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EFFECTIVENESS OF LEGAL AID REGULATIONS FOR LOW-PROFIT COMMUNITIES BASED ON LAW NO. 16 OF 2011 CONCERNING LEGAL AID

EFEKTIVITAS PENGATURAN BANTUAN HUKUM BAGI MASYARAKAT KURANG MAMPU BERDASARKAN UU NO. 16 TAHUN 2011 TENTANG BANTUAN HUKUM

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Abstract

This study examines legal aid for disadvantaged communities under Law Number 16 of 2011 concerning Legal Aid. It aims to analyze its regulation, effectiveness, weaknesses, and possible improvements. The research uses a normative juridical method through statutory and library approaches. Legal materials are analyzed qualitatively. The findings reveal that legal aid has a legal foundation but faces administrative barriers, funding limitations, unequal service distribution, and inadequate assistance. Therefore, simplified procedures, stronger institutions, and improved supervision are necessary to promote access to justice and equality before the law for disadvantaged communities.

Keywords : Legal Aid, Disadvantaged Communities, Access to Justice, Equality Before the Law, Legal Protection.

Abstrak

Penelitian ini membahas pengaturan bantuan hukum bagi masyarakat kurang mampu berdasarkan UU No. 16 Tahun 2011 tentang Bantuan Hukum. Tujuannya adalah menganalisis pengaturan, efektivitas, kelemahan, dan upaya penyempurnaan bantuan hukum. Metode yang digunakan ialah penelitian yuridis normatif dengan pendekatan perundang-undangan dan studi kepustakaan. Bahan hukum dianalisis secara kualitatif. Hasil penelitian menunjukkan bahwa bantuan hukum telah memiliki dasar hukum, tetapi masih menghadapi kendala administratif, keterbatasan pendanaan, pemerataan layanan, dan kualitas pendampingan. Oleh karena itu, diperlukan penyederhanaan prosedur, penguatan kelembagaan, serta peningkatan pengawasan agar akses keadilan dan persamaan di hadapan hukum dapat diwujudkan bagi masyarakat kurang mampu.

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Kata Kunci : Bantuan Hukum, Masyarakat Kurang Mampu, Akses Keadilan, Persamaan Hukum, Perlindungan Hukum.

1. INTRODUCTION

Legal aid is a public right that must be guaranteed by the state, especially for underprivileged individuals who experience difficulties obtaining legal assistance due to economic constraints. Law Number 16 of 2011 concerning Legal Aid provides the basis for the provision of free legal services for eligible individuals. However, its implementation still faces a number of challenges, such as limited access to services, administrative requirements, funding, and the quality of assistance. This situation raises questions about the extent to which legal aid regulations are able to guarantee justice for underprivileged individuals.

This research uses the theory of access to justice and the theory of equality before the law as the basis for analysis. The theory of access to justice emphasizes the importance of opportunities for everyone to obtain legal services and protection, while the theory of equality before the law asserts that every citizen has the right to equal treatment without discrimination based on economic circumstances. Based on these two theories, this research discusses the regulation of legal aid, its normative effectiveness, weaknesses in the regulation, and improvements to enhance legal protection for underprivileged individuals.

2. RESEARCH METHOD

The research method used in this paper is normative juridical research, namely research that examines laws and legal materials related to legal aid for the underprivileged. This study uses a legislative approach by examining Law No. 16 of 2011 concerning Legal Aid and other related regulations. Data were obtained through literature review by studying books, scientific journals, and relevant legal sources. All legal materials were analyzed qualitatively to determine the regulations, normative effectiveness, weaknesses, and efforts to improve legal aid in ensuring access to justice for the underprivileged.

3. RESULT AND DISCUSSION

A. Law No. 16 of 2011 concerning Legal Aid

Law No. 16 of 2011 concerning Legal Aid is the primary legal basis for the provision of legal aid for underprivileged communities in Indonesia. This law is based on the premise that every citizen has the right to legal protection and equal treatment before the law, regardless of their economic capacity. The state is not sufficient to simply provide regulations and judicial institutions; it also needs to ensure that the public has the ability to exercise their legal rights.

Legal aid, as defined in Article 1, number 1, of Law No. 16 of 2011, is defined as legal services provided free of charge by legal aid providers to legal aid recipients. According to Article 1, number 2, legal aid recipients are individuals or groups of underprivileged individuals, while legal aid providers, according to Article 1, number 3, are legal aid institutions or community organizations that meet the requirements of the law. This definition demonstrates that legal aid is not a commercial service requiring recipients to pay an honorarium, but rather a form of legal service aimed at assisting communities experiencing economic constraints.

The basis for legal aid is also related to Article 27 paragraph (1) and Article 28D paragraph (1) of the 1945 Constitution of the Republic of Indonesia. Article 27 paragraph (1) affirms the equality of citizens before the law and government, while Article 28D paragraph (1) guarantees recognition, guarantees, protection, and certainty of fair law, as well as equal treatment before the law. These two provisions form the constitutional basis for the state to reduce economic barriers that make it difficult for individuals to assert their rights through the legal process.

Article 2 of Law No. 16 of 2011 establishes six principles for the implementation of legal aid: justice, equality before the law, openness, efficiency, effectiveness, and accountability. The principle

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of justice requires that services be provided appropriately and proportionally. The principle of equality demands that people are not treated inferiorly simply because of their poverty. The principle of openness relates to the ease of accessing information, while efficiency and effectiveness emphasize the appropriate use of resources. Accountability requires that the provision of legal aid be accountable.

The purpose of these regulations is clarified in Article 3 of Law No. Law No. 16 of 2011 aims to guarantee access to justice for legal aid recipients, realize citizens' constitutional rights, ensure equitable distribution of services throughout Indonesia, and realize an effective, efficient, and accountable judicial process. Therefore, the success of this law cannot be solely measured by the existence of legal aid institutions or the number of cases handled. Assessment must also consider whether the public is aware of their rights, can access services, obtain adequate assistance, and is able to legally defend their interests.

The scope of legal aid is regulated in Article 4, which covers criminal, civil, and state administrative law matters, both through litigation and non-litigation processes. Litigation is the resolution of cases through the courts, while non-litigation encompasses activities outside the courts, such as legal consultations, mediation, negotiation, counseling, and peaceful dispute resolution in accordance with applicable regulations. This coverage is important because the problems of the underprivileged do not always end up in court. Land disputes, wage disputes, family problems, or difficulties in obtaining public services, for example, may require consultation and assistance before cases are brought to court**.**

However, legal aid recipients under this law are subject to certain criteria. Article 5 states that legal aid recipients are individuals or groups of poor individuals who are unable to adequately and independently fulfill their basic rights. These basic rights include food, clothing, health care, education, employment and business, and housing. This provision demonstrates that poverty must be understood in relation to the ability to meet basic needs. However, its implementation must be carried out carefully to ensure that administrative procedures do not hinder those who truly need assistance.

The provision of legal aid is carried out through a division of responsibilities between the government and legal aid providers. Based on Articles 6 and 7, the government is responsible for establishing policies, establishing service standards, managing budgets, and supervising, verifying, and accrediting institutions providing legal aid. Meanwhile, Article 8 stipulates requirements for legal aid providers, including being a legal entity, being accredited, having a permanent office or secretariat, having management, and having a legal aid program. These requirements aim to maintain the quality and accountability of services, but their implementation must also consider the capabilities of legal aid organizations operating in areas with limited resources.

In terms of funding, Articles 16 and 17 of Law No. 16 of 2011 stipulate that funding for legal aid organized under the law is borne by the State Budget (APBN), with the possibility of other legitimate funding sources. This provision affirms the state's responsibility to guarantee access to justice. Therefore, the legal aid budget must be planned based on actual needs, regional distribution, case complexity, and reasonable operational costs. Budgeting that is not commensurate with needs has the potential to limit the number of service recipients and reduce the quality of assistance.

The implementation of this law is also detailed in Government Regulation No. 42 of 2013 concerning the Requirements and Procedures for Providing Legal Aid and Disbursing Legal Aid Funds, and Regulation of the Minister of Law and Human Rights No. 4 of 2021 concerning Legal Aid Service Standards. Government Regulation No. 42 of 2013 regulates application requirements, service procedures, and fund disbursement, while Regulation of the Minister of Law and Human Rights No. 4 of 2021 establishes service standards that must be met in the implementation of legal aid. Both regulations are important because the law requires implementing regulations to ensure the right to legal aid is realized through clear procedures and measurable services.

In Budi Sastra Panjaitan's study on the role of university legal aid institutions, the involvement of higher education institutions demonstrates that legal services can be developed through collaboration between advocates, lecturers, and law students. University legal aid institutions have the

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potential to serve as a bridge between community needs and academic resources, particularly through consultation, mentoring, legal education, and community service activities. However, student involvement must be aligned with competency, supervision, and applicable legal provisions to ensure that the services provided do not harm recipients.

The provision of legal aid also involves legal aid institutions or community organizations that meet statutory requirements. Furthermore, universities can play a role through legal aid institutions and community service activities. Panjaitan, along with Syofiaty Lubis and Sophia Ghania, discussed the involvement of students from the Faculty of Sharia and Law at UINSU in implementing non-litigation legal aid. This demonstrates that legal aid can involve academics, as long as it is conducted through organizations and mechanisms that comply with legal provisions.

B. Effectiveness of Legal Aid in Ensuring Access to Justice

The effectiveness of legal aid can be understood as the degree of success of service delivery in achieving the objectives stipulated by law. In the context of Law No. 16 of 2011, effectiveness cannot be measured solely by the availability of a budget or the establishment of a legal aid institution. Assessments should include ease of access, appropriate recipients, quality of assistance, protection of rights, and the service's ability to assist the public in resolving their legal issues.

Access to justice means a real opportunity for everyone to know their rights, obtain the necessary assistance, utilize dispute resolution mechanisms, and obtain a fair resolution. This access relates not only to the opportunity to enter a courthouse but also to the ability to understand procedures, gather documents, file claims, and confront other parties who may have greater resources. Therefore, legal aid plays a crucial role in reducing the disparity between those who can afford legal services and those who cannot.

From a normative perspective, Law No. 16 of 2011 provides a fairly clear basis regarding the objectives, scope, principles, providers, and funding of legal aid. However, the existence of regulations does not automatically guarantee that all members of the public can utilize these services. Effectiveness depends heavily on policy implementation, the availability of legal aid institutions, the capabilities of service providers, public information, and budgetary support. Therefore, assessing effectiveness must distinguish between the success of establishing regulations and the success of their implementation.

First, effectiveness can be assessed by the reach of services. Legal aid services should be available not only in large cities but also in rural areas, remote areas, and areas with limited transportation. If people have to travel long distances for consultations or to process documents, travel costs and lost work time can be significant obstacles. Therefore, equitable distribution of legal aid requires collaboration between local governments, legal aid institutions, universities, community organizations, and village officials.

Second, effectiveness is determined by public awareness of the right to legal aid. Some people may not be aware that they can obtain free legal services, may not understand the application requirements, or may assume that legal aid is only available to those facing criminal cases. This lack of information can lead to the underutilization of legally guaranteed rights. The research of Muhammad, Gassing, and Ishak on legal aid institutions' assistance to the poor from an Islamic legal perspective can be used to strengthen discussions on the importance of legal aid institutions' role in bringing services closer to those in need.

Third, effectiveness relates to the quality of legal assistance. Good legal assistance goes beyond providing brief advice or attending court appearances. Legal aid providers need to explain the recipient's legal position, help assess settlement options, maintain confidentiality of information, prepare documents, and provide assistance according to the needs of the case. In certain cases, settlement through mediation or negotiation may be more appropriate than lengthy court proceedings, as long as it does not deprive the recipient of their legal aid rights or cause pressure on them. Service standards based on Ministerial Regulation No. 4 of 2021 serve as one basis for assessing the quality of this implementation.

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Fourth, the effectiveness of legal assistance can be measured by the service's ability to protect vulnerable groups. Poor communities can face multiple barriers, such as limited education, lack of access to information, discrimination, economic dependence, or difficulty communicating their experiences. For children, women, persons with disabilities, and victims of violence, assistance must address their specific needs and prevent degrading treatment. The research of Lubis, Yuslem, Panjaitan, and colleagues on optimizing Posbakum and Islamic organizations for child victims of violence in schools provides relevance for developing services that are more sensitive to the needs of vulnerable groups.

Fifth, effectiveness must be assessed based on the results and benefits of services, not just the number of cases handled. The number of aid recipients, consultations, and cases assisted are output indicators. Meanwhile, increased legal understanding, fulfillment of procedural rights, reduced barriers to accessing services, fair dispute resolution, and increased public trust are outcome indicators. This distinction is important because a high number of services does not necessarily indicate good quality if assistance is rushed or does not meet the recipient's needs.

Sixth, effectiveness relates to oversight and accountability. The use of legal aid funds must be auditable, and recipients need to have channels to file complaints if services do not meet standards. Evaluations also need to assess whether application rejections are accompanied by clear reasons, whether recipients receive information about case progress, and whether legal aid providers maintain their professional independence. The principle of accountability in Law No. 16 of 2011 underpins the need for legal aid provision to be assessed based on tangible results and accountability.

From the perspective of equality before the law, legal aid serves to help mitigate the impact of economic inequality on a person's ability to defend their rights. Korompot, Al-Fatih, and Syabani discuss the relevance of the principle of equality before the law in corruption cases in Indonesia. This study can be used as a conceptual foundation that equality before the law is not simply understood as the application of equal rules, but also requires consideration of whether everyone has a reasonable opportunity to avail themselves of legal protection.

Based on this description, legal aid can be deemed effective if people who meet the criteria can access services without unreasonable obstacles, receive quality assistance, and have a more equal opportunity to defend their rights. Conversely, if services are only available in limited quantities, procedures are difficult to understand, or assistance is inadequate, the goal of access to justice has not been fully achieved. Empirical conclusions about the level of effectiveness still require data on the number and distribution of recipients, service quality, budget utilization, complaints, and the outcomes of assistance.

The effectiveness of legal aid is also related to the role of advocates in assisting the community. In the article "Constructive Criticism of the Role of Sharia Advocates in Legal Aid in the Contemporary Era," Panjaitan discusses the role of sharia advocates and the obstacles faced in implementing legal aid in the contemporary era. The study highlighted the issue of specific regulations for sharia advocates and limited professional training as challenges to optimally fulfilling their role. This suggests that improving the capacity and professionalism of legal aid providers is a crucial aspect.

C. Weaknesses of Legal Aid and Equality Before the Law Regulations

Although Law No. 16 of 2011 has provided the basis for the provision of legal aid, a number of issues remain that require review, including clarity of norms, equitable distribution of services, recipient requirements, financing, and oversight. These weaknesses do not necessarily mean that all provisions of the law are inadequate. Some problems arise because existing provisions have not been optimally implemented or do not adequately address the evolving needs of society.

1. Limitations in Determining Legal Aid Recipients

Article 5 of Law No. 16 of 2011 links the receipt of legal aid to poverty levels and the ability to meet basic needs. This provision aims to ensure that assistance is provided to groups in need. However, in administrative practice, assessing economic conditions can be challenging when a person's circumstances are not fully reflected in formal documents. Individuals who lose their jobs, experience

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a sudden economic crisis, or face significant expenses due to legal proceedings may struggle to cover the costs of assistance, even if their economic situation is not easily proven through available documents.

Article 14 of Law No. 16 of 2011 and Article 3 of Government Regulation No. Law No. 42 of 2013 regulates application requirements, including identification, a description of the problem, case documents, and a certificate of poverty from a local official. Law No. 16 of 2011 also permits oral applications if the applicant is unable to prepare them in writing. This last provision demonstrates an effort to provide convenience. However, its implementation still requires procedures that help applicants fulfill the requirements without depriving them of their rights simply because of limited knowledge or administrative skills. Improvements that could be considered include simplifying the process of proving economic conditions, accepting valid alternative documents, and providing assistance in completing applications. Assessments must still have objective criteria to ensure they are targeted, but they should not become procedures that are more difficult to fulfill than the legal needs being addressed.

2. Unequal coverage of legal aid services

The availability of legal aid institutions and professionals is a crucial factor in ensuring access to justice. However, the presence of institutions does not always align with their ability to reach the community. Areas far from government centers or with limited transportation access may face difficulties in obtaining direct consultation and assistance. As a result, people in certain areas may receive more limited services than those living closer to service centers. Simanjuntak and Ginting Munthe's study on the role of university-based legal aid institutions in assisting the community failed to demonstrate the relevance of higher education institutions as a supporting element of services. Universities can develop legal clinics, community consultations, outreach, and collaboration with legal aid organizations. However, these programs require continuity, professional oversight, and a clear referral mechanism. Without such support, services risk being short-lived and failing to fully address recipients' legal issues.

3. Ambiguity and overlapping institutional arrangements

Legal aid providers must meet statutory requirements, including legal entity status and accreditation. These requirements are necessary to ensure that the institution has a clear organizational structure and accountability. However, the establishment and management of legal aid organizations can face challenges if provisions regarding institutional form, legal entity status, authority, and inter-institutional relationships are not uniformly understood.

Prasetyorini, Lisdiyono, and Mulyani examined the institutional arrangements for legal aid in Indonesia and highlighted the issue of regulatory clarity related to the establishment of legal aid institutions. This study demonstrates that improvements are needed not only in services provided to recipients but also in the governance of the organizations providing these services. Clarity in institutional regulations can help reduce administrative uncertainty and strengthen the accountability of legal aid providers.

In this context, regulatory reconstruction needs to ensure that institutional requirements maintain professionalism while not creating disproportionate administrative barriers for organizations with real service capacity. The establishment of clear regulations must be accompanied by a development and oversight mechanism, so that the primary focus remains on protecting legal aid recipients.

4. Funding limitations and continuity of services

Funding is crucial because legal aid requires professional personnel, transportation, document collection, consultation, and case assistance. Although Articles 16 and 17 of Law No. 16 of 2011 regulate funding through the State Budget (APBN), the success of services still depends on the adequacy, timeliness, and procedures for its use.

If funding is not commensurate with needs, legal aid institutions may experience difficulties handling cases that require lengthy processing or intensive assistance. This issue has the potential to

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reduce recipients' opportunities to receive adequate services. Furthermore, budget utilization must remain auditable to ensure that public funds are truly used for the benefit of legal aid recipients.

Therefore, funding policies need to consider the number of cases, their complexity, distance, the needs of vulnerable groups, and non-litigation activities aimed at preventing disputes. Budget evaluation should not only focus on the number of cases reported, but also on the quality and benefits of services.

5. Limited supervision of service quality

Accreditation requirements and service standards are crucial tools for maintaining the quality of legal aid. However, meeting administrative requirements does not always reflect the quality of assistance received by the community. An institution may comply with organizational documents and regulations, but still require improvements in communication with recipients, the accuracy of legal strategies, case management, and information delivery.

Moonti's research on improving the capacity of paralegals in villages demonstrates the importance of strengthening the capabilities of assistants who interact directly with the community. Paralegals can help identify problems, provide basic information, support documentation, and connect communities with legal aid providers. However, this role must be carried out within the limits of applicable authority and with adequate support.

Effective oversight therefore requires combining administrative audits with service quality assessments, complaint mechanisms, recipient evaluations, and competency development. In this way, accreditation becomes not only a preliminary requirement but also part of ongoing efforts to improve service quality.

6. Equality under the law does not always mean equality of opportunity

The principle of equality before the law requires that everyone receive equal treatment before the law. However, formal equality does not necessarily result in equal opportunity. Individuals with good economic standing, education, and access to information typically have an easier time finding legal counsel, understanding procedures, and preparing evidence. Conversely, disadvantaged individuals may encounter obstacles at each of these stages.

Silalahi discusses the rule of law and the philosophical foundations of Pancasila, while Korompot, Al-Fatih, and Syabani examine the principle of equality before the law in the context of law enforcement. Both studies can be used to strengthen the analysis that the principle of the rule of law needs to be realized in tangible protections, not merely stated in norms.

Legal aid is one way to reduce this inequality. However, its success depends on the ability of services to reach those in need and provide adequate assistance. Thus, legal equality should be understood as equal status before the law while simultaneously ensuring that economic limitations do not automatically eliminate an individual's opportunity to defend their rights.

7. Limited orientation towards individual case resolution

Legal aid is often understood as assistance for individuals facing legal challenges. However, some legal problems experienced by the public are related to structural issues, such as a lack of understanding of workers' rights, difficulty accessing public services, land conflicts, or practices that disadvantage certain groups. If services focus solely on individual cases, the underlying causes of similar problems may persist.

Ameilia, Winata, Rico, and Alifian discuss structural legal aid as a strategy to address social inequality. This approach positions legal aid not only as a means of individual advocacy, but also as an effort to identify common problems, strengthen legal awareness, and encourage policy improvements through legitimate means.

Within this framework, legal aid needs to be complemented by legal education, documentation of recurring issues, policy advocacy, and strengthening the community's ability to understand and exercise their rights. The structural approach does not replace individual assistance, but rather complements it so that legal aid can contribute to preventing violations and improving the legal services system.

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Based on this description, weaknesses in legal aid regulations need to be divided into two groups. First, normative weaknesses related to the clarity, consistency, or adequacy of regulations. Second, implementation weaknesses relate to implementation, budgeting, human resources, service distribution, and oversight. This distinction is important so that proposed improvements are not always directed at changing laws when the actual problem can be resolved through improved implementation.

D. Reconstruction of Legal Aid Arrangements for the Underprivileged

Reconstructing legal aid regulations is an effort to reorganize norms, institutions, and implementation mechanisms so that the right to legal aid can be realized more effectively. Reconstruction does not necessarily mean replacing Law No. 16 of 2011 in its entirety. Changes can be made through improving inadequate provisions, harmonizing implementing regulations, strengthening funding policies, and improving service standards and oversight. The primary goal of reconstruction is to reduce the gap between normative guarantees and the realities faced by the community. Therefore, changes must be based on clear problem identification, evidence of service barriers, and an evaluation of existing regulations.

1. Simplifying the procedures for receiving legal aid

The first reconstruction is aimed at simplifying administrative requirements without eliminating the principle of targeted attention. Application procedures should help the public obtain services, not create new obstacles for those unfamiliar with legal administration.

The government can develop procedures that allow for simplified document review, acceptance of oral applications under justified circumstances, and assistance in completing forms. Recipient criteria should be openly explained so the public understands the required documents and the reasons for their application being accepted or rejected. A referral mechanism should be in place if someone approaches an institution that lacks the authority or capacity to handle their case. This way, applicants are not forced to repeat the entire process from the beginning without clear guidance.

2. Strengthening the distribution of services across all regions

The second reconstruction is to expand the reach of legal aid through collaboration between the central government, regional governments, legal aid institutions, universities, and qualified community organizations. This expansion can be implemented through legal clinics, regular consultation services, mobile services, village counseling, and an inter-institutional referral system.

Equity must be based on mapping the legal needs of the community, not just the number of registered institutions. Areas with long distances from service centers, limited legal personnel, or high needs for assistance for vulnerable groups require special attention. University legal aid institutions can be part of this strategy. Panjaitan's research on the role of university legal aid institutions emphasizes the relevance of higher education institutions in helping achieve justice through legal services. For their contribution to be sustainable, these activities need to be supported by professional staff, student development, clear partnerships, and a mechanism for referring cases to advocates when necessary.

3. Clarifying institutional arrangements and division of authority

The third reform is to clarify the relationship between legal aid providers, legal aid institutions, advocates, paralegals, and institutions providing other legal services. Clarity is needed so that the public knows where to submit applications, who is responsible for assistance, and how to file complaints if problems arise. Institutional arrangements also need to ensure that legal entity requirements, accreditation, offices, administrators, and legal aid programs are consistently applied. At the same time, the government needs to provide easily accessible information on institutions that have met the requirements and the types of services they can provide. The study by Prasetyorini, Lisdiyono, and Mulyani regarding the need for clarity in regulations for legal aid institutions can serve as a basis for assessing whether institutional rules provide adequate certainty. Improvements in this aspect are expected to create clearer governance without compromising the professional independence of legal aid providers.

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4. Ensuring adequate and sustainable funding

The fourth reform relates to funding policy. The state needs to ensure that the legal aid budget is based on service needs and is used in a timely manner. Budgeting should also take into account variations in case handling costs, regional distance, recipient needs, and non-litigation activities that prevent disputes.

In addition to funding from the state budget, legitimate support from local governments and other non-binding sources can be developed in accordance with applicable regulations. However, additional funding sources must not diminish the state's responsibilities as stipulated in law. The budget accountability system should combine auditing of fund use with assessment of service outcomes. Thus, budget management not only ensures that costs are reported but also assesses whether these funds are truly helping the public obtain quality legal services.

5. Improving the quality of advocates and paralegals

The fifth reconstruction is strengthening the capacity of service providers. Advocates need to carry out their professional obligations, while paralegals and legal assistants need to receive training in accordance with their duties permitted by law. Training can cover understanding regulations, communicating with beneficiaries, document preparation, identifying the needs of vulnerable groups, ethics, confidentiality, and referral mechanisms. Capacity building also needs to be conducted periodically so that service providers can keep up with legal developments and community needs. Moonti's study on improving the capacity of paralegals can serve as a reference for strengthening the role of legal assistants at the village level. Paralegals can help communities identify legal issues early, but such assistance must remain within their authority and be connected to institutions or advocates with the competencies appropriate to the needs of the case.

6. Strengthening results-based monitoring and evaluation

The sixth step is to establish an evaluation system that assesses not only administrative completeness but also the quality of service and its benefits to recipients. Evaluations should include the number of applications, processing time, regional distribution, reasons for rejection, number of complaints, quality of communication, compliance with service standards, and assessments of legal aid recipients.

This data should be used to improve policies, not simply to fulfill reporting obligations. If a region has a high rejection rate, for example, the government should assess whether the cause is institutional limitations, lack of information, difficult requirements, or inadequate budget capacity. The complaints system should also be easy to use, provide certainty of follow-up, and protect recipient confidentiality. This way, the public will not only be recipients of services but also play a role in assessing and improving the provision of legal aid.

7. Developing structural legal aid and dispute prevention

The seventh reconstruction is to expand the orientation of legal aid from resolving individual cases to preventing recurrence. Structural legal aid can be provided through legal education, community consultations, documentation of community problems, and the delivery of policy recommendations based on accountable findings. This approach is important because some injustices arise not only from a lack of individual assistance, but also from a lack of information, weak access to services, or institutional rules and practices that hinder communities. By collectively identifying problems, legal aid institutions can help communities understand their rights and encourage policy improvements.

The study of structural legal aid by Ameilia and colleagues can be used to develop such a framework. This approach also aligns with the orientation of Law No. 16 of 2011, which positions legal aid as part of efforts to realize equitable social change.

8. Leveraging technology without eliminating direct services

The eighth reconstruction is developing technology to expand access to information and services. The government and legal aid institutions can provide information on requirements,

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consultation schedules, application forms, processing status, and complaint channels through digital media.

However, digital services should not be the only option. People without devices, internet connections, or technological capabilities must still receive services in person. Digital information must also maintain the confidentiality of recipient data and not reveal case information to unauthorized parties. Thus, technology serves as a supporting tool to expedite services, not a complete substitute for the in-person interaction required in certain cases.

Table 1. Proposed Reconstruction Direction

Aspect	Issues that need to be addressed	Direction of improvement
Recipient requirements	Administrative documents can be a barrier	Simple procedures, clear information, and assistance filling out the application
Equality	Services may not be easily accessible in all areas.	Mapping needs, mobile services, and regional cooperation
Institutional	Clarity of the status and responsibilities of the institution needs to be maintained	Harmonization of regulations and clear division of authority
Funding	Service needs vary by region and case	Needs-based budgeting and benefit evaluation
Quality of service	Administrative requirements are not sufficient to assess quality	Training, supervision, service standards, and complaints
Supervision	Reporting does not necessarily reflect actual results	Evaluation based on outputs, outcomes, and recipient experiences
Prevention	Structural issues may continue to recur	Legal education and structural legal aid
Technology	Not all people have digital access	Digital services that include direct service options

Overall, the reconstruction of legal aid regulations needs to be directed at strengthening access, quality, equity, and accountability. The necessary changes are not merely the addition of provisions, but rather the creation of a system that connects normative rights with services accessible to the public. With this approach, it is hoped that legal aid will not only be present when a case occurs, but also help prevent rights violations and strengthen public legal awareness.

4. CONCLUSION

Based on the discussion above, Law No. 16 of 2011 concerning Legal Aid serves as an important foundation for providing legal protection to underprivileged communities so that they have equal opportunities before the law. However, the existence of this regulation is not sufficient to guarantee access to justice if there are still obstacles in the form of administrative requirements, limited legal aid institutions, funding, service quality, and supervision. Therefore, it is necessary to improve the regulation and improve the implementation of legal aid through simplifying procedures, equalizing services, strengthening the competence of legal aid providers, and ongoing evaluation. With these efforts, it is hoped that legal aid will not only be a right written in the regulations, but also can be felt by the underprivileged community in obtaining justice and defending their rights.

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