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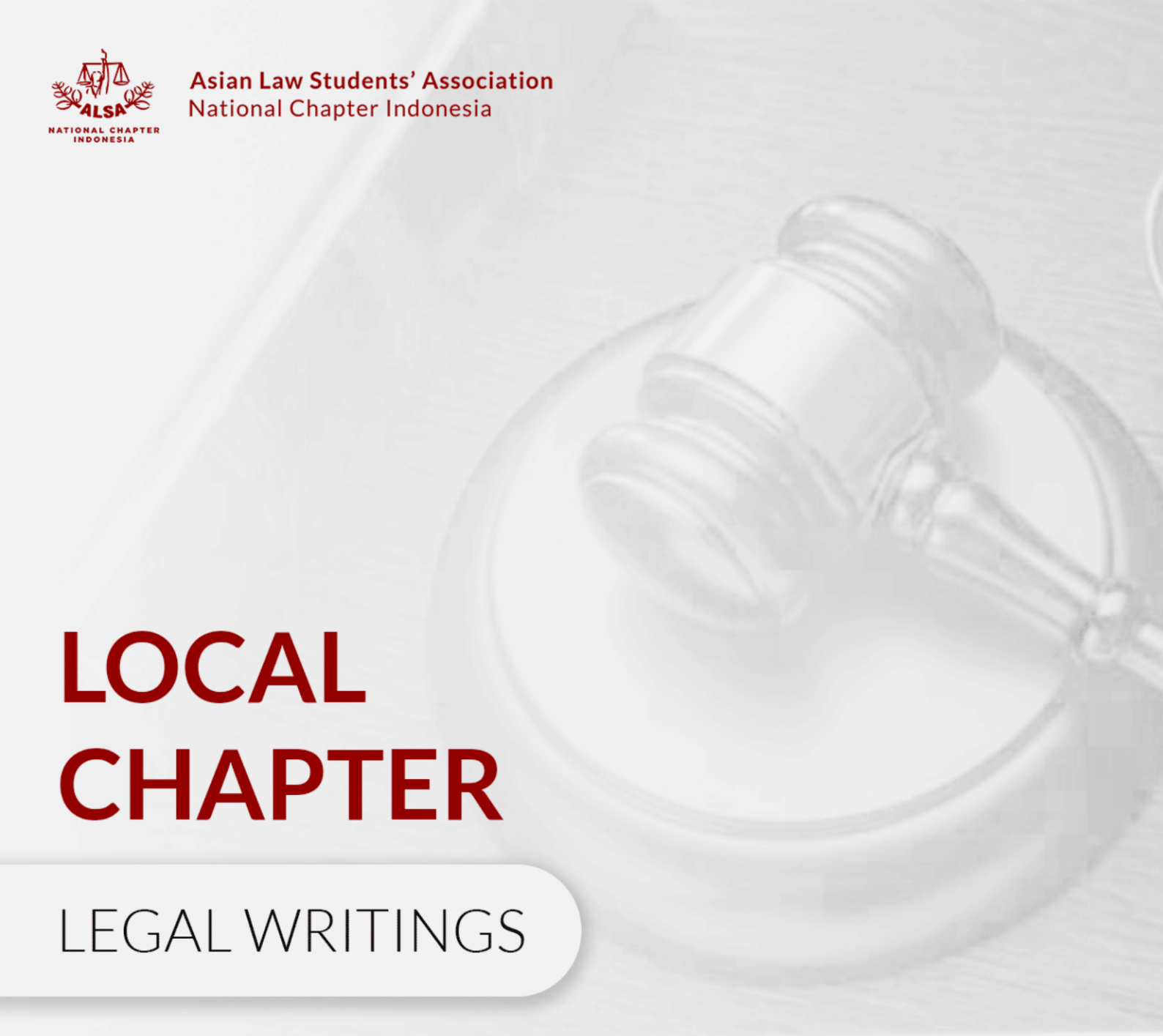

LOCAL CHAPTER

LEGAL WRITINGS

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ACCESS TO JUSTICE APPLICATION FOR THE POOR THROUGH THE PROVISION OF LEGAL ASSISTANCE IN THE INDONESIAN LEGAL SYSTEM

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I. INTRODUCTION

A. Background

In emphasizing the principle of the rule of law, the explanation of the 1945 Constitution before being amended stated that one of the main keys to the state government system was that the Indonesian state was based on law (*Rechsstaat*), and not only based on mere power (*Machsstaat*). In simple terms the concept of a state of law can be interpreted that the implementation of national and state life must be carried out based on the rule of law, both in terms of substance and procedure. On the other hand, the substance and legal procedures made are necessary to ensure that the administration of the state can realize and achieve the initial goals of state formation, the initial objectives of which include protecting and fulfilling the rights of its citizens. Currently, the legal practice shows that equality of the law and legal protection does not necessarily come true easily because of the different abilities possessed by each citizen. This difference does not only occur at the level of law enforcement to access justice, but also starts from the making of legal rules which often only represent the interests of a group. The constitution guarantees the right of every citizen to receive equal treatment in the law, including the right to access justice through the provision of legal assistance. People who are rich and have power, easily access and get "justice", through the hands of lawyers they hire. In contrast to the poor, they do not have the ability to understand the law and cannot afford to pay advocates, thus causing no equal treatment of the law to access justice. The basic problem that arises is that there is no expansion of equal access for every citizen to

get equal treatment of the law, even though the doctrine of justice must be accessible to all citizens without exception.[1]

B. Legal Issue

The poor who face legal problems must face the fact that their socio-political conditions have prevented them from accessing the legal assistance they need. Poverty which results in low levels of education and knowledge makes people not aware of their own rights. However, even though they are aware of these rights does not necessarily make them able to get the justice they seek. The legal system provided by the state for them is considered expensive, inaccessible and far from their place of residence In addition, currently the law is considered to have been commercialized, so that the poor will no longer be able to get justice.[2]

Regarding the status of those who are poor, the legal assistance system built by the state is also not in favor of the poor who should be the target of legal assistance. The state is considered passive in terms of providing legal assistance to this poor group of people. Legal assistance constructed in various laws only works if the community is in conflict with the law in court, even in criminal cases only those punishable by five years or more can get the legal assistance they need without being asked.[3]

C. Basic Regulation

The Indonesian legal system and the 1945 Constitution guarantee equality before the law, so that in Article 27 paragraph 1 of the 1945 Constitution it is stated "Every citizen has the same position in law and government with no exceptions." One of the efforts to achieve justice or equality in law is the existence of legal assistance for

[1] Pujiono, 'Bantuan Hukum Dalam Perspektif Tanggung Jawab Negara' [2010] Seminar "Bantuan Hukum dan Akses terhadap Keadilan Bagi Masyarakat Marginal".
[2] H. Patrick Glenn, 'Justice for The Poor-The World Bank, Menciptakan Peluang Keadilan' (The World Bank 2005).
[3] Indonesian Code of Criminal Procedure (Kitab Undang-Undang Hukum Acara Pidana/KUHAP).

every citizen involved in legal cases, but in reality legal aid can only be felt by people who have power.[4]

After 40 years of struggle, the House of Representatives (DPR) finally passed Law Number 16 of 2011 concerning Legal Assistance. First, throughout the history of the Republic of Indonesia, there has not been a single legal product at the level of a law (*lex specialis*) which specifically regulates free legal assistant. Law Number 16 of 2011 concerning Legal Assistance as a legal umbrella further regulates the role of parties/institutions in providing legal aid. There are several relevant parties/institutions in pro bono legal aid whose roles are regulated in Law Number 16 of 2011 concerning Legal Assistance, such as Ministry of Law and Human Rights, legal aid, advocate professional organization, legal aid recipients.[5]

The implementers of providing Free Legal Aid, which are regulated in special arrangements, such as Laws, Government Regulations, and Ministerial Regulations, as explained above are as follows:

1) Law Number 18 of 2003 concerning Advocates.
2) Law Number 16 of 2011 concerning Legal Assistance.
3) Government Regulation Number 83 of 2008 concerning Requirements and Procedures for Providing Free Legal Aid;
4) Government Regulation Number 42 of 2013 concerning Procedures for Providing Legal Aid and Distribution of Legal Aid Funds;
5) Minister of Law and Human Rights Regulation Number 63 of 2016 concerning Implementing Regulation of Government Regulation Number 42 of 2013 concerning Procedures for Providing Legal Aid and Distribution of Legal Aid Funds;
6) Minister of Law and Human Rights Regulation Number 1 of 2018 concerning Paralegals in Providing Legal Aid.

[4] Frans Hendra Winarta, 'Bantuan Hukum di Indonesia' (Elex Media Komputindo 2011).
[5] Law Number 16 of 2011 concerning Legal Assistance.

II. LEGAL ANALYSIS

The department that is mandated to provide legal aid is the Minister of Law and Human Rights and Human Rights. In relation to the implementation of legal aid, the Law on Legal Assistance as regulated in Article 6 paragraph (3) assigns the task to the Minister to:

- Develop and establish policies for legal aid providers;
- Develop and establish legal aid standards based on the principle of providing legal aid;
- Prepare a legal aid budget plan;
- Manage the legal aid budget in an effective, efficient, transparent and accountable manner; and
- Prepare and submit reports on the implementation of legal assistance to the House of Representatives at the end of each fiscal year.

In addition to duties, the Minister also has several powers which based on Article 7 of the Law on Legal Assistance has the authority to supervise and ensure that legal aid and assistance are provided in accordance with the objectives set out in this Law and carry out Verification and Accreditation of legal aid institutions or community organizations to meet their needs as legal aid providers.

In the general provisions of Chapter I Article 1 of Law Number 16 of 2011 are:

1) Legal Aid is a legal service provided by Legal Aid Providers, free of charge to Legal Aid Recipients.
2) Recipients of Legal Aid are people or groups of poor people. Legal Aid Provider is a legal aid institution or community organization that provides services Legal Aid under this Law.
3) Minister is the minister who carries out government affairs in the fields of law and human rights.
4) Legal Aid Standards are guidelines for implementing the provision of Legal Aid set by the Minister.
5) Advocate's Code of Ethics is the code of ethics set by the professional organization of advocates that applies to Advocates.

Article 8 of the Law Number 16 of 2011 concerning Legal Assistance:

1) Implementation of Legal Aid is carried out by legal aid providers who have met the requirements under this law.
2) The requirements for providing legal aid as referred to in paragraph (1) include:
   a. Incorporated
   b. Accredited under this law
   c. Have a permanent office or secretariat and have a legal aid program.

Laws, Government Regulations, and Regulations of the Minister of Law and Human Rights which regulate the provision of legal aid for only litigation can only be carried out by lawyers who are registered, verified and accredited by the Ministry of Law and Human Rights as a Legal Aid Provider.

III. CONCLUSION

As a legal aid provider who has the task of compiling and determining legal aid policies, the government, in this case Ministry of Law and Human Rights, in making policies on legal aid, should pay more attention to legal norms and principles so that there are no conflicts of norms between similar regulations and/or higher rules.

There needs to be a role and synergy between the government both at the central and regional levels with advocates in promoting legal aid programs in order to achieve or grow a new accredited and verified Legal Aid Institute, as a condition for implementing free legal aid for the poor.

In essence, the existence of legal aid is intended to make it easier for vulnerable and underprivileged groups to gain access to justice. Therefore, the procedure for obtaining legal aid should not be complicated, making it more difficult for vulnerable groups and the poor to obtain it. Legal aid provided by the government as well as other parties must also can be obtained at an affordable price, even free of charge, and will not burden the recipient's finances. Thus, all levels of society, including the poor, will have the same opportunity to obtain legal assistance in order to obtain justice in the legal problems they face.

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Law Number 16 of 2011 concerning Legal Assistance

Optimization and The Role of Online Platforms in Opening Access to Justice During Rampant Cases of Sexual Violence in Indonesia

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I. INTRODUCTION

A. Background

In the new era of globalization, we normally use social media as our daily food. The use of the internet and the basic needs of using social media has been a new lifestyle for society nowadays. The ease of using and accessing information through social media is an important point that influences people to use social media. Through social media, people can search and look for a lot of information. However, this convenience has created a new controversy. With the advancement of technology, the number of sexual violence in cyberspace has increased.

Sexual violence is a serious criminal case that would give a long-lasting trauma to the victims. Often, the media tells that sexual abuse commonly started from an inappropriate and harassing text. Sexual harassment starts from individual problems and widens into general crimes problems that originate from cultural, social, economic, and political values in society.[1] Sexual violence through the online platform has been forbidden in Law No. 11 of 2008 as amended with Law No. 19 of 2016 about Information and Electronic Transaction ("**ITE Law**") which written in Article 27 about prohibited act through Electronic Information and Documents, everybody who intentionally and without rights distributes and/or transmits and/or makes an Electronic Information and/or Electronic Documents that violate decency, and in Article 45 (1) has written everyone who violates it will be punished with criminal law.[2]

Even so, sexual violence that often happens through social media has been a serious concern for women and kids. The social need to share that drives performance

[1] Yofiendi Indah Indainanto, "Normalisasi Kekerasan Seksual Wanita di Media Online", Jurnal Komunikasi, Vol. 14, no.2, 2020, p. 106.
[2] Prima Angkupi, "Kejahatan Melalui Media Sosial Elektronik di Indonesia Berdasarkan Peraturan Perundang-Undangan Saat Ini", Jurnal Mikrotik, Vol. 2, No.1, 2014, p. 5.

crime also enhances the sense that criminal acts are socially acceptable by society because their social media distribution has an audience. This adds a public humiliation element to several crime victimizations. These victimizations frequently happen on humiliation or taunting sexual violence victims. And, the form of the victimizations could be in any form, such as an insult on their social media.[3]

The absence of adequate regulations about sexual violence is one of some supporting facts that have been an important matter on law enforcement efforts for sexual crimes matter. However, on the bright side, we could utilize the power of the online platform and their sophisticated form to prevent and help sexual violence victims and also help them to access justice through assistance from existing protection agencies.

B. Issues

1. How does the role of online platforms in helping sexual violence victims to access justice in Indonesia?
2. How is legal protection for sexual violence victims in Indonesia?

C. Relevant Regulation

1. Law No. 11 of 2008 as amended with Law No. 19 of 2016 about Information and Electronic Transaction ("**ITE Law**")
2. Law No. 23 of 2002 as amended with Law No. 35 of 2014 about Child Protection ("**Child Protection Law**")
3. Law No. 31 of 2014 as amended with Law No.13 of 2006 about Protection of Witnesses and Victims ("**LPSK Law**")
4. Regulation of The Minister of Education, Culture, Research, and Technology No.30 0f 2021 about Prevention and Treatment of Sexual Violence in College ("**Minister Regulation on Sexual Violence**")

[3] Raymond Surette, "Performance Crime and Justice", Current Issues in Criminal Justice, Vol.27, No.2, 2015, p.200

II. LEGAL ANALYSIS

A. Role of Online Platform Concerning to Open an Access to Justice for Helping Sexual Violence Victim in Indonesia

There is a quite difference between old media platforms and current media platforms, old media platforms used to connect one to many, they connected the content producer to a mass audience. Whereas, current media platforms usually produce massive democratization of information production, dissemination, and exchange.[4] At this point, the shifting of the way how a media platform works have a big impact on how society positions itself as an audience. It is related to the "trust" a person has in using a media platform, especially concerning sexual violence victims who are most afraid to speak up about incidents that happened to them. Cause, they are scared of being judged and being insulted by the public when they come to speak up.

Critics of the online public spheres have argued that there is a limited intersection between the diversity of views that are available online. However, such critiques do not acknowledge the integrating function from an online platform that is served by the dense networking and interactivity of social media which enable the rapid transfer of views and information.[5] In the concept of opening access to justice for victims, we should think of a framework that provides a very useful platform that can help victims gain protection and assistance to legal justice. Other than that, we could utilize that online platform to collect data on how many cases of sexual violence in social media or any other online platform have been happened in Indonesia. Also, the online platform could publish the case informatively so it could generate awareness to other people about sexual violence. As well as, publish the name and picture of the perpetrator.

In my opinion, to give easy access to justice for the victims, an online platform could play a big role here. Instead of bringing insult publicity to the victims, an online platform could be a medium that is useful to everyone so the victims can easily get access to justice by going to the online platform and asking for help as needed. In Indonesia, there are several communities

[4] Michael Salter, "Justice and Revenge in Online Counter Publics: Emerging Responses to Sexual Violence in The Age of Social Media", Crime Media Culture, Vol. 9, No.3, 2013, p. 228.
[5] *Ibid*., p.237.

concerned about the need for an online platform to give access to sexual violence victims. For example, a community called Yayasan Sebar Inspirasi Indonesia (YSII) with help from Australia Indonesia Partnership for Justice 2 (AIPJ) has developed an application called "Wonder" in order to give emergency help to sexual violence victims. There are three features in this application. The first one is to rescue, which is an emergency service that is provided to victims who need immediate rescue or evacuation. The second one is a shelter, which is a service for victims in a threatening condition and need of an emergency shelter. The third one is assistance, which is a service to help victims in their efforts to assist them through mediation or legal channels.[6]

B. Legal Protection for Sexual Violence Victim

Sexual violence that often occurs in Indonesia has become an important concern for the community. Legal instruments as a guarantee against sexual violence are still inadequate in Indonesia. Guarantees for victim's protection are spread across several regulations, such as ITE Law, Child Protection Law, LPSK Law, and Minister Regulation on Sexual Violence.

In ITE Law, there are two criminal sanctions provided for perpetrators of sexual violence who violate decency through online media. Divided into two categories, the first one is written on Article 45 (1) for perpetrators in general and written on Article 52 (1) for sexual violence perpetrators who violate decency to underage children, both sanctions are formed in criminal sanctions.

On the other hand, sexual violence against children is classified as gross human rights violations based on Law No. 39 of 1999 about Human Rights. Regulated on Article 76C in Child Protection Law, sanctions that will be given to the perpetrators are also formed in criminal sanctions.

In general, LPSK Law contains basic provisions to protect the rights of witnesses and victims, including sexual violence victims. In Article 5 of LPSK Law, LPSK has an obligation to provide medical assistance, psychological and psychosocial rehabilitation for victims of sexual violence, where women and children are vulnerable to becoming victims of this crime.

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[6] Nurhadi Sucahyo, "Wonder, Aplikasi Tangkal Kekerasan Pada Perempuan", < https://www.voaindonesia.com/a/wonder-aplikasi-tangkal-kekerasan-pada-perempuan/5204828.html>, accesed on 23rd of December 2021.

Furthermore, specific regulations regarding sexual violence that commonly happened in college have been made by the Minister of Education, Culture, Research, and Technology by releasing Minister Regulation on Sexual Violence. This regulation has provided certain protections to victims, from assistance, protection, and victim recovery. Also, there will be administrative sanctions that will be given by the university to the perpetrators.

III. CONCLUSION

The absence of regulations against sexual violence, the use of social media that often brought an insult to the victim, and the lack of strict sanctions for perpetrators have been an issue in the enforcement of justice in Indonesia. Online media platforms should be able to become a useful medium that facilitates human needs and does not reduce the guarantee of protection of its user. Unfortunately, in Indonesia, many people still abusing the use of social media which leads to criminal acts.

With the void of certainty of protection for sexual violence victims, the utilization of online platforms can be a solution in the rampant cases of sexual violence in Indonesia. The presence of an application that could help victims get their first aid in an emergency situation until their recovery is an answer on how online media could be an actor and play their role in opening access to justice for society.

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LEGAL ESSAY

ACCESS TO JUSTICE : A HUMAN-CENTERED APPROACH

1.1 BACKGROUND

Access to justice is a constitutional right for humans. The state as a subject of international law has an obligation to ensure that its people without exception, both individuals and groups, get justice in the eyes of the law. In Indonesia access to justice is a constitutional rights according to Indonesia Constitution 1945 Article 28D state that,

"Everyone has the right to fair recognition, guarantees, protection, and legal certainty as well as equal treatment before the law. To ensure the fulfillment of these constitutional rights, the state is responsible for providing legal assistance to people who are financially incapable as a manifestation of access to justice."

Access to justice is a basic principle of the rule of law. In the absence of access to justice, people are unable to have their voice heard, exercise their rights, challenge discrimination or hold decision-makers accountable. The Declaration of the High-level Meeting on the Rule of Law emphasizes the right of equal access to justice for all, including members of vulnerable groups, and reaffirmed the commitment of Member States to taking all necessary steps to provide fair, transparent, effective, non-discriminatory and accountable services that promote access to justice for all.

Delivery of justice should be impartial and non-discriminatory. In the Declaration of the High-Level Meeting on the Rule of Law, Member States highlighted the independence of the judicial system, together with its impartiality and integrity, as an essential prerequisite for upholding the rule of law and ensuring that there is no discrimination in the administration of justice. Access to justice is a vital human right and abuses of that right are a common subject for pro bono lawyers.[1]

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[1] United Nations & The Rule of Law, "Access to Justice" < https://www.un.org/ruleoflaw/thematic-areas/access-to-justice-and-rule-of-law-institutions/access-to-justice/ > accessed on 23rd December 2021.

The Universal Declaration of Human Rights includes several articles that highlight the importance of access to justice. On Article 8 of the Universal Declaration of Human Rights states that

"Everyone has the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted him by the constitution or by law." [2]

Article 10 of the Declaration states that,

"Everyone is entitled in full equality to a fair and public hearing by an independent and impartial tribunal, in the determination of his rights and obligations and of any criminal charges against him." [3]

Accordingly, barriers to a fair and public hearing or to an effective remedy are contrary to human rights as described in the Declaration. The principle of access to justice for all under international law was further strengthened on March 23, 1976 when the International Covenant on Civil and Political Rights (the "Covenant") entered into force. Article 2 of the Covenant states that each party to it will "ensure that any person whose rights or freedoms as herein recognized are violated shall have an effective remedy." The Covenant also includes the obligation to "ensure that any person claiming such a remedy shall have his right thereto determined by competent judicial, administrative or legislative authorities, or by any other competent authority provided for by the legal system of the State."[4]

One of the major obstacles in accessing justice is the cost of legal advice and representation. Legal aid programmes are a central component of strategies to enhance access to justice. It is still often found where there are many cases of injustice caused by money matters. Justice seekers who come from economically disadvantaged are often oppressed in terms of getting justice. This can be seen from, for example, a corruptor who corrupts state money and harms the general public as a whole often escapes or gets punished but not commensurate with the losses he incurs. There are also many abuses, even though it has been stipulated that a long prison sentence or a number of fines has been given, but because there

[2] Universal Declaration of Human Rights (adopted 10 December 1948) (UDHR) art 8.

[3] Universal Declaration of Human Rights (adopted 10 December 1948) (UDHR) art 10.

[4] International Covenant on Civil and Political Rights (adopted 16 December 1966, entered into force 23 March 1976) 999 UNTS 171 (ICCPR) art 2.

is injustice because people who have money can lighten their sentences by paying more or bribing justice enforcers. Meanwhile, the unfortunate cannot defend themselves before the court and must accept a decision that is very detrimental to them and is not commensurate with the mistakes they have made.

From the past and now the legal world has recognized an action that is often called pro bono. Pro bono is short for the Latin phrase *pro bono publico*, which means "for the public good". The term generally refers to services that are rendered by a professional for free or at a lower cost. Professionals in many fields offer pro bono services to non-profit organizations. These organizations include hospitals, universities, national charities, churches, and foundations. It is also possible to do pro bono work for individual clients who cannot afford to pay. The term pro bono is used primarily in the legal profession. Lawyers who serve the public interest by providing free legal services to those in need do so on a pro bono basis. The provider is thought to be imparting a benefit for the greater good, instead of working for profit.[5]

The United Nations itself also have the concerns regarding about the issue of cost due to accessing justice for people. The United Nations Office of Drugs and Crime released a United Nations Principles and Guidelines on Access to Legal Aid in Criminal Justice Systems. There are 14 principles in the guidelines related to Legal Aid or pro bono, those principles are the following :

1. Principle Right to legal aid, recognizing that legal aid is an essential element of a functioning criminal justice system that is based on the rule of law, a foundation for the enjoyment of other rights, including the right to a fair trial, and an important safeguard that ensures fundamental fairness and public trust in the criminal justice process.
2. Principle Responsibilities of the State
3. Legal aid for persons suspected of or charged with a criminal offence
4. Legal aid for victims of crime
5. Legal aid for witnesses
6. Non-discrimination
7. Prompt and effective provision of legal aid

[5] Carla Tardi, "What Does Pro Bono Really Mean?" (5th December 2021) < https://www.investopedia.com/ask/answers/08/pro-bono.asp > accessed on 23rd December 2021.

8. Right to be informed
9. Remedies and safeguards
10. Equity in access to legal aid
11. Legal aid in the best interests of the child
12. Independence and protection of legal aid providers
13. Competence and accountability of legal aid providers
14. Partnerships

These principles are the legal basis of how the international scale really concerning about legal aid and pro bono for to uphold justice among all human beings.[6]

1.2 LEGAL ISSUES

As already explained the issue of cost are one of the biggest obstacle to creating equitable and fair legal access. People who are unfortunate often become victims of injustice in the eyes of the law. They are often unable to defend themselves because the costs of litigation in court are very high. Example in Indonesia, There are several costs required to file a case, starting from administrative fees, application or lawsuit fees, and of course fees for lawyer services. If you want to file an appeal, cassation, or reconsideration the fees to be charged are not quite affordable, which ranges from 1 million IDR to 3 million IDR. If you want to get the right to confiscate the goods, you will be charged again. the cost of hiring an advocate at the law firms themselves depends on the case of each plaintiff. The cost range for divorce cases is for example 6 million IDR to 12 million IDR. For general criminal cases and special crimes 4 million IDR to 10 million IDR. Regarding debt and land debt cases, it ranges from 4 million IDR to 12 million IDR. The range will be different again if the lawyer has a reputation and high flying hours, it will also affect the cost of his services.[7]

Despite, the high range of price that need to be paid to file a lawsuit, there are also several cases related to injustice experienced by the unfortunate. In Indonesia throughout the years there must be cases that oppress the poor, by imposing fines

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[6] United Nation Office on Drugs & Crimes, "United Nations Principles and Guidelines on Access to Legal Aid in Criminal Justice Systems" < https://www.unodc.org/documents/justice-and-prison-reform/UN_principles_and_guidlines_on_access_to_legal_aid.pdf > accessed on 23rd December 2021.

[7] Dian Kartika, "Latest Info Lawyer Rental Fee Range (Advocate)" (16th April 2021) < https://harga.web.id/biaya-sewa-pengacara-dan-metode-pembayarannya.info > accessed on 23rd December 2021.

or unfair court decisions. One of the case was experienced by a poor cobek seller, called Tajudin. Tajudin was arrested on April 20, 2016 night. The police raided him on charges of employing two children, Cepi and Dendi. In fact, the two children are still relatives. "I said they were selling people, hiring people. I just felt like I wasn't hiring, I told him he didn't want to go to school. His parents entrusted them, they were my nephews," said Tajudin. But the police did not hear that reason. Tajudin was immediately thrown into a cell and accused of violating the Criminal Act of Trafficking in Persons (TPPO) with a threat of 15 years in prison. After the case reached the court, Tajudin was sentenced to 3 years in prison and a fine of Rp. 150 million. In the judge's hammer, the accusations by the police and prosecutors did not meet the elements of trafficking in persons. The LBH Justice team's struggle was granted by the panel of judges. But, after a long fight Tajudin was released after 9 months in prison.

1.3 LEGAL ANALYSIS

As described above the case about the injustice situation that happened in Indonesia shows that the issue of cost and the discrimination in front of law is still a main concern due to create a freedom of justice. It is a cruel fact that money become the obstacle for majority of people, that’s why there are a lot of law violation but only a few dare to reveal it to the court and fight for their rights before the law.

Therefore due to achieve a better access to justice and overcome the obstacle of issue of cost the action of legal aid and pro bono need to be applied more often and easy to be accessed by people. In Indonesia itself there are a few regulations regarding legal aid and pro bono they are, Law Number 18 of 2003 concerning Advocates ("Advocacy Law") and Government Regulation Number 83 of 2008 concerning Requirements and Procedures for Providing Free Legal Aid. Based on Article 22 paragraph (1) of the Advocates Law, every advocate is obliged to provide free legal assistance to justice seekers who cannot afford it. What is meant by free legal aid is legal services provided by advocates without receiving honorarium payments including providing legal consultation, exercising power

of attorney, representing, assisting, defending, and taking other legal actions for the benefit of justice seekers who cannot afford.[8]

Beside that the Indonesian Supreme Court also released a regulation for court fee waiver service which is regulated in Supreme Court Regulation Number 1 of 2014 concerning Guidelines for Providing Assistance to Poor People in Court ("Perma 1/2014"). In this service, the state will bear the costs of the litigation process in court, so that any person or group of people who are economically incapable of litigation can have litigation free of charge. Based on Article 7 of Perma 1/2014, the recipient of the court fee waiver service is any person or group of people who are economically incapable which can be proven by related documents. Also, a legal aid can be provided by legal aid institutions or community organizations that provide legal aid services as regulated in Law Number 16 of 2011 concerning Legal Aid ("Legal Aid Law") and Government Regulation Number 42 of 2013 concerning Terms and Procedures for Providing Legal Aid and Distribution of Legal Aid Funds ("PP 42/2013").

1.4 CONCLUSION

After all the discussions related to the issue of cost in accessing justice before the law, it is a sad fact that the law as a tool of justice enforcement is still unable to protect society as a whole without being pegged on discrimination and social classes. It is not a mistake for lawyers to set a high service fee because that is not the problem. The problem is the awareness for law enforcers to have a heart that wants to help people who are unable to seek justice, which is actually still lacking. In fact, legal aid and pro bono are activities that can be the answer key to this issue of cost. Where legal aid organizations and institutions can work together with lawyers to assist the lower classes of society in getting justice which is also a constitutional right for them. The state can also issue policies that can help facilitate the process and administration of litigation in court. if there is ease of access to justice in the eyes of the law, it will also reduce discrimination between classes of society and the creation of law as a real justice enforcement tool.

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[8] Kenny Winston, "Legal Aid : Between Pro Bono and Pro Deo" (24th December 2020) < https://www.kennywiston.com/bantuan-hukum-antara-pro-bono-dan-pro-deo/ > accessed on 23rd December 2021.

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