IMPLEMENTING LEGAL AID IN INDONESIA

KRISTOMO CONSTANTINUS

DEPUTY DIRECTOR OF LEGAL AID, MINISTRY OF LAW AND HUMAN RIGHTS

INDONESIA

LAW AND REGULATIONS ON LEGAL AID in Indonesia

Article 28D of the 1945 Constitution states that "Everyone is entitled to the recognition, guarantee, protection, legal certainty of justice and equal treatment before the law"

Legal Aid is a National Program based on Law no. 16 Year 2011 about Legal Aid

Government Regulation Number 42 year 2013 on Requirements and Mechanism of Legal aid and Legal Aid Fund Distribution.

REGULATION ON SERVICE STANDARD

- Minister of Law And Human Rights Regulation Number 63 year 2016 jo.
 Minister of Law And Human Rights Regulation Number Number 10 Year 2015
 Implementation of Government Regulation Number 42 Year 2013
- •Minister of Law And Human Rights Decree Number M.HH-03.HN.03.03 Year 2013 on Cost Standard of Legal Aid.
- Technical Guidance on Legal Aid Disbursement Number PHN-HN.03.03-42 Date
 29 January 2016
- ■Technical Guidance on Monitoring and Evaluation of Legal Aid number PHN-HN.03.03-36 date 29 January 2016
- •Minister of Law And Human Rights Regulation number.... Year 2017 on Paralegal.

Regulation on Legal Aid Provider

- •Minister of Law And Human Rights Regulation Number 3 Year 2013 on Mechanism of Verification/Accreditation.
- •Minister of Law And Human Rights Decree Number M.HH-01.HN.03.03 Year 2016 Verification/accreditation result 2016 until 2018

LEGAL AID SCHEME

NATIONAL LAW DEVELOPMENT AGENCY, MINISTRY OF LAW AND HUMAN RIGHTS

BUDGET

REGULATIONS



405 LEGAL AID PROVIDERS (CSO)

LITIGATION

NON LITIGATION



POOR POEPLE, MARGINALIZED, VULNERABLE

POVERTY PROOF LETTERS

Legal aid service

Litigation

Criminal

Private

Administration

Non litigation

- 1 Consultation,
- 2. Mediation,
- 3. Negotiation,
- 4. Investigation,
- 5. Out-of-court Custody,
- 6. Document drafting,
- 7. Legal awareness campaign,
- 8. Legal research
- 9. People legal empowerment

LEGAL AID PROVIDERS

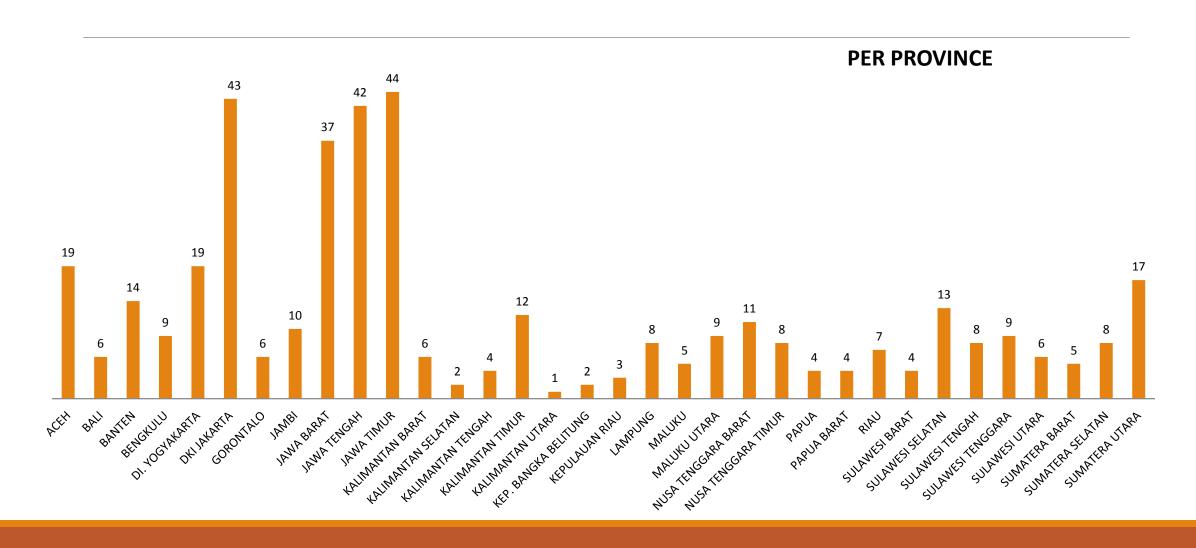
A = 13 LAP ADVOCATES AND PARALEGALS

B = 61 LAP

C = 331 LAP Advocates: 2070

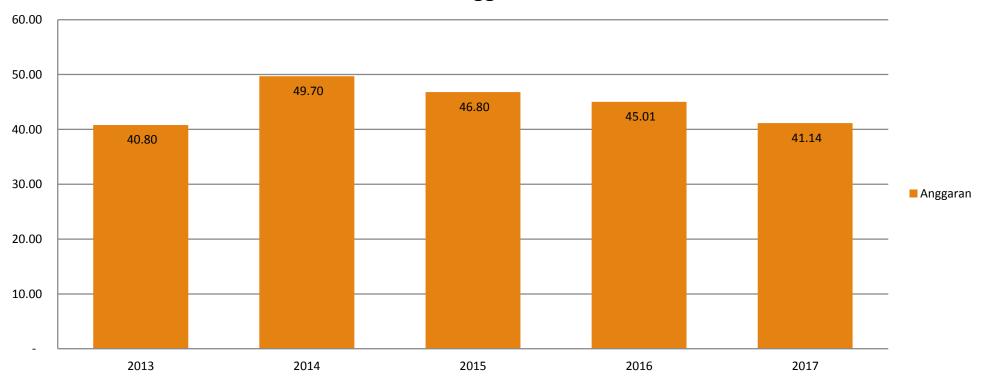
Total = 405 LAP Paralegals: 2250

DISTRIBUTION OF LEGAL AID PROVIDERS

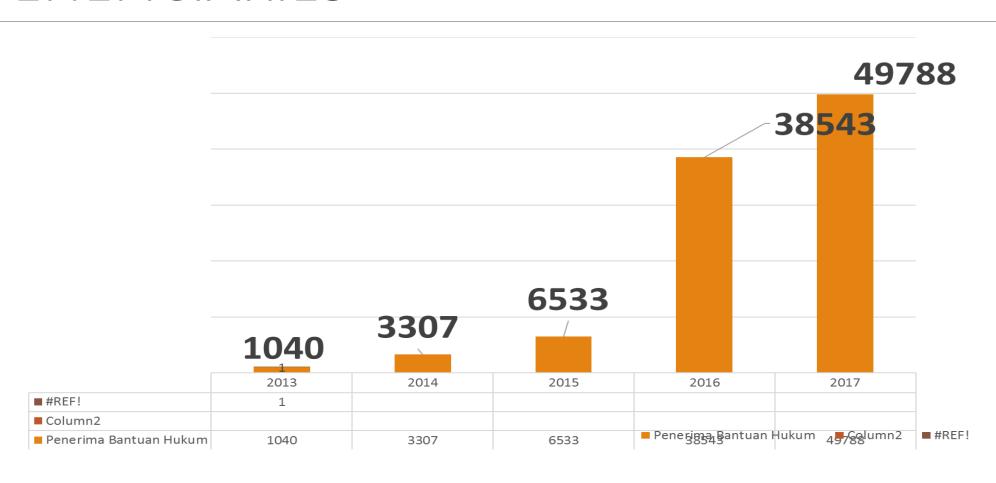


LEGAL AID STATE BUDGET





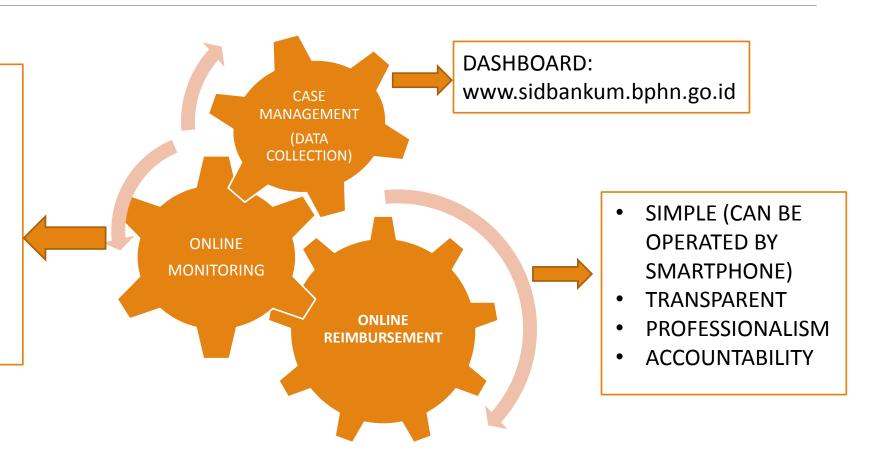
BENEFICIARIES



USING APPLICATION: DATABASE INFORMATION SYSTEM OF LEGAL AID

KEY PERFORMANCE INDEX OF LEGAL AID PROVIDER:

- 1. CLIENT SATISFACTION
- 2. INTEGRITY
- 3. KNOWLEDGE OF LEGAL PROCESS
- 4. INFORMATION ABOUT LEGAL AID



Dashboard

Badan Pembinaan Hukum Nasional Kementerian Hukum dan HAM Republik Indonesia

Masuk

Daftar Verasi

Lihat

Lihat

Lihat

Lihat

Lihat

Penyerapan Anggaran



Target Anggaran Rp. 44.983.620.000

Sisa Anggaran Rp. 3.507.182.975

Pengumuman

PENGUMUMAN ADDENDUM II

Surat Edaran tentang Mekanisme

Perjanjian Tambahan/Adendum Kontrak

Pelaksanaan Bantuan Hukum Tahun

2016

Hati-hati terhadap penipuan

SURAT EDARAN TENTANG

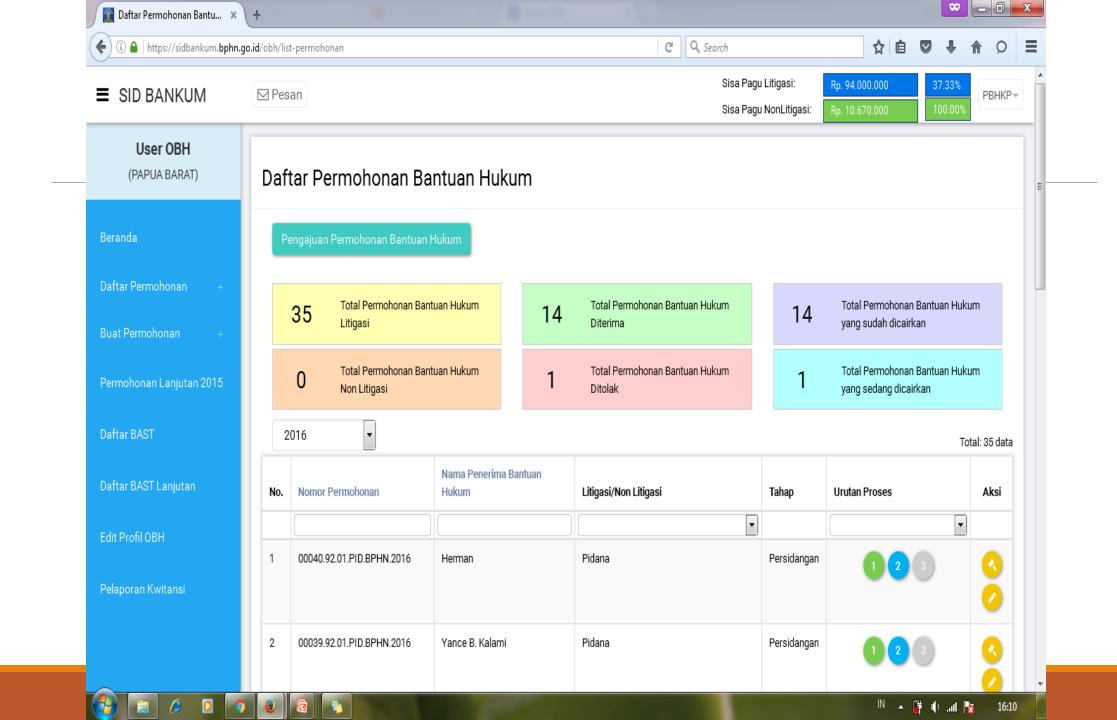
PERCEPATAN SERAPAN ANGGARAN

DAN PELAKSANAAN BANTUAN

HUKUM TAHUN 2016

PERJANJIAN KERJA SAMA BPHN-MA-

KEJAKSAAN-KEMENDES



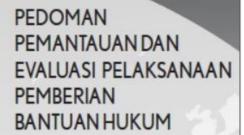


MONITORING TOOL

Objective:

 Maintain quality as stated in Legal Aid Service Standard

Method: Interview with the beneficiaries



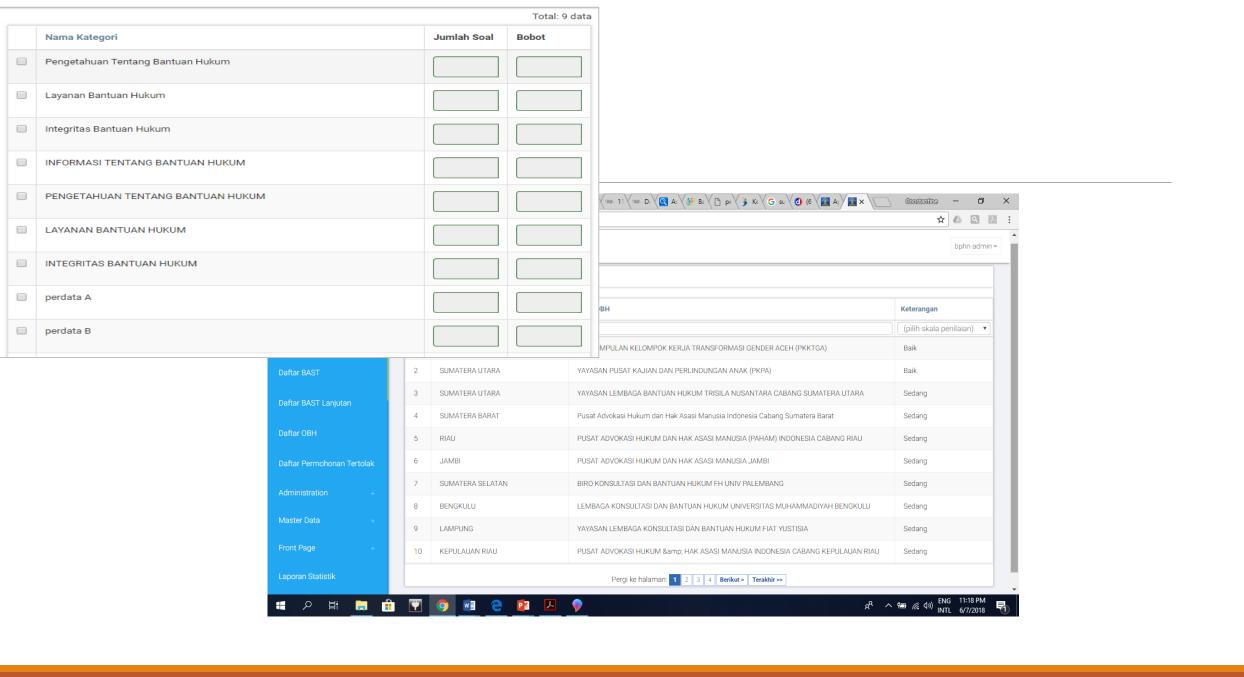


Lampiran 1 (Kuesioner untuk Dewasa)

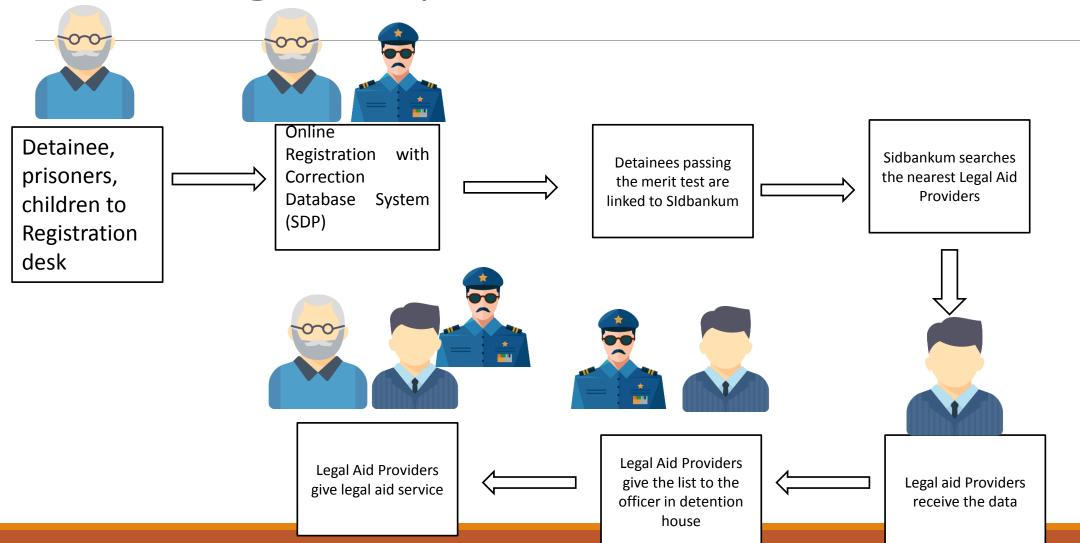
KUESIONER

Monitoring dan Evaluasi Program Bantuan Hukum

1. Nama		L	
2. Jents Kelamin •	Perempuan	- Laki-li	akt
3. Usta			Tahun
4. Status Perkawinan			1-077.55.434
Belum menikah 3 Menikah 4. Janda/Du	. Tidak menikah da cerai 6. Tidak tah		ia/Duda kematian Tahu 88. Tidak Jawab
5. Pendidikan formal teral	khir yang Bapak/Ibu	Saudara ta	matkan:
1. Tidak sekolah		9. Tamat SMP keagamaan	
2. Tidak tamat SD		10. Tamat SMA/SMK Umum	
3. Tamat SD umum		11. Tamat Madrasah Aliyah	
4. Tamat Madrasah Ibtidatyah		12. Tamat diploma	
5. Tamat SD keagamaan lain		13. Tamat SMA keagamaan lain	
6. Tidak tahu		14. Tamat sarjana (S1)	
7. Tamat SMP umum		15. Tamat sarjana (S2)	
77. Tidak Tahu		16. Tamat sarjana (S3)	
88. Tidak Jawab			
6. Pekerjaan Bapak/Ibu/Sa	audara		
1. Pelajar/Mahasiswa	6. Pegawat BUMN		11. Pekerja lepas/Penggarap
2. Ibu Rumah Tangga	7. Pegawai Swast	a Nasional	12. Wirausaha (Non pedagang
Tidak bekerja	8. Pegawal Swast	a Asing	13. Pedagang
4. Penstunan	9. Pegawai Yayasi		14. Lainnya
5. Pegawai Negeri Sipil	10. Petani/Nelayan	/Pentlik	77. Tidak Tahu 88. Tidak Jawai
7. Berapa rata-rata penge	luaran total keluarga	(Inti)	
Bapak/Ibu/Saudara set		Г	
(bukan pengeluaran Inc	dividu) Rp		
8. Berapa rata-rata pengh	asilan total keluarga	Ontil)	1
Bapak/Ibu/Saudara seti		г	
(bukan pengeluaran Inc			



Online Legal aid post



Verification/Accreditation

Selecting New Legal Aid Providers and Re-accreditation LAP

Once in 3 years period

Requirements:

- Legal Entity
- Board of Organization
- Definite Office
- Advocate and paralegals
- Legal Aid Program in 2 years (how many cases and non litigation activities)

New LAP which passes verification will get accreditation based on the numbers of advocates, paralegal and cases/non litigation acitivities

In 2018, Re-accreditation includes:

- Score of Key Performance index
- Budget spent
- Pro-Bono Cases

WHAT and How to meassure



1. CLIENT
SATISFACTION

- 2. INTEGRITY
- 3. KNOWLEDGE OF LEGAL PROCESS
- 4. INFORMATION ABOUT LEGAL AID

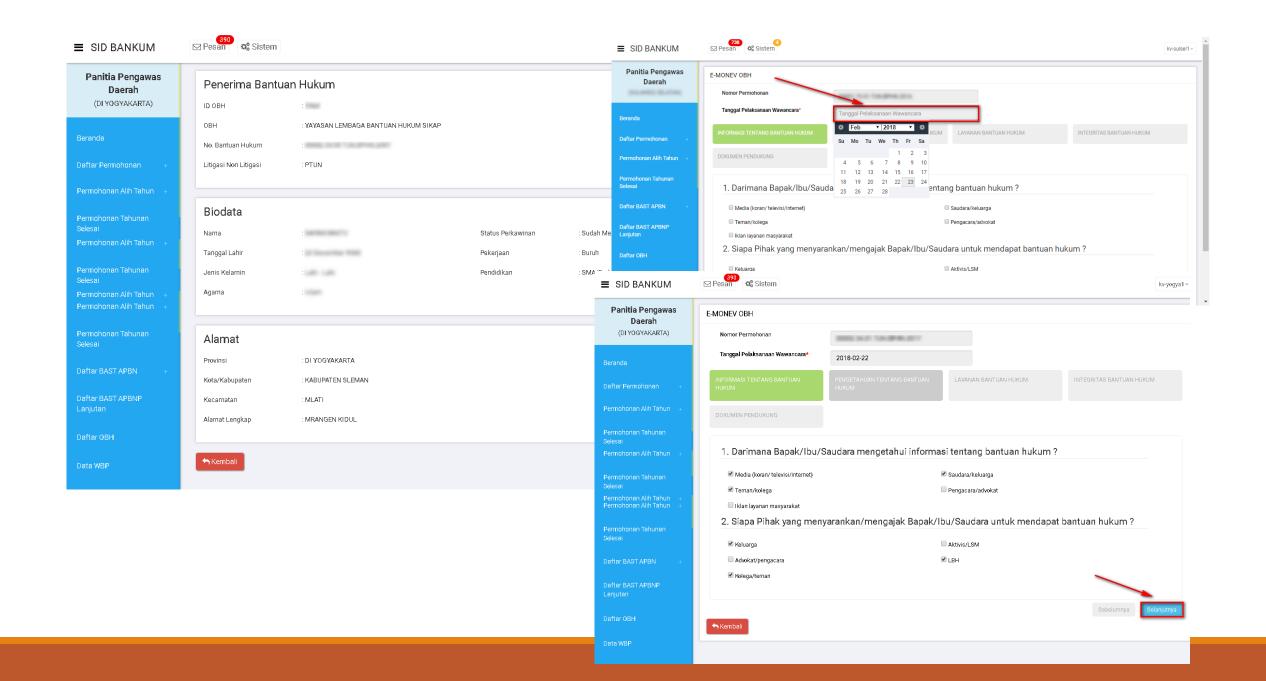
methode

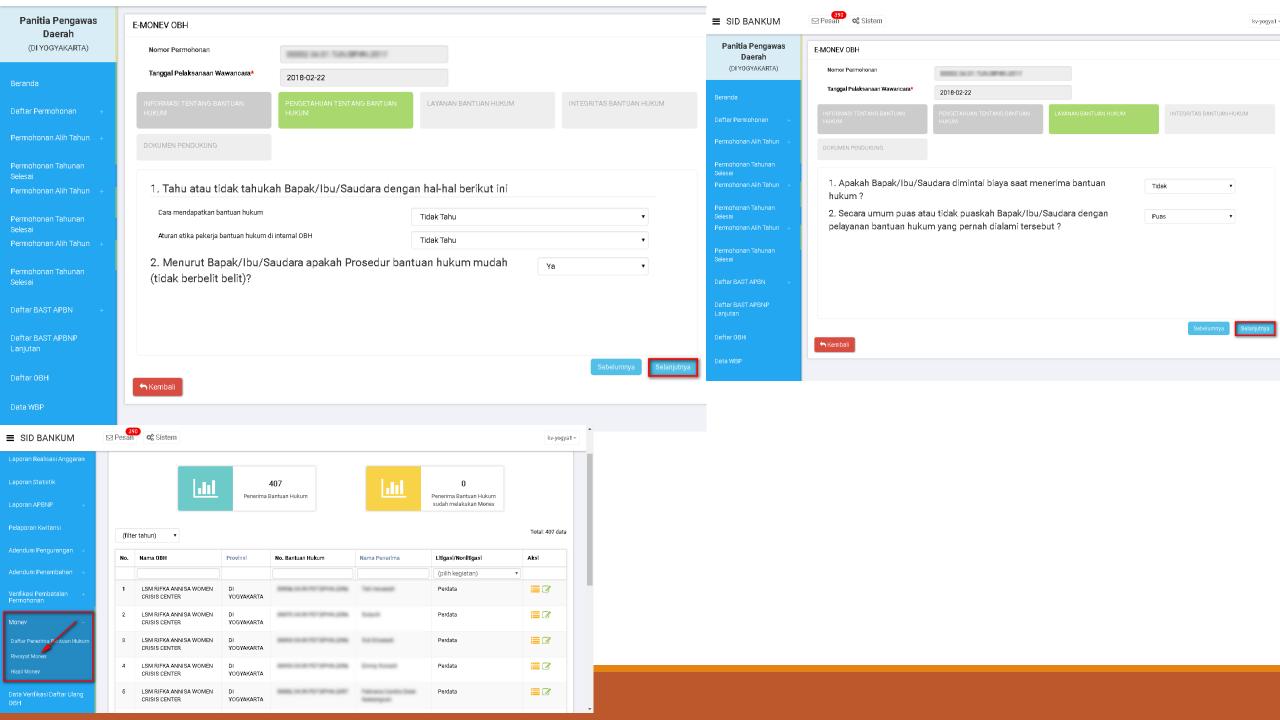
Survey:

5 % of Clients



Re-Accreditation





LAP KEY PERFORMANCE INDEX



Apakan dokumen iisik periu untuk dikirimkan iagi jika sudan menggunakan Apiikasi V SID BANKUM ONLINE?

Bagaimana caranya Pengguna meminta bantuan terkait dengan Aplikasi SID BANKUM V Online?

Manual Book Permohonan Bantuan Hukum (Non Litigasi)

Manual Book Cara Melakukan Aktivasi Akun OBH

Cara Mengajukan Permohonan Bantuan Hukum (Litigasi)

Cara Mengajukan Pemohonan Lihat

Money Online Video Diagram Skala Penilaian OBH ≡ SEDANG:7 OBH PEMBERIAN BANTUAN HUK... () BAIK SEDANG BURUK Liputan Pemberian Bantuan ... ()

Testimoni

Dokumen

Surat Edaran Akreditasi Ulang OBH

Lihat

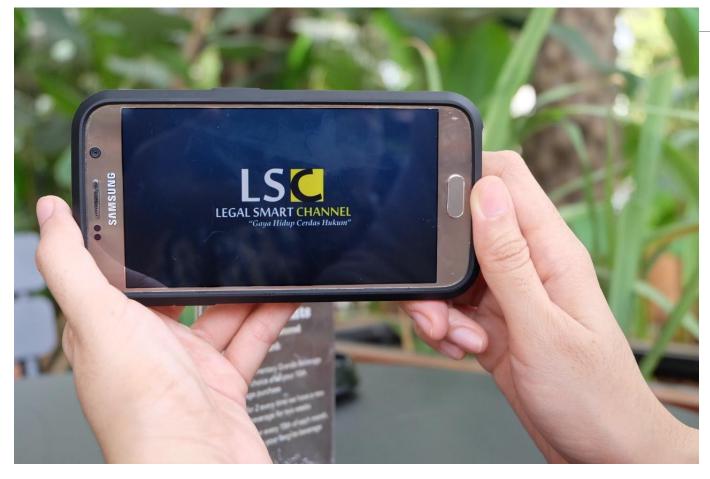
In Progress: 5 stars Rating directly from client



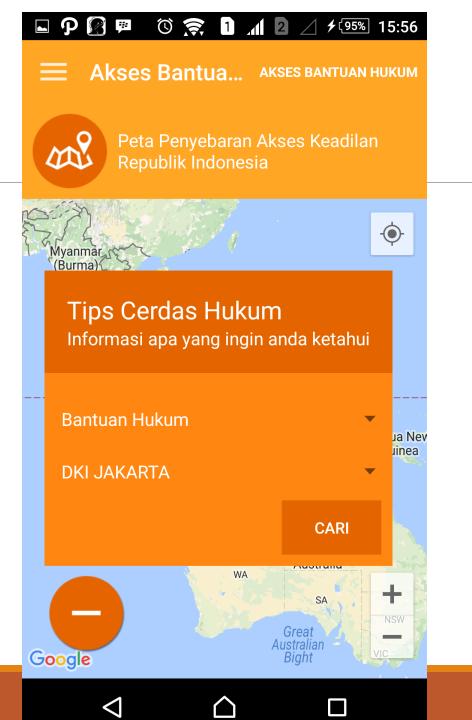
IOS/ANDROID LEGAL SMART CHANNEL

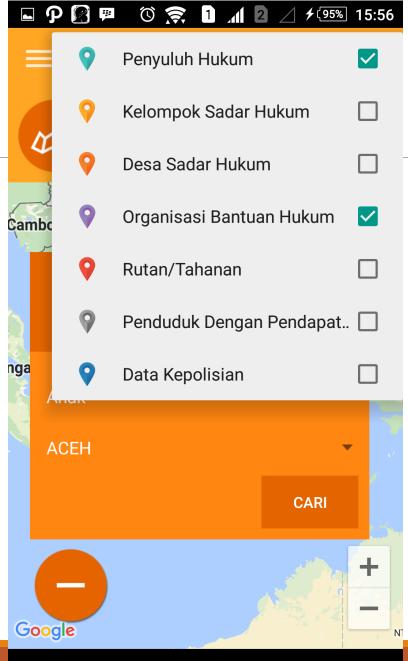












EXPANDING LEGAL AID



ACCESS TO JUSTICE

Goal

LEGAL AID PROVIDER

Public legal
awareness
(MID TERM
National
Development)

PARALEGAL

CSO

 Ministry of Village, Development of Disadvantaged Regions and Transmigration

"OVOP"

■ LAP ____

village

Ministry of Law & HR

EMPOWERING PARALEGAL

- 1. Paralegal has been active in giving legal aid services far before the legal aid law
- 2. Problems of Paralegal:
 - a) legitimation
 - b) Competence
 - c) Monitoring

3. REGULATION:

- a) LEGAL AID LAW ARTICLE 9 letter a: Legal aid provider can recruit advocate, paralegal, lecturer and students of Law Faculty
- b) Minister of Law And Human Rights Regulation number 1 Year 2018 on Paralegal in Legal Aid Delivery