

## Regional Government Authority in Fulfilling the Right to Legal Aid for the Poor and Vulnerable Groups

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### Abstract

*The implementation of legal aid by the local government is urgent because the central government's budget allocation is still limited. This can be seen from the imbalance in the legal aid budget and the number of legal aid organizations compared to the number of poor people. The budget and the scope of legal aid are limited, only covering the poor. Regional governments, as stakeholders, are expected to complement the central government's shortcomings by allocating legal aid budgets and expanding the scope of legal aid recipients. This study aimed to examine the authority of local governments in fulfilling the right to legal aid for poor and vulnerable groups. This study was normative research by examining legal regulations relating to the authority of local governments in fulfilling the right to legal aid for the poor and vulnerable groups. The data obtained were analyzed using qualitative methods. The results of this study showed that local governments had the authority to fulfill the right to legal aid for the poor and vulnerable groups. This authority was attributive. Several laws obliged local governments to fulfill the right to legal aid.*

**Keywords:** Human Rights; Local government; Legal Aid; Vulnerable Groups; Poor People

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### INTRODUCTION

The 1945 Constitution of the Republic of Indonesia mandates equality before the law for every citizen. This is expressly stated in Article 27 paragraph (1), which states that all citizens have the same position in law and government and are obliged to uphold the law and government without any exception. Meanwhile, Article 28D (1) mandates that everyone has the right to recognition, guarantees, protection, fair legal certainty, and equal treatment before the law. These provisions are a guarantee from the State of equality before the law and protection of Human Rights (HR) for everyone. The fulfillment of equality before the law and protection of human rights can be done one way by fulfilling access to justice for those who do not have the ability or have limitations

in accessing justice. One of the ways to access justice is by fulfilling the right to legal aid. Legal aid is legal services provided by legal aid providers free of charge to legal aid recipients.

In Law Number 16 of 2011 concerning Legal Aid, the government must allocate a budget in the State Budget (APBN). Meanwhile, regional governments can allocate budgets related to legal aid services in the Regional Government Budget (APBD). The budget allocated by the central government for the implementation of legal aid is still limited compared to the needs of the poor and other groups who need legal assistance. In 2022, the central government has budgeted 36,377,990,000 billion rupiahs (36.4 billion) with details of 29,918,000,000 billion rupiahs (29.9 billion) for litigation and 6,459,990,000 billion rupiahs (6.5 billion) for non-litigation. Meanwhile, based on data released by the Central Bureau of Statistics (hereinafter abbreviated as CBS), the number of poor people in March 2022 was 26.16 million.

Furthermore, there is also an imbalance between Legal Aid Organizations (LAO) and the number of poor people. Even though there was an increase from the previous period, the number of verified and accredited LAOs still needs to be increased. In the 2022-2024 period, there were 619 LAOs who passed verification and were accredited. This number is very far from the number of poor people recorded in March 2022. Furthermore, only some districts/cities in Indonesia have accredited LAO. This can be seen in South Sulawesi Province, which currently has 30 verified and accredited LAOs spread across 17 districts/cities, namely Bulukumba, Wajo, pinrang, Bantaeng, Takalar, Jeneponto, Luwu Timur, Sinjai, Parepare, Tana Toraja, Luwu, Soppeng, Sidrap, Luwu Utara, Bone, dan Palopo.

However, it's not only about the poor people; vulnerable groups also need legal aid. Article 28 H paragraph (2) of the 1945 Constitution of the Republic of Indonesia mandated that everyone has the right to receive convenience and special treatment to obtain equal opportunities and benefits to achieve equality and justice. The different situations or conditions of vulnerable groups require different treatment from the government, including in accessing the right to legal aid. The uneven distribution and number of LAO hinder the poor and vulnerable groups from accessing justice.

The regional governments, with their autonomy, have the authority to make public policies in the form of regional regulations related to the administration of legal aid. The regional regulations will become the basis for regional governments to provide legal aid to the people in their regions.

The budget allocation set by the central government for legal aid is still very less compared to the number of poor people in Indonesia. The regional governments, with their autonomy, are expected to be able to support the central government in fulfilling

the right to legal aid, not only for the poor people but also for vulnerable groups. However, there needs to be a clear definition in Law Number 39 of 1999 concerning Human Rights (Law on HR).

A number of laws are regulated regarding the obligation of the central government and regional governments to provide legal aid to certain groups. A number of these laws are inconsistent with the Law on Legal Aid, which only covers poor people. These laws include Law Number 13 of 1998 concerning Elderly Welfare (Law on Elderly Welfare), Law Number 23 of 2004 concerning the Elimination of Domestic Violence (Law on the Elimination of Domestic Violence), Law Number 8 of 2016 concerning Persons with Disabilities (Law on Persons with Disabilities), Law Number 18 of 2017 concerning the Protection of Migrant Workers (Law on the Protection of Migrant Workers), Law Number 11 of 2012 concerning the Juvenile Justice System (Law on Juvenile Justice System), Law Number 35 of 2014 concerning Amendments to Number 23 of 2002 concerning Child Protection (Law on Child Protection), and Law Number 7 of 2016 concerning the Protection and Empowerment of Fishermen, Fish Cultivators, and Salt Farmers (Law on the Protection and Empowerment of Fishermen, Fish Cultivators, and Salt Farmers), and Law Number 12 of 2022 concerning Sexual Violence Crimes (Law on Sexual Violence Crimes).

### **Literature Review**

- 1) A study entitled "Legal Analysis of the Implementation of Legal Aid by Local Governments" by Evi Risnawati, Muhammad Jufri Dewa, and Guasman Tatawu, published in *Halu Oleo Legal Research* Volume 3 Issue 1, April 2021. This study was normative research. In conclusion, the allocation of the legal aid budget through the State Budget (APBN) and Regional Government Budget (APBD) was implemented based on the Law on Legal Aid and the Minister of Home Affairs Regulation concerning Guidelines for Regional Government Budget (APBD) Preparation. The funds for administering legal aid in Regional Government Budget (APBD) in each region were based on data on regional legal needs, regional cost index, and regional financial capacity. The distribution of legal aid funds from the State Budget and/or Regional Government Budget may only be made once for the same legal aid activity in the same case, except for different case numbers. In addition, the local government's implementation of legal aid still involved the Regional Offices of the Ministry of Law and Human Rights and reported these activities to the Minister of Law and Human Rights and the Minister of Home Affairs.
- 2) A study entitled "Legal Aid for Vulnerable Groups" by Wiwik Afifah, was published in the *Journal of Legal Studies* Volume 16, Number 1, February 2020-July 2020. This study discussed the problem and concept of legal aid for marginalized groups. The

primary data were obtained from several districts/cities in East Java. The results of the study showed that there were difficulties in accessing legal aid for vulnerable groups. This was because legal aid had so far been based on economic conditions or poverty. Meanwhile, other conditions of vulnerability had yet to be accommodated. The concept of legal aid for vulnerable groups should be transformative by reaching all layers.

- 3) A study entitled "Legal Issues regarding Implementation of the Fulfillment of the Right to Legal Aid Services for Poor People" by Hakki Fajriando, was published in the Human Rights Journal Volume 7, Number 2, December 2016. This study discussed the problem of fulfilling the need for legal aid for poor people carried out by law enforcement officials, LAO, and local government. This study concluded that the fulfillment of the right to legal aid for the community had yet to be maximized. The community access to legal aid programs was still relatively limited, and the need for providing legal aid was different from financial support, especially for organizations that did not have independent funding sources. In addition, the lack of local government political will to provide support in the form of regulations and budgets had resulted in legal aid services for the poor people in their areas, in general, needing to be maximized.

In contrast to the studies mentioned above, in this study, the authors examined the authority of local governments in fulfilling the right to legal aid, not only for the poor or vulnerable groups but both. This study found a number of laws required the fulfillment of legal aid for certain groups. Some laws even obliged local governments to fulfill this right. The scope of legal aid, which only covered poor people, needed to be in sync with a number of these laws.

## **METHOD**

This study used a normative research method by examining statutory regulations and other legal materials related to local government authority in fulfilling the right to legal aid for the poor and vulnerable groups. This study used a statutory and conceptual approach. The statutory regulation approach carried out a review and study of the statutory regulations related to the legal issues being studied. Meanwhile, the conceptual approach was a legal approach that departed from the views and doctrines developed in the science of law. This doctrine could be the basis for building legal arguments to resolve the issues being studied. The data used came from library materials, which included primary legal materials and secondary legal materials. The primary legal materials were laws and regulations related to local government and legal aid and other laws and regulations relevant to the issue under study. Meanwhile, the secondary legal materials

included research results, textbooks, etc. The data obtained were analyzed using qualitative methods.

## **RESULT AND DISCUSSION**

### **1. Regional Government Authority in Fulfilling the Right to Legal Aid for the Poor and Vulnerable Groups**

Based on Article 19 Paragraph (1) of the Law on Legal Aid, it is determined that regions can allocate budgets for administering legal aid in the APBD, where regional regulations regulate the implementation. From the provisions of this Article, regional governments are not required to provide legal aid. However, referring to the 1945 Constitution of the Republic of Indonesia, which mandates equality before the law and justice as the rights of every citizen, local governments should take part in administering legal aid. The word "can" in Article 19 Paragraph (1) of the Law on Legal Aid has caused not all regions to provide legal aid because there is no obligation under the law.

The word "can" in Article 19 paragraph (1) should be changed to "must" so that the implementation of legal aid by the regional government has legal certainty. The change from "can" to "must" requires local governments to provide legal aid. Not only limited to litigation legal aid but also non-litigation legal aid. The Law on Legal Aid as a legal umbrella for organizing legal aid should be revised.

In fact, the budget provided by the central government in the APBN is quite limited. It requires the participation of regional governments with their autonomy to fill this shortfall by allocating APBD to implement legal aid. Legal aid must be seen as a citizen's need to be met because it is related to fulfilling other human rights. The fulfillment of the right to legal aid becomes access to the fulfillment of justice. The fulfillment of the right to legal aid is needed because of the inability of the community to pay for an advocate or attorney to accompany them inside or outside the court. For vulnerable groups, the need for legal aid because of special conditions places them unequal before the law. In addition, the limited number of LAOs and the limited understanding of the community in accessing legal aid are also problems that must be resolved.

A number of laws mandate the fulfillment of the right to legal aid for certain groups. These laws and regulations include:

Law on Elderly Welfare: Article 5 paragraph (2) letter f "As a tribute and appreciation to the elderly, they are given the right to improve social welfare, one of which is the ease of legal services and assistance";

Law on the Elimination of Domestic Violence: Article 10 letter d "Victims are entitled to: Assistance by social workers and legal aid at every level of the examination process in accordance with statutory provisions"

Law on Child Protection: Article 59 "The Government, Regional Governments, and other state institutions are obliged and responsible for providing Special Protection to Children." Article 64 letter c "Special Protection for Children in conflict with the law is carried out through the effective provision of legal aid and other aid."

Law on Juvenile Justice System: Article 23 "At every level of examination, children must be provided with legal aid and accompanied by social counselors or other companions in accordance with statutory provisions."

Law on the Protection and Empowerment of Fishermen, Fish Cultivators, and Salt Farmers: Article 41 "The Central Government and Regional Governments in accordance with their respective authorities are obliged to facilitate and provide legal aid to fishermen, fish cultivators and salt farmers, including the families of fishermen and cultivators who carry out processing and marketing and experience problems in running their business in accordance with the provisions of laws and regulations"

Law on Persons with Disabilities: Article 28 "The Government and Regional Governments are obliged to guarantee and protect the rights of Persons with Disabilities as legal subjects to take legal action the same as others." Article 29 "The Government and Regional Governments are obliged to provide legal aid to Persons with Disabilities in every examination in every law enforcement agency in civil and/or criminal matters in accordance with the provisions of laws and regulations."

Law on the Protection of Migrant Workers: Article 6 Paragraph (1) letter g "every Prospective Indonesian Migrant Worker or Indonesian Migrant Workers have the right to obtain protection and legal aid for actions that can degrade the dignity and status in accordance with the provisions of the laws and regulations in Indonesia and in the placement destination country."

Law on Sexual Violence: Article 68 letter c "Victims' rights to treatment include the right to legal services." Article 76 paragraphs (2) and (3): "Provincial and district/city regional governments are required to establish UPTD Protection of Women and Children which administers the handling, protection, and recovery of victims, victims' families and/or witnesses.

In handling, protecting, and recovering victims, one of the UPTD Protection of Women and Children duties is to provide legal services.

Based on the law mentioned above, legal aid is not limited to perpetrators but also to victims/witnesses, which in practice is categorized as non-litigation legal aid. The non-

litigation legal aid budget is limited and less than the litigation legal aid budget. In fact, legal aid services should side with the victim.

In addition, the problem of the legal aid budget is disproportionate to the number of poor people and the limited number of LOA. Another problem is the need for more understanding of legal aid rules, which impact the coordination of legal aid services. In addition, law enforcement officers do not fully understand the existence of legal aid programs. Meanwhile, from the research conducted by Suyogi Imam Fauzi and Inge Puspita Ningtyas in five places, several problems become obstacles in implementing legal aid for the poor, namely:

1. The normative legal framework for providing legal aid does not work
2. Lack of legal awareness of the poor
3. Access to justice is only a formality
4. The discrimination and complicated procedures in legal aid funding
5. Supervision in legal aid does not yet exist.

According to Adnan Buyung Nasution, the efforts to help disadvantaged groups in the field of law have three interrelated aspects, namely the aspect of formulating legal rules, the aspect of supervising mechanisms to ensure that these rules are obeyed, and the aspects of community education that aims to internalize these rules.

Regional governments need to be encouraged to include legal aid in the APBD. In addition, the socialization of legal aid and the budget for LOA also really needs to be improved so that the provision of legal aid can be optimal.

Legal aid is one way to access justice. In the Al-Qur'an, the word justice is mentioned more than a thousand times, most after the names Allah and science. The many verses that order humans to act fairly and uphold justice are important calls to be implemented. It can be judged that justice is guaranteed in Islam. In Islam, there has never been a restriction for everyone to achieve justice inherent in them. Even Islam always guarantees the rights that exist for everyone without exception.

The Law on Legal Aid defines poor people as legal aid recipients, and a number of laws mandate the fulfillment of legal aid for certain groups. In Islam, the terms *duaafa* and *mustadh'afin* are known. *Duaafa* refers more to "weak people," while *mustadh'afin* refers to "weakened people". *Mustadh'afin* is considered weak because they are economically poor people, do not have access to power in social politics, and look very simple.

Although the Law on Legal Aid only includes the poor as legal aid recipients, local governments can expand the scope of legal aid recipients by including vulnerable groups as recipients. This is based on the mandate of the 1945 Constitution of the Republic of Indonesia and several other laws and regulations. This is not against the Law on Legal

Aid. The expansion of the scope of legal aid recipients in regional regulations is a progressive step for the regional government as one of the obligated stakeholders.

Apart from the poor, vulnerable groups should also be prioritized in administering legal aid. The State must realize accessibility to justice for vulnerable groups, one of which is through the fulfillment of the right to legal aid.

Currently, there is no clear definition of vulnerable groups. The formulation of vulnerable groups can be seen in the elucidation of Article 5 paragraph (3) of the Law on Human Rights, which states that what is meant by "vulnerable groups" include the elderly, children, the poor, pregnant women, and people with disabilities. This explanation is considered to cover only some vulnerable groups. The Article stipulates that everyone who belongs to a vulnerable group of people has the right to receive more treatment and protection concerning their specificity. This formulation differs slightly from the vulnerable groups in the Law on Public Services and Disaster Management.

In the elucidation of Article 29 paragraph (1) of Law Number 25 of 2009 concerning Public Services (Law on Public Services), it is stated that certain communities are vulnerable groups, including the disabled, the elderly, pregnant women, children, victims of natural disasters, and victims of social disasters. Meanwhile, Article 55 paragraph (2) of Law Number 24 of 2007 concerning Disaster Management (Law on Disaster Management) states that vulnerable groups consist of: infants, toddlers, and children; mothers who are pregnant or breastfeeding; people with disabilities; and elderly.

In order for vulnerable groups to be well defined, revisions to the Law on Human Rights should also be carried out as a legal umbrella for the protection of vulnerable groups. It is important to cover the broadest possible vulnerable groups. If vulnerable groups are well defined, then vulnerable groups in laws and regulations related to legal aid can have one definition. Regional governments can also cover vulnerable areas, such as indigenous peoples or indigenous peoples, and other minority groups.

The discrimination that has the potential to hinder or limit vulnerable groups from accessing their rights must be avoided, and the State, including local governments, is responsible for this. By fulfilling the right to legal aid, vulnerable groups can access their rights fairly.

The variable-based definition of vulnerable groups, as proposed by The Center for Indonesian Policy Studies (CIPS) and Crisis Response Mechanism (CRM) in the Study Report: Development of an Anti-discrimination Advocacy Strategy for Vulnerable Groups in Indonesia, can be used as a reference in formulating the definition of vulnerable groups. Such variable- or formula-based definitions are considered middle ground. CIPS and CRM define vulnerable groups as any legal subject who meets the



physical, social, economic, or environmental vulnerability criteria and is entitled to special protection from the State. They also proposed an explanation so that in the elucidation of the Article, it is inserted that the legal subject in question is an individual or group, as well as citizens and non-citizens.

If this definition is used, then the scope of vulnerable groups will be wider. Regarding the subject of citizens and non-citizens in the explanation, it can include refugees as a vulnerable group. However, there is something that escapes from this definition, namely mental vulnerability.

Defining vulnerable groups based on variables can broaden the scope of vulnerable groups beyond the formulation in the elucidation of Article 5 Paragraph (3) of the Law on Human Rights. From a variable-based definition, at least, it can include vulnerable groups such as children, the elderly, women, persons with disabilities, indigenous peoples, refugees, migrant workers, fishermen, fish cultivators, salt farmers, and other minority groups.

In addition to the vulnerable groups regulated in several laws and regulations, the government must further examine other vulnerable groups, such as indigenous peoples, refugees, and other minority groups that need protection. Although dynamic, the definition of vulnerable groups must be formulated in statutory provisions. The law must provide space for regional governments to determine the coverage of other vulnerable groups based on the realities or needs in their area.

Defining vulnerable groups is important for the protection of vulnerable groups. The conditions of the vulnerability of certain groups must receive special treatment and protection from the government, including in terms of fulfilling the right to legal aid. Defining vulnerable groups is the government's homework at this time. Law on Human Rights only defines a number of vulnerable groups. A clear definition also creates certainty about protection for vulnerable groups.

From a number of laws, there are several groups required to receive legal aid, including the elderly, victims of domestic violence, persons with disabilities, migrant workers, children, fishermen, fish cultivators, salt farmers, and victims of sexual violence. The Law on Legal Aid as the legal basis for implementing legal aid currently only covers the poor as beneficiaries. Meanwhile, the groups mentioned above have not been covered. However, several regions recognize vulnerable groups in legal aid regional regulations.

Local governments can formulate vulnerable groups from laws that mandate legal aid, such as the list of laws that have been mentioned. Then, they can expand the scope of vulnerable groups based on the needs in their area, such as including indigenous

peoples and also refugees, if the area has these groups. Local governments can also cover other minority groups.

South Sulawesi Province is one of the regions that recognize vulnerable groups in the Regional Regulation on the Implementation of Legal Aid. In Regional Regulation number 1 of 2022, a vulnerable group is any person or group entitled to more treatment and protection with respect to their particularities. The vulnerable groups are women, children in conflict with the law, people with disabilities, Indonesian migrant workers, and the elderly.

Apart from the South Sulawesi Province, Wajo Regency first recognized vulnerable groups, although their coverage was still limited. In Article 5 paragraph (1) of Regional Regulation Number 4 of 2018 concerning the Provision of Legal Aid, it is stipulated that Recipients of Legal Aid include every person or group of poor people and also vulnerable groups, namely women and neglected children and persons with disabilities who are victims of criminal acts.

Upholding human rights is not only the responsibility of the central government but also the responsibility of regional governments. Local government, as one of the duty holders, must protect, guarantee, and fulfill human rights through legal regulations. Local regulations on legal aid are one of the means to fulfill this obligation. Regional Regulation is a form of public policy protecting the poor and vulnerable groups. This is not against the Law on Legal Aid. Regional governments also have the authority to expand the scope of legal aid recipients in local regulations, although the Legal Aid Law only stipulates the poor as legal aid recipients. The provision of legal aid can be included as part of community protection as stipulated in Law Number 23 of 2014 concerning Regional Government (Law on Regional Government). This was stated by Tjahjo Kumolo, Minister of Home Affairs for the 2014-2019 period, in his remarks in the *Handbook for Implementing the Legal Aid in the Regions*.

“...legal aid can be included as a concurrent government affair that is mandatory and related to basic services, especially Community Protection (Article 12 paragraph (1) letter e of the Regional Government Law).”

Regional Regulation is included in the hierarchy of statutory regulations. According to Achmad Ruslan, accommodative laws and regulations are laws and regulations that are humane and egalitarian by prioritizing the principle of justice. This is based on the assumption that everyone has different interests that must be accommodated by laws and regulations. According to him, the interests of society, both current and future, must be considered to be fulfilled.

The expansion of the scope of legal aid recipients is also not against the law because the regional Regulation contains the implementation of regional autonomy. In addition, Article 236 Paragraph (4) of the Regional Government Law stated that regional regulations can contain local content material per statutory provisions. Local governments can form regional regulations based on the needs that exist in their area.

The regions with their autonomy have the authority to regulate and manage their regions based on the aspirations and interests of their people as long as they do not conflict with the national legal order and public interests. The implementation of this autonomy is carried out one way by forming a regional regulation. Regional regulations, which are the same as local laws, only apply in the area of the region concerned. Regional regulations are prohibited from contradicting higher statutory provisions, public interests, and/or decency. Contrary to the public interest in question is causing disruption of harmony among members of the community, disruption of access to public services, disruption of public order and tranquility, disruption of economic activities to improve people's welfare, and/or discrimination against ethnicity, religion and belief, race, inter-group, and gender.

The establishment of a regional regulation on the implementation of legal aid also does not violate provisions related to the absolute affairs of the central government in the field of justice because what is meant by "justice matters" are, for example establishing judicial institutions, appointing judges and prosecutors, establishing correctional institutions, establishing judicial and immigration policies, granting pardons, amnesty, abolition, forming laws, government regulations in lieu of laws, government regulations, and other national-scale regulations. From this explanation, the implementation of legal aid is not an absolute matter but is included in the implementation of regional autonomy.

The uneven regional regulations on legal aid are not without reason. The legal umbrella for legal aid, namely the Law on Legal Aid, does not oblige regional governments to provide legal aid. The phrase "can" in Article 19 paragraph (1) becomes a loophole for regions not to provide legal aid or choose what matters are regulated, such as in implementing non-litigation legal aid. Some regions regulate it in various ways; some even do not regulate it at all, such as Makassar City and Takalar Regency, which only regulate Legal Consultation and Mediation as non-litigation legal aid in their regional regulations. In addition, Soppeng Regency arranges legal consultations, mediation, negotiations, and drafting of legal documents as non-litigation legal aid. Meanwhile, Sinjai Regency does not regulate non-litigation legal aid at all.

In Article 16 paragraph (2) of Government Regulation Number 42 of 2013 concerning Terms and Procedures for Providing Legal Aid and Distribution of Legal Aid Funds, it is stated that the Provision of Non-Litigation Legal Aid includes legal

counseling activities, legal consultations, case investigations, both electronic and non-electronic, legal research, mediation, negotiation, community empowerment, assistance outside the court, and/or legal document drafting. In the state budget, the budget for non-litigation legal aid is 6.5 billion in 2022.

Not only are local government obligations reduced in the Law on Legal Aid, but the scope of legal aid recipients in the law also does not include vulnerable groups. Vulnerable groups who are often marginalized must be made a priority in the implementation of legal aid.

The provisions governing the obligations of regional governments to provide legal aid based on several laws form the basis of government authority in fulfilling the right to legal aid for vulnerable groups. Meanwhile, the provision that local governments can allocate legal aid budgets based on the Law on Legal Aid is the basis for regional governments in fulfilling the right to legal aid for poor people. The authority of the local government is attributive. Authority is a fundamental factor in forming laws and regulations, including regional regulations, as stated by Philipus M. Hadjon. According to F.A.M. Stroink and J.G. Steenbeek as quoted by Aminuddin Ilmar, authority is the essence of constitutional law and state administrative law.

Currently, 619 LOAs have passed verification and accreditation based on the Decree of the Minister of Law and Human Rights Number M.HH-02.HN.03.03 of 2021 concerning Legal Aid Institutions/Organizations that Pass Verification and Accreditation as Legal Aid Providers for the 2022-2024 Period. This number increased from the previous period, which only amounted to 524 LOAs. Even though it has increased from the previous period, the LOA still needs to be increased because the poverty rate in Indonesia in March 2022 was 26.16 million people.

The increase in the number of verified and accredited LOAs also has yet to be able to place LOAs in every district/city. In South Sulawesi, for example, the 30 verified and accredited LOAs are only spread over 17 districts/cities. A total of 8 LOAs are in Makassar City, and 22 others are spread across 16 other Regencies/Cities. According to Central Bureau of Statistics data, the number of poor people in South Sulawesi in March 2022 was 777.44 thousand. 568.91 thousand poor people lived in rural areas, and 208.53 thousand people lived in urban areas. From these data, the composition of the poor population who live in rural areas is still higher. LOA, centered in the provincial capital of South Sulawesi, is inversely proportional to the number of poor people in rural areas.

From these data, Legal Aid Organizations (LAO) are still concentrated in Java. This means that the budget for legal aid is also higher in Java compared to other islands. East Java has the most verified and accredited LOAs, namely 65 LOAs. However, the number

of LOA is far from ideal, considering the number of poor people in the province reaches 4.25 million.

The imbalance in the number of LOA compared to the poor and vulnerable groups must be addressed so everyone can access justice. The regional governments, with their autonomy, can encourage LOA in their regions to be formed and encourage LOA capacity building so that they can meet verification and accreditation requirements. The local government is also expected to be able to help LOA survive as a provider of legal aid services. Increasing LOA is not only a matter of quantity but also of quality. Improving the quality is also the responsibility of the regional government so that the legal assistance provided is not only free of charge but also high quality.

## **CONCLUSION**

The local government has the authority to fulfill the right to legal aid for the poor and vulnerable groups. This authority is attributive. Law on Legal Aid stipulates that local governments can allocate budgets to provide legal aid for the poor as regulated in local regulations. In addition, the obligation to fulfill the right to legal aid for vulnerable groups is regulated in some laws, such as the Law on Elderly Welfare, Law on the Elimination of Domestic Violence, Law on the Juvenile Justice System, Law on Child Protection, Law on the Protection and Empowerment of Fishermen, Fish Cultivators, and Salt Farmers, the Law on Persons with Disabilities, Law on the Protection of Migrant Workers, and Law on Sexual Violence Crimes. A clear definition of vulnerable groups should allow local governments to include vulnerable groups as recipients of legal aid. Local governments can regulate this by referring to laws and regulations that require the fulfillment of legal aid for vulnerable groups. In order to provide legal certainty for the implementation of legal aid by local governments, it is best if the Law on Legal Aid is revised to oblige regional governments to allocate budgets for the implementation of legal aid. In addition, the Law on Human Rights as an umbrella for the protection of vulnerable groups must also be revised to clarify the definition of vulnerable groups.

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Sumber Lainnya

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