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“LEGAL ASSISTANCE BY ADVOCATES OF LEGAL AID INSTITUTE PEDULI DAN HARAPAN BANGSA BATAM CASE NUMBER 566/Pid.Sus/2021/PN.Btm”

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Abstract

The Legal Aid Institute is one of the legal aid providers according to Law No. 16 of 2011 concerning Legal Aid. The Peduli dan Harapan Bangsa Legal Aid Institute is one of the legal aid agencies in Batam City which engaged in the social and humanitarian issues. Legal assistance offered can be in the form of litigation and non-litigation. The case number 566/Pid.Sus/2021/PN.Btm is one of the case which assisted by Peduli dan Harapan Bangsa Legal Aid Institute. Therefore, the article aims to discuss how the legal assistance of Peduli dan Harapan Bangsa Legal Aid Institute in case number 566/Pid.Sus/2021/PN.Btm. The use of qualitative approach from primary and secondary data through interview, observation and documentation techniques is to answering the research problem. The results found were The Legal Aid Institute of Peduli dan Harapan Bangsa require several conditions to be met in order to get the assistance. Meanwhile, the case with the relevant case number has met the requirements given by and received a number of forms of legal assistance.

Keywords: *Legal Aid, Legal Assistance, Legal Case*

Introduction

The Legal Aid Institute is one of the legal aid providers according to Law No. 16 of 2011 concerning Legal Aid (Republik Indonesia, 2011). It is related to the legal reform agenda which gives citizens access to justice and the fair trial, such as through the provision of legal assistance. Legal aid contributes to due process of law (Dewi, 2017). The provision of legal aid aims to guarantee and access to justice for the people; realize the constitutional rights of all citizens in accordance with the principle of equality before law; guarantee the implementation of Legal Aid; and realizing an effective, efficient and accountable judiciary. The Peduli dan Harapan Bangsa Legal Aid Institute is one of the legal aid agencies in Batam City which engaged in the social and humanitarian issues. Legal Aid Program Plan for the Peduli dan Harapan Bangsa Legal Aid Institute period January 2021 to December 2023 as convened on January 3, 2021 is prioritized to protect the legal rights of women and children who act either as victims or perpetrators, but not limited to the general public who are underprivileged and do need legal assistance. The types of legal assistance services from Peduli dan Harapan Bangsa Legal Aid Institute are as follows: (LBH PEDULI DAN HARAPAN BANGSA, n.d.)

A. Litigation Legal Assistance

1) Litigation Legal Assistance

Assistance at the level of police investigation; in the process of District Court; Religious Courts; State Administrative Court; Industrial Relations Court; Consumer Dispute Settlement Agency or other authorized agencies;

B. Non-Litigation Legal Assistance

1) Legal Assistance for the victim of human trafficking

Actively assisting women and children involved in the Criminal Act of Human Trafficking; cooperate with other institutions with the same vision and mission in providing legal assistance and protection for women and children;

2) Protection Against Women And Children

Become a partner, reference, and active in other institutions with the same vision and mission in provide legal assistance and protection for women and children; Discussion on the Protection of Women and Children which are being handled;

3) Socialization

Provide legal counseling and socialization to underprivileged communities around the island of Batam; also to students;

4) Student Mentoring

Organizing and providing practical work activities for university students. The implementation of legal aid in Indonesia, especially Batam City, has not been realized as expected. Whereas the consequence of principle equality before law, a person has the right to be treated equally before the law, including for the underprivileged people who are in trouble with the law. There is a normative renewal of legal aid, bringing changes in its implementation.

Based on description above, the author formulize the problem in to “how the legal assistance by advocates in Peduli dan Harapan Bangsa Legal Aid Institute towards the case number 566/Pid.Sus/2021/PN.Btm”. The purpose is to know the legal assistance given by the advocates in Peduli dan Harapan Bangsa Legal Aid Institute.

Methods

A qualitative approach is used to answer the problem formulation above. The author uses data collection techniques in the form of interviews, observations, and documentation. The data sources used are primary data which are taken directly through interviews and observations, as well as secondary data sources taken by means of documentation (Sugiyono, 2016). The unit of analysis in this study is the legal assistance with the object of research is the assistance by Peduli dan Harapan Bangsa Legal Aid Institute. Data collection was carried out simultaneously with practical work activities for 16 weeks since the first week of September 2021. The stages of data collection were divided into several parts, namely preparation, implementation, assessment, and reporting. The costs incurred during the data collection period are Rp. 5,005,000.00.

Result and Discussion

The Conditions for providing Legal Aid provided by Legal Aid Institute to the recipients (Kemenkumham, n.d.). Legal Aid is carried out by the providers, who must meet the requirements of being a legal entity, accredited, have a permanent office or secretariat, have administrators and have a Legal Aid program. To obtain Legal Aid usually begins with a pro-bono effort which is recommended by the court and the police to appoint a Legal Aid Institute. Applicants for Legal Aid must meet the following requirements:

- Submit a written application that contains at least the identity of the Legal Aid Applicant and a brief description of the subject matter for which Legal Aid is requested
- Submit documents relating to the case and attach a certificate of poverty from the Village Head, or an official at the same level as the Legal Aid Applicant's residence.
- The legal aid institute will respond to the suitability and suitability of the required documents.
- Then the legal aid agency determines the advocates to accompany the client.

The case number 566/Pid.Sus/2021/PN.Btm is a criminal act that violates Article 114 paragraph (2) Jo Article 132 paragraph (1) Law No. 35 of 2009 concerning Narcotics in the primary indictment. As required by the Legal Aid Institute Peduli dan Harapan Bangsa, applicants are required to submit a written application, related documents, which will be examined according to their suitability before determining the assistance of a legal counsel. In this case, the applicant has fulfilled the requirements given by Legal Aid Institute Peduli dan Harapan Bangsa, then decided to provide legal assistance in the form of assistance as evidenced by a power of attorney. Legal aid policy is basically to defend the interests of community regardless of background, ethnicity, origin, descent, skin color, ideology, belief, politics, rich and poor, religion or group so that they must be treated equally in accordance with the rights and their respective obligations (Marbun, 2017). In this case, the accused is a drug dealer who is also a mother with limited economic ability. Legal aid policies have been implemented by Legal Aid Institute Peduli dan Harapan Bangsa as appropriate, namely focusing on defending the interests of community without any act of discrimination. To get legal protection, the defendant submitted a number of requirements given by Legal Aid Institute Peduli dan Harapan Bangsa including a request for legal assistance, case documents, and a poverty certificate. Then it is reviewed by the aid provider before giving a legal aid decision. Which in the case with case number 566/Pid.Sus/2021/PN.Btm has been submitted to Legal Aid Institute Peduli dan Harapan Bangsa then approved through a power of attorney Number: 31/CZE/SK-PID/VII/2021. Legal counsel was given by Legal Aid Institute Peduli dan Harapan Bangsa to provide legal assistance. Some of the legal assistance provided included assisting the Authorizer at the Batam District Court as the Defendant in case number 566/Pid.Sus/2021/PN.Btm in connection with the Narcotics crime; carry out all efforts and legal actions for and on behalf of and in the interests of the Authorizer in the case that is suspected/accused; declare an appeal and/or cassation, make and sign and file a memorandum/counter memorandum of appeal or a

memorandum/counter memorandum of appeal, apply for clemency, receive summons and attend court, clarify, subpoena both verbally and in writing, and use all legal remedies according to the provisions stipulated applies and is given the right of retention and the right to delegate its power to another person (substitution).

Conclusions

Legal aid assistance by Legal Aid Institute Peduli dan Harapan Bangsa in the case number 566/Pid.Sus/2021/PN.Btm is carried out after the applicant or the defendant meets the requirements, such as the submission of a request for legal aid, case documents and a certificate of incapacity. After going through the document review process, the case number 566/Pid.Sus/2021/PN.Btm has been approved for legal assistance through a power of attorney approved number: 31/CZE/SK-PID/VII/2021. In this case, the defendant is then given assistance in providing legal assistance by carrying out all efforts and legal actions for and on behalf of and in the interests of the Authorizer in the case that is suspected/accused; declare an appeal and/or cassation, make and sign and file a memorandum/counter memorandum of appeal or a memorandum/counter memorandum of appeal, apply for clemency, receive summons and attend court, clarify, subpoena both verbally and in writing, and use all legal remedies according to the provisions stipulated applies and is given the right of retention and the right to delegate its power to another person (substitution).

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