



Enhancing Public Awareness of Legal Aid Access for Indigent Defendants in Criminal Proceedings

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ABSTRACT

This community service program was conducted in Maro Sebo Subdistrict, Muaro Jambi Regency, focusing on raising awareness of legal aid rights for underprivileged individuals involved in criminal cases. The program aimed to enhance the public's understanding of the legal aid services available to economically disadvantaged suspects or defendants and to increase legal consciousness regarding the use of such rights in resolving criminal matters. Based on Article 1 Point 1 of Law No. 6 of 2011 on Legal Aid, legal aid refers to legal services provided free of charge by authorized institutions to recipients who meet certain criteria. The target group of this program includes community members who are potentially subject to criminal prosecution but lack access to legal assistance. Using participatory education methods such as interactive discussions and legal counseling, the program facilitated knowledge sharing between legal experts and residents. As a result, participants demonstrated improved awareness of their legal rights and the procedures to access legal aid. The program contributes to promoting human rights, strengthening the rule of law, and encouraging inclusive access to justice through grassroots legal empowerment initiatives.

Keywords: Access to Justice; Community Legal Education; Criminal Justice; Indigent Defendants; Public Awareness

INTRODUCTION

The concept of human rights is multifaceted and often narrowly interpreted as a safeguard against arbitrary actions by the state (Diab, 2020; Lumina, 2020). However, a more comprehensive understanding includes the fulfillment of fundamental legal needs, especially in developing nations (Omar & Inaba, 2020; Hajian & Kashani, 2021). In such contexts, systemic inequalities frequently deprive large segments of the population, particularly those living in poverty—of access to justice, political participation, and control over essential socio-economic resources (Mezzina et al., 2022). These structural injustices contribute to both material deprivation and intellectual marginalization, creating entrenched barriers

to legal empowerment (Modiri, 2015; Kempin, 2019; Hilbink & Salas, 2021).

Legal aid serves as a vital mechanism for realizing human rights and ensuring equal access to justice, particularly for individuals entangled in the criminal justice system who cannot afford legal representation (Gauri & Gloppen, 2012; Ahmad, 2020; Nampewo et al., 2022). In Indonesia, the Criminal Procedure Code (KUHP) affirms the right of every suspect or defendant to legal assistance, and Law No. 16 of 2011 institutionalizes the provision of free legal services by accredited providers to indigent individuals (Butt & Lindsey, 2020; Lasaka, 2023). Legal aid, therefore, not only addresses the legal needs of the poor but also reinforces the principles of fairness, due

process, and human dignity (Lima & Gomez, 2021).

Despite these legal guarantees, the practical implementation of legal aid remains challenging (Cassidy & Currie, 2022). Structural barriers—both technical and non-technical—hinder its accessibility. Chief among these challenges is the limited legal awareness among low-income communities, who often remain uninformed about their rights or the mechanisms available to enforce them (Gilman, 2020). This gap underscores the necessity for community-based legal education that bridges the divide between formal legal frameworks and everyday lived experiences.

While numerous studies have examined the effectiveness of legal aid policies and institutional practices in urban contexts (e.g., Blair et al., 2021; Sunday, 2022; Lee et al., 2022), few have focused on localized, grassroots interventions aimed at promoting legal literacy in rural or underserved regions. This absence of field-based research on community legal outreach creates a notable gap in literature.

To address this, our initiative introduced a community legal education program in Danau Kedap Village, Maro Sebo Subdistrict, Muaro Jambi Regency—an area with no prior exposure to legal aid awareness campaigns. This project offers a novel contribution by integrating legal counseling and participatory dialogue as tools to empower marginalized populations. Its approach moves beyond theoretical discourse, directly engaging citizens in understanding their rights and navigating the criminal justice process.

The objectives of this program are threefold: (1) to enhance public knowledge regarding the right to legal aid for indigent individuals involved in criminal cases; (2) to promote the use of legal services as a means of securing justice; and (3) to strengthen the community's capacity to assert their legal rights within an inclusive and rights-based framework.

METHODS

This community engagement program was carried out at the Village Head Office of Danau Kedap, located in Maro Sebo Subdistrict, Muaro Jambi Regency, on Friday, August 19, 2022. The location was selected based on the identified need of the local community to improve their understanding of legal aid rights for indigent defendants involved in criminal cases.

The activity employed a legal counseling and public education approach, with the primary aim of enhancing legal literacy among residents. The educational content focused on key themes such as: relevant legal regulations governing the right to legal aid in criminal proceedings, procedural steps to obtain legal aid, and the specific legal rights afforded to suspects and defendants under Indonesian law.

The legal education session was designed to be clear, structured, and accessible, targeting the village head, local officials, and community members. Each topic was presented in a session lasting approximately 35 to 50 minutes, followed by a discussion and Q&A session to ensure participant engagement and comprehension.

Participants in this program included the village administrative staff and members of the Danau Kedap community, selected based on their roles as key stakeholders in disseminating legal knowledge at the grassroots level.

Data collection was conducted qualitatively through direct observation, informal interviews, and participant feedback during the discussions. This allowed the research team to assess the participants' level of understanding and engagement with the material presented.

Data analysis was carried out using a descriptive qualitative approach, focusing on participant responses and behavioral indicators during and after the session. Key indicators of success included:

- a) Participants' demonstrated understanding of legal frameworks such as the Indonesian Criminal Procedure Code (Law No. 8 of 1981) and Law No. 16 of 2011 on Legal Aid.

- b) Participants' ability to recall and explain the procedures required to access legal aid services in the context of criminal cases.

RESULTS AND DISCUSSIONS

The Republic of Indonesia, as a legal state, acknowledges and protects the human rights of each individual, regardless of their background, and ensures that everyone is entitled to equal treatment before the law without exception (equality before the law).

The foundational principle of Indonesia as a legal state is enshrined in Article 1, Paragraph (3) of the 1945 Constitution of the Republic of Indonesia, which states that: "The state of Indonesia is a legal state." This article underscores the importance of the legal framework in the country and mandates that all matters involving disputes between citizens or between citizens and the state (government) must be resolved based on the law and applicable regulations. This principle is further emphasized in Article 27, Paragraph (1) of the 1945 Constitution, which asserts: "Every citizen has an equal position in law and government, without exception." In line with this regulation, every citizen is entitled to equality before the law. Such legal equality is expected to provide guarantees for the delivery of justice to all individuals, regardless of their background.

The 1945 Constitution of the Republic of Indonesia serves as the foundation for the creation of various laws and regulations, one of which is Law No. 16 of 2011 on Legal Aid. According to Article 3 of Law No. 16 of 2011, the issuance of this law is based on the country's responsibility to provide legal aid to the poor as part of ensuring access to justice. Furthermore, this law also provides opportunities for protecting the rights of citizens undergoing legal proceedings.

Legal aid is an essential instrument for protecting the rights of individuals, particularly for citizens who cannot afford legal representation. The government has established legal aid services, which are provided free of charge for low-income communities when they face legal challenges.

However, many people in these communities are unaware of these services, leading to a perception that their rights are not adequately protected by the government. Ensuring that citizens, especially the poor, have access to legal assistance is a state obligation, as a logical consequence of the state's recognition that "all citizens are equal before the law and government and must uphold the law and government without exception." Additionally, Article 34, Paragraph (11) of the 1945 Constitution emphasizes: "The State shall care for the poor and abandoned children." This can be broadly interpreted as the state's responsibility to provide protection and recognition of the rights of the poor.

The Indonesian Criminal Procedure Code (KUHP) also addresses the issue of legal aid, particularly in Article 54, which states: "For the purpose of defense, the suspect or defendant is entitled to legal assistance from one or more legal advisors during any stage of the examination, in accordance with the procedures prescribed in this law." This is further elaborated in Article 56, which specifies that suspects or defendants who are facing charges punishable by the death penalty, or imprisonment of 15 years or more, or those unable to afford a lawyer when facing charges punishable by more than five years of imprisonment, must be provided with legal assistance at all levels of examination in the judicial process.

Legal aid recipients are individuals or groups who are unable to adequately and independently fulfill their basic rights and are involved in legal matters. Articles 12 and 13 of the Legal Aid Law outline the rights and obligations of legal aid recipients, specifying that they are entitled to legal assistance until their legal issues are resolved or their case becomes legally final. The recipient must also cooperate in facilitating the legal aid process. Legal aid providers include Legal Aid Institutions (LBH) or community organizations offering legal services under the provisions of Law No. 16 of 2011.

Legal aid is provided by lawyers, as stipulated in Article 22 of Law No. 18 of 2003 on Advocates, which states: "Lawyers must provide free legal assistance to citizens who are unable to afford it." This obligation is binding on lawyers, who are required to fulfill it. Since legal aid can only be provided by advocates or legal advisors, it is essential that each advocate performs this duty to the best of their ability.

The presence of a lawyer in legal proceedings involving a citizen can prevent unfair treatment by police officers, prosecutors, or judges during interrogation, investigation, examination, detention, trial, and sentencing. Legal assistance provided by a lawyer must meet specific criteria outlined in the legislation. The provision of free legal aid for economically disadvantaged individuals can be implemented through two methods: Legal aid through the District Court; and Legal aid through Legal Aid Institutions (LBH).

In the District Court, the provision of legal aid to an indigent defendant is carried out by the presiding judge, in consultation with the Court Chairperson, to appoint a lawyer through the Legal Aid Post (Posbakum). Posbakum provides services such as: 1) Legal consultations for various legal matters; 2) Drafting legal documents (e.g., lawsuits); 3) Assistance in obtaining legal representation (for representation, accompaniment, defense, and other legal actions based on the applicant's interests); and 4) Assistance in obtaining exemptions from court fees.

The provision of legal aid at the regional level must align with the national legal aid system, which is outlined in various regulations, including: 1) Law No. 16 of 2011 on Legal Aid; 2) Government Regulation No. 42 of 2013 on the Requirements and Procedures for Providing Legal Aid and Legal Aid Fund Distribution; 3) Minister of Law and Human Rights Regulation No. 10 of 2015 on the Implementation of Government Regulation No. 42 of 2013 on Legal Aid and its amendments; 4) Minister of Law and Human Rights Regulation No. 1 of 2018 on Paralegals in Legal Aid Provision.

Article 4 of Law No. 16 of 2011 defines the scope of legal aid, which includes:

1. Providing legal aid to individuals facing legal issues.
2. Legal aid covers civil, criminal, and administrative matters, both in litigation and non-litigation contexts.
3. Legal aid encompasses representing, accompanying, defending, and/or performing other legal actions necessary for legal assistance.

Further, Article 5 of the Legal Aid Law states that: "Recipients of legal aid, as referred to in Article 4, Paragraph (1), include individuals or groups who are unable to fulfill their basic rights independently." Basic rights include the right to food, clothing, healthcare, education, employment, and housing. The provision of legal aid must adhere to the procedures and regulations until the case is resolved unless there is a legitimate legal reason.

Legal aid providers can include advocates and/or paralegals, particularly in areas where there are no registered legal aid providers. The procedures for providing legal aid in the region follow the regulations outlined in the law. Recipients of legal aid may include suspects, defendants, defendants, plaintiffs, witnesses, victims, reports, or whistleblowers.

The provision of legal aid must adhere to the guidelines set out in Law No. 16 of 2011, which specifies:

- 1) The submission of a written application containing at least the applicant's identity and a brief description of the issue for which legal aid is requested.
- 2) The submission of documents related to the case.
- 3) A certificate of indigency from the village head, sub-district head, or equivalent official from the applicant's area.

Once these requirements are fulfilled, an indigent defendant can receive free legal assistance from either the District Court or a Legal Aid Institution (LBH). Regarding the

provision of legal aid for the economically disadvantaged, they are entitled to:

- 1) Receive legal aid until their legal issue is resolved and/or the case has become legally binding, provided they do not revoke the power of attorney.
- 2) Receive legal aid in accordance with the standard of legal aid and/or the code of ethics for lawyers.
- 3) Obtain information and documents related to the legal aid process in accordance with applicable regulations.

The provision of legal aid by the District Court is carried out by the presiding judge, who consults with the court chairperson to appoint a lawyer through the Legal Aid Post (POSBAKUM). POSBAKUM assists the defendant by helping them complete the administrative requirements and submit the necessary documents. The same process is applied by Legal Aid Consultation Institutions (LKBH), which provide legal assistance not only when someone is a defendant but also when they are a suspect.

The Indonesian legal system, as outlined in the 1945 Constitution, guarantees equal treatment for all citizens before the law. This principle of "equality before the law" is a foundational element in ensuring justice and fairness, which is essential for the functioning of a democratic legal state (Keene et al., 2020). The country's commitment to providing equal access to justice is further highlighted by its legal provisions, such as Law No. 16 of 2011 on Legal Aid, which ensures that individuals who cannot afford legal representation have the right to free legal assistance. Despite this legal framework, a significant challenge remains: many low-income individuals are unaware of their entitlement to legal aid, which prevents them from accessing the justice system (Gilman, 2020; Minow, 2022). This lack of awareness undermines the broader goals of equality and justice that the law seeks to achieve.

The state's responsibility to provide legal aid, as outlined in various laws, including the 1945

Constitution and Law No. 16 of 2011, is crucial in ensuring that the right to justice is not confined to those who can afford it. Legal aid serves as an essential instrument for protecting the rights of citizens, particularly the marginalized and economically disadvantaged (Mlambo et al., 2019; Sabates-Wheeler et al., 2020). As the law states that the state must care for the poor and neglected children, this duty extends to ensuring they have access to legal assistance when required. However, despite these mandates, there remains a gap in the effective delivery of legal aid services, particularly in rural and underdeveloped areas, where access to legal resources is limited. This disparity in access to legal aid further exacerbates social inequality, as the poor are left vulnerable to exploitation and injustice (Teremetskyi, 2020).

The role of advocates in the provision of legal aid is integral to ensuring that the rights of the indigent are protected during legal proceedings (Androff & Mathis, 2022). As stated in Law No. 18 of 2003 on Advocates, it is the duty of advocates to provide free legal aid to individuals who cannot afford legal representation. The presence of an advocate in legal matters ensures that individuals are not subjected to unfair treatment by law enforcement officers, prosecutors, or judges. It acts as a safeguard against abuse of power and ensures that individuals receive a fair trial. Nevertheless, the successful implementation of this system depends on the commitment of legal professionals to uphold their ethical obligations and serve the public good by offering legal assistance to those in need.

One of the key challenges in the implementation of legal aid is the lack of awareness and the bureaucratic hurdles that potential recipients must overcome to access these services (Minow, 2022). While the provision of legal aid is legally guaranteed, many individuals are unaware of how to navigate the system. The process of obtaining legal aid requires various forms of documentation, such as proof of economic inability and a written application. These

administrative requirements can be overwhelming, especially for individuals who are already disadvantaged. To address this, there needs to be a concerted effort to raise awareness about the availability of legal aid and to simplify the procedures for accessing it. Additionally, strengthening the collaboration between legal institutions, non-governmental organizations, and local government bodies could improve the delivery of legal aid services, particularly in underserved areas. This would ensure that the principles of justice and equality before the law.

CONCLUSION

The conclusion of this community service activity reveals that the legal outreach program was designed to enhance the understanding of the community, particularly the underprivileged, regarding their right to access legal aid, especially in criminal law matters. The program successfully provided information on the procedures and regulations for obtaining legal assistance, which subsequently led to a positive impact on the community's understanding. The results of the outreach demonstrated a significant improvement in the knowledge and awareness of the public about the available legal aid. Thus, the outreach effectively addressed the community's need for information about access to justice, playing a vital role in enhancing their understanding of how to obtain legal assistance in accordance with applicable legal provisions.

However, it is important to acknowledge certain limitations of the program. Despite the positive outcomes, the reach of the outreach was limited due to logistical challenges, including the accessibility of the target population and their ability to attend the sessions. Additionally, the program's impact may have been constrained by the short duration of the intervention, which may not have allowed for sustained changes in attitudes or behaviors regarding the use of legal aid. Future initiatives could benefit from longer-term engagement and wider community participation to ensure a more comprehensive

understanding and utilization of legal assistance services.

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