

# National Report

## Indonesian Legal Aid

### 1. Indonesian Legal Aid Information:

Country	Legal Aid Organization Name	Date of Establishment	Poverty Line & Percentage of Population in Poverty	Total No. of Practising Lawyers & Legal Aid Lawyers (including in-house and private practice)
Republic of Indonesia	National Law Development Agency, Ministry of Law and Human Rights through 310 Legal Aid Providers	Under Act No. 16/2011 about Legal Aid for the Poor, the legal aid program was started on July 2013	11,66 %	Under the implementation Act 16/2011, there are 1610 advocates and 2342 paralegals in 310 Legal Aid Providers
Population	GDP	Total No. of Applications Received in the Past Year	Total No. of Applications Approved in the Past Year	Total No. of Applications Refused in the Past Year
252,124,458	5.12 %	1110 Litigations, 1105 Non Litigations	1110 Litigations, 1105 Non Litigations	

### 2. Please describe the main provider(s) of legal aid services in your country:

- (a) What is the nature of the provider's organization (ie, a government department, an independent statutory body or association)?

Under Act No. 16/2011 on Legal Aid for the Poor, there are 2 (two) stake-holders in providing legal aid:

1. Legal Aid Administrator: National Law Development Agency, Ministry of Law and Human Rights of Republic of Indonesia.  
Legal aid administrator has duties to establish legal aid policy and regulations, legal aid standard and mechanism, legal aid budget and report to the parliament. The administrator selected legal aid providers by verification/accreditation. After that, the administrator will supervise and monitor legal aid providers.
2. Legal Aid Providers: 310 Legal Aid Organisations  
Those legal aid organisations were selected from 593 NGOs in a Verification/Accreditation, and among them were classified as A/B/C according to the number of cases they handled, the numbers of advocates and paralegals in their organisations.

They were spread all over Indonesia.

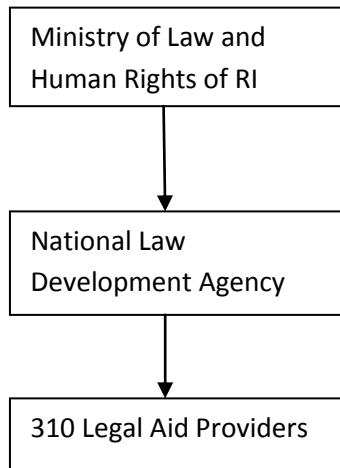
The legal aid services are Litigation (criminal cases, private cases and administrative cases) and Non Litigation (Consultation, Mediation, Negotiation, Investigation, Out-of-court Custody, Document drafting, Legal awareness campaign, Legal research and People legal empowerment)

- (b) If supervised by another authority, how does the provider maintain independence in decision-making and in carrying out its duties and responsibilities?

Although National Law Development Agency, Ministry of Law and Human Rights supervise Legal Aid Providers, the independence is guaranteed by the Act 16/2011 because the legal aid services include the administrative cases, meaning that even poor people can bring a case against the state and it is funded by the government.

3. Please describe the legal aid organization and the recent business figures:

- (a) Organizational structure.



- (b) Analysis of the matter types aided in the past year.

No	Legal Aid Services	Percentage
1	Type of legal aid	Litigation: 70% Non Litigation: 30%
2	Type of Litigation	Criminal: 73% Private: 23% Administrative: 1%
3	Type of Criminal Cases	Drugs: 34 % Theft: 14 % Molestation: 11 % Rape: 8%
4	Type of Private Cases	Divorce: 86 % Other: 14 %
5	Type of Non Litigation	1. Consultation: 31 % 2. Mediation: 9 % 3. Negotiation: 14 % 4. Investigation: 8 %

		5. Out-of-court Custody: 2 % 6. Document drafting: 3 % 7. Legal awareness campaign: 22 % 8. Legal research: 5 % 9. People legal empowerment: 8%
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4. Please describe your country's (or organization) legal aid funding arrangements:
- (a) What are the sources and amount of legal aid funding? Are there caps on annual spending?

The source of legal aid funding is National Budget. The main caps for our first year annual spending are the reimbursement system according to state accounting standard which is not familiar for all of legal aid providers; and the capacity of human resources.

The amount of budget for 2013 is IDR 40 billion, and increase in 2014 IDR 50 billion.

- (b) Has your organization experienced large-scale funding cuts? If so, what were the strategies for responding to such situation?

No, there is no funding cut

- (c) What is the percentage of funding spent on paying lawyers' fees and costs, and on administration expenses respectively?

No	Budget Allocation	2013	2014
1	Preparation	1.57%	1 %
2	Monitoring	4.59%	9 %
3	Litigation	60.97%	60 %
4	Non Litigation	32.87%	30 %

- (d) Does assistance extend to covering costs such as court costs, government charges, and costs awarded against the legal aid recipient?

The assistance is only for legal aid services both litigation and non litigation. It is not included the court cost.

5. How does your organization evaluate performance? What are the effective tools or methods of evaluation? If your organization has established branch offices, how are their performances evaluated?

For the monitoring/evaluation, we establish the Monitoring Committee in State and Province Level. The committee monitor legal aid service directly (by visiting the court or detention house) and indirectly (by people's report). Also we establish Application called Legal Aid Information Database System which will be developed as our Case Management System. By this system, all of activities and beneficiaries are recorded.

6. Please describe the methods of service delivery in your country (or organization):

- (a) Are the bulk of the approved cases conducted by in-house/staff attorneys or by lawyers in private practice?

As the scheme, the approved cases are conducted by lawyers in Legal Aid Providers.

- (b) What are the conditions of registering as a legal aid lawyer?  
Since the scheme is providing legal aid service by legal aid organisations, Ministry of Law and Human Rights verifies and accredits legal aid providers based on numbers of cases, numbers of advocates/paralegals and legal entities of the NGOs
- (c) What are the rules and procedures of assigning approved cases to legal aid lawyers?  
Legal aid provider should use the application and attach some documents according the Ministry of Finance Regulations. Province Monitoring Committee will validate the reimbursement and report to National Law Development Agency. Finally, the Ministry will reimburse the services.
- (d) How do the salaries and fees paid to legal aid lawyers compare with the general market rate?  
Since Indonesia is very large and most of the areas are archipelagos, the service rate of Legal Aid is felt enough for those who handled the case inside the city, but it is not enough in the remote area, especially in the archipelago. So, we will evaluate the rate based on geographical element.

7. Please describe the types of legal aid services provided in your country (or organization), and the types of matters aided.

The legal aid services are Litigation (criminal cases, private cases and administrative cases) and Non Litigation (Consultation, Mediation, Negotiation, Investigation, Out-of-court Custody, Document drafting, Legal awareness campaign, Legal research and People legal empowerment)

8. Please describe application procedures and the criteria of granting legal aid.  
The applicant should apply to legal aid provider. The only criteria of the beneficiary is that he/she is in poverty and it is proven by the poverty-proof letter issued by local village government. Legal aid providers should help the applicant to get this letter.
9. In order to satisfy demand:
- (a) Are there services or standards specifically designed to help disadvantaged groups, such as women, children, indigenous people, labor and residents living in remote areas?  
  
So far, as long as the disadvantages group can show the poverty-proof letters, they can access the legal aid.
  - (b) Are there special standards or rules for deciding whether (and how much) Legal aid resources should be allocated to assist complex cases (eg, environmental lawsuits or other class action lawsuits)?

There is no special standard for complex cases.

10. How does your organization monitor the quality of legal aid lawyers' services?

So far, we do not monitor the substance of legal aid providing (for example how legal aid providers proceed in the court or how they make the plea), but we focus on the consistency of legal aid services (for example the lawyers should always accompany the beneficiary in the court, etc).

11. How does your country (or organization) inform potential applicants (particularly residents living in remote locations) of the availability of legal aid services?

We encourage legal aid providers to promote legal aid by legal awareness campaign in remote area and detention house. Our office also make legal awareness campaign to reach people in remote area by directly coming to the sites or by media (television/radio)

12. How does your organization help to reduce the amount of disputes which resort to the courts? Does your organization participate in law reform or offer legal education to the public? If so, please describe these activities or services.

Basically we are in public legal education bussiness. We campaign to use court as the last resort. We promote mediation and out-of-court settlement even by using informal justice (such as custom law mechanism). We use media such as internet, TV and Radio for above-the-line activities, and Legal Awareness Scouts, Mobile-Van, legal awareness communities and some public activities for direct public legal education.

13. Please describe recent initiatives which made services accessible through the use of technology. If self-help services are available, please comment on the effectiveness of these services.

We are developing the case management system which can be accessed online. It will be lauched at the end of this year.

14. Please describe the difficulties encountered by your country (or organization) in promoting legal aid work in the recent years, and the strategies for responding to these difficulties.

The difficulties include the geographical factors of Indonesia. The strategies include running another verification/accreditation to get more legal aid providers, especially in remote areas.

15. Has your country (or organization) established any mechanisms of co-operation with legal aid organizations abroad?

So far, we learn best practices of legal aid providing from South Africa, Georgia, Ukraine and Australia (Victorian and New South Wales Legal Aid). We also learned much from International Conference on Legal Aid in South Africa this year.

16. How does your country (or organization) adopt United Nations legal aid principles and guidelines in policies and services?

Some principles are adopted in Act 16/2011 on Legal Aid and become our standards in Government and Ministerial Regulation