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PROBLEMATICS OF THE SUBJECT OF RECIPIENTS OF LEGAL ASSITANCE IN THE LEGAL ASSISTANCE ACT

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Abstract

The Legal Aid Law has limited the qualifications of legal aid recipients to those of the poor. The question of other groups outside of that is not entitled to legal assistance. This limitation indicates an inconsistency between the explanation and the principles used in the rules. This limitation is also not in accordance with the framework of Bappenas' access to justice strategy, which includes the poor group of people who are oppressed and marginalized not only because of poverty, but because of social conditions they become vulnerable. This research is a normative type using regulations related to interested legal aid as a tool to analyze problems. The approach technique used is the regulatory approach and conceptual approaches. Legal material analysis techniques use prescriptive methods that provide an assessment of what is right or wrong or what should be according to the law. The results of this study indicate, subject subjects that only focus on the social emergence of the poor, unequal recipients of legal aid, chaos in the implementation of providing legal aid which results in inter-statutory rules and not achieving legal ideals. To remedy the problem, greatly improve the overhaul of the existing Legal Aid PP which lays out the criteria for legal aid recipients

Keywords: *Inconsistency; Legal Aid; Subject*

INTRODUCTION

Law Number 16 Year 2011 concerning Legal Aid (hereinafter referred to as "Legal Aid Law") was approved by the House of Representatives (hereinafter referred to as "DPR") on October 4, 2011, then this law was signed by the President of the Republic of Indonesia Dr. Susilo Bambang Yudhoyono on October 31, 2011. The law is included in the State Gazette of the Republic of Indonesia Year 2011 Number 104. The existence of the Legal Aid Law is the beginning for law enforcement that pays more attention to the interests of justice, especially for the poor, especially the poor. The Legal Aid Law has

been a dream for a long time for activists, public lawyers and justice seekers, so that every process and stage in law enforcement, starting from investigations, investigations, and trials in court, everyone gets humane treatment, and gets equal access to legal aid.[1]

In order to realize the Legal Aid Law, the government has currently issued laws and regulations mandated by the Legal Aid Law to form at least 3 regulations prepared by the government, namely Government Regulation Number 42 of 2013 concerning Requirements and Procedures for Providing Legal Aid (hereinafter referred to as "PP 42/2013"), and Regulation of the Minister of Law and Human Rights Number 4 of 2021 concerning Standards for Providing Legal Aid (hereinafter referred to as "Permenkumham 4/2021"). These three regulations are vital and determine the implementation of the state's obligation to expand access to justice for the people through the provision of legal aid.

The implementation of the Legal Aid Law, PP 42/3013 and Permenkumham 4/2021 is based on several principles including the interests of justice and the principle of incapacity. The principle of incapacity is a principle in legal assistance provided by legal advisors/advocates free of charge (*probono*) in handling cases of suspects/defendants.[2]

Meanwhile, the principle of the interest of justice is a principle adopted and practiced in various countries as the main way of strengthening for marginalized communities. The interests of justice in certain cases are determined by serious thinking about the criminal offense charged against the suspect and the law he will accept. This principle always requires legal counsel for the suspect / defendant in cases with the threat of the death penalty. Suspects / defendants for cases with the threat of death penalty have the right to elect their legal representatives in each process of examining their cases. The suspect / defendant with the threat of the death penalty can compare between his choice of legal representatives or those appointed by the judge in court.

Not only in criminal cases, but also civil cases even though the settlement uses a non-litigation process where the strategy is developed to resolve cases using the psychological approach of the parties. In

[1] Yayasan Lembaga Bantuan Hukum Indonesia Surabaya dan Yayasan TIFA, *Buku Saku: Hak-Hak Tersangka Yang Perlu Anda Ketahui* (Surabaya: Yayasan Lembaga Bantuan Hukum Indonesia Surabaya dan Yayasan TIFA, 2018).

[2] Angga Angga and Ridwan Arifin, 'Penerapan Bantuan Hukum Bagi Masyarakat Kurang Mampu Di Indonesia', *DIVERSI : Jurnal Hukum*, 4.2 (2019), 218 <https://doi.org/10.32503/diversi.v4i2.374>.

addition, they also apply procedures to the team to resolve client cases by means of negotiation and mediation.[3] With the principle of the interest of justice, legal aid can be applied to cases of mental disability, such as testing whether the detention of a suspect or defendant or defendant can be continued or not. In the process of detention review and non-litigation, suspects/defendants or defendants have the right to be accompanied by an advocate/legal advisor. Legal aid is provided to community groups because economic factors cannot provide advocates to defend their interests. A defendant/suspect/defendant must be financially unable to pay a lawyer.

Legal aid recipients are regulated in Article 5 of the Legal Aid Law, it is explained that legal aid is given to legal aid recipients who are facing legal problems and can only be given to poor people. With the existence of the Law on Legal Aid, it imposes limits on people who can access legal aid only for the poor who are unable to meet basic needs properly and independently. This limitation implies that groups other than economically poor are not entitled to legal assistance because the Law has stipulated this in such a manner.

This limitation also implies that there is an inconsistency between the explanation and the formulation of the existing articles. According to the International Convenant on Civil and Political Rights, what determines the existence and requirements for legal assistance is in the interests of justice and the inability to pay advocates. Meanwhile, the elucidation of articles in the Legal Aid Law limits it only to the poor. This is not in accordance with the strategy of access to justice by the National Development Planning Agency (hereinafter referred to as "Bappenas") which includes the poor group as groups of people who are oppressed and marginalized not only because of poverty, but groups due to social conditions become vulnerable.[4]

The description above is not in accordance with the rule of law principle, namely the recognition of the principle of *equality before the law*. This principle implies that every citizen has the same right to obtain justice regardless of social status. In Indonesia, constitutionally the recognition of this principle is included in the provisions of Article 28 D paragraph (1) of the 1945 Constitution which states that

[3] Nurrun Jamaludin, 'Strategi Lembaga Bantuan Hukum Dalam Menangani Perkara Perdata Di LKBHI IAIN Salatiga', *Al-Istinbath : Jurnal Hukum Islam*, 4.1 (2019), 15 <https://doi.org/10.29240/jhi.v4i1.709>.

[4] LBH Jakarta, 'Pemberdayaan Hukum Untuk Kaum Tertindas', *BantuanHukum.or.Id*, 2014 <https://bantuanhukum.or.id/pemberdayaan-hukum-untuk-kaum-tertindas/>.

everyone has the right to recognition, guarantees, protection and legal certainty that is just and equal treatment before the law.[5]

Based on the problems that have been described, the researcher is interested in formulating the problem, namely whether the scope of legal aid recipients is in accordance with the interests of justice? This issue was raised with the aim of analyzing the scope of legal aid recipients according to the Legal Aid Law in relation to the principle of the interest of justice. It is hoped that this research can contribute to the development of legal science, especially in the profession of advocate or legal advisor and can provide knowledge for parties who will carry out similar research.

METHOD

Type of Research

This research is included in normative juridical research. Normative juridical research is dogmatic legal research based on the norms of statutory regulations. The research approach technique used in this research is a statute approach and a conceptual approach. The technique of analyzing legal materials in this research is a prescriptive method which provides an assessment of whether it is true or false or what according to the law there are facts or legal events from the results of the research.[6]

Source of Legal Material

The research data is secondary data in the form of primary legal materials sourced from statutory regulations, including Law Number 16 of 2011 concerning Legal Aid, Law Number 39 of 1999 concerning Human Rights, Law Number 39 of 1999 concerning Rights. Human Rights, Government Regulation Number 42 of 2013 concerning Terms and Procedures for Providing Legal Aid and Distribution of Legal Aid Funds, Regulation of the Minister of Law and Human Rights Number 4 of 2021 concerning Standards for Providing Legal Aid, Circular of the Supreme Court Number 10 of 2010 concerning Guidelines Provision of Legal Aid in the General Courts and Circular of the Supreme Court No. 10 of 2010 concerning Guidelines for Providing Legal Aid in the Religious Courts.

Data Collection Technique

The data collection technique used by the author is looking for laws and regulations regarding or relating to the problem of legal aid providers and the criteria for

[5] Eka N.A.M. Sihombing, ‘Eksistensi Paralegal Dalam Pemberian Bantuan Hukum Bagi Masyarakat Miskin’, *Jurnal Ilmiah Penegakan Hukum*, 6.1 (2019), 70 <https://doi.org/10.31289/jiph.v6i1.2287>.

[6] Mukti Fajar and Yulianto Achmad, *DUALISME PENELITIAN HUKUM NORMATIF & EMPIRIS* (Yogyakarta: Pustaka Pelajar, 2013).

receiving legal aid. To solve the legal issues raised, the authors conducted a search of several laws and regulations relating to legal aid and the criteria for legal aid recipients and articles in journals and papers.[7]

Data Analysis

This research is a normative juridical study so that in providing analysis the writer provides a prescription or argument about what should be the essential criteria for receiving legal aid from this study.

DISCUSSION

Talking about the concept of justice, of course, experts in philosophy, law, economics and politics in all parts of the world, will not pass the various theories put forward by John Rawls. John Rawls explains that all parties in their original position will adopt the ultimate principle of justice. First, everyone has the same rights to the broadest basic freedoms and is compatible with similar freedoms for others. Second, social and economic inequality is regulated in such a way that the greatest benefit is obtained for the most disadvantaged members of society and positions and positions must be opened to all in conditions where there is equality of opportunity.[8]

The first principle is usually known as the "equal liberty principle", such as political freedom, freedom of speech and expression and freedom of religion, while the second principle is called the principle of difference and the principle of equal opportunity. This principle of difference departs from the principle of inequality which can be justified through controlled policies as long as it benefits the weaker groups of society. Meanwhile, the principle of equality of opportunity embodied is that it does not only require the principle of quality ability alone, but also a basis of willingness and need for that quality. So, in other words, the inequality of opportunity due to differences in the quality of abilities, willingness and needs can be seen as a fair value.[9]

The first principle requires equality of basic rights and obligations, while the second principle is based on the presence of conditions of social and economic inequality which then achieve values of justice which can be allowed if it provides benefits for everyone, especially for disadvantaged

[7] Peter Mahmud Marzuki, *Buku Penelitian Hukum*, Revisi (Jakarta: PRENADAMEDIA GROUP, 2017) <https://books.google.co.id/books?id=CKZADwAAQBAJ&printsec=frontcov>.

[8] Pan Mohamad Faiz, 'Teori Keadilan John Rawls (John Rawls' Theory of Justice)', *SSRN Electronic Journal*, 6.1 (2009), 135–49 <https://doi.org/10.2139/ssrn.2847573>.

[9] Bahder Johan Nasution, 'KAJIAN FILOSOFIS TENTANG KONSEP KEADILAN DARI PEMIKIRAN KLASIK SAMPAI PEMIKIRAN MODERN', *Yustisia Jurnal Hukum*, 3.2 (2014) <https://doi.org/10.20961/yustisia.v3i2.11106>.

groups of society. In relation to this principle, Rawls affirms the existence of a priority rule when the principles face each other. If there is a conflict between these principles, the first principle must be placed above the second principle, while the second principle must take precedence over the second principle. Thus, Rawls strives to position freedom of basic rights as the highest value and then must be followed by the guarantee of equal opportunity for everyone.

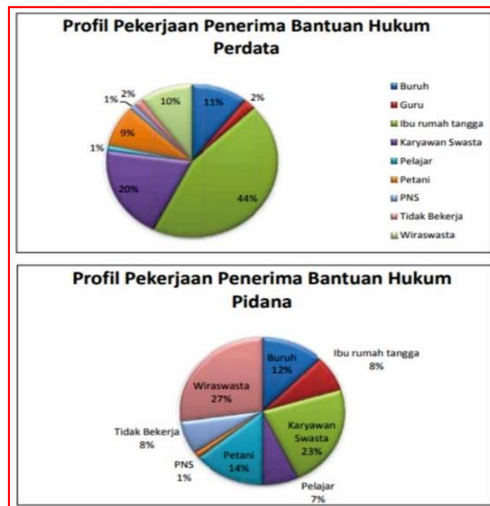

Figure 1. Statistical Data Annual Report on the Implementation of Law Number 16 Year 2011 concerning Legal Aid

With regard to social status, Soerjono Soekanto provides a definition that social status is a place where a person in general in his society relates to other people, relationships with other people in his social environment, prestige and rights, rights and obligations. The occurrence of social status can be influenced by several factors, namely work, education, income, the number of dependents of the parents, and ownership. When associated with poverty, Supriatna stated that poverty is a very limited situation that occurs not at the will of the person concerned. A population is said to be poor if it is marked by a low level of education, work productivity, income, health and nutrition as well as their welfare, which indicates a cycle of helplessness.[10]

Based on Figure 1, the job profiles of civil and criminal legal aid recipients come from workers, teachers, housewives, private employees, students, farmers, civil servants, unemployed, and self-employed. This means that most of the job profiles are not only among the “poor” but also those with medium and high productivity and income. Therefore, in terms of not being able to pay, it can not only be interpreted as poor but can be interpreted whether someone from their income is able to set aside funds to pay for the services of an advocate which is not in accordance with the principle of the true interest of justice.

Meanwhile, according to Aristotle, justice must be shared by the state to all people, and the law has the task of

[10] Aldiastri Damayanti, ‘Implementasi Program Keluarga Harapan (PKH) Dalam Meningkatkan Kualitas Hidup Masyarakat (Studi Kasus Di Kabupaten Probolinggo)’, *Jurnal Ilmiah Administrasi Publik*, 2.3 (2016), 15–19 <https://doi.org/10.21776/ub.jiap.2016.002.03.3>.

protecting it so that justice reaches all people without exception. Whether people can afford or needy, they are the same to gain access to justice. The right to legal aid is universally accepted as guaranteed in the International Covenant on Civil and Political Rights. Article 16 and Article 26 of the International Covenant on Civil and Political Rights (ICCPR) guarantees that all people have the right to legal protection and must be avoided from all forms of discrimination, while Article 14 paragraph 3 of the ICCPR provides conditions related to legal assistance, namely the interests of justice and incapacity. pay a lawyer. The implementation of Legal Aid has the objective of guaranteeing and fulfilling the rights of Legal Aid Recipients to get access to justice, realizing the constitutional rights of all citizens in accordance with the principle of equality in law, ensuring certainty that the implementation of Legal Aid is implemented evenly throughout the territory of the Republic of Indonesia and realizes a fair trial. effective, efficient and accountable.

In connection with the issues raised by the author, the Legal Aid Law provides a definition of Legal Aid Recipients as referred to in Article 1 and Article 4 paragraph 1 covering every person or group of poor people who are unable to fulfill their basic rights properly and independently. However, the fact is that the provision of legal aid is not only for a person or group of people who cannot afford it. Based on Figure 1, there is a fatal problem in the Legal Aid Law, where this problem has resulted in a large gap that can be misused by law enforcers who are not oriented towards the principle of social justice, which will have an impact on creating a stigma, that legal services in Indonesia are more inclined to certain people only.

Not being oriented towards the principle of social justice is a problem, because the principle of social justice is a part of a law itself.11 The problem is, in the form of an incomplete normalization in the Legal Aid Law which leads to the consistency or seriousness of the Legal Aid Law in serving people who need legal assistance. The incompleteness of norming is related to the incompleteness of norms to the recipient of legal aid.

The subject of legal aid recipients has been determined in Article 1 point 2 of the Legal Aid Law, which states that “Legal Aid Recipients are people or groups of poor people”. Then it is explained again in

[11] Brian Amy Prastyo, ‘PRINSIP KEADILAN SOSIAL SEBAGAI HUKUM’, *Jurnal Ius*, 1.3 (2013), 415–30 <https://core.ac.uk/download/pdf/270205236.pdf>.

Article 5 that those who are said to be poor are any person or group who cannot fulfill basic rights properly and independently such as the right to food, clothing, health services, education services, work and business, and / or housing. Looking at the explanation of article by article, it is said that Article 1 and Article 5 are quite clear.

PP 42/2013 in Article 1 point 2 states that "legal aid recipients are people or groups of poor people." The explanation of poverty in the a quo Article 8 regulation is "those who are financially incapable as evidenced by a Public Health Insurance Card, Direct Cash Assistance, Poor Rice Card, or other documents in lieu of a certificate of poverty". Judging from the article by article explanation, it is also said that Article 1 is quite clear and Article 8 what is meant by "other documents as a substitute for a certificate of poverty" includes, among other things, a certificate known to law enforcement officials at the examination level.

Other regulations regarding legal aid are also contained in the Circular Letter of the Supreme Court Number 10 of 2010 concerning Guidelines for Providing Legal Aid in the General Courts (hereinafter referred to as "SEMA Guidelines for Providing Legal Aid), in Article 1 point 2 states that "Legal aid applicants are justice seekers consisting of individuals or groups of people who are economically incapable or have criteria of poverty as stipulated by the Central Bureau of Statistics or stipulation of regional minimum wages or other social safety net programs, or meet the requirements as further regulated in This guide, which requires assistance to deal with and resolve legal problems in court."

The description of statutory regulations above explicitly explains that the regulations and guidelines for implementing legal aid are only made to protect the poor specifically. However, if the limit of legal aid is only for the poor, it will result in social jealousy towards other groups of society. In general, through the 1945 Constitution Article 28 D paragraph (1) Indonesia guarantees all the lives of citizens in every aspect, and is entitled to recognition, guarantees, protection and legal certainty that is just and equal treatment before the law. Specifically, in the context of Human Rights (hereinafter referred to as "HAM") Article 5 paragraph (3) Law Number 39 Year 1999 concerning Human Rights (hereinafter referred to as "Human Rights Law") states that "everyone belonging to the group People who are vulnerable have the right to receive treatment and protection with regard to their specifics. "

If it is interpreted deeper, the essence of every person and is contextualized to legal aid, it is not only the poor who need protection. However, there are vulnerable people who also enjoy the same rights. According to the explanation of Article 5 paragraph (3) of the Human Rights Law, what is meant by "vulnerable groups of people" include the elderly, children, the poor, pregnant women, and people with disabilities. Meanwhile, vulnerable groups according to the international community based on Human Rights Refrence are Refugees, Internally Displaced Person (IDP's), National Minorities, Migrant Workers, Indigenious Peoples, Children Children (Children), and Women (Women).12

In Indonesia, considerations in providing legal assistance are deemed insufficient if only limited to the poor. People who are classified as vulnerable groups also need to be provided with legal aid facilities. Because in essence, legal aid is made for people who cannot afford financially and the capacity to face the law. Assistance providers are those who defend the rule of law and also protect their rights so that suspects or defendants are protected.13

Lack of capacity for them to litigate is not only owned by the poor. Many vulnerable people such as children, manuals, diffables and others mentioned in the Human Rights Law actually do not have the capacity to face the law, but they are not covered by the Legal Aid Law. This will create a negative stigma in society that, legal aid that should be able to be obtained by anyone, in fact can only be obtained for those who are not well off financially. The limitation of a person's inability to the Legal Aid Law and other technical legal aid regulations such as PP 42/2013 and SEMA Guidelines for Providing Legal Aid, is for those who are financially disadvantaged. When examined further, a person's ability to litigate is actually also important to consider in providing legal assistance.

The need to add the subject of legal aid to vulnerable people, apart from financial matters, the problem of litigation is also an important consideration. They will receive legal assistance from lawyers / legal advisors at the Legal Aid Institute according to established procedures for dealing with cases in accordance with the technical provisions of PP 42/2013 and SEMA

[12] Santoso Tri Raharjo Sahadi Humaedi, Budi Wibowo, 'KELOMPOK RENTAN DAN KEBUTUHANNYA (Sebuah Kajian Hasil Pemetaan Sosial CSR PT Indonesia Power UPJP Kamojang)', *Share: Social Work Jurnal*, 10.1 (2020), 61–72 <https://doi.org/https://doi.org/10.24198/share.v10i1.29014>.

[13] Sean Faddillah, 'PELAKSANAAN PEMBERIAN BANTUAN HUKUM SECARA CUMA-CUMA BAGI TERDAKWA YANG TIDAK MAMPU DI PENGADILAN NEGERI SURAKARTA', *RECHTSTAAT*, 8.2 (2014), 1–12 <https://ejournal.unsa.ac.id/index.php/rechstaat/article/view/70>.

Guidelines for Providing Legal Aid. The impact that occurs if someone who does not have the ability to litigate before the law receives legal assistance, will have an impact on his psychology. So that they do not experience fear when dealing with the law. In addition, other impacts are also obtained such as the growth of dignity and legal justice that will be felt by the community. Between financial and litigation is an inseparable unity.

However, the Legal Aid Law only focuses on the poor, so that it is felt that legal justice has not been evenly distributed and is felt by certain communities. The argument for the need for additional subjects in the Legal Aid Law is also contained in Article 19 of the Supreme Court Circular No. 10 of 2010 concerning Guidelines for Providing Legal Aid in the Religious Courts which explains about posts that receive legal aid services, namely people who are unable to pay for advocate services, especially women and children as well as persons with disabilities in accordance with applicable laws and regulations, both as plaintiffs/petitioner or defendant/defendant.

The description above indicates a clash of norms in this SEMA. As previously explained, in Article 1 point 2 for assistance within the general court, the applicant for legal assistance is a person or group who is not well off financially. However, in Article 19 assistance within the religious court, children and women also have the right to receive assistance. So that there are differences in the subjects of receiving assistance, depending on the scope of the court where the legal aid is provided.

The difference between the two regulations between the Legal Aid Law and the SEMA Guidelines for Providing Legal Aid also raises problems. The position of SEMA in the hierarchy of legislation, based on Articles 7 and 8 of Law Number 12 of 2011 concerning the Formation of Legislative Regulations is that SEMA is under the law, not equal or higher than the law. SEMA only binds to the court environment only. From the subject of its use, SEMA can be classified into policy rules (bleidsregel), because SEMA is usually appointed by members rather than courts such as judges, clerks, and other positions in court. Judging from its form, SEMA has a formal form that tends to approach policy regulations rather than statutory regulations in general. However, if you look deeper than the substance, not all SEMA

can be classified as bleidsregel.14 Thus, the guidelines and statutory regulations have a disharmony of norms which results in differences in implementation.

If you see that there is a difference in norming between the guidelines for the implementation of legal aid found in SEMA No. 10 of 2010 and the Legal Aid Law itself, as well as data in the field which states that not only poor people come to Legal Aid Institutions, but also people with middle to upper class social status also come to Legal Aid Institutions, it can be said that the Aid Law This law has multiple interpretations regarding who are the subjects who actually need legal assistance. Thus, the initial target of the Legal Aid Law, which was actually only people who were not well off financially, turned out to be that the whole community could ask for legal assistance. This further shows that the Legal Aid Law is obscure and creates multiple interpretations that make the perception of who gets legal aid unclear. If the Legal Aid Law is to improve norms, then there are two things that need to be taken into consideration in order to form an ideal legal aid concept.

Conducting Explanations and Expansion of Legal Aid Recipient Subjects

Expansion of the subject is meant to add whoever has the right to receive legal assistance in the implementing regulations of the Legal Aid Law. The need to be done to clarify who is entitled to receive legal aid is considered very important because of the multiple interpretations of this rule. The addition of the subject can be started from considering a person's social status and position in a field.

Its purpose is to categorize a person in terms of receiving legal aid. For example, the category that is entitled to receive full legal assistance from financial to court proceedings is the poor. Then the category that is entitled to receive legal assistance is only the trial process is for those who have financial capacity, but this ability is not sufficient to use if they have to carry out their own cases. From that category, who are those in each category, so that a clear rule will be created and the implementation process will be fair.

Looking at the Legal Aid Law and other regulations that assist technical assistance and the implementation of legal aid, the regulation only focuses on those who

[14] Widia Edorita Vestwansan Dipa Prasetya, Mexsasai Indra, 'KEDUDUKAN SURAT EDARAN MAHKAMAH AGUNG BERDASARKAN UNDANG-UNDANG NOMOR 12 TAHUN 2011 TENTANG PEMBENTUKAN PERATURAN PERUNDANG-UNDANGAN', *JOM Fakultas Hukum Universitas Riau*, 7.1 (2020), 1–15 <https://jom.unri.ac.id/index.php/JOMFHUKUM/article/view/27259>.

are financially incapable, and the Legal Aid Institutions that receive potential beneficiaries must also be consistent in this matter serving the poor only and not beyond that. And if in practice it does not only accept people who are not well off financially, the Legal Aid Law should have clear implementation guidelines in other regulations, which do not conflict between the content of norms and explain who should receive legal aid and their classification.

However, this is not found in any of the regulations and the existing regulations are only explained in a general manner, which gives rise to interpretations for each community. The need to make details about who are the subjects who are entitled to receive legal assistance is to realize the ideals of law: justice, benefit and certainty. These three things need to be realized for all groups who will intersect with the law.

Groups that must be prioritized are vulnerable people, such as the poor, children, disabled people, the elderly, and those who do not have the capacity to litigate cases. This priority is needed because they are vulnerable people who are prone to being oppressed and prone to feeling injustice. There is a need for explanations from the recipient of the aid subject so that there are no multiple interpretations in the provision and recipients of assistance and to ensure the livelihoods of all people in Indonesia.

The expansion of legal subjects can be carried out in PP 42/2013 because this PP (Government Regulation) is a regulation to carry out the provisions of the Law set by the Government, the Law in question is the Legal Aid Law. Based on the formal constitutional basis of the PP is Article 5 paragraph (2) of the 1945 Constitution of the Unitary State of the Republic of Indonesia that the function of the PP is first, further regulation of provisions in the law which explicitly states it. Second, implementing further regulations, other provisions in the law that regulate it even though it does not explicitly mention it.

The same thing is also regulated in Article 12 of the Republic of Indonesia Law Number 12 of 2011 concerning the Formation of the Prevailing Laws which determines that the PP content contains material to carry out the Law properly. Thus, the PP contains further provisions of the Law.

It is related to PP 42/2013 that in order to implement the provisions of Article 15 paragraph (5) and Article 18 of Law Number 16 of 2011 concerning Legal Aid, it is necessary to stipulate a Government

Regulation concerning Terms and Procedures for Providing Legal Aid and Distribution of Legal Aid Funds. This means that with the existence of a Government Regulation regarding the Terms and Procedures for Providing Legal Aid and Distribution of Legal Aid Funds, as mandated by Article 15 paragraph (5) and Article 18 of Law Number 16 Year 2011 concerning Legal Aid, which is part of the implementation of Assistance. Directed law can become a legal basis for the preparation of regulations for the administration of Legal Aid in the regions and prevent the implementation of Legal Aid as a profit-oriented industrial practice and ignore the interests of the Legal Aid Recipients themselves.

Providing Enforcement Against Legal Aid Institutions That Do Not Pay Attention to Legal Aid Recipient Subjects

Providing enforcement to Legal Aid Institutions will be deemed necessary, if many of the Legal Aid Agencies deviate. The Legal Aid Law in Articles 20 and 21 has imposed sanctions on legal aid providers who request or receive payments from legal aid recipients. This is good because it ensures that there is no extortion, so that legal aid recipients will be safer and more comfortable.

However, the norming of other sanctions also needs to be added in the implementing regulations regarding the responsibilities that must be accepted if the legal aid provider does not pay attention to the legal aid recipients. If necessary, in addition to the addition of these norms, a supervisory body must be created to supervise and evaluate legal aid providers so that the target of providing legal assistance is correct. This is done to avoid the practice of cheating, such as if there are people in the well-off category, but they do not have or have difficulty finding legal counsel to litigate cases, so they ask for assistance from legal aid providers in exchange for fees to accompany them in litigating cases. To avoid this, the supervisory body is deemed necessary so that the objectives of the Legal Aid Law are truly achieved.

The addition of this sanction norm will later be provided in the implementation guidelines of the Legal Aid Law. These deviations need to be straightened out so that the regulations in this case the Legal Aid Law and the implementation of the provision and recipients of legal aid have harmony. The formulation of administrative sanction norms needs to be included so that the Legal Aid Institution truly has the integrity to provide assistance to those who really need it and if the Agency makes a mistake, such as providing assistance to an inappropriate person,

then administrative sanctions will function to take action against this.

The imposition of administrative sanctions norms also does not need to be overpowering considering that people in Legal Aid Institutions are people who have integrity. The addition of administrative sanctions norms is made solely to rectify if there is an imbalance of the beneficiary's subjects with the legal provisions provided.

CONCLUSIONS

The limitation on the subject of legal aid recipients that is not equipped with other explanations has resulted in new problems such as the emergence of social inequality, unequal distribution of legal aid recipients, chaos in the implementation of the provision of legal aid resulting in clashes between laws and attainment of legal ideals. To correct these problems, it is highly recommended to make a Government Regulation on Legal Aid that describes the criteria for legal aid recipients in a clear, detailed and accompanied by the qualifications of each recipient and the type of legal aid received.

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