

The Role of the Legal Aid Institute of Lancang Kuning University in Law Enforcement

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Abstract

Purpose: This research examines the role of the Legal Aid Institute of Lancang Kuning University in providing legal protection and ensuring equal treatment under the law, particularly for underprivileged individuals. It highlights the importance of legal aid in promoting justice.

Method: A qualitative approach was used, gathering data through interviews, document analysis, and observations of the institute's activities. Content analysis was applied to assess the effectiveness of its legal services.

Practical Applications: The research demonstrates the importance of professional legal aid for underprivileged communities, showing how the institute's work in criminal and civil cases improves access to justice.

Conclusion: The Legal Aid Institute plays a vital role in promoting equal justice, particularly for marginalized groups, through legal representation and advocacy in Riau, contributing to law enforcement and human rights protection.



Introduction

The protection and recognition of human rights for every individual or citizen is a state's obligation as a logical consequence of its establishment as a state governed by the rule of law (Triwahyuningsih, 2018; Wulandari, 2013). Indonesia is a state based on the rule of law (Article 1, paragraph (2) of the 1945 Constitution), which holds the obligation to protect and recognize the human rights of each of its citizens (Aldi & Putra, 2023; Sulaiman et al., 2019).

This designation is followed by the assertion that every citizen is equal before the law, known as the principle of equality before the law, as stipulated in Article 27, paragraph (1) of the 1945 Constitution (Purwadi et al., 2022). According to (Sinaga & Santoso, 2023) as a consequence of this principle, everyone has the right to be treated equally before the law, including the poor who are facing legal issues.

Moreover, Indonesia's constitution, in Article 34, paragraph (1) of the 1945 Constitution, states that the poor and neglected children are cared for by the state (Syahra & ., 2018). The meaning of "cared for" here is not limited to providing food and clothing but also includes the opportunity to access legal services and justice (access to law and justice) (Nurfaati, 2020). In line with this, the government issued a regulation to realize these principles and objectives through Law No. 16 of 2011 concerning Legal Aid (hereinafter referred to as the Legal Aid Law).

The substance of this law mandates that law enforcement officials, particularly advocates who provide legal aid, must offer free legal assistance to the poor across the entire territory of the Republic of Indonesia (Qudama et al., 2023; Sitorus & Arfa'i, 2023). This obligation is a normative duty for advocates as *officium nobile*, as stipulated in Law No. 18 of 2003 concerning Advocates (hereinafter referred to as the Advocates Law), to provide legal assistance to every citizen facing legal issues, regardless of their background, race, ethnicity, political beliefs, social strata, economic status, or gender (Baihaqi et al., 2023).

Discussing the principle of equality before the law, human rights, and access to law and justice is not an easy matter to achieve, but the government has made efforts to realize them. In reality, the concepts of equality before the law, human rights, and access to law and justice sometimes do not align with the actual situation in society.

There is a significant question regarding why the implementation of legal aid for the poor has not been effective and optimal, thus failing to fulfill access to law and justice for the poor (Hardianto et al., 2022; Marlina et al., 2024). This issue requires investigation to identify the causes and provide solutions to ensure that legal aid is implemented optimally and effectively.

Therefore, it is essential to study and research the challenges in the implementation of legal aid in Indonesia, and subsequently, formulate ideas that can serve as solutions to optimize the provision of legal aid to achieve access to law and justice for the poor in Indonesia. This paper will discuss the role of the Legal Aid Institute of Lancang Kuning University in advocating for the rights of the community in court.

Method

The internship conducted at the Legal Aid Institute of Lancang Kuning University is located in the city of Pekanbaru. During the internship, many aspects were learned about legal aid and the process of resolving cases. This internship was carried out using active participation, observation, interviews, and documentation methods, all of which are interconnected. The interview method in this internship 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 related to the discussed topics.

Result

The state plays a crucial role in implementing legal aid through the Legal Aid Law,

which grants the authority to determine who can provide legal aid to impoverished groups, with the goal of achieving access to law and justice, including the profession of advocacy. The existence of the Legal Aid Law should not create legal insecurity in the implementation of legal aid, as this law serves as an instrument for the state to implement legal aid, not to confuse the concept of providing legal aid as outlined in the Advocates Law.

In addition to advocates, legal aid can also be provided by paralegals, law faculty students, and law faculty lecturers who are part of an organization that meets the requirements as a legal aid provider, as stipulated in Article 8 of the Legal Aid Law. This has raised concerns, as many institutions, such as the police and courts, question the legal standing of non-advocate legal aid providers when holding authority to resolve the cases of legal aid applicants. Furthermore, Article 31 of the Advocates Law states that anyone who performs the duties of an advocate without being an advocate can be criminally prosecuted.

The Advocate's Law is a regulation that sets the conditions, rights, and obligations of becoming a member of the advocacy profession, including the oversight of the practice of advocates in providing legal services, both in and out of court. On the other hand, the Legal Aid Law is a legal instrument of the state to implement the logical consequence of being a rule-of-law state, which includes access to law and justice. The Legal Aid Law regulates the conditions and technicalities of legal aid for the poor, as well as the classification of those who can act as legal aid providers.

Access to law and justice is vital and one of the most important mandates of the United Nations Development Programme to reduce poverty and strengthen democratic governance. Access to law and justice is not merely about improving access to courts and ensuring legal representation. It is defined as the ability of individuals to seek and obtain remedies through formal or informal justice institutions for grievances, in accordance with human rights standards.

This involves providing access, particularly for impoverished groups, to fair, effective, and accountable mechanisms that protect rights and prevent abuses. It refers to the ability of people to obtain and secure resolution through both formal and informal mechanisms within the legal system, as well as the ability to engage in the processes of law-making, enforcement, and institutionalization.

In the context of Indonesia, access to justice refers to the circumstances and processes in which the state ensures the fulfillment of basic rights based on the 1945 Constitution and universal human rights principles and guarantees access for every citizen (claim holder) to have the ability to know, understand, realize, and exercise these basic rights through formal and informal institutions. This is supported by the existence of a public complaint mechanism that is easily accessible and responsive to the public, enabling citizens to optimally benefit and improve their quality of life.

The Legal Aid Institute of Lancang Kuning University (LBH Unilak) shares the same role and objectives as those stated in the Legal Aid Law. The establishment of this legal aid institute was initially motivated by the university's desire to protect the rights of its students, staff, faculty, and the broader Lancang Kuning University community. However, with the intent to expand its reach, this institute evolved into a broader legal aid institution and has since been able to assist the wider community in need of legal aid.

LBH Unilak is also officially recognized and accredited, making it one of the leading legal aid institutions in Pekanbaru. The institute has formed partnerships with various courts across districts and cities, including Meranti Islands, Dumai, Rokan Hulu, Pelalawan, and Pekanbaru itself.

In handling cases, this legal aid institute does not discriminate. Regardless of the type of case or the request for assistance, especially from the underprivileged, LBH Unilak strives to address and manage the cases. Numerous cases have been successfully resolved by the institute, which is capable of handling 15-20 cases annually, covering both litigation and non-litigation matters. Some of the activities LBH Unilak has undertaken over the past year include:

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1. Resolving approximately 15 civil cases (mostly divorces).
2. Providing legal education for law students at Lancang Kuning University.
3. Collaborating with the Legal Aid Institute of Riau University to raise awareness of the importance of legal aid in pursuing a career in law.

For members of the public seeking legal assistance from LBH Unilak, they can directly consult with the available paralegals or visit the institute to consult with the head of LBH Unilak, Mr. Robert Libra.

Discussion

During the one-month internship we conducted at LBH Unilak, we can confirm that LBH Unilak has made significant progress and is fulfilling its duties as expected. It provides legal aid without discrimination, especially to the underprivileged. In fact, over the past year, the number of cases successfully resolved amounted to 15-20 cases.

Moreover, the institute actively engages in collaborations with other legal aid organizations, leading to further development in various areas. A notable example is the collaboration program with the Legal Aid Institute of Riau University in November 2022, where LBH Unilak emphasized the critical role of legal aid in pursuing a career as an advocate.

Conclusion

The state plays a crucial role in implementing legal aid through the Legal Aid Law, which grants the authority to determine who can provide legal aid to impoverished groups in order to achieve access to law and justice, including the profession of advocacy. The existence of the Legal Aid Law does not create legal insecurity in the implementation of legal aid, as it serves as a tool for the state to implement legal aid, without confusing the term with the provision of legal aid as outlined in the Advocates Law.

In addition to advocates, legal aid can also be provided by paralegals, law faculty students, and law faculty lecturers who are part of an organization that meets the requirements as legal aid providers, as stipulated in Article 8 of the Legal Aid Law. For instance, at LBH Unilak, the Faculty of Law plays a significant role, and those who serve as advocates within this legal aid institute are also lecturers from Lancang Kuning University's Faculty of Law.

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