



Legal Aid Provision Program For Poor Communities

(Study of Policy Implementation Based on Mayor Regulation no. 49 of 2023 concerning Implementing Regulations for Regional Regulation no. 9 of 2021 concerning Legal Assistance for Poor People in Malang City)

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ABSTRACT

Poverty affects a person's access to justice. The legal aid program for the poor is one of the government's efforts to realize equal rights for all its citizens, especially disadvantaged people, to obtain their rights before the law. This research aims to describe and analyze the implementation of the program policy for providing legal aid for the poor based on Regional Regulation Number 9 of 2021 concerning Legal Aid for the Poor in Malang City.

The research method used is descriptive qualitative using the implementation model according to Merilee S. Grindle, namely policy content variables which include 5 (five) aspects, namely the type of benefits produced, the degree of change desired, the position of the policy maker, (who) is implementing the program, and the resulting resources; and the Policy Context variable which includes 3 (three) implementation contexts, namely power, interests and strategies of the actors involved, characteristics of authorities and institutions, compliance and responsiveness. Data collection techniques use interview, observation and documentation methods. Data analysis using interactive methods according to Miles, Huberman and Saldana.

The research results show that the implementation of the Legal Aid for the Poor program policy can overcome economic obstacles, strengthen the position of the poor before the law so as to create equality in legal treatment, and strengthen public trust in local government, but also increase legal awareness among the poor. The success of this Legal Aid program is supported by the intensity of outreach carried out by collaborating with various parties and using various media including social media and digital applications. For this reason, the Malang City Government provides a budget for legal assistance for underprivileged communities by collaborating with various parties, especially Legal Aid Institutions which have formal legality and are accredited. This shows the government's commitment and seriousness to serve the community in an excellent manner. This program is clear evidence that the Regional Government plays an active role in protecting the rights of the poor and ensuring that they are not marginalized in the legal system, realizing more inclusive and equitable social justice in Malang City.

Suggestions and recommendations: providing legal education to the public, simplifying the requirements for granting legal aid applications, adding work team members to help carry out verification of legal aid applicants.

Keywords: Huberman and Saldana method, Legal Aid, Poor Communities, Miles.

1. INTRODUCTION

Indonesia is a state of law, as stipulated in the Constitution of the Republic of Indonesia in 1945. Indonesian legal norms are formed by reference to the values of Pancasila as the basis of state ideology. Therefore, violation of the law in Indonesia is not only considered a violation of regulations, but also a violation of the principles and values of Pancasila. Thus, the legal norm becomes more than a formal rule, reflecting the spirit of unity, justice, democracy, just and civilized humanity, as well as the Supreme Godhead. Any activity or behavior that violates the law is considered an act that is contrary to the spirit and basic principles of the Unitary State of the Republic of Indonesia.

But at the level of law enforcement, often encountered treatment even decisions / verdicts that are not fair to the poor. In fact, poverty is one of the complex and multidimensional social problems, which is not only related to economic aspects, but also influenced by various other factors. Law has a significant role in regulating the distribution of resources, creating access to basic services, and protecting the rights of citizens. Therefore, weaknesses in the legal system are often one of the causes of social inequality and poverty.

Unjust legal realities exacerbate the conditions of the poor and create structural barriers for the poor to escape the snare of poverty. For example, legal uncertainty related to land ownership can cause poor people to lose their productive assets. This is corroborated by studies showing that agrarian-related legal conflicts often lead to the expulsion of small communities from the land on which they live (Borras et al., 2011). In addition, the non-inclusive judicial system and high legal costs are often barriers for poor people to claim their rights.

The number of poor people in Malang City in March 2024 reached 34.84 thousand people. This number has decreased by approximately 2,940 people, compared to the condition in March 2023 which amounted to 37.78 thousand people. Meanwhile, based on the percentage of poor residents of Malang City in the vulnerable period of one year, it decreased by 0.35 percent, from 4.26 percent in March 2023 to 3.91 percent in March 2024. The remaining poor are mostly those who fall into the category of chronic/extreme poverty. In this group of characters 4 L (The Last, the Least, the Lowest, and the Loss).

Factors causing poverty, among others, the open unemployment rate, the level of education is still low, human resources are still limited, and social assistance is still uneven allocation. Other causes are jobs that are still not widely available, and there are still many people who live in settlements with low quality.

This condition affects the way people view the law, resulting in violations of the law. Therefore, the Malang City Government makes a program of providing legal aid to the poor as an actualization of the city care for Human Rights and also in accordance with the mandate of the regulation of the Ministry of Law and Human Rights No. 10 of 2015 on government Implementing Regulation No. 42 of 2013 on the terms and procedures for the provision of Legal Aid and distribution of Legal Aid Funds. Legal Aid is an important matter in order to protect the constitutional right of every citizen to obtain recognition, guarantee, protection, and fair legal treatment before the eyes of the law. How is the implementation of Legal Aid Provision Program for Poor Communities in Malang City?

2. LITERATURE SURVEY

2.1 Public Policy

Public policy according to Young and Quinn in Suharto (2008:43) is a set of goal-oriented actions. Public policy is usually not a single decision, but consists of several choices of action or strategies made to achieve certain goals in the interests of the public. The same goes for W. I. Jenkins in Wahab (2012: 15) formulated public policy as a series of interrelated decisions taken by a political actor or a group of actors, with regard to the objectives that have been chosen along with the ways to achieve them in a situation. These decisions are in principle still within the limits of the powers of the actors involved in the decision-making process. Thus, the understanding of public policy according to both perspectives illustrates the complexity and multidimensionality of a policy.

According to Anderson, the concept of policy is the direction of action that has a purpose set by an actor or a number of actors in overcoming a problem or a problem (Winarno. 2007: 18). Public policy is whatever is chosen by the government, whether to do something or not to do (whatever government chooses to do or not to do) (Nugroho, 2009: 86). Policy objectives are directed towards achieving the interests of society in general, and such decisions remain within the limits of the powers of the actors involved in the policy-making process.

2.2 Implementation

Grindle (in Tachan, 2008:30) suggests that: "implementation – a general process of administrative action than can be investigated at specific program level" successful implementation according to Merilee S. Grindle (in Subarsono, 2011:93) is influenced by two major variables, namely the content of policy and context of implementation. Success is determined by the degree of implementability of the policy. The uniqueness of Merilee Grindle's style lies in her comprehensive understanding of the policy context, especially with regard to the

implementor, the recipient of the implementation and the arena of conflict that will occur between the implementation actors, as well as the conditions of the implementation resources that will be needed.

Implementation is an activity related to the completion of a job with the use of means (tools) to obtain results (Shadana: 2013). Public policy implementation terminology can be interpreted as the activity of completing or implementing a public policy that has been established/approved with the use of tools to achieve policy objectives. Policy implementation is a practical stage and is distinguished from policy formulation which can be viewed as a theoretical stage. It can also be said that the implementation of public policy is the process of executing concepts into operational technical rules and activity programs that are carried out after the policy is set (Shadana, 2013).

2.3 The Concept Of Poverty

There are different types of poverty: absolute poverty, relative poverty, cultural poverty and structural poverty. According to (Nugroho & Dahuri, 2012), absolute poverty is a condition in which a person or group of people are unable to meet their basic needs. Meanwhile, according to (Miller and Kuncoro, 2003) relative poverty is a condition when a person has enough income to meet the minimum basic needs, but still lower than the surrounding community. Theoretically, cultural and structural poverty (Suyanto, 2013:9) is more to the culture, habits and values adopted by the community such as lazy and weak work ethic.

The causes of this poverty consist of several factors, such as unemployment, low quality of human resources, and economic inequality. The impact of poverty can occur from several aspects of life including low quality of life, limited access to education and vulnerability to health problems.

2.4 Legal Aid For The Poor

According to Law No. 16 of 2011 on Legal Aid and according to Government Regulation No. 42 of 2013 on terms and procedures for providing legal aid and distribution of Legal Aid Funds, Legal Aid is a legal service provided by Legal Aid providers free of charge to Legal Aid recipients. In the implementation of Legal Aid, Law No. 16 of 2011 on Legal Aid has a purpose in organizing legal aid, as stated in Article 3 of Law No. 16 of 2011 on legal aid, namely:

- 1) Guarantee and fulfill the right to receive legal assistance to obtain access to justice.
- 2) Realize the constitutional rights of every citizen in accordance with the principle of equality of position in the law.
- 3) Ensure that the implementation of Legal Aid is carried out evenly throughout the territory of the Republic of Indonesia.
- 4) Realizing an effective, efficient, and accountable judiciary.

In other words, Legal Aid is legal services provided by Legal Aid providers free of charge to Legal Aid recipients, namely the poor/ underprivileged (Law No. 16 of 2011 Article 1 Number 1). Then reaffirmed in Government Regulation No. 42 of 2013 on the terms and procedures for the provision of Legal Aid and distribution of Legal Aid Funds, in Article 1 Number 1 states that Legal Aid is legal services provided by Legal Aid providers free of charge to Legal Aid recipients.

According to Adnan Buyung Nasution, legal aid for the underprivileged is essentially a program that is not only a cultural action, but also a structural action that is directed at changing the unjust order of society towards a society that is more able to provide a comfortable breath for the majority. Therefore, legal aid is not a simple matter. It is an act of liberation of society from the shackles of economic and social political structures loaded with oppression.(Frans Hendra Winarta, 2000: 22). Specifically in Malang regional Regulation Number 9 of 2021 concerning legal aid for the poor, it is emphasized that Indonesia is a state of law, this has been mandated in the Constitution of the Republic of Indonesia in 1945 article 1 ayat (3) which reads “the state of Indonesia is a state of law”. In the rule of law, the state recognizes and protects the human rights of every individual including the right to Legal Assistance. On that basis, the Malang City Government drafted a regional regulation on Legal Aid for the poor who live in Malang. This is a necessity because there is a problem that there are still poor people who do not receive legal assistance both in litigation and non-litigation assistance.

3. OBJECTIVE OF RESEARCH

Analyze the implementation and problems in the implementation of Legal Aid Programs for the poor in Malang, and find supporting and inhibiting factors.

4. RESEARCH METHODOLOGY

4.1 Research Approach

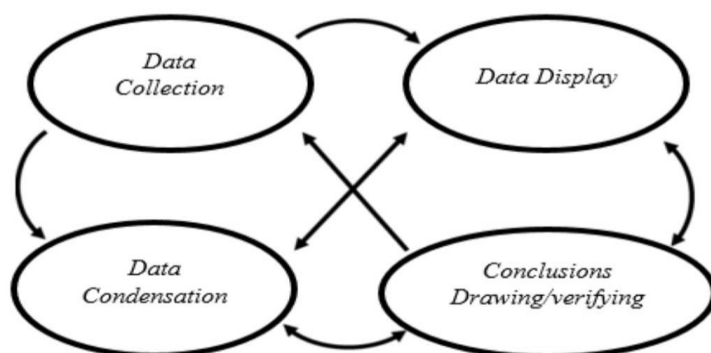
This research approach is descriptive-qualitative, which is intended to determine the value of one or more variables without making comparisons and linking the relationship of other variables . Data collection is carried out on a natural background by interpreting the phenomena that occur, and researchers as a key instrument, as well as the results of qualitative research tend to emphasize meaning rather than generalization (Anggito & Setiawan, 2018).

4.2 Research Location

The location of this study in the legal section of the Regional Secretariat of Malang City as an auxiliary work unit of the regional secretary in the preparation, formulation and coordination of regional policies. And in this case as the leading sector that is the organizer of legal aid program for the poor in Malang.

4.3 Data Collection and Data Analysis Techniques

Data collection techniques using interview, observation and documentation instruments. Researchers interviewed informants from the legal section of the Malang Regional Secretariat, people who have received legal assistance and informants from legal aid Institutionswhile, the data analysis technique used is an interactive Model data analysis technique according to Miles, Huberman and Saldana (2019 :328). Activities in data analysis, namely data collection, data display, data condensation (selecting and focusing), and data conclusion drawing and verification. All data obtained were validated using triangulation by: comparing the results of interviews with the object of research, checking the data through other sources (archives, books, documents), considering the time of data collection (days, hours), discussions with colleagues.



Picture 3.1 Field Data Analysis Techniques Interactive Model

Source: Miles and Huberman (Miles, Huberman and Saldana, 2019: 328)

5. RESULT AND DISCUSSION

5.1 Implementation Of Legal Aid Program For Malang City Community

Data analysis refers to the implementation model according to Merilee Grindle, especially with regard to the content of the policy, that there are 5 (five) indicators to assess the implementation of the type of benefits generated, the degree of change desired, the position of policy makers, program implementers, and resources generated . The five variables are related to each other.

a. Benefits of Legal Aid Programs for the poor in Malang

Based on the results of interviews with research informants, the benefits of legal aid programs for the poor in Malang are very significant, both in economic aspects, access to justice, and increasing legal awareness for the community. Economically, free legal assistance can ease the burden on the poor because the cost of lawyer services is often the main obstacle for people unable to access justice. From the aspect of access to justice, this program provides equal opportunities for the poor to defend their rights before the law.

Legal aid provided by Professional Legal Aid Institutions (LBH) ensures that underprivileged people can follow the legal process with adequate assistance.

In addition, this program also has an impact on increasing legal awareness among the poor. With the assistance and socialization carried out, people began to understand that justice was not something expensive or difficult to reach. This Program is slowly changing people's perception of access to justice, so that they are more confident in using legal channels to solve the problems they face.

It was revealed that the main purpose of the legal aid program for the poor is not merely to solve many cases, but rather to educate the poor so that they do not fall into unlawful acts that lead to litigation. With this program, the poor become more aware of the importance of understanding the law and the consequences of unlawful acts. So the success of this program is measured by the extent to which people can avoid behavior that can bring them into the realm of law; reduced number of cases handled by the authorities.

5.2 `Expected degree of change

The expected degree of change includes several aspects. First, increasing legal awareness among the poor, that is, they no longer feel afraid or reluctant to take advantage of legal channels when facing problems. Second, increased access to justice, as measured by the number of poor people who receive legal assistance and successfully obtain the assistance of lawyers in court proceedings. Third, changes in public perception of Legal Aid Services; society recognizes that justice as a fundamental right that can be accessed regardless of economic status.

Thus the desired degree of change to the program of providing legal aid to the poor in Malang can be interpreted as an increase in awareness and understanding of the law among the public, which is triggered by the development of technology and social media are increasingly massive. This has a positive impact in building confidence for the poor when dealing with law enforcement agencies.

5.3 Position of policy makers

In the implementation of legal aid programs for the poor in Malang, the position of policy making is also influential because the policies made will determine the direction, priorities, and effectiveness of the program. Malang regional Regulation Number 9 of 2021 concerning legal aid for the poor upon the joint agreement of the Malang Regional people's Representative Council and the mayor of Malang, a joint decision of the legislature as a representative of the people and the Malang City Government as an executive. This policy involving various stakeholders, such as local governments, legal aid agencies (LBH), and law enforcement agencies provides a strong basis for collaboration in the implementation of the program. In addition, policies based on valid data and analysis of the needs of the poor can strengthen implementation strategies, as well as optimize the utilization of available budgets.

A clear policy will provide detailed instructions on how legal aid procedures can be implemented efficiently, as well as clarify the role of each party involved, whether in terms of funding, legal assistance, or supervision. Therefore, the position of policy making in the context of this legal aid program is very important to achieve optimal results and ensure that the legal rights of the poor are well protected.

5.4 Malang Implementing Legal Aid Program for the poor in Malang

The Malang City Government, through the legal section of the Regional Secretariat, acts as the main executor with the support of Legal Aid agencies that have been verified by the Ministry of Law and Human Rights. The legal aid institutions involved are required to have a minimum C rating accreditation, which guarantees their competence and capacity in providing legal services to the poor.

Coordination between Malang City Government and Legal Aid Institutions is carried out intensively to ensure the implementation of the program runs in accordance with applicable regulations. The legal aid working team formed by The Local Government actively monitors and evaluates the implementation of the program, especially in the aspect of the effectiveness of legal assistance and budget utilization. Evaluation is conducted at the end of each fiscal year to assess the extent to which this program has met the objectives set.

Legal Aid Institutions Act as technical implementers who interact directly with the poor who apply for Legal Aid and as recipients of Legal Aid. In carrying out their duties, Legal Aid Institutions not only provide legal assistance in court, but also provide education to the public about their legal rights. Services provided by legal aid agencies include legal consultation, assistance in judicial proceedings, and mediation in conflict resolution.

The performance of the implementers of this program is generally considered good, Legal Aid Institutions show professionalism in assisting the poor. In addition, the implementers also continue to strive to improve the quality of services through periodic evaluations and coordination with related parties. The Malang City Government ensures that the Legal Aid Institutions involved have competent human resources, which are able to provide quality legal services and in accordance with the needs of the poor.

Overall, the implementation of the legal aid program in Malang is running well, supported by close coordination between local governments and legal aid agencies as well as ongoing evaluation. With a strong commitment from all relevant parties, this program is expected to continue to provide tangible benefits for the poor in getting access to equitable and quality justice.

5.5 Resources

The resources needed and utilized in the legal aid program for the poor in Malang become the main foundation of its successful implementation. These resources include human resources, finance, and supporting facilities that ensure that the program can run effectively and on target.

Legal aid institutions involved in this program consist of professional lawyers who have been verified by the Ministry of Law and Human Rights. Only Legal Aid Institutions with accreditation of at least C rank are eligible to become program implementers. This ensures that the legal personnel involved have adequate competence and capacity in providing legal assistance services to the poor. The lawyers are not only technically skilled, but also have the social understanding to serve economically vulnerable communities.

The budget allocated for this program through the regional budget of Malang is Rp.100,000,000.00 (One Hundred Million rupiah), with efficiency shown by the remaining budget of Rp.75,000,000.00 (seventy-five million rupiah) in the last year. The funds are used to fund legal assistance, including attorney fees, operating expenses, and other administrative needs. The Malang City Government also provides meeting room facilities, an organized administrative system, and technological devices to support communication between legal aid agencies, the government, and the community. However, the use of technology, such as digitization of filings and socialization of programs, is still a challenge that needs to be overcome to improve the efficiency and reach of programs.

Based on the discussion of point 1 on the implementation of legal aid for the poor, it is said that this program not only eliminates economic constraints, but also strengthens the position of the poor before the law, so as to create equality in legal treatment, and strengthen public confidence in local government. This finding reinforces the opinion of Anderson (in Winarno, 2007: 18) that the concept of policy is the direction of action that has the intent set by an actor or a number of actors in addressing a problem or a problem, namely the limited access of the poor in obtaining legal aid. With the Legal Aid Program for the poor, Malang City Government provides a budget for legal assistance for underprivileged communities. The government cooperates with various parties, especially Legal Aid Institutions that have formal legality and are accredited. This shows the commitment and sincerity of the government to serve the community in an excellent manner.

The Legal Aid Program for the poor is a clear proof that the Local Government plays an active role in protecting the rights of the poor and ensuring that they are not marginalized in the legal system, realizing more inclusive and equitable social justice in Malang. This is in line with the opinion of Adnan Buyung Nasution that legal aid is essentially a program that is not only a cultural action, but also a structural action that is directed at changing the unfair society towards a society that is more able to provide a comfortable breath for the majority (Winarta, 2000. P. 22.). It also reflects the principle of equality before the law and supports the government's efforts in realizing social justice.

- 1. Supporting and inhibiting factors of the implementation of Legal Aid programs for the people of Malang, namely:**

- a. Supporting factors :
 - Malang City government specifically allocates funds through the regional budget of Rp.100,000,000.00 (seratur million rupiah) annually.
 - Cooperation with legal aid agencies that are verified by the Ministry of Law and human rights, have a minimum accreditation rating of C.
 - A clear legal basis, namely the mayor's regulation number 49 of 2023 on the implementation of regional regulation number 9 of 2021 on legal aid for the poor.
 - The existence of a good coordination between the Government of Malang, legal aid agencies, the House of regional representatives, academics, and related regional organizations
 - Support from the community, community institutions, and non-governmental organizations
- b. Inhibiting factors :
 - Lack of public understanding of the terms and administrative procedures for accessing legal aid services.
 - Limited socialization conducted by local governments and related parties.
 - Procedures and administrative requirements are considered complex (too much) by some legal aid agencies make a number of legal aid agencies choose to cooperate with other agencies.
 - Limited use of technology, especially digitization of filings and administration. Administrative processes that are still carried out manually hamper the efficiency of the program, while limitations in utilizing technology also have an impact on the wider dissemination of information to the community.

6. CONCLUSION

The results showed that the policy implementation of Legal Aid programs for the poor can overcome economic barriers, strengthen the position of the poor before the law so as to create equality in legal treatment, and strengthen public confidence in local government, but also increase legal awareness among the poor. The success of this Legal Aid program is supported by the intensity of socialization carried out by cooperating with various parties and using various media including social media and digital applications. For this reason, Malang City Government provides legal aid budget for underprivileged people by cooperating with various parties, especially Legal Aid Institutions that have formal legality and are accredited.

This shows the commitment and seriousness of the government to serve the community in an excellent manner. This Program is a clear proof that the Local Government plays an active role in protecting the rights of the poor and ensuring they are not marginalized in the legal system, thus further realizing the rights of the poor, inclusive and equitable social justice in Malang. By presenting a comprehensive approach, the implementation of the Legal Aid Program in Malang is not just an attempt to approach the problem partially, but a strategic step to create sustainable change. By addressing the complex challenges facing the poor, the program can serve as an inspiring model for policy reform at the local and national levels.

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