https://ngertihukum.id/upaya-icjr-mendorong-aksebilitas-bantuan-hukum-lewat-penggunaan-teknologi/.
43 Ibid.

legal aid.[44]

Reflecting from the previous issues described, a thorough and comprehensive socialization of information is highly required to increase the trust from the people to the law. This action actually is not only applied from the Ministry of Law and Human Rights as the legal aid provider, but also this action can be done by collaboration with the local government and verified-accredited Legal Aid Organization as the extension of legal aid provider. The availability of information for the public is a crucial part from the public service provider as to a significant right and strategy for the citizen to better access their rights further.[45]

On the first strategy, it is expected that not only the institution in macro scale that provides socialization to the people as legal aid recipients, but also to the micro scale or individuals who implement the related legal aid program. The service provider often thoroughly lacks of understanding the significance of legal aid provider for the poor and impoverished people as the recipients. In practice, individuals often interpret legal aid only as an obstruction of legal process for the suspect or defendant. It makes the thorough comprehension regarding the significance and implementation of legal aid is compulsory to deliver to each individual implementing legal aid.

Second, in order to improve and maintain the legal aid service quality, another strategic move that can be conducted by the government or legal aid provider in this matter is by the National Law Development Agency of the Ministry of Law and Human Rights of the Republic of Indonesia is to perform monitoring and evaluation (online survey) regularly and sustainably towards the implementation of legal aid service throughout Indonesia. As the public servant, the government is supposed to perform monitoring and attentiveness towards the satisfaction and opinion from the public as the service recipient.[46] The service conducted to the stakeholder will remain unknown without assessment. By performing assessment, there will be an overview regarding how far the progress of the service has been provided.

This strategy is the proper, effective, efficient, and suitable move regarding the pandemic condition and dynamic technology advances. The existence of rapid technology growth indicates a movement to digital era in which approved by the utilization of information technology that reaches varied aspects of life.[47] This is a concrete move that can be done by BPHN and is aligned with Fajriando statement saying that the Government requires to improve the quantity, quality, and distribution of infrastructure of legal aid service.[48]

This online survey is significant to discover: 1) thorough satisfaction of the user community, on-line and in real time with the results of the implementation of legal aid service; 2) weaknesses or shortcomings of each aspect/element in the implementation of legal aid services; 3) policies that need to be taken or follow-up efforts that need to be made on the results of the Community

44 Susiyanto Susiyanto et al., "Hak Asasi Manusia Dan Pemenuhan Pendampingan Hukum (Advokasi Hukum Korban Penyalahgunaan Narkoba Di Kota Bengkulu)," *Jurnal HAM* 12, no. 3 (2021): 429–448. pg. 432.

45 Muhaimin Muhaimin, "Penguatan Penyelenggaraan Pelayanan Publik Melalui Penyelesaian Sengketa Informasi Publik," Jurnal Ilmiah Kebijakan Hukum 12, no. 2 (2018): 213–226. pg. 213.

46 Nizar Apriansyah, "Analisis Layanan Publik Permohonan Pendaftaran Kekayaan Intelektual," *Jurnal Ilmiah Kebijakan Hukum* 14, no. 1 (2020): 125–140. pg. 127.

47 Ahmad M. Ramli et al., "Pelindungan Kekayaan Intelektual Dalam Pemanfaatan Teknologi Informasi Di Saat Covid-19," *Jurnal Penelitian Hukum De Jure* 21, no. 1 (2021): 45–58. pg. 45.

48 Hakki Fajriando Yazid, "Akses Layanan Dan Informasi Bantuan Hukum Bagi Narapidana Di Rumah Tahanan Negara Enrekang," *Jurnal HAM* 11, no. 1 (2020): 51–66. pg. 65.

Satisfaction Survey; 4) the performance of legal aid providers and providers that can stimulate positive competition between legal aid service providers in an effort to improve service performance; 5) an overview of the performance of legal aid service that can be accessed by the community. Improvement of customer satisfaction survey is required in evaluation process towards the implementation of community demands, and it is expected the existence of this survey is able to improve public service quality.[49]

This is accordance with Nugroho's statement regarding information and communication technology (e-Government). It has a goal to provide opportunity to the community and private sector to access the government service with integrated, effective, and efficient services anywhere, anytime, and in any comfortable form by internet and other lines such as phones, etc.[50] This strategy is required considering the dynamic of the people's movement today. Considering this, the government must adjust its function in order to allow people to benefit from their rights and obey their obligations in comfortable and safe ways. The author of this paper agrees with what have been delivered by Triwulandari. She stated that provider of legal aid works best when the community participates in the sequence of the law process, anytime faced with the country stakeholders in a legal case or when faced with the country's instruments who perform judicial power and judicial process.[51] Thus, by doing this survey, it is expected that people will assess transparently regarding the services they receive. So, the lack area provided by the country will be exposed to the legal aid service recipients.

CLOSING

Conclusion

According to the findings and analysis, it is concluded that legal aid service quality as the implementation of the realization of access to justice for the impoverished people is perceived excellent. However, there are aspects that require attention such as information aspect in the litigation service and procedural aspect in the non-litigation service. They are generally not yet described in details step by step potentially to be done by the legal aid recipients. Meanwhile, the strategies in optimizing the legal aid service for the impoverished can be done by conducting online survey and regularly to the legal aid service recipients, providing education or training by procedures of proper public service and expanding the information access related to legal aid service substance for the legal aid service recipients.

Suggestion

Aligned with the case explained prior, then the strategies offered were:

First, optimizing information access regarding legal aid service to the recipients (impoverished people). The need towards information becomes the initial process in the service provision so that by the right information, the recipients are certain and confident in receiving the services they need.

Second, currently it is the right time for BPHN to utilize the online survey in order to monitor and evaluate legal aid services throughout Indonesia. This strategy is the

49 Wilonotomo and Koesmoyo Ponco Aji, "Pelayanan Pembuatan Paspor Dalam Kajiannya Terhadap Teori Manfaat Teknologi Infomasi (Passport-Related Services In the Light of the Theory of Information Technology Advantages)," *Jurnal Ilmiah Kebijakan Hukum* 12, no. 2 (2018): 163–178. pg. 172.

50 Trisapto Nugroho, "Analisis E-Government Terhadap Pelayanan Publik Di Kementerian Hukum dan HAM," *Jurnal Ilmiah Kebijakan Hukum* 10, no. 3 (2016): 279–296. pg. 279.

51 Agung Mas Triwulandari, "Problematika Pemberian Bantuan Hukum Struktural Dan Non Struktural Kaitannya Dengan Asas Equality Before The Law," *Jurnal Ilmiah Kebijakan Hukum* 14, no. 3 (2020): 539–552. pg. 541.

proper, effective, efficient, and suitable move regarding the pandemic condition and technology advances. On the other side, in supporting the second strategy, it surely requires improvements in the aspects of (1) legal aid service policy that requires more attention to the process of policy making by involving legal aid recipients and related parties (stakeholder); (2) information on litigation service, in which requires a service standard from each litigation legal aid stage that is capable of maintaining the quality technically substance; (3) procedural in the non-litigation service, in which requires the evaluation towards the implementation of non-litigation service that simplifies the service provider amidst pandemic situation hindering face-to-face activities; (4) adjustment and improvement of legal aid index application that is aligned with the purpose and objective of online survey; and (5) expansion of information access for the public related to OBH that operates in every stage whether in the Police, Prosecutors and Courts. In addition, online survey is required to be conducted by BPHN regularly in order to maintain the quality of legal aid service as a manifestation of justice access.

ACKNOWLEDGEMENT

We would like to thank the Head of the Legal and Human Rights Research and Development Agency who continues to support the completion of this paper and for fellow researchers in the Research and Development of Law and Human Rights Agency who cannot be mentioned one by one for their suggestions.

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