

International Conference on Clinical Legal Education, is an International Proceedings and equivalent with scientific journal, published annually by [Faculty of Law](#), Universitas Negeri Semarang, Indonesia. *International Conference on Clinical Legal Education* published both online and printed version. This conference intended to be international forum for legal practitioners and stakeholders discussing and debate on contemporary issues on clinical legal education and legal clinics. The conference held in cooperation between Faculty of Law Universitas Negeri Semarang, Law Clinics, Bridges Across Borders South East Asia Community Legal Education (BABSEACLE), and Indonesian Clinical Legal Education Associations.
Print ISSN 2614-1809 Online ISSN 2614-3224

Article Online Version

For online version, check: <https://journal.unnes.ac.id/sju/index.php/iccle>

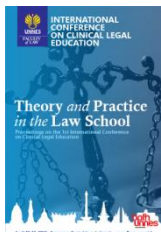
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BOOK Version



The proceedings also published in Book Version with special and standardized number **ISBN 978-602-61382-3-1** by BPFH UNNES (Faculty of Law Publishing House). For more information, please contact:

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HOW TO CITE THIS ARTICLE (APA Style)

Nofrizal, H. (2017). "Legal Assistance for the Poor in Rokan Hulu District of Riau Province", *International Conference on Clinical Legal Education*, Vol. 1 No. 1, 2017. Semarang: Faculty of Law Universitas Negeri Semarang, pp. 203-210.

Nofrizal, H. (2017). "Legal Assistance for the Poor in Rokan Hulu District of Riau Province", on Ridwan Arifin, Saru Arifin, Rahayu Fery Anitasari. (eds). (2017). *Theory and Practice in the Law School: International Proceedings of International Conference on Clinical Legal Education*, April 2017. Semarang: BPFH UNNES.

Legal Assistance for the Poor in Rokan Hulu District of Riau Province

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ABSTRACT

The emergence of Law No. 16 of 2011 on legal aid is expected to realize the right society in obtaining justice. Empirically, it is known that the law is enjoyed by many people who has the ability to pay a lawyer or advocate only. While the poor or who are not able to tend to resign with the circumstances, so that the term appears that we often hear, the blunt law upward, sharp down. In Rokan Hulu district of Riau Province the district government together with the DPRD welcomed The law immediately drew up local regulations on legal aid for the poor. It is stated in the rules of the Regional Regulation Rokan Hulu No. 6 on legal aid for the poor, but which became constraint is that in the area still minimal LBH (Legal Aid Institutions) are eligible to give advocacy for the poor in accordance with the requirements requested by the government, the Legal Aid Institute who has been accredited by the Ministry of Law and Human Rights, and accredited by the Ministry of Justice and Human Rights many conditions must be met so that when there is a credible Legal Aid Institution in the area want provide legal assistance to the poor, but cannot be done because of being knocked by requirements required by the government. The hope is that the aspirations of our country in realizing the rights of society in obtaining this justice can be achieved, it needs further arrangements that lead to it the implementation of legal aid programs for these poor communities by taking into account the quantity of legal institutions there are and many conflicts that need to be given advocacy assistance for these incapable people.

ARTICLE HISTROY

Received 12 February 2017

Accepted 12 April 2017

KEYWORDS

society cannot afford,
justice, regulation

Introduction

Country of Indonesia is a country which is based on Pancasila and the 1945 Constitution, recognition of HAM is related to equality before the law (equality before the law) is guaranteed in the Indonesian legal system as has been regulated in Article 28D paragraph (1) of the amendment the 2nd Constitution of the 1945 Constitution guarantees of recognition, protection and just legal certainty and treatment the same for everyone.¹ Help law constitutes every constitutional right citizens on the guarantee of legal protection dan guarantees equality before the law, as a means of recognition of human rights. Get legal aid for everyone is the embodiment access to justice (access to justice) as an implementation of legal protection and guarantee guarantees equality before the law. This is appropriate with the concept of legal aid being linked with the ideals of the welfare state (welfare state).²

¹ Andan Adi Satriawan, Upik Hamidah.SH.MH dan Satria Prayoga.SH.MH., IMPLEMENTASI BANTUAN HUKUM PADA MASYARAKAT MISKIN DI KOTA BANDAR LAMPUNG (Studi Di Lembaga Bantuan Hukum Bandar Lampung)

² *Ibid.*

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The term of legal aid itself is used as a translation of two terms which are different "Legal Aid" and "Legal Assistance". The term Legal Aid is usually used for the understanding of legal aid within narrow meaning of providing services in the field of law to someone inside a matter for free in particular for those who cannot afford. Legal Assistance used to indicate understanding of legal aid to them who cannot afford or provide assistance law by advocates who use the honorarium.³

According to Adnan Buyung Nasution assistance the law is:⁴ Legal aid, which means provision of services in the field of law to a person involved in a case or cases: 1) Provision of legal aid services done for free, 2) Help legal services in legal aid is more devoted for those who cannot afford in the community poor, 3) Thus the motive The main concept of legal aid is enforcing law by defending interests rights Rokan Hulu district is wrong one district located in Riau Province, in Rokan Hulu District there are organizations legal aid/legal aid agencies, advocate, college. Based on the results research data providing legal assistance which has been done in Rokan District Upstream has not touched many people or a group of poor people from that data there is, by 2015 the provision of legal aid given as many as 15 people with the amount of cases in Rokan Hulu district court 266 cases and from 2016 to June the number of cases entering 257 cases, while number of people getting legal assistance as many as 10 people⁵ it shows that very few people who gained access to it legal aid for those who are litigation. This is certainly a lot of factors cause it, for example ignorance community regarding the related legal process, inadequate human resources, at least the Legal Bantuan Organization is in the area so it is very difficult for the community to reach out to justice within law and the absence of government attention area specifically for this matter.

Based on the above mentioned on finally the government and the Regency DPRD Rokan Hulu tries to give attention in order to realize the existence equal position before the law (equality before the law) intended for provide access for every community cannot afford in all parts of Indonesia in order to enjoy the right to legal aid, then the government of Rokan Regency Hulu and DPRD agreed to make the rules Local Government on Legal Aid for the poor as an act up of the Law No. 16 of 2011 on legal aid. So in this case the author is interested to review local regulations as well as the draft regulation of district heads Rokan Hulu about legal aid for the poor are linked to the effectiveness of this rule in an effort to provide legal aid for the poor in Rokan Hulu district.

³ Abdurrahman. 1983. Aspek-Aspek Bantuan Hukum di Indonesia. Jakarta: Penerbit Cendana Press. Hlm.17-18.

⁴ Adnan Buyung Nasution, dkk.2007 Bantuan Hukum Akses Masyarakat Marginal terhadap Keadilan, Tinjauan Sejarah, Konsep, Kebijakan, Penerapan dan Perbandingan. Jakarta: LBH Jakarta.hlm.13

⁵ Data Pengadilan Negeri Pasir Pengaraian Tahun 2016

Discussion

As a follow up of the Act Legal aid is Law Number No. 16 Year 2011 then Rokan District Hulu follows it up with establishment of local regulations on legal aid for the poor who poured in Rokan district regulation Upstream number 6 of 2016, before the regulation this area was born member of Rokan Parliament Hulu consulted LBH on Jakarta in order to attempt to bring forth legislation that ditempu this area in order to later can be a rule that is not barren. Based on the consultation DPRD of Rokan Hulu District, Parties YLBHI Foundation, explained that Based on the results of monitoring YLBHI in several Indonesian Provinces, from 34 provinces, only 19 provinces which already has the Regional Regulation of Bankum (*Bantuan Hukum*, Legal Aid). While that, for the other 15 provinces do not yet have *Perda Bankum* or still in stage *Raperda Bankum*. In fact, in principles and guidance of the Union Nations (UN), related to access legal aid in the criminal justice system, The United Nations states that legal aid is the foundation of the enjoyment of rights others by someone in the judicial system criminal. Legal aid is meant for reducing the length of time the suspect is languishing in prison, reducing the population prison, avoid wrong and decreasing decisions victimization process. Besides that, legal aid also works for protect and protect the victims of crime to enjoy recovery and change the harm caused by the crime committed against him. In other words, legal aid is a requirement for the realization of justice evenly.

For the sake of realizing it, the Government should be as soon as possible to expand access legal aid in every corner of the region Indonesia. One way with initiate and encourage formation Legal Aid Organization by community. YLBHI further explained the establishment legal aid organizations can be established in the form of Foundation or Association. But the biggest problem occurs when it is not there are human resource establishment legal aid organizations. "To address that, the government can take advantage of all available resources. Suppose with a way to hire a lawyer in region of Rokan Hulu Riau to provide legal assistance free of C uma or by stimulating campus has the Faculty of Law to establish a Legal Aid.⁶

Also explained about the mechanism budgeting for aid organizations d law's range of funds provided. Based on experience LBH Jakarta, government budgeting process done with three patterns. First, the government pay with *langsam*, give at half the cost and then replace spending half the aid organizations the remaining law when it is finished giving assistance or legal assistance. Second, reimbursment, payment is made after mentoring or giving work legal aid is over. Third,

⁶ DPRD Kabupaten Rokan Hulu Konsultasikan Raperda Bantuan Hukum, <http://www.bantuanhukum.or.id/web/dprd-kabupaten-rokan-hulu-konsultasikanraperda-bantuan-hukum/>

grant namely the beginning of the funding given by government to be used in accordance with the proposal submitted. Grant funding patterns such as this is done by the Government of DKI Jakarta. Third the pattern has advantages and disadvantages each. All three are implemented based on the cooperation contract between government with institutions that provide legal aid. Through the contract government and aid agencies the law will support each other by rights and obligations are agreed upon. Besides that is, the government does not allow it to intervene in every single action taken by legal aid agencies.⁷

As a follow-up of the implementation Rokan District Regulation Upstream No. 6 of 2016 on Legal Aid for the poor, the Government Regency of Rokan Hulu made the Regulation Regent as a guideline for the implementation. In Article 6 in the draft regulation regent as a follow-up of the regulation district number 6 in 2016 on legal aid explained that:⁸

- (1) The legal aid agency applying as Giver Legal Assistance must be eligible:
 - a. incorporated;
 - b. accredited under the Rules Legislation;
 - c. have an office or secretariat permanent;
 - d. has a board;
 - e. have a Legal Aid program;
 - f. have an advocate listed on Legal aid; and
 - g. has offices / branches area.

These are the conditions that must be filled with a legal aid agency in providing legal assistance to the poor in Rokan Hulu District if you want to get help from the government local.

In Article 7 draft regulations regent of Rokan regency explained that the legal aid agencies are proposing petition as a potential Giver Belp Law shall attach:⁹

- a. copy of copy of accreditation;
- b. a copy of the deed of incorporation legal aid;
- c. copy of articles of association and budget household;
- d. copy of the deed of the management of the Institute legal aid;
- e. copy of letter of appointment as advocate on the Relief Society law;
- f. copy of license as lawyer advocate on the Relief Society law;
- g. copies of documents relating to the status of the agency's offices / branch offices law;
- h. copy of Taxpayer Identification Number Legal aid;

⁷ *Ibid.*

⁸ Art. 6, Rancangan Peraturan Bupati Rokan Hulu Nomor Tahun 2017 tentang Peraturan Pelaksanaan Peraturan Daerah Kabupaten Rokan Hulu Nomor 6 Tahun 2016 Tentang Bantuan Hukum.

⁹ *Ibid.*

- i. copy of financial management report 1 (one) year; and
- j. copy Assistance program plan Law.

These are the provisions that required for legal aid agencies who wants to provide legal aid for the poor to get the budget from local government, one of them is associated with having to be accredited such legal aid organizations are reflected in point a of Article 7 draft regulation regent of Rokan Hulu Regency. And to establish a legal institution those accredited also require requirements which have been subject to the rules in this case regulated in the ministry Number 3 of 2013 regarding the procedure of verification and accreditation of legal aid.

Regarding LBH accreditation, set more continued in the Regulation of the Minister of Law and Human Right No. 3 of 2013 on Method of Verification and Accreditation of Relief Society Law or Community Organization (Permenkumham No. 3 of 2013). In Permenkumham No. 3 Year 2013, it is stipulated that the Minister of Justice and Human Rights Man announces the implementation of verification and accreditation for LBH or organization societies who are interested in becoming Legal Aid. Such an announcement published in the official website of the Ministry of Justice and Human Rights.¹⁰

LBH who applied for verification and accreditation as Giver Legal Assistance must be eligible:

- a. Incorporated;
- b. Have an office or secretariat permanent;
- c. Has a board;
- d. Have a legal aid program;
- e. Have an advocate listed on LBH; and
- f. Has handled at least 10 cases.

Application for verification and accreditation done by attaching the completeness condition:

- a. photocopy of certificate of incorporation of LBH;
- b. photocopy of articles of association and budget household;
- c. photocopy of deed of LBH;
- d. photocopy of letter of appointment as advocate on LBH;
- e. photocopy of license as lawyer advocate is still valid;
- f. photocopies of documents regarding status LBH office;
- g. photocopy of Taxpayer Identification Number LBH;
- h. financial management reports; and
- i. Legal Aid program plan.

Then these are all requirements which must be met for aid agencies the law gets the budget from the government if doing legal

¹⁰ <http://www.hukumonline.com/klinik/detail/lt55f69b562062e/pendirian-lembara-bantuanhukum>

assistance for the poor. Looking at some of the rules set about legal aid for the community, ranging from law-un regulations Regent and regulation of minister of law and Ham Indonesia, then all these rules provide those requirements not simple. And it looks that which need it as if it were an institution non-state or government legal aid which requires aid agencies laws to help the country to guarantee the rights of its citizens to obtain fair treatment of law.

This gives a picture of the rules the law on legal aid is not will be effective result by such complicated circumstances and take time for aid agencies the law to fulfill it while outside there are many expensive things he can handle.

Conclusion

In an Indonesia based country Pancasila and the 1945 Constitution require State to think of citizen rights in obtain the same legal measure to obtain justice. Of course with the issuing of the Law on legal aid for the poor in Indonesia something that impressed attention The state has emerged in this regard, however if we examine the contents of the existing rules which are set about legal aid for the community this poor is good from the law, regional regulations in this particular case region of Regency Rokan Hulu, Regulation Regent of Rokan Hulu Regency and Regulation Minister of Law and Human Rights, all rules this gives an idea of how difficult it is a legal aid agency to obtain assistance from the government budget with a variety of conditions that decided, according to the author it should be the government requiring agencies - agencies legal aid to help government in providing access to justice the same for society with no burdening legal aid agencies with various conditions, as this can be one of the barriers not to can run the purpose of the law the legal aid is giving legal aid for the community does not able.

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