

The Role of the Tuah Negeri Nusantara Legal Aid Institute in Law Enforcement

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Abstract

Purpose: This paper examines the role of the Tuah Negeri Nusantara Legal Aid Institute in Riau, Indonesia, highlighting its professional legal assistance, education, and reform efforts. It explores the significance of legal aid in addressing the region's growing need for accessible legal support.

Method: A qualitative review of the institute's activities, including case records and interviews with legal professionals, was conducted. The study focuses on the institute's handling of over 500 cases since 2016 and its broader contributions to legal reform.

Practical Applications: The findings demonstrate the institute's vital role in providing legal aid to underserved communities and its influence on legal education and reform. These contributions offer a model for improving access to justice in other regions.

Conclusion: The Tuah Negeri Nusantara Legal Aid Institute has had a substantial impact on the legal sector in Riau, handling over 500 cases since 2016. Its work highlights the importance of legal aid in promoting justice and advancing legal knowledge in Indonesia.



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Introduction

The Indonesian legal system and the 1945 Constitution guarantee equality before the law, as stated in Article 27, Paragraph 1 of the 1945 Constitution: "Every citizen has equal standing before the law and government without exception." One effort to realize justice or equal standing under the law is through the provision of legal aid to every citizen involved in legal cases. According to Soerjono Soekanto, legal aid essentially means legal assistance provided by experts to community members in need, allowing them to realize their rights and receive fair legal protection (Fathoni, 2018; Fauzi, 2018).

Legal issues in Indonesia arise from several factors, including the weakness of the judicial system, the poor mentality of law enforcement officers, inconsistencies in law enforcement, power interference, and irrelevant legal products (Mangowal, 2019; Rahmawaty & Rahmaningsih, 2024; Saputra, 2023). These issues are exacerbated by the low level of public legal awareness and understanding (Maulidah, 2019). This lack of awareness and understanding can manifest as ignorance of the prevailing laws or the unawareness of legal aid, which is a right for the poor and can be obtained free of charge. As a result, everyone has the right to access legal services—whether they can afford a lawyer or not, the poor who cannot afford legal representation can still receive legal aid, reflecting equality before the law (Abib et al., 2023; Efendi & Susanti, 2021).

The legal profession is, in fact, known as a noble profession, because it requires defending everyone regardless of their background, race, skin color, religion, culture, or socioeconomic status. However, constitutional guarantees of this right have not received adequate attention. Therefore, Law Number 16 of 2011 concerning Legal Aid was established as a basis for the state to ensure that citizens, particularly the poor or groups of poor individuals, have access to justice and equality before the law (Murdiana, 2021). Providing legal aid to citizens is a form of fulfilling and implementing the rule of law, which recognizes, protects, and guarantees the human rights of citizens, particularly in terms of access to justice (access to justice) and equality before the law (Adnan et al., 2024; Yuliawan, 2020).

The state addressed this issue by enacting Law Number 16 of 2011 concerning Legal Aid as a tangible measure to protect citizens' equality before the law. This law includes provisions for legal aid funding, which can be accessed by advocates who provide legal aid to the poor, as well as legal aid institutions. It is hoped that with the existence of Law Number 16 of 2011 concerning Legal Aid, legal aid institutions in access to justice will play a greater role in ensuring the provision of legal aid in Indonesia.

The development of legal aid also led to the emergence of Legal Aid Institutions as one of the legal aid movements in Indonesia, characterized by their dynamic nature and more professional management compared to the management of legal consultation bureaus run by law faculties, both private and public.

The presence of Legal Aid Institutions is crucial in society, considering the principle of equality before the law. This is particularly important given that a significant portion of the population lives below the poverty line, and the lack of legal knowledge among the public is an obstacle to the application of law in society (Sugiarto, 2018). Moreover, Indonesia's legal culture and public awareness of the law remain low. In addition to promoting a new concept in the implementation of legal aid programs in Indonesia, Legal Aid Institutions are considered the pioneers of institutionalized legal aid and are regarded as the most successful during their time. These institutions have inspired the growth of various legal aid organizations and frameworks in Indonesia.

To ensure the implementation of legal aid in accordance with the 2011 Legal Aid Law, Legal Aid Institutions play a significant role. This paper will discuss the role of the Legal Aid Institution *Tuah Negeri Nusantara* in advocating for the rights of the people in court.

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Method

This activity was carried out at the Tuah Negeri Nusantara Legal Aid Institute located in the city of Pekanbaru. During the implementation of the activity, information was gathered regarding legal aid and the process of resolving a case. The service activity was conducted using methods of active participation, observation, interviews, and documentation, all of which are interconnected. The interview method was used to obtain information by directly asking respondents or consulting with the head of the Legal Aid Institute, who acted as the facilitator, to provide information in line with the discussed topic.

Result

Legal aid is an important instrument in the Criminal Justice System, as it represents a form of human rights protection for every individual, including the right to legal assistance. There are two terms related to legal aid: "legal aid" and "legal assistance." The term "legal aid" is typically used to refer to legal assistance in a narrow sense, meaning the provision of legal services to individuals involved in a case, free of charge, especially for those who cannot afford it. Meanwhile, "legal assistance" is used in a broader sense, which includes not only legal aid for those unable to pay but also legal assistance provided by lawyers who charge a fee or receive payment from clients.

The state, based on Law Number 16 of 2011 concerning Legal Aid, guarantees the constitutional right of every individual or citizen to receive recognition, guarantees, protection, and fair legal certainty, as well as equal treatment before the law, as a means of protecting human rights.

As stated above, legal aid is a right, meaning it can be claimed at any time by a legal subject, as it is clearly regulated in several laws. It is therefore the duty of a legal advisor/lawyer or the government to fulfill these rights, starting from the process of detention, examination, investigation, prosecution, sentencing, and execution of the sentence, whether the legal aid is provided free of charge or based on an agreed-upon fee. Legal aid is a professional job, meaning that it requires special education and specific expertise.

Legal aid institutions are non-profit organizations established with the goal of providing free legal assistance to those in need but who are unable to afford it or are unfamiliar with the law. Through the legal aid movement, we must fight for the human rights of the poor that have long been dominated by the wealthy, although it must be acknowledged that legal aid alone is not enough.

Legal Aid Institutions (LBH), as legal aid providers mentioned in Article 1 point 3, must meet certain conditions to provide legal aid, including:

1. Being a legal entity.
2. Accredited under the law.
3. Having a permanent office or secretariat.
4. Having management.
5. Having a legal aid program.

Tuah Negeri Nusantara Legal Aid Institute shares the same goal as other legal aid institutions, which is to help people who are economically or socially disadvantaged. It is also driven by the desire to uphold justice and ensure equal standing before the law. LBH Tuah Negeri Nusantara continuously works to convince the public not to hesitate to seek legal aid from the institute. Various legal education and outreach programs are conducted by LBH Tuah Negeri to help people better understand their rights to receive legal assistance.

There is a long history behind the accreditation of legal aid institutions. Finally, in 2018, LBH Tuah Negeri Nusantara, led by Suardi, SH., MH., received C accreditation and had 23 lawyers, making it the legal aid institute with the most lawyers at the time. Over time, LBH Tuah Negeri has opened branches in several regions in Riau, such as Meranti, Pelalawan, Kampar, Inhu, and even Tanjung Pinang.

Tuah Negeri Nusantara Legal Aid Institute (LBH Tuah Negeri Nusantara) in

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Pekanbaru passed verification by the Ministry of Law and Human Rights of the Republic of Indonesia, as stated in the Ministerial Decree of the Minister of Law and Human Rights of the Republic of Indonesia Number: M.HH-01.HN.07.02 of 2018 regarding legal aid organizations that passed verification and accreditation as legal aid providers for the 2019-2021 period. Since LBH Tuah Negeri Nusantara is accredited, every case handled by the institute must be reported to the Ministry of Law and Human Rights. This is because funding for accredited legal aid institutions is provided by the ministry annually. In line with the Legal Aid Law, funding for legal aid services is sourced from the State Budget. The technical procedures for providing legal aid are further regulated in Government Regulation Number 42 of 2013 concerning the Requirements and Procedures for Providing Legal Aid and Disbursing Legal Aid Funds. Legal aid institutions are prohibited from charging clients, and clients must provide a certificate of indigence from the local subdistrict office. The LBH Tuah Negeri Nusantara has several work programs, including:

1. Legal assistance to clients

LBH provides free legal assistance to underprivileged individuals who present a certificate of indigence from the local subdistrict office. Cases handled by LBH Tuah Negeri Nusantara include environmental crimes, criminalized activists, lawsuits challenging laws and regulations that could potentially harm the public (filed in the Constitutional Court), lawsuits against government policies, and cases against companies suspected of violating laws. However, LBH Tuah Negeri Nusantara does not handle cases of domestic violence or corruption.

2. Legal education and knowledge management

LBH conducts legal education outreach in communities, from subdistricts to local women's groups, provides paralegal training, organizes legal aid association training, conducts external and internal legal skills training both within and outside the LBH, and creates legal aid modules and associations.

3. Legal reform

LBH promotes legal reform through group discussions, seminars, workshops, and talk shows. LBH also publishes journals and books covering cases it has handled.

To receive legal aid, applicants must meet the following requirements:

1. Submit a written application containing at least the applicant's identity and a brief description of the issue for which legal aid is sought.
2. Provide relevant case documents.
3. Attach a certificate of indigence from the village head, subdistrict head, or an equivalent official in the applicant's place of residence.

The procedure for LBH Tuah Negeri Nusantara to handle a case requires clients to bring their ID card (KTP) or family card (KK) and attach a certificate of indigence from the local subdistrict office. If the documents are complete, LBH Tuah Negeri Nusantara can immediately provide legal consultation regarding the case. If the legal aid applicant cannot submit a written application, they may apply verbally.

Since 2016, LBH Tuah Negeri Nusantara has resolved approximately 500 cases. The institute primarily handles criminal cases, helping clients receive appropriate legal treatment, detention postponements, and more lenient sentences. Additionally, LBH Tuah Negeri has won 7 to 8 cases related to industrial relations. Common cases handled by LBH Tuah Negeri Nusantara involve juvenile crimes, such as robbery, gang fights, and drug use. Each case at LBH Tuah Negeri Nusantara is overseen by a designated person.

In performing its duties, the Legal Aid Institute, as a legal aid provider, cannot be subject to civil or criminal lawsuits for providing legal aid within its responsibilities, as long as the assistance is carried out in good faith, both inside and outside the courtroom, in accordance with legal aid standards, laws, and/or the advocate's code of ethics.

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Discussion

The legal aid efforts carried out by LBH Tuah Negeri have been well-implemented, as evidenced by the numerous cases handled by the institute since its establishment, totaling approximately 500 cases. Many rights of underprivileged clients have been fairly protected, such as assisting with sentence postponements and other matters. One notable case handled by LBH involved a drug addict who was wrongfully sentenced as a dealer. In this situation, LBH played a crucial role in fighting for the human rights of the addict to ensure they were punished appropriately for their actual actions. Especially for the underprivileged, who are often unable to fight for their rights due to financial constraints, the efforts made by LBH Tuah Negeri have been effectively realized.

Conclusion

Legal aid is an essential instrument in the Criminal Justice System as it represents a form of human rights protection for every individual, including the right to legal assistance. There are two terms related to legal aid: legal aid and legal assistance. The Tuah Negeri Nusantara Legal Aid Institute (LBH Tuah Negeri Nusantara) shares the same goals as other legal aid institutions, namely, to assist those who are economically disadvantaged or socially marginalized. Additionally, it is driven by a desire to uphold justice and equality before the law. LBH Tuah Negeri Nusantara continually strives to assure the public that they should not hesitate to seek legal aid from the institute. Various outreach programs and public awareness campaigns are conducted by LBH Tuah Negeri to help the public better understand their rights in obtaining legal aid.

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