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LEGAL ASSISTANCE IN MAKING DOCUMENTS AT FOUNDATION OF LEGAL ASSISTANCE INSTITUTIONS CARE AND NATION'S HOPE

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Abstract

LBH is a non-profit legal aid organization established with the aim of providing free legal services (free) to people who need legal assistance but cannot afford it because they are blind or oppressed. Advocates do not have to pay fees, but the client will be responsible for operational costs such as court fees (if the matter is brought to court), if the client is able to pay. LBH, on the other hand, is known to choose matters that will be handled according to its vision and objectives. In handling a case, advocates are required to be able to prepare several documents which are important when a case or case goes to court. There are many documents that must be prepared by a legal expert or advocate to assist clients in resolving a case, especially in civil procedural law, absolute power of attorney. The lack of prudence by the prosecutor opens up opportunities for opponents to make exceptions, and may result in the panel of judges not accepting the lawsuit. Not only in civil procedural law, but also in Criminal procedural law, procedural law for the religious court, procedural law for the state administrative court, procedural law for the Constitutional Court also certainly require a power of attorney or other legal documents, if a client needs and submits the legal assistance to more or other advocate offices.

Keywords : Institution, Case, Document

introduction

Article 37 of Law Number 4 of 1999 stipulates that every person concerned in a case has the right to a legal defense, while Article 38 states that in a criminal case, the suspect has the right to be contacted from the time of detention and/or detention. and get legal assistance. Article 39 highlights the responsibility of advocates to provide legal assistance by maintaining the rule of law and justice. There is no significant difference in the provision of legal aid between the Criminal Code and

Law no. 4 of 2004. On the other hand, this law emphasizes the importance of advocates in providing legal assistance. The role of the state/government in facilitating the right to legal aid is not regulated or explained in Law no. 4 KUHAP. Lawyers Law is the same way. Legal aid is regulated solely in the context of the legal profession under the law. Legal aid develops in response to social and political conditions from a conceptual point of view. There are two types of legal aid: conventional and traditional legal aid, as well as constitutional and structural legal aid. Traditional legal aid is defined as legal services provided to underprivileged communities individually. Traditional legal aid is passive, the approach is formal and legalistic. Waiting passively for customers or communities to complain about a problem without caring or responding to legal conditions, whereas formal legalism deals with community or client problems only from a legal point of view. Because constitutionalists objected to the concept of conventional-traditional legal aid, the concept of constitutional legal aid was developed. The concept of constitutional legal aid was also influenced by the rule of law, which includes laws that establish the commander-in-chief (supreme of law) and protect human rights. The rule of law is a facet of constitutional legal aid efforts, which include (i) raising awareness of the poor's legal rights; and (ii) enforcing and developing human rights principles as essential foundations of upholding the rule of law. Constitutional legal aid is a more advanced idea than standard legal aid. This can be seen in the concept of constitutional assistance which is designed not only for individuals but also for the whole society. Advocates use a variety of strategies to defend their clients, including litigation, mediation, and political tactics. The concept of constitutional legal aid must be understood because it emerged simultaneously with the establishment of the New Order government, which from the start advocated the rule of law but ultimately failed. The concept of constitutional legal aid was criticized by social scientists during its development. According to social scientists, the concept of constitutional legal aid has not yet penetrated the fundamental challenges faced by the poor in Indonesia. In terms of public concern in Indonesia, constitutional legal assistance is only provided from the perspective of the middle class in Indonesia, such as academics, lawyers, or students. The concept of structural legal aid emerged after the concept of constitutional legal aid. People are deliberately made or legalized into poverty with the economy, information, and access to participate in any government or state policies, which is why social scientists often refer to structural poverty as artificial poverty. The author's observations during the internship led to the need for document-making knowledge, which is the foundation before we, as law students, reach the deeper and wider world of law. The period of practical work is an opportunity for a student to learn and practice what he has learned at university. So far, the writer only found a few shortcomings in the internship, including the lack of direction from the chairman to

his members regarding the documents, and the fact that when making documents, it would be better to make a format for each document required by the experiment. The idea is to make it easier and faster for lawyers and legal assistants to create some of the necessary documentation to assist a client in a case.

The ultimate goal of PKM is to learn more about legal assistance in document making;

- Power of attorney
- Application letter

Problem

The problem faced by the author during his internship at LBH is that the author does not get a definite format in making documents (power of attorney and letter of application) from every lawyer or other legal assistant and also the author does not know more about making the document so that the author finds it difficult to make the document. .

It would be nice if the head of LBH made a format for each document, making it easier for advocates, drafters and other legal assistants in making and preparing the documents needed for the trial.

Method

1.1 Data collection technique

In collecting data, the author uses interview and consultation techniques with advocates and their colleagues.

The process of designing documents in the form of a power of attorney and a letter of application can be carried out with the following stages:

- Conducting Discussions with Advocates and their members to discuss the topic of problems that will be included in the application letter and power of attorney.
- Next is the stage of the preparation process of the application letter and power of attorney based on direction by an advocate who is an expert in this matter so that there are no errors in inputting information and the contents of the data.
- Stages of revision if there are errors.
- Finalization of the results of the power of attorney and application letter.

1.2 Implementation Stage

In the implementation of this Job Training program the author in carrying out DiLBH activities must go through several stages, namely as follows:

A. Pre Compilation

First it is ascertained about the identity of the client. Before making a letter of application / lawsuit, the first thing the author did was to find and ask the client about the identity of the client itself. Then fill in according to the existing format, for the rest will be accompanied by an advocate so as not to cause errors during the trial later.

B. Stages of Drafting

In this stage in accordance with the project outputs in this Job Training program, the author will make the preparation of the application letter and power of attorney.

In making the preparation of the Company Regulations, the authors do it using the following stages:

- Conduct interviews with lawyers and clients
- After the interview, the author makes a letter of application / lawsuit and a power of attorney

C. Post-Drafting Stage

In this stage, after the author has completed the making of the application letter / lawsuit and power of attorney. The author gives the advocate for checking, so that it does not cause errors during the trial later.

C. Reporting Stage

Furthermore, in reporting, the author will prepare a Job Training Report in accordance with the activities, procedures and results of this Job Training program. The Job Training Report which consists of 5 chapters, namely:

- Chapter I Introduction
- Chapter II. Targets and Outcomes
- Chapter III. Implementation Method
- Chapter IV. Results and Outcomes Achieved; and
- Chapter V. Conclusions and Suggestions

Discussion

The author will explain and describe the methods and methods of making power of attorney and application:

1. POWER OF ATTORNEY

Type of power of attorney

1. Personal Power of Attorney (Individual)

In a personal power of attorney, the authority is exercised by an individual for the purpose of making a power of attorney for matters relating to personal affairs, such as taking money or property, taking residence letters, and collecting salaries. Fasting personal letters do not need letterhead, because letters are personal.

2. Official Power of Attorney (Service)

The making of this letter is carried out by an official agency or institution that shows the assignment of tasks to employees. The tasks given are of course tasks related to the implementation of the agency's duties. In making this official power of attorney there is letterhead from the relevant agency and includes the name, position, and NIP of the employee.

3. Special Power of Attorney (Special)

In this letter the authority or authority is exercised as a form of representation of the parties concerned with legal issues. An example is the granting of authority to advocates who act as representatives to handle legal matters.

Elements in a power of attorney

The elements contained in the power of attorney must be considered and followed up so that they are valid and valid. These elements must be carried out by the giver or recipient of the power of attorney, namely personal identity and the position held. In addition, the arrangement should not exceed the important parts that make up the composition of the letter. These sections include:

- Letterhead or letterhead
- Reference number
- letter title
- Authorization date and time
- Name and identity of heirs
- Contains letters related to authority
- Stamp of power of attorney and power of attorney
- Stamps or stamps from agencies and institutions

2. LETTER OF APPLICATION/CLAIMS

An application is a letter that is intentionally drafted and incorporates all civil rights claims made by interested parties and addresses them without debate. The court that will try this case is considered an ineffective justice system.

A lawsuit, on the other hand, is a letter written to transfer authority to the appropriate court. This letter covers all claims of rights that contain elements of conflict, and will be used to examine cases and attempt to prove their veracity at a later date.

A. Identity of the parties

Identity refers to the full names of the plaintiff and defendant, place of birth, date of birth, occupation, religion, and place of residence, as well as nationality (if necessary). Plaintiffs, defendants, opponents, opponents, plaintiffs and defendants must all clearly define their position and position.

B. The basis of the lawsuit (*petendi or posita fundamentum*) consists of two parts:

- 1) The part that describes events or events (*fetelijkegronden*);
- 2) The part that states the legal basis (*rechtgronden*);

D. Demand (*ice subject with valid and unambiguous conclusion*) or *petitum*:

- 1) The actual claim or the one asserted by the plaintiff as stated in the *posita* is the main claim or main lawsuit.
- 2) Additional demands, not primary requests that are directly related to the subject, are complementary requests. Additional requests include: I. Demand that the defendant be fined and ordered to pay court fees;

ii. An application for *uitvoerbaar bij voorraad* is an application for a decision to be made first, regardless of objection, appeal or cassation. Requests for *uitvoerbaar bij voorraad* are common in practice, but the Supreme Court has instructed courts not to grant them easily (request, editor).

I, I, I. If the plaintiff's claim is in the form of a sum of money, request that the defendant be sentenced to pay interest (*moratorium*).

iv. If the punishment is not in the form of paying a fine at any time for not carrying out the terms of the verdict, please ask that the defendant be sentenced to a fine (*dwangsom*).

v. Divorce decisions are often referred to as a demand for a living for a woman (Article 59 paragraph [2], Article 62, Article 65 *Huwelijks Ordonantie voor Christen Indonesiers*, S. 1933 No. 74, S. 1936 No. 607 [HOCI]) or Marriage Procedures Christian, Article 213, Article 229 of the Civil Code/*Burgerlijk Wetboek*) or the distribution of assets (Article 66 HOCI, Article 232 of the Civil Code).

3) Claim Subsidiary or Substitution

This lawsuit was filed in the hope that the judge would reject the primary and additional claims. This litigation is usually labeled "*Ex Aequo Et Bono*," indicating the judge will make a decision based on true justice or the fairest outcome.



Figure 1.1



Figure 1.2



Figure 1.3

During the practical work / internship the author is given the opportunity to develop, in Figure 1.1, Figure 1.2 and Figure 1.3, the author participates in various activities, namely assistance in making documents, participating in providing legal solutions to clients and also participating in the opening of a new office in the city. Tanjung Pinang,

Conclusion

With the internship activities carried out and carried out for 5 months with the author's care and hope for the nation, the writer gains new knowledge and knowledge about the legal world and the world of lawyers, while doing practical work at the office of legal aid institutions, advocates and other legal assistants have provided some of his knowledge to the author with the aim that the author can develop and share his knowledge with other people who want to know more about law. the author gains new insights and knowledge which are not obtained during theory learning. During his practical work, the writer became more and more aware

of the ethics of being an advocate, when a client came and asked LBH for legal assistance.

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