

**THE ROLE OF LEGAL AID ORGANIZATIONS IN ASSISTING THE
COMMUNITY IN ACCORDANCE WITH LAW NO 16 OF 2011 IN
LANGSA CITY**

THESIS

**Submitted as one of the requirements for
Obtaining a Bachelor's Degree (S1)
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Department/Major: Constitutional Law
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IAIN LANGSA**

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**THE ROLE OF LEGAL AID ORGANIZATIONS IN ASSISTING THE
COMMUNITY IN ACCORDANCE WITH LAW NO 16 OF 2011 IN THE
CITY OF LANGSA**

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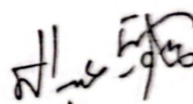
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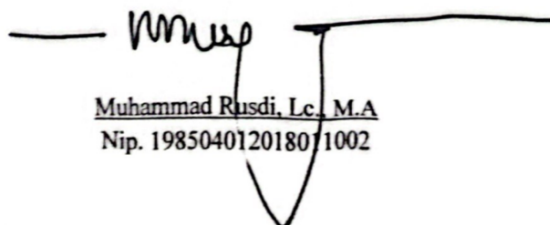


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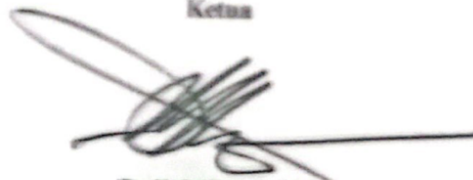
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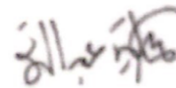
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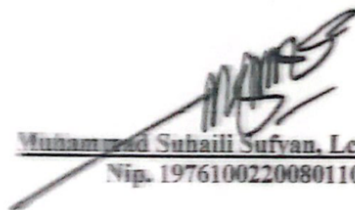
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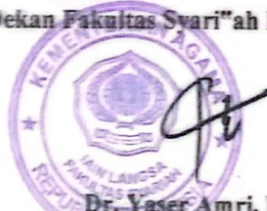
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Abstract

According to article 1 of Law No. 16 of 2011, Legal Aid is a legal service provided by Legal Aid Providers free of charge to Legal Aid Recipients. Although in practice there are still some people who do not receive free legal assistance. This is due to a lack of budget from the government which only funds 9 cases each year. Referring to the provisions of government regulations No. 83 of 2008 concerning Requirements and Procedures for Providing Free Legal Aid and the provisions of Law No. 18 of 2003 concerning lawyers, advocates or Legal Aid Institutions acting as institutions that provide free legal aid to underprivileged communities. This research discusses how the role of legal aid institutions optimizes the provision of legal aid to underprivileged communities, and what the obstacles in implementing legal aid by legal aid institutions in Langsa City. This research uses empirical research methods with interview techniques. The research results show that the provision of free legal aid to poor people is regulated in Government Regulation Number 83 of 2008, Law No. 18 of 2003 and Law no. 16 of 2011, the role of legal aid institutions in providing free legal aid to poor people is still not optimal. This is due to the lack of comprehensive assistance to poor people who are litigating, and the public does not know about the existence of legal aid institutions that are ready to help people dealing with the law for free, this is due to the lack of socialization about the existence of legal aid institutions in Langsa City, so the public does not know about the existence of legal aid institutions.

Keywords: Agency, Assistance, Law, Poor

FOREWORD

All praise and gratitude to Allah SWT and His mercy and grace, so that the author can complete the preparation of the thesis with the title "The Role Of Legal Aid Organizations In Assisting The Community In Accordance With Law No 16 Of 2011 In Langsa City". The author does not forget to give prayers and greetings to the Prophet Muhammad SAW who brought humanity from the era of ignorance to the era full of knowledge like today.

This thesis is intended as one of the requirements to obtain a Bachelor of Law degree (S-1) majoring in Islamic Constitutional Law at IAIN Langsa. On this occasion the author would like to express his infinite gratitude for the help and support from various parties so that this thesis can be completed. Through this foreword the author expresses his thanks to :

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The author hopes that this thesis can be useful for the parties involved, the IAIN Langsa Constitutional Law environment and readers in general.

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CHAPTER 1

INTRODUCTION

A. Background of the problem

Legal aid is an important instrument as part of protecting the rights of every individual human being that every citizen has. In fulfilling this right, the government has provided free legal aid for poor people when they are in conflict with the law. However, not many poor people know about this condition, as stated by the head of planning, Sayuti at the Alue Beurawe geuchik office, Mr. Sayuti stated that many of the Alue Beurawe gampong people do not know about the existence of legal aid facilities for the poor. So many people still don't know about the existence of these facilities, which causes them to feel that they don't get enough attention from the government in fulfilling their rights.¹ This is confirmed by the author's interviews with several people in Gampong Alue Beurawe, Syahril, who is one of the people in Gampong Alue Beurawe, when asked about legal aid, he admitted that he was not aware of the existence of legal aid facilities for poor people in resolving both criminal and civil disputes. ²

According to Ibnu Taimiyah, eliminating poverty and guaranteeing people's rights to justice, especially for the poor, is the obligation of the state.³ The same thing as stated by Ibn Taimiyah regarding the concept of justice in Islam above, this is a logical consequence and recognition of the state which says "All citizens are equal before the law and government and are obliged to uphold the

¹Interview with Sayuti, head of planning, November 13 2023 at the Geuchik office in Alue Beurawe village, Langsa city.

²Interview with Syahril, a resident of Alue Beurawe village, November 13 2023 in Alue Beurawe village, Langsa city.

³Ahmad Ibn Taimiyah, *Al-Amru Bi Al-Ma'rūf Wa Al-Nahyu 'an Al-Munkar* (Wizarah Syu'un al-Islamiyyah wa al-Da'wah wa al-Irsyad, nd). 29.

law and government accordingly with no exceptions. Then In Article 34 paragraph (11) of the 1945 Constitution, it is stated that "the poor and abandoned children are cared for by the State". This can be broadly interpreted to mean that the state is responsible for providing protection and recognition of the rights of the poor.

The provision of legal aid to citizens is an effort to fulfill and implement a rule of law that recognizes, protects and guarantees the human rights of citizens regarding the need for access to justice and equality before the law. Guarantees for these constitutional rights have not yet received concrete attention from the government, so that the enactment of Law 16 of 2011 concerning Legal Aid (hereinafter referred to as the Legal Aid Law) has become the basis for the state to guarantee that citizens, especially disadvantaged communities, have access to justice and equality. before the law. The presence of the Legal Aid Law is a new breakthrough that should be appreciated, especially in the fields of regulation, budgeting, supporting infrastructure and the quality of legal aid providers and services. However, it cannot be denied that at the implementation stage of implementing legal aid for the poor, there are still several weaknesses that need further attention.

In this research, researchers will examine in more depth the role of legal aid organizations in providing legal aid in the Langsa city environment.⁴

B. Identification of the problem

⁴Article 7 paragraph (2) Law No. 16 of 2011, Concerning Legal Aid, (Jakarta: Kemenkumham RI, 2011), p. 6.

1. What is the role of legal aid organizations in helping the community according to Law No. 16 of 2011 in Langsa City?
2. What are the supporting and inhibiting factors for legal aid organizations in providing legal aid to the community in Langsa city?

C. Research purposes

The aims and uses of this research are as follows:

1. To find out the role of legal aid organizations in helping the community according to Law No. 16 of 2011 in Langsa City
2. To determine the supporting and inhibiting factors for legal aid organizations in providing legal aid to the community.

D. Benefits of research

The benefits of this research have two aspects, namely, the theoretical aspect and the practical aspect:

1. Theoretically beneficial, researchers hope to provide knowledge that can be put into practice in everyday life. Especially for students who study law, especially legal aid that the community has the right to receive
2. Practically, the researcher hopes that the results of this research can channel useful ideas for me and the community in general to deepen legal knowledge about law, especially legal aid organizations providing legal assistance to the community.
3. To develop the knowledge gained while studying at the Constitutional Law Study Program, Faculty of Sharia, IAIN Langsa University.

E. Explanation of Terms

So that doesn't happen the inequality and ambiguity of the discussion in question will explain several meanings of the research title as follows:

1. An organization is a unit consisting of parts in an association for a specific purpose as well as a cooperative group between people held to achieve a common goal.⁵
2. Legal aid is legal services provided by legal advisors in an effort to provide legal protection and defense of the human rights of suspects/defendants from the time they are detained until they receive a court decision from when they are arrested/detained until they obtain a permanent court decision. being given legal protection is not the suspect/defendant's fault but rather the suspect/defendant's human right to avoid dishonorable or arbitrary treatment and actions from law enforcement officials.⁶
3. Society is a number of people in the broadest sense and bound by a culture that they consider to be the same.⁷

F. Previous Studies

The previous research that the author used as comparison material to align with the title of this research includes:

1. Nabila's thesis entitled "The Role of the Makassar Legal Aid Institute in Providing Free Legal Assistance". The results of this research stated that in

⁵Republic of Indonesia Department of National Education, 2008: 988.

⁶MA Kuffal, "Application of the Criminal Procedure Code in Legal Practice", Malang: UMM, 2004, p.158.

⁷<https://kbbi.web.id/community>.

getting free legal aid, it is not difficult, just bring an SKTM or something similar, the legal aid provider will immediately respond as long as it is in accordance with LBH Makassar's duties and the case is not a case that LBH Makassar does not handle, such as drugs when it is a dealer, illegal logging, corruption, and domestic violence when he is the perpetrator. This has similarities with research that researchers have carried out related to the process of providing legal aid and institutions that have the authority to provide legal aid. However, the author focuses this research more on the people in Langsa city regarding legal aid in Langsa city.⁸

2. Thesis from Eka Fitri entitled "Providing Legal Aid to Underprivileged Communities Carried Out by the Sipakatau Sipakalebbi Sipakakainge Legal Aid Institute". The results of this research state that the role of the Sipakatau, Sipakalebbi, Sipakainge legal aid institutions in providing legal aid to underprivileged people is to provide assistance to those seeking justice for the community in the form of litigation and non-litigation. Litigation within the court as well as non-litigation within the non-court area at no cost or free. This research has several similarities in the focus of the research that the researchers carried out, this lies in the pattern of providing legal aid and a study of legal aid institutions that meet the terms and conditions that apply in providing legal aid and those who receive legal aid. The author focuses this research more on the mechanism for providing legal aid to the poor in Langsa city.⁹

⁸Nabila "The Role of the Makassar Legal Aid Institute in Providing Free Legal Aid" (Alauddin Makassar State Islamic University, 2017).

⁹Eka Fitri, "Providing Legal Aid to Underprivileged Communities Carried Out by the Sipakatau Sipakalebbi Sipakainge Legal Aid Institute" (Bone State Islamic Institute, 2020).

3. Journal created by Nirwan Yunus and Lucyana Djafaar with the title "The Existence of Legal Aid Institutions in Providing Community Legal Services in Gorontalo Regency". The research carried out focuses more on the existence of LBH Gorontalo in providing legal services to the people of Gorontalo, where it prioritizes socialization about its role and position to the community in terms of providing legal services. And the local government must pay serious attention to helping LBH provide the necessary advice. This research has several similarities in studies related to legal assistance provided by legal aid institutions to the community, especially to people who meet the requirements for legal assistance. The researcher focused this research on the scope of Langsa city as well as several gampongs that received legal aid and several gampongs that did not receive legal aid in Langsa city, as well as analyzing the causes of several gampongs that did not receive information related to legal aid.¹⁰
4. Journal created by Zubir, Muhammad Firdaus and Syauqas Rahmatillah with the title "Providing legal aid to poor people based on Law No. 16 of 2011 concerning legal aid in the city of Langsa". The research conducted focused more on the existence of legal aid institutions in providing legal aid to poor communities in the city of Langsa. This has similarities with the research that the author researched, but the author focuses more on factors that can facilitate access to legal aid outreach and things that hinder legal aid organizations in providing legal aid to the community in Langsa city.

¹⁰Nirwan Yunus and Lucyana Djafaar: The Existence of Legal Aid Institutions (LBH) in Providing Legal Services to the Community in Gorontalo Regency.

G. Theoretical Framework

A theoretical framework is a series of systematic, abstract statements about a particular subject. The subject can be thoughts, opinions, values, social institutions, events, human behavior, and general theories that emerge from research variables.

In this study, researchers used legal effectiveness theory as a theoretical framework. The theory of the effectiveness of social or legal control, law in society is analyzed and divided into two, namely: (1) modern society, (2) primitive society, modern society is a society whose economy is based on a very broad market, specialization in industry and the use of advanced technology, In modern society, laws are made and enforced by authorized officials.¹¹The author prefers the theory of legal effectiveness compared to other theories because the effectiveness of law in action or legal reality can be known if someone states that a legal rule has succeeded or failed in achieving its goals, then it is usually known whether its influence has succeeded in regulating certain attitudes or behavior so that it is in accordance with purpose or not.¹²This is included in the research that the author carried out regarding the condition of the community in the implementation of Law No. 16 of 2011 concerning the provision of legal aid to the community whether it has been implemented in accordance with the Law or whether violations have occurred in the implementation of the Law.

¹¹ HS and Erlis Septiana Nurban Salim, *Application of Legal Theory in Theses and Dissertations* (Jakarta: Rajawali Pres, 2013).

¹²Salman Luthan, *Law Enforcement in a Sociological Context*, (Journal of Law, Vol. IV, 7), p. 57-70.

H. Research methods

Research methods are the methods or steps used by researchers in conducting research. This makes it easier for research to gain knowledge about the social phenomena that will be studied, so that they can formulate research problems well. As scientific research, methodical steps need to be taken to demonstrate operationally the methodology that will be carried out.

The steps used are:

1. Research Approach

This research is field research with a qualitative approach which aims to obtain a complete picture of reality and find patterns of interactive relationships. This research was carried out by describing and analyzing data expressed in the form of sentences or words (Qualitative).¹³In this research, the researcher uses the theory of legal effectiveness, namely by describing or explaining the role of legal aid organizations or legal aid institutions in helping the community according to Law No. 16 of 2011 in Langsa City.

2. Research sites

The researcher chose the research location in Langsa City because he had carried out observations first and asked about the supporting and inhibiting factors for legal aid organizations in providing legal aid to the people of Langsa City.

3. Data Collection Instrument

¹³ M. Hum Dr. Muhaimin, SH., Legal Research Methods (Mataram University Press, 2020), 106, [http://eprints.unram.ac.id/20305/1/Legal Research Methods.pdf](http://eprints.unram.ac.id/20305/1/Legal%20Research%20Methods.pdf).

Seeing that this research uses qualitative research, the data needed is the type of observational research and the problem being studied. Data was obtained from several sources, including:

- a. Primary data is data obtained from primary sources. Primary data was obtained from respondents and informants as well as sources that researchers interviewed, in this case such as the head of the legal aid organization Aceh People's Advocacy Foundation (YARA) as well as several people from several gampongs in Langsa city such as Alue Beurawe gampong and Daulat gampong. Data sources in empirical legal research come from field data. Field data is data that comes from respondents and informants including experts as sources.¹⁴
- b. Secondary Data is Data that is obtained indirectly from the source. Secondary data sources in this research are books, journals and previous research results that are related to this research.¹⁵

4. Data Collection Techniques

- a. Observation is an initial review activity carried out at the research location by recording, photographing and recording situations and conditions as well as legal events that occur in several government agencies, educational institutions and

¹⁴ *Ibid.*, 89.

¹⁵ *Ibid.*, 111.

business entities in Langsa City and asking questions directly to the people in Langsa City.¹⁶

- b. Interviews are techniques for conducting direct questions and answers between researchers and respondents or sources or informants to obtain information from government agencies, educational institutions, business entities and the public who are obliged to comply with the law. The interview technique used is a semi-structured technique which is a combination of structured and unstructured interviews. The questions asked in semi-structured interviews have been prepared beforehand, but can be changed according to what the respondent wants. Thus, semi-structured interviews allow researchers to collect more accurate data and also make it easier for researchers to compare data.¹⁷
- c. Documentation is a method used to obtain data and information in the form of books, archives, documents, written numbers and images in the form of reports and information that can support research. Documentation is used to collect data and then review it.¹⁸

I. Systematic research

So that the results of this research are presented systematically, the systematic discussion of this research is structured as follows:

¹⁶ *Ibid.*, 90.

¹⁷ *Ibid.*, 95.

¹⁸ Sukandarrumidi, *Research Methodology: Practical Guidelines for Beginner Researchers*, Fourth. (Gajah Mada University Press, 2012), 77.

Chapter I : which consists of several elements including the Introduction, in this section the author explains the background of the problem, problem formulation, research objectives, research uses, literature review, theoretical framework, research methods, and systematic discussion.

Chapter II : In this chapter, the author will discuss the basic material contained in the discussion, and the author also lists several agencies that support the role of legal aid organizations in helping the community in accordance with Law No. 16 of 2011 in Langsa City.

Chapter III : In this chapter, contains research methods which consist of several points which will be discussed, including types of research, research approaches, research methods, time and location of research data sources, data collection techniques.

Chapter IV: In this chapter the author will discuss information literature from informants to get answers or information regarding the title to be researched.

Chapter V: consists of several points, namely Closing, includes conclusions and suggestions from the research results.

CHAPTER II

THEORETICAL BASIS

In this chapter, the researcher will explain several theories related to the basic theoretical foundations related to organization, legal aid, and legal effectiveness according to several sources from experts in order to analyze the data found at the research location so that it is systematic and structured.

CHAPTER IV

RESEARCH RESULT

A...Profile of YARA legal aid agency Langsa City

In this chapter the researcher describes a general description of the research location which focuses on Langsa city and several gampongs in Langsa city such as Gampong Alue Beurawe and Gampong Daulat. The selection of this location was based on the needs of researchers in analyzing the implementation of Law No. 16 of 2011 by the YARA legal aid agency in providing legal assistance to areas far and near the YARA office which is located in Gampong Daulat.

Langsa City Langsa is a city in the province of Aceh, Indonesia.⁴⁷The city of Langsa is approximately 400 km from the city of Banda Aceh.⁴⁸In 2021, the population of Langsa city will be 185,622 people, with a density of 707 people/km.⁴⁹

Initially, Langsa was the capital city of East Aceh district and had Administrative City status in accordance with Government Regulation Number 64 of 1991 concerning the Establishment of the Langsa Administrative City. After the expansion of East Aceh district, the status of Langsa Administrative City was elevated to Langsa City based on Law Number 3 dated June 21 2001. Langsa City's anniversary was set on October 17 2001. Langsa City is famous as an education city, trade city, culinary city, and tourist cities.

Langsa City is a city that has both government and private Legal Aid Institutions. The Langsa City Legal Aid Institute is a non-profit organization in which there are several elements that cannot be separated. The Langsa City legal aid institution is located in Langsa City in several places, consisting of a director, secretary, treasurer, economic, social and cultural rights division, political and rights division, women's and children's rights division, division staff and employees.⁵⁰

⁴⁷Minister of Home Affairs Regulation Number 137 of 2017 concerning Government Administrative Area Codes and Data.

⁴⁸Minister of Home Affairs Regulation Number 72 of 2019 concerning Amendments to Minister of Home Affairs Regulation number 137 of 2017 concerning Government Administrative Area Codes and Data.

⁴⁹Population Data Visualization - Ministry of Home Affairs 2021(visual). www.dukcapil.kemendagri.go.id. Archived from the original on 05 August Retrieved 20 November 2023.

⁵⁰Adelia, Documentation and Information Management Officer for YARA Legal Aid Institute, Interview Langsa City, 18 November 2023.

1. The background to the establishment of the YARA Legal Aid Institute, Langsa City

The beginnings of the establishment of legal aid institutions in Langsa City include the following:

- b. Lack of lawyers who provide free legal assistance.

Legal aid institutions in general and in particular the Legal Aid Institute in Langsa City were formed from the concern of advocates for justice seekers, especially those who cannot afford it. The large amount of money that must be spent when people want to be accompanied makes it very difficult for people to fight for their rights.⁵¹

- c. The backlog of cases that are not accompanied by an attorney

As several laws require the presence of an advocate in court proceedings, it emphasizes the importance of having an advocate present. Article 37 of Law Number 4 of 2004 concerning Judicial Power, every person involved in a case has the right to receive legal assistance. Legal assistance in this article is provided by a legal advisor or currently better known as an "advocate".⁵² And according to the provisions of article 38 of Law Number 4 of 2004 concerning Judicial Power, a suspect from the moment of arrest

⁵¹Iqbal (29) Public Defender Staff of the YARA Legal Aid Institute, Interview Langsa City, 18 November 2023.

⁵²Republic of Indonesia, "law number 4 of 2004 concerning judicial power" h 4

and/or detention has the right to contact and request the assistance of an advocate.⁵³ Apart from that, Law no. 8 of 1981 concerning the Criminal Procedure Code (KUHAP) are the rules that regulate the procedures for examining a person who is suspected or accused of committing a criminal offense until he is decided/sentenced by a court. It also regulates the rights of suspects/defendants which must be respected, and fulfilled by law enforcement officers who examine them so that the examination of suspects/defendants is carried out fairly and in a balanced manner.

2. History of the YARA Legal Aid Institute, Langsa City

YARA was born from the shared ideals of people with various professions, educational backgrounds and disciplines and experiences. The combination of these various elements gives birth to a concept towards social change for society. Starting from a sense of concern and shared responsibility for the conditions of legal reality, education and development in a society that is still far from welfare standards. So YARA is obliged to fight for the social rights of the community towards a civil life that is approved by Allah SWT.

The Aceh People's Advocacy Foundation was formed due to the large number of requests for legal aid and the public contacting the Aceh People's Advocacy Foundation, and information from the public who

⁵³Ibid., p. 4.

complained that it would be difficult to access free legal aid as mandated by Law Number 16 of 2011 concerning Legal Aid.

As a civil society organization belonging to a public body, the Aceh People's Advocacy Foundation (YARA) is committed to upholding openness of public information. Below we describe information services and procedures for obtaining public information.

3. Vision of the YARA Legal Aid Institute, Langsa City

The vision of the Aceh People's Advocacy Foundation (YARA) is to fight for a prosperous, independent and socially just Acehnese society politically, economically and culturally.⁵⁴

4. Mission of the YARA Legal Aid Institute, Langsa City

1. Providing litigation and non-litigation advocacy to the people of Aceh
2. Improve the position of the Acehnese people in the political, local, national and international economic sectors

⁵⁴Adelia, Documentation and Information Management Officer for YARA Legal Aid Institute, Interview Langsa City, 18 November 2023.

3. Facilitate the human rights values of the Acehnese people in various aspects of life
4. Prospering the people of Aceh in accordance with their dignity and dignity.⁵⁵

5. Principles of Struggle of the YARA Legal Aid Institute, Langsa City

1. Legal aid services are provided to groups who are economically disadvantaged and politically disadvantaged.
2. Law enforcement, upholding the law by not allowing acts that violate the law and not compromising with the implementation of the law.
3. Lawyers always prioritize collective interests over personal interests.
4. And fighting for the goals and mission of the Legal Aid Institute, activists are not justified in compromising with injustice and human rights violations.

6. Principles of Struggle of the YARA Legal Aid Institute, Langsa City

1. Legal aid services are provided to groups who are economically disadvantaged and politically disadvantaged.
2. Law enforcement, upholding the law by not allowing acts that violate the law and not compromising with the implementation of the law.

⁵⁵ <https://yara.or.id/profil/#> Accessed: 18 November 2023.

3. Lawyers always prioritize collective interests over personal interests.
4. And fighting for the goals and mission of the Legal Aid Institute, activists are not justified in compromising with injustice and human rights violations.

7. Issue Focus

1. Land and natural resources
2. Environment
3. Laborers, migrant workers and the urban poor
4. Women and children
5. Civil and political rights, economic, social and cultural.

8. YARA Legal Aid Institute Work Program, Langsa City

1. Legal and Human Rights advocacy
2. Development of community legal resources
3. Study and research
4. Development of information and documentation work networks

9. The work structure of the YARA Legal Aid Institute.

Chairman : SAFARUDDIN, SH

Secretary: INDRA KUSMERAN, SH

Treasurer : YUDHISTIRA MAULANA, SH

Documentation and Information Management Officer: ADELIA
ANANDA, SH

Director of Legal & Human Rights Advocacy: YUDHISTIRA MAULANA,SH

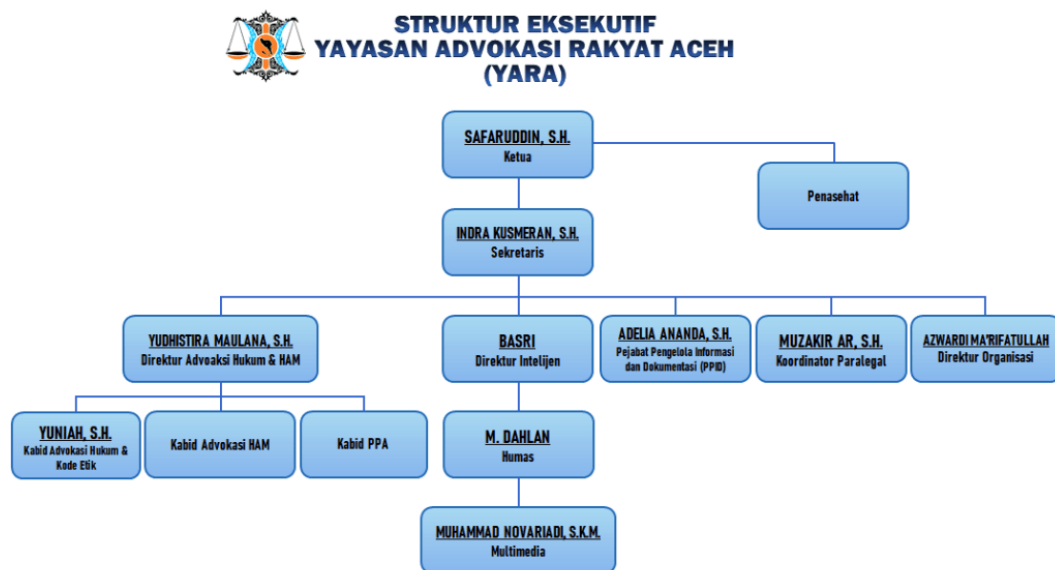
Public Relations: MUHAMMAD DAHLAN

Paralegal Coordinator: MUZAKIR AR, SH

Organization Director: AZWARDI MA'RIFATULLAH

Head of Legal Advocacy & Code of Ethics: YUNIAH, SH

Multimedia : MUHAMMAD NOVARIADI, SKM



10. Legal Basis of the YARA Legal Aid Institute, Langsa City

The Constitution as stated in Article 27 Paragraph 1, namely: "All citizens have equal status under the law and the Government with no exceptions" in Article 27 Paragraph 1 in relation to legal aid is the right of every citizen to obtain equal standing in the field of law⁵⁶, namely in the form of equal opportunities to obtain legal assistance both inside and outside the court.

⁵⁶Republic of Indonesia, 1945 Constitution.

Law Number 16 of 2011 concerning Legal Aid. Issues regarding legal aid are contained in chapter 4 of the conditions and procedures for providing legal aid in Article 14 Paragraphs 1 and 2. The relationship between this article and legal aid is that it explains the requirements for obtaining legal aid and the procedures for applying for it. requests either verbally or in writing.⁵⁷

Law Number 39 of 1999 concerning Human Rights. An explanation of legal aid for people who cannot afford it is contained in Article 18. The relationship between this article and legal aid is that a person being examined has the right to receive legal aid from the time of the investigation until a court decision has been made which has become enforceable. permanent law.⁵⁸

An explanation of legal aid for people who cannot afford it is in Articles 2, 3, 5, 10 and 12. The relationship between Article 2 and legal aid is that advocates are required to provide free legal aid to levels of society seeking justice regardless of rank. .

Article 3 Paragraphs (1 and 2) relate to legal aid, which means legal aid provided free of charge applies at every level of the judicial process, both inside and outside the trial.

Article 5 in relation to legal aid is that a request for free legal aid may be submitted jointly by justice seekers if there is a common interest in a legal matter.

⁵⁷Republic of Indonesia, Law Number 16 of 2011 concerning Legal Aid.

⁵⁸Republic of Indonesia, Law Number 39 of 1999 concerning Human Rights.

Article 10 in relation to legal aid is that advocates in providing free legal aid must provide the same treatment as providing legal aid that is carried out with payment or honorarium.

Article 12 Paragraphs (1 and 2) in relation to legal aid are that advocates are prohibited from refusing a request for free legal aid, and if a request for a legal aid provider is rejected, then the request can submit an objection to the advocate organization or Legal Aid Institution concerned.⁵⁹

B. Practices of the YARA Legal Aid Institute in helping the community in accordance with Law Number 16 of 2011 in Langsa City

Seeing the above definition, the role of Legal Aid Institutions is very much needed for the poor in terms of settlement and assistance. The legal services that can be provided include litigation and non-litigation legal aid services.

On November 18 2023, researchers conducted an interview with Mrs. Adelia Ananda SH as YARA Documentation and Information Management Officer, then the researcher asked Mrs. Adelia questions:

"What legal practices have been implemented by the YARA legal aid agency in helping the people in Aceh, especially in the city of Langsa, in providing legal assistance to the people in the city of Langsa?"

⁵⁹Republic of Indonesia, PP No. 83 of the Year Requirements and Procedures for Providing Free Legal Aid.

Then Mrs. Adelia Ananda SH answered: in practice, the YARA legal aid agency has provided a lot of legal aid to the community, both in the form of litigation and non-litigation, to the community in Langsa city; especially those who meet the requirements for receiving legal aid.⁶⁰

Then the researcher asked the next question to Mrs. Adelia Ananda SH:

What about legal education to the community? Are there any obstacles in providing legal education to the community in Langsa City?

Then Mrs. Adelia Ananda SH answered: in the practice that we have implemented, thank God there are no problems. However, there are several things that need to be taken into account, namely that the limitations of time, advocate personnel and budget also sometimes make the space for movement more limited in carrying out outreach to the community. But yeah, be safe. We will continue to carry out outreach according to the agenda agreed upon by the management. There are several things that need to be known, that after conducting outreach to several village community delegates, there were some of them who did not carry out socialization back to the community as instructed to them.⁶¹

YARA Proker	Strategy	Gampong	Community response
Technical Guidance.	Village representative.	All villages in Langsa city.	No socialization from representatives.

⁶⁰Adelia Ananda SH, Documentation and Information Management Officer for YARA Legal Aid Institute, Interview Langsa City, 18 November 2023.

⁶¹Adelia, Documentation and Information Management Officer for YARA Legal Aid Institute, Interview Langsa City, 18 November 2023.

Socialization.	Village representative.	Gampong Blang.	There is no socialization from representatives.
Counseling.	To several sub-districts such as Langsa Lama and Langsa Baro sub-districts	enthusiastic	Greatly helped
Social media.	Educational posts and online complaints.	Langsa City.	Greatly helped.

The results of field data collection that researchers obtained from interviews in Langsa City.

From the results of the interviews above, it can be concluded that there are several inhibiting factors in carrying out legal education outreach carried out by the YARA legal aid agency. One of them is the time factor and not too many advocate personnel.

Therefore, the author will explain several legal bases for providing legal assistance to assist the author in analyzing the final results of field findings obtained from interviews with legal actors and the community.

As for the definition of legal basis, several tasks and functions of Legal Aid Institutions include:

1. Litigation

The term Litigation in English "litigation" means court process so that litigation is the process of resolving cases through court, which is carried out by legal aid providers for justice seekers, in order to defend their rights and interests. Legal aid includes legal aid in criminal cases where the legal aid provider is limited to accompanying the suspect/defendant and providing it based on existing legal procedures and procedures, both regarding defense, the process of resolving the case, and the institution authorized to resolve the case, namely the court.⁶²

2. Nonlitigation

a. Definition of Nonlitigation

Non-litigation is the resolution of legal problems outside the court process, the aim of which is to provide legal assistance and advice in order to anticipate legal problems that arise.

b. Negotiation

Negotiation is a method of resolving disputes in which two or more people, the parties who have an issue or dispute, compromise or bargain with each other regarding the interests of resolving an issue or dispute to reach an agreement. The party conducting the negotiation is called a negotiator, as someone who is considered capable of negotiating. Several things that must be considered when carrying out negotiations include:

⁶²Sunarti, *Dispute Settlement Law*. (Jakarta: Sinar Grafa, 2007), p.2.

1. Understand the goals you want to achieve.
2. Mastering negotiation material
3. Know the purpose of the negotiation
4. Mastering technical negotiation skills, including communication skills.

c. Mediation

Mediation is a method of resolving disputes outside of court which is more or less the same as negotiation. The difference is that there is a third party who is neutral and functions as a mediator or facilitates the mediation, who is usually called a mediator. The third party may only provide suggestive suggestions, because basically the parties are the ones who decide to end the dispute. The third party must also be neutral so that it can provide objective suggestions and not appear to be taking sides with one party. Mediation is a mandatory procedure in the civil case examination process, even in arbitration where the judge or arbitrator is obliged to order the parties to carry out mediation and if the mediation fails then the case examination continues, not everyone can become a professional mediator because to be a mediator you need some kind of certification. special.

d. Arbitration

Arbitration is a dispute resolution process which is a form of legal action recognized by law in which one or more parties submit their dispute with one or more parties to a professional expert arbitration person who acts as a judge or

court who applies state legal procedures. valid until it is mutually agreed upon by the parties to arrive at a final and binding decision.⁶³

Apart from the above, there are several additional tasks charged by the Legal Aid Institute, including:

1. Legal Counseling

The 1945 Constitution in its general explanation states emphatically that Indonesia is a country based on law (*rechstaat*) and not based on mere power (*machsstaat*). With the concept of a rule of law, the rule of law is binding on all citizens without exception. authorities in the State of Indonesia, in order to achieve the social control function of law, realizing order, justice and tranquility in society as well as the function of law to change social life so that it is more qualified, advanced and prosperous, development is directed, comprehensive and sustainable. and the results can be recommended by all levels of society.

In accordance with the provisions of the 1945 Constitution, that every citizen has the same position under the law and government, anyone who violates the law will be subject to sanctions in accordance with the applicable legal regulations.

By realizing the importance of the function of law for the life of society, nation and state, the government provides guidance on all elements of the legal system. The target of legal development, apart from legal materials and aid institutions, is also the development of legal culture.

⁶³Sunardi, Court Litigation and Non-litigation, (mandar: PT Mandar Maju 1999) p 5.

Awareness of the need to foster legal culture is due to the development of the idea that the law will only begin to be effective if the public knows, understands and implements legal rules consistently. Activities to foster legal culture include legal counseling.

The Ministry of Law and Human Rights has issued various legal regulations which form the operational basis for legal counseling activities such as Regulation of the Minister of Law and Human Rights Number: M-01.PR.08.10 of 2007 concerning Amendments to the Regulation of the Minister of Law and Human Rights of the Republic of Indonesia Number: M- 01.PR.08.10 of 2006 concerning Legal Counseling Patterns, and 2008 has been planned as the Year for Improving Legal Culture with a Conscience.

Program creation and concrete planning and implementation of legal counseling activities have been carried out by the counselors, although it is not yet optimal, at least facilities and facilities are starting to open up to carry out various legal counseling activities. Legal counseling is part of national legal development and national legal development is part of national development. Therefore, legal education activities cannot be separated from the big plan regarding how human life (WNI) is to be developed so that its quality improves and in essence directs them to behave and act in accordance with what is mandated in the 1945 Constitution.

The main objective of this legal education activity is essentially so that people know the law, understand the law, are aware of the law, so that they can obey the law without coercion, but make it a necessity. A person's understanding

of the law varies and really depends on what they know from their experiences regarding the law.

More clearly, Article 2 of the Regulation of the Minister of Law and Human Rights of the Republic of Indonesia Number: M-01.PR.08.10 of 2007 concerning Amendments to the Regulation of the Minister of Law and Human Rights of the Republic of Indonesia Number: M-01.PR.08.10 of 2006 concerning Patterns of Legal Counseling, explains the objectives in The purpose of holding legal education is to create a better legal awareness in society so that every member of society is aware of and appreciates their rights and obligations as citizens and creates a legal culture in attitudes and behavior that are conscious, obedient and obedient to the law and respect human rights.

The vision and mission of this legal counseling activity is to ensure that legal rules are implemented without causing feelings of fear of legal sanctions, but rather that they comply with legal rules because of their awareness of respect for the law.

In carrying out legal counseling activities, it would be good if the legal material to be proposed is made on a priority scale based on knowledge, understanding and appreciation of the legal material, so that legal material which is very important for the life of the nation, state and society can be immediately proposed so that it can be understood immediately. and appreciated by society. This of course needs to be inventoried and based on comprehensive considerations and based on evaluation results, legal problem maps, state interests and community needs.

Then the counselors must be able to convince the public that by knowing and understanding the law there are many positive things or benefits to be gained, including:

1. Get opportunities for convenience that are protected by law.
2. It is not easy to be subject to legal consequences in the form of sanctions or suffering.
3. It is not easy to become a target for exploitation by lawyers who sell law to make ends meet.
4. Legal awareness in society.

In the aim of holding legal counseling as explained in Article 2 of the Regulation of the Minister of Law and Human Rights of the Republic of Indonesia Number: M- 01.PR.08.10 of 2007 concerning Amendments to the Regulation of the Minister of Law and Human Rights of the Republic of Indonesia Number: M-01.PR.08.10 of 2006 concerning Patterns Legal Counseling, there is the sentence "to create legal awareness in society", meaning that legal counseling is very closely related to increasing legal awareness in society, it is through legal counseling activities that people become aware of the law. Legal awareness in society is the output of the process of legal counseling activities which is characterized by the existence of a sense of respecting the law, through practice in the field, only methods or techniques of legal counseling that are communicative and able to touch people's conscience to respect the law, can be effective in raising public legal awareness. People's choices in behaving and acting not in accordance with what the law requires are greatly influenced by the

morals and character of society, because the law is never separated from the social environment.

Society is said to be aware of the law if society generally consists of people who obey the law because they are aware of the law, in the sense that they do not obey the law because of coercion or because they are afraid of sanctions. From the community's legal awareness, a legal culture will be created in the form of order and obedience or obedience to legal norms and applicable laws and regulations for the sake of upholding the supremacy of the law. Legal culture is defined as society's attitude towards the law and the legal system which includes beliefs, values, ideas and society's expectations towards the law. The operation of law in society is largely determined by the attitudes, views and values held by members of society.⁶⁴

d. The role of legal counseling in increasing public legal awareness

Legal education is a system of activities whose main aim is to make people aware of the law, to become aware of the law, it is not enough for society to just know and understand the law, but requires a further process in the form of thinking. By achieving legal awareness, the person makes legal norms or rules his choice of behavior. By carrying out legal education activities, it is hoped that the public will know all the applicable laws and regulations, after they know and their understanding increases, they will be moved to respect and obey the rules of law (legislation), then a legal culture will be created in the form of order and

⁶⁴Kosmargono, Legal Counseling, (Jakarta: Sinar Graphic 1989)

obedience. comply with legal norms and applicable laws and regulations for the sake of upholding legal supremacy.

One of the efforts to build and create a legal culture in society is through general legal education for all levels of society in the form of legal counseling. For 2009-2013, legal counseling has created a Grand Design prepared by the Ministry of Law and Human Rights by adapting to the dynamic development of society. and advances in information technology. In the future, the implementation of legal counseling will use more new innovations and increase the use of more modern communication media through print media, electronic media and other media, including techniques and methods of legal counseling. To achieve an increase in legal culture and form public legal awareness, legal counseling activities should set policy direction:

1. Carrying out general legal education and cultivation aimed at the entire community. That many violations of the law occur due to weak legal dissemination and counseling which is part of the responsibility of State administrators and law enforcement officers.
2. Increasing the use of communication media supports the acceleration of dissemination, knowledge, understanding and appreciation of the law.
3. Increase coordination in carrying out legal outreach by utilizing active community participation, electronic and non-electronic media and also by utilizing information technology.
4. Improving and enriching legal development and counseling methods to continuously increase public legal awareness and human rights.

5. Utilizing all forms of legal campaigns, both direct and indirect, by creating legal slogans that stick in the hearts of the community so that the community is automatically moved to improve legal culture.
6. Increase the professionalism and ability of legal extension workers both in terms of legal substance, sociology and recognition of local community behavior, so that communication in conveying proposed legal material can be more quickly, understood and well received by the community.
7. Through ability and professionalism in carrying out legal counseling, so that the message conveyed to the public is reached and received well, one must take smart steps in legal counseling by giving the public a sense of trust in the extension staff.
8. Law enforcement must be accompanied by preventive efforts in the form of socialization of legal products because the law must also provide protection for the people to obtain justice, not to cause misery. Therefore, legal counseling must receive serious attention.

The Legal Empowerment and People's Rights is intended as an effort to empower the community in the field of law. The main mission of legal empowerment is how to make local laws and State laws useful for society and the State can be useful for society in overcoming various problems in the relationship between society and the State or other third parties. Legal issues are not only seen in the context of State law, but as well as customary law and other local laws. This means that the problem is not seen as a problem caused by just one law, for example by State law which is not implemented fairly, but is also seen in the context of the ineffectiveness of customary laws and other local laws in dealing

with disputes or conflicts between the community and the State, or other outside parties. The main problem to be answered in legal enforcement efforts in this context is finding synergy between various laws that grow in society and state law.

The efforts made are Legal Assistance (Non-Litigation), critical Legal Education, with target groups Society/Community, Students and Academics and other strategic groups, by encouraging the growth of initiative and participation of the community and various parties in Legal Empowerment through Assistance, organizing , Training, Study and Research as well as other integrated activities related to natural resource management.

Continuously improve Legal Empowerment as a Catalyst for Change and Social Movements in the management of natural resources to various parties to gather support. Developing alternative and creative education for the community.

C. Supporting and inhibiting factors for legal aid institutions in providing legal assistance to the community in Langsa city

Role and support are dynamic aspects of position (status). If someone carries out their rights and obligations in accordance with their position, then they have carried out their role.⁶⁵

According to Zaid Al Adawi, Secretary General of the Aceh People's Advocacy Foundation (YARA), the Langsa Representative stated that, in order to carry out its role, LBH YARA Langsa City made the following efforts:

⁶⁵Soejono Soekanto, Introduction to Sociology, (Jakarta: Ghali Indonesia, 2012), p.212.

- d. Organizing the provision of legal aid and/or general defense which includes all work or attorney services for clients inside and outside the court.
- e. Holding technical guidance, implementation discussions, publishing books and brochures, and so on.
- f. Collaborating with government and non-government institutions/agencies/institutions.
- g. Providing itself as a forum for legal practice training for Law Faculty students.⁶⁶

According to H. A. MUTHALLIB IBR, SE, SH, M.Si., M.Kn. Chairman of the Aceh People's Advocacy Foundation (YARA) Representative of Langsa. In an interview conducted by researchers on January 15 2024, Mr. Zaid said that one of the factors that hampered the progress of counseling and socialization of legal aid to the community in Langsa city was because there were only 5 advocate personnel. and the budget from the Ministry of Law and Human Rights which only funds 9 cases per year, more than that, YARA provides free legal aid and even uses personal funds to help poor people so that it can assist them. Among the villages where socialization has been carried out include Sungai Pauh Pusaka Village, Sungai Paoh Firdaus Village, West Langsa District, Langsa Baro District, and Matang Seulimeng District. Then he said that several other gampongs had not carried out socialization due to budget and personnel limitations. Mr. Zaid also said that LKBH YARA provides legal assistance to poor people who have

⁶⁶Zaid Al Adawi SH(29) Secretary General of the Aceh People's Advocacy Foundation (YARA) Langsa Representative, Interview, Langsa City, January 15 2024.

sentences of less than 5 years, if it is more than 5 years then it will be taken over by POSBAKUM in the District Court or Sharia Court.⁶⁷

The presence of the YARA Legal Aid Institute in Langsa City is very helpful in upholding justice as it plays a role in helping people who are economically and politically disadvantaged, realizing equality for women and protecting children. What is specified is: fishermen, migrant workers and the urban poor, as well as protection. children and women So that the ideals of Pancasila, especially the 5th principle of social justice, can be realized for all Indonesian people, as well as helping to create a very popular legal principle "equality before the law" namely equality before the law without distinguishing between capable or incapable.

The Islamic concept emphasizes that everyone is equal before the law and there is an obligation to uphold the law and justice for all individuals. Providing legal aid is proof of achieving an impartial and fair trial." In this case, the concepts taught in Islam have not been implemented perfectly, because not all poor people receive free legal assistance.

Law enforcement officers will of course encounter obstacles or obstacles in their efforts to enforce the law, as well as in implementing free legal aid for poor people. So in this case there can be several inhibiting factors.

According to Satjipto Rahardjo, as a process, law enforcement is essentially a variable that has correlation and interdependence with other factors.

⁶⁷HA MUTHALLIB IBR, SE, SH, M.Si., M.Kn. Chairman of the Aceh People's Advocacy Foundation (YARA) Langsa Representative, Interview, Langsa City, January 15 2024.

There are several related factors that determine the law enforcement process as stated by Lawrence M. Friedman, namely substance, structure and cultural components. Some of these components are referred to as the scope of operation of law as a system. These factors will greatly determine the law enforcement process and failure in one component will have an impact on other factors.⁶⁸

Legal aid is a right for a defendant/suspect who is incapable or poor and has been regulated in detail in statutory regulations. This does not mean that the defendant can easily obtain legal aid from an advocate in enforcing the idea of

legal aid into a reality, however There are also several inhibiting factors that will influence it. Substance, structure and cultural factors will greatly determine the law enforcement process or the process of implementing legal aid for poor people or groups of people in a case. The discussion of factors inhibiting the implementation of legal aid for poor people or groups of people in a case is closely related to the legal system theory of Lawrence M. Friedman and the concept of factors that influence the enforcement of laws from Soerjono Soekanto.

The legal system consists of legal sub-systems, which include legal substance, legal structure and legal culture, as described in the theoretical basis of legal system theory from Lawrence M. Friedman. These three sub-systems are what really determine whether a system can work or not and it is these three sub-systems that also determine whether legal aid for poor people or groups of people in a case can run well or not. According to Soerjono Soekanto, as explained in the

⁶⁸Satjipto Rahardjo, *Law Enforcement A Sociological Review*, (Jakarta: Genta Publishing, 2009), p 215.

theoretical basis, the main problem of law enforcement actually lies in the factors that might influence it.

Factors inhibiting the implementation of legal aid for poor people or groups of people in a case, if studied from the theory of the legal system from Lawrence M Friedman and the concept of factors that influence law enforcement from Soerjono can be divided into 3 factors, namely, the legal substance factor (legal substance), legal structure, and legal culture.

1. Legal Substance Factors (Legal Substance)

The legal substance factor in this case includes Legislative Regulations, Article 1 number 2 of the Law of the Republic of Indonesia Number 12 of 2011 concerning the formation of Legislative Regulations states that, "Legislative Regulations are written regulations that contain legal norms which are generally binding and are formed or determined by State institutions or authorized officials through procedures stipulated in the Legislative Regulations ". Legislative Regulations are written regulations that contain legal norms, which include the types and hierarchy of Legislative Regulations as regulated in Article 7 paragraph (1) of Law of the Republic of Indonesia Number 12 of 2011 concerning the formation of Legislative Regulations.

The legal substance factor, as explained by Lawrence M. Friedman, can be seen that legal substance is composed of rules and regulations regarding how institutions must behave, which in this case is in the form of Legislative Regulations.

Legal substance has become one of the inhibiting factors that influences the implementation of legal aid for poor people or groups of people in a case. Weaknesses in the substance of the Legislative Regulations governing legal aid affect the implementation of legal aid so that in practice it cannot be implemented properly. Legislation governing legal aid still contains weaknesses that do not accommodate human rights, as well as poor people and uphold the principle of equality before the law in upholding the right to legal aid which should be provided as widely as possible (access to legal counsel) and without restrictions. There are still overlapping regulations which certainly hinder the implementation of legal aid in a case.

2. Legal Structural Factors (Legal Structure)

Legal structural factors in this discussion include law enforcement factors and means and facilities. The law enforcement factor in this discussion will be limited to groups who are directly involved in law enforcement, as stated by Soerjono Soekanto, "what is meant by law enforcement will be limited to groups who are directly involved in law enforcement which does not only include law enforcement, but also peace maintenance" Soerjono Soekanto also stated that, "Law enforcement factors, namely the parties who form and apply the law". The discussion regarding legal structure will be divided into two, namely:

a. Internal factors

Internal factors are factors that come from within the law enforcement itself. Advocates play a very important role in the implementation of legal aid because they are the ones who directly provide legal services to poor people or groups of people in the form of legal aid. Law enforcement from an internal perspective shows weak moral and social awareness of advocates. This condition is absolutely a reason not to provide assistance. law, because when advocates have high awareness, advocates will actively seek or offer legal services, bearing in mind that legal aid providers are very open, both at the police level, at the District Court through Legal Aid Posts and also at Legal Aid Institutions. In practice, advocates who have never provided legal assistance in their position as newly appointed advocates are also a logical condition that can still be found in the practice of providing legal assistance.

b. External factors

External factors are factors from outside law enforcement, apart from outside law enforcement, they also include facility or facility factors. Soerjono Soekanto stated that, "Without certain facilities or facilities, it is impossible for law enforcement to run smoothly." These facilities or facilities include, among other things, educated and skilled human power, good organization, adequate equipment, sufficient finances and so on.

3. Legal Cultural Factors or Cultural Factors

According to Lawrence M. Friedman, as explained previously, legal culture is an element of social attitudes and values, which refers to the parts of general culture - customs, opinions, ways of acting and thinking that direct social forces towards or away from the law and in certain ways. Soerjono Soekanto stated that "Legal culture (system) basically includes the values that underlie the applicable laws, values which are abstract conceptions regarding what is considered good (so it is adhered to) and what is considered bad (so it is avoided). These values are a pair of values that reflect two extreme conditions that must be harmonized."⁶⁹

The definition of legal culture in the legal dictionary is, "Attitudes and values related to the law together, together with attitudes and values related to behavior related to the law and its institutions, both positively or negative." Based on these opinions, it is known that legal culture can include values regarding the law, values in the form of concepts regarding what is considered good and bad, attitudes related to behavior related to law and law enforcement officers, and also behavior of society itself that occurs repeatedly or an element of social attitudes and values, which refers to parts of the general culture, customs, opinions, ways of acting and thinking.

4. Community Factors

⁶⁹Soerjono Soekanto, *Factors that influence Law Enforcement*, (Jakarta: Raja Grafindo Persada), p. 59.

The community is one of the factors that influence the implementation of legal aid in a case. According to Soerjono Soekanto, "Law enforcement comes from the community. Therefore, viewed from a certain angle, society, assumptions or opinions (opinions) can also influence the implementation of legal aid in a case. Soerjono Soekanto stated that "Of the many meanings given to law, there is a tendency which is big in society, to interpret the law and even identify it with officers (in this case law enforcers as individuals). One of the consequences is that law enforcement, which in his opinion is a reflection of the law in terms of structure and process, also states that, "Another problem that arises as a result of public opinion is that aspects of the application of legislation are interpreted too broadly or too narrowly. Apart from that, there may be a habit of not reviewing legislation which sometimes lags behind developments in society. Apart from the strong tendency of society to interpret law as law enforcers or law officers, there are certain groups in society who interpret law as legal order or written positive law. One of the negative consequences of the view or assumption that law is merely written positive law is that there is a very strong tendency that the only task of law is to provide legal certainty. With the tendency to place more emphasis on public interests, strong ideas have emerged that all areas of life can be regulated by written law. These legislative tendencies will ultimately find satisfaction in the birth of legislation that is not yet valid sociologically.

Meanwhile, according to Moch Ali, there is no significant obstacle for the court to appoint an advocate, because the advocate appointed by the court has always been ready and willing to accompany the defendant/suspect during the trial process, if there is one, perhaps only an advocate who has appointed by the court are not willing, but in general the advocates who have been appointed by the court are always willing. He said that what was hampering the implementation of providing legal aid to poor or disadvantaged people was the lack of legal aid funds provided by the government through the Ministry of Law and Human Rights. The funds provided to the Court are still not sufficient to meet the funding needs for lawyers, so that they are willing to provide free legal assistance to people who cannot afford it through the Legal Aid Post (POSBAKUM).

On November 20 2023, the researcher conducted an interview with Mrs. Nur Jannah as a resident of Gampong Daulat. The researcher chose to interview Mrs. Nur Jannah because her house is located close to the YARA Langsa office and she is also included in the poor community and is eligible to receive legal aid. . Then the researcher asked questions to Mrs. Nur Jannah:

Do you know that the government provides free legal aid to poor or underprivileged people?

Then Nur Jannah's mother answered: you know, there is an office near here. They sometimes hold events to let you know about reports of loss, if there is a case you can tell them.

Then the researcher continued with the next question:

Have you ever received legal assistance from the YARA legal aid agency?

Mrs. Nur Jannah answered: I've never heard of it, there have only been small cases. We didn't tell them because it was just a small case like kids fighting.⁷⁰

Then the researchers interviewed several local people who live not far from the office of the YARA legal aid agency, they said the same thing as that mentioned by Mrs. Nur Jannah, they knew and had received legal aid outreach to the community.⁷¹

The current reality of providing legal aid is that the main actor in legal aid for poor people is the Legal Aid Institute. Campus Legal Aid Institutions, Community Organizations, Political Parties and other Non-governmental Organizations. So when we talk about expanding access to equality before the law and justice for all, Government policy through regulations in Government Regulation Number 83 of 2008 concerning Requirements and Procedures for Providing Free Legal Aid (PP Legal Aid) is far from adequate because in addition to narrowing the space The scope of the field is also not optimal, the number of advocates is very inadequate

⁷⁰Interview with Nur Jannah, a resident of Daulat gampong, November 20 2023 in Daulat gampong, Langsa city.

⁷¹Interview with Anto, a resident of Daulat gampong, November 20 2023 in Daulat gampong, Langsa city.

compared to the population (poor) of Indonesia and most advocates live in large city centers.

On November 20 2023, researchers conducted interviews with Pak Ampon as a resident of Alue Beurawe village. The researcher chose to interview Mr. Anto because his house is located far from the YARA legal aid agency office and he is classified as a poor person who is entitled to legal aid. This also aims to be able to analyze field findings related to differences in whether the legal aid program is known or not known about the legal aid program from the distance of the YARA legal aid agency office and gampong areas that are near and far from the office. Then the researcher asked Mr. Ampon a question:

Do you know that the government provides free legal aid to underprivileged people?

Then Mr. Ampon answered: I don't know, is there really one? As you know, paying is expensive. If we have a problem, we are a bit lazy about dealing with the authorities. It's going to be complicated.

Then the researcher explained that there was a program from the government to provide free legal assistance to poor people. Then the researcher continued with the next question:

Have you ever attended a legal education event or socialization of legal aid to underprivileged communities?

Mr. Ampon answered: Never before. If there is any later, please let us know.⁷²

And when interviewed by researchers, several local people also said the same thing. Therefore, the findings from the data that have been obtained will then be analyzed by researchers to determine the conditions that occur in society related to the implementation of Law No. 16 of 2011 in providing legal assistance to the community.

Then also on January 12 2024, researchers interviewed several people in Gampong Alue Beurawe who had civil disputes but did not have access to legal aid even though they met the requirements for obtaining legal aid. The researcher asked Mrs. Nur Hasanah:

Have you ever heard of a legal aid organization? Government legal aid program?

Buk Nur Hasanah answered: never. Never knew before.

Then the researcher explained about free legal assistance to Mrs. Nur Hasanah and the conditions for obtaining this legal assistance. Then the researcher continued with the next interview question:

During the time you lived in Alue Beurawe gampong, was there ever any counseling or socialization of legal aid to underprivileged people??

⁷²Interview with Pak Ampon (57), a resident of Alue Beurawe gampong, November 20 2023 in Alue Beurawe gampong, Langsa city.

Mrs. Nur Hasanah answered: Never before, yesterday we had a land dispute with the house next door, our land was taken by our neighbors in the house next door, no one defended us, people even kept quiet, because I didn't want to make a fuss, so I gave in. Just. Just try to find out about legal aid, maybe mother land rights can be maintained. Even from the gampong, no one knows anything about this legal aid institution.⁷³

Researchers also interviewed several people in Alue Beurawe gampong with the same questions that researchers asked Mrs. Nur Hasanah, such as Mr. Sulaiman (75), and several people in Alue Beurawe gampong, Langsa city.⁷⁴

The researcher also interviewed Mr. Syahrul, a member of the community who had attended paralegal technical guidance from the YARA legal aid agency, then the researcher asked several questions:

Has Mr Syahrul ever heard of legal aid organizations?

Mr. Syahrul answered: Yes, bro, I once took part in technical guidance from the legal aid organization YARA, for more or less 3 days. If I'm not mistaken, that was in 2023, bro. We were told how to become paralegals and provided outreach to villages because we were given the mandate to do that.

Then the researcher continued with the next question:

⁷³Interview with Mrs. Nur Hasanah (65), a resident of Alue Beurawe gampong, January 12 2024 in Alue Beurawe gampong, Langsa city.

⁷⁴Interview with Pak Sulaiman (75) and Bu Fitri (32), residents of Alue Beurawe gampong, 12 January 2023 in Alue Beurawe gampong, Langsa city.

Is there any outreach carried out for the gampongs?

Mr. Syahrul answered: *Nothing bro, I also don't understand how to socialize to let village people know. It's better if the parents go straight to the villages, which is better. We don't understand.*⁷⁵

D. Researcher Analysis

Based on the concept of justice mentioned by Ibnu Taimiyah regarding justice in the concept of siyasah fiqh which says that it is the government's obligation to look after and protect the poor, and it is the government's obligation to provide legal certainty and legal assistance to all poor and underprivileged people in accordance with Article 34 paragraph (11) of the 1945 Constitution. Based on the data that researchers have obtained, the YARA legal aid institution has provided legal aid based on Law No. 16 of 2011 to help underprivileged people so that they get free legal aid for people who are classified as poor, and implementing Law No. 3 of 2021 concerning paralegals in an effort to provide legal education to all gampongs in Langsa city. Even though in practice it has not been implemented optimally, legal aid institutions have tried to comply with applicable laws. As well as government regulation Number 83 of 2008 concerning Requirements and Procedures for Providing Free or Free Legal Assistance and the provisions of Law No. 18 of 2003 concerning Lawyers/Advocate, and as well as Law Number 16 of 2011 concerning

⁷⁵Interview with Pak Syahrul (27), a resident of Alue Beurawe gampong, 12 January 2024 in Alue Beurawe gampong, Langsa city.

Legal Aid, have regulated the procedures for providing free legal assistance to the poor." "In the Islamic concept, it is emphasized that all people are equal before the law as an obligation to uphold the law and justice for all individuals. In this case, providing legal aid as one manifestation of achieving impartial and fair justice is a concept taught in Islam that has not been implemented perfectly, because not all poor people receive free legal aid."

Based on the results of interviews, researchers can analyze that the role of legal aid institutions in providing legal aid to poor people is not yet optimal, this is because there are still many poor people who do not know about the existence of free legal aid due to limited budgets and member advocates. One of the factors that hinders the progress of counseling and socialization of legal aid to the community in Langsa city is that there are only 5 advocate personnel and the budget from the Ministry of Law and Human Rights which only funds 9 cases per year for legal aid carried out by the YARA legal aid agency. Moreover, YARA provides free legal assistance and even uses personal funds to help poor people so that they can assist them. Among the villages where socialization has been carried out include Sungai Pauh Pusaka Village, Sungai Paoh Firdaus Village, West Langsa District, Langsa Baro District, and Matang Seulimeng District. Then he said that several other gampongs had not carried out socialization due to budget and personnel limitations. Mr. Zaid also said that LKBH YARA provides legal assistance to poor people who have sentences of less than 5 years, if it is more than 5 years then it will be taken over by POSBAKUM in the District Court or Sharia Court. Apart from

that, people still feel afraid of law enforcement officers because there are many negative stories spread among the poor. Some people do not know about the existence of legal aid institutions that are ready to help people dealing with the law for free, therefore people think that every lawyer's assistance must be paid for, so people do not make requests for free legal aid to legal aid institutions in Langsa. There is a lack of socialization regarding the existence of legal aid institutions in Langsa City, so that the public does not know about the existence of legal aid institutions. The implementation of Law Number 16 of 2011 concerning Legal Aid has not been optimal, because there are still many poor people who do not get free legal aid. The non-optimal provision of free legal aid is not only caused by the government or legal aid institutions, the non-optimal provision of free legal aid is also caused by people not knowing that they have the right to be accompanied for free, and all the costs incurred as a result of the assistance. is borne by the State. So many people do not make requests for free legal assistance to the Legal Aid Institute.

CHAPTER V

CLOSING

A...Conclusion

From the discussion above, the researcher concludes that the role of legal aid institutions in providing legal assistance to the poor is in accordance with Law No. 16 of 2011. However, there are still several things that need to be improved for the government and LBH in providing free legal aid to the poor. There are still some poor people who have not been properly accompanied and provided assistance in pursuing cases, both civil and criminal.

In providing free assistance to the poor, there are several obstacles experienced by the YARA legal aid institution in Langsa city, including the lack of attention from the government so that the implementation of free legal aid is not effective for the poor, and there are also some people who do not know about its existence. Legal aid institutions are ready to help people who are dealing with the law for free, therefore the public considers that every lawyer's assistance must be paid for, so that people do

not make requests for free legal aid to legal aid institutions in Langsa. Then there are also limited outreach activities regarding the existence of the Legal Aid Institute in Langsa City carried out by the YARA legal aid agency which is still not comprehensive in all gampongs in Langsa City, this is due to the large area of Langsa City and requires time to carry out outreach. This then makes it difficult for some people to know or access the existence of Legal Aid Institutions, especially villages which are far from the location of the legal aid institution's own office.

B...Suggestion

1. The government should pay more attention to the funding provided to LBH YARA, so that advocates are not overwhelmed by providing legal assistance to those seeking justice.
2. The government should also guarantee that Legal Aid Institution activists, such as law enforcers and other legal practitioners, minimize the occurrence of undesirable things due to economic reasons.
3. It would be better for the YARA legal aid agency to optimize legal counseling to areas further away from the location of the YARA office so that legal counseling is evenly distributed to all areas in Langsa city.

Note : Because there are several obstacles to researchers' access to information in collecting data on people who receive free legal aid from the Yara legal aid agency, the author recommends future researchers to collect this data. It's because the access to government website which is not