Ratio Legis Journal
ISSN 2830-4624
published by
Master of Law, Faculty of Law
Universitas Islam Sultan Agung

The Role of Legal Aid Posts in Providing Legal Aid for Poor People

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Abstract. *Legal Aid Post (Posbakum) is a legal aid service that exists in every court of first instance to provide legal assistance to the community as an effort to improve Access to Justice for the community as mandated by Act No. 16 of 2011 concerning Legal Aid. The existence of Posbakum is expected to increase the legal aid index and have a positive effect on the handling of cases for the community. The Semarang District Court Posbakum is one of those that carries out this function considering the high number of cases in the Semarang Religious Court. However, in its implementation the Semarang District Court Posbakum was only able to reach around 31, 4% of service users when compared with the total cases entered in the Semarang District Court with the Petitioner or Plaintiff are included in the category of underprivileged people. Departing from this problem, the researchers are trying to find out and analyze the level of effectiveness of Legal Aid Post services (Posbakum) and find out their influence on the handling of cases for the poor. To achieve this goal, in this thesis the researcher uses a type of non-doctrinal (normative-empirical) research which combines two stages of study which includes a study of applicable normative laws with the implementation of these normative legal rules in real life or in concreto in order to achieve the goals set determined. The approach used is the legal effectiveness approach and the enactment of the law. Sources of data used are literary data, official reports in the form of agreements and interviews. The analysis was carried out qualitatively, and the research results were presented in the form of narrative paragraphs while the data were presented in an analytical descriptive manner. The technique of testing the validity of the research data was carried out using data triangulation techniques. The practice of legal aid services at the Semarang District Court in the form of a Legal Aid Post makes a positive contribution to efforts to realize Access to Justice for the community, especially the poor. This is due to various factors, mainly the existence of a multi-interpretative definition of an underprivileged society, the lack of socialization and legal education within the community and the inadequate condition of facilities and infrastructure.*

In the end, the low level of effectiveness of Posbakum services at the Semarang District Court also affected the quality of case handling for the underprivileged at the Semarang Religious Court. Therefore, improvements are needed at the normative policy level to provide a clearer picture of the definition of disadvantaged people and the mechanism for providing legal assistance to them.

***Keywords**: Court; Effectiveness; Justice.*

1. Introduction

The essence of a rule of law state is the realization of the supremacy of law as one of the joints in the life of society, nation and state. In this regard, the law must always appear as a means that must color the life of both individuals, society, and state and government institutions. In various legal literature it is stated that one of the conditions for a rule of law is the guarantee of human rights. All the conceptions of a rule of law that have been put forward by thinkers about the state and law have always put the idea of protecting human rights as its main feature. In the concept of a rule of law state, both the rechstaat and the rule of law, there is protection for human rights which is not only a normative requirement for the existence or absence of a rule of law state,[1]

Sri Soemantri gave a critical view that the guarantee of the basic rights of every citizen means that every ruler in the state cannot and must not act arbitrarily towards its citizens. In fact, the existence of these basic rights also means that there is a balance between power in the state and the basic rights of citizens. For Sudarto Gautama, in a rule of law country there are not only equality but also restrictions. The limits of this power also vary, depending on circumstances. However, the means used to limit these two interests is law. Both the state and individuals are legal subjects who have rights and obligations. Therefore, in a rule of law state, the position and relationship between the individual and the state is always in balance.[2]

The consequence of the principle of equality before the law, a person has the right to be treated equally before the law, including for poor people

[1]Bachtiar, The Urgency of Providing Legal Aid for the Poor by the Regional Government, Social and Cultural Journal of Syar-i. Volume 3 No. 2 (2016). ISSN: 2356-1459. E-ISSN: 2654-9050. 139.

[2]Ibid. 140.

who are in trouble with the law. What's more, the Indonesian state constitutionally in article 34 paragraph (1) of the 1945 Constitution of the Republic of Indonesia states that "the poor and neglected children are cared for by the state". The phrase "maintained" does not only provide the need for food and clothing, but the need for access to law and justice, in other words the principle of equality before the law is not only interpreted as equality before the law, but according to Rhode is interpreted as equality in access to the system law and justice.[3]

The right to obtain legal assistance is a human right for someone who is in trouble with the law. Because obtaining legal aid is a form of access to justice for those who deal with the law. Obtaining legal assistance is also a manifestation of equality before the law. The principle of equality before the law has been contained in article 28D Paragraph (1) of the 1945 Constitution of the Republic of Indonesia, namely that everyone has the right to recognition, guarantees, protection and fair legal certainty and equal treatment before the law. This is a consequence of the State of Indonesia as a state of law. As emphasized in Article 1 Paragraph (3) of the 1945 Constitution of the Republic of Indonesia. According to Bambang, this norm

Sutiyoso means that in the Republic of Indonesia, law is the lifeblood of all aspects of life. Therefore, the governance of society, nation and state must be guided by legal norms.

Law is the highest reference in the entire process of administering the state. The state places law as the basis of state power and the organizers of that power in all its forms are exercised under the rule of law. The logical consequence is that the entire state administration system must be based on the constitution. The administration of the state which is delegated to state organs must proceed according to the legal corridors determined by the constitution. In short, every exercise of state or government power is always built by and based on the principles and provisions of the constitution. In a constitutional state, the state through the constitution recognizes and protects the human rights of every citizen. The state guarantees everyone's constitutional rights to receive recognition, security, protection, equality,

Consideration of the Act No. 16 of 2011 concerning Legal Aid states;

[3]Suyogi Imam Fauzi and Inge Puspita Ningtyas, Optimizing the Provision of Legal Aid for the Realization of Access to Law and Justice for the Poor, Journal of the Constitution, Volume 15, Number 1, March (2018). 52

a. that the state guarantees everyone's constitutional rights to receive recognition, guarantees, protection, and legal certainty that is just and equal before the law as a means of protecting human rights;

b. that the state is responsible for providing legal assistance to the poor as a manifestation of access to justice;

c. that the regulation regarding legal aid provided by the state must be oriented towards the realization of just social change; And

d. that based on the considerations referred to in letters a, b, and c, it is necessary to stipulate a law on legal aid.

Article 3 of Act No. 16 of 2011 concerning Legal Aid states that the state is responsible for providing legal aid for the poor as a manifestation of access to justice, as well as arrangements regarding legal aid organized by the state which must be oriented toward realizing just social change. To implement the provisions of Article 15 Paragraph (5) Article 3 of Act No. 16 of 2011 concerning Legal Aid which stipulates that "Further provisions regarding the terms and procedures for providing legal assistance are regulated by Government Regulations and the provisions of Article 18 Article 3 of Act No. 16 of 2011 concerning Legal Aid which stipulates that "Further provisions regarding the procedures for distributing Legal Aid funds as referred to in Article 16 Paragraph (1) of Act No. 16 of 2011 concerning Legal Aid, the provision of legal aid is regulated in Government Regulations", then the government stipulates Government Regulation No. 42 of 2013 concerning Terms and Procedures for Providing Legal Aid and Distribution of Legal Aid Funds.

Theoretically according to Sri Soemantri Martosoewigyo (1982) who quoted Stahl's opinion, that the Indonesian state can be said to be a rule of law because it has fulfilled the most important elements in a rule of law, namely:

1. The government in carrying out its duties and obligations must be based on law or legislation;

2. There is a guarantee of human rights;

3. There is a division of state power;

4. The existence of oversight from the judiciary body. Constitutional law can be formulated as a set of legal regulations that regulate the organization of a country, the relationship between state organs in vertical and horizontal lines, as well as the position of citizens and their human rights.

Human rights include an ideal condition and standard pattern of human life that is universal, where the practice of guaranteeing human rights as a rule of law is generally known in various literature, which describes maturity in the state through a life that reflects rights, especially in Indonesia is implemented in various forms, one of which is related to the guarantee of equal status in the eyes of the law for the community which has been constitutionally guaranteed in the 1945 Constitution of the Republic of Indonesia (hereinafter referred to as the 1945 Constitution). One form of implementation of this guarantee is the guarantee of obtaining legal assistance.

The 1945 Constitution emphasizes that the State of Indonesia is based on law (Rechtsstaat). These provisions mean that this country is a democratic legal state based on Pancasila and the 1945 Constitution, upholds human rights, and guarantees that all citizens share their position before the law and good governance.

Guarantees for obtaining legal assistance have been regulated in Article 18 of Act No. 39 of 1999 concerning Human Rights (hereinafter referred to as the Human Rights Law). Indonesia has ratified the International Covenant on Civil and Political Rights (International Covenant on Civil and Political Rights, hereinafter referred to as the ICCPR). Article 26

The ICCPR guarantees equality before the law. Everyone has the right to protection from the law and discrimination on the basis of race, colour, sex, language, religion, different political views, national or national origin, wealth, birth or other status must be avoided.

The right to legal aid is a human right. A basic catalog which is currently strengthening its promotion. Legal aid develops not only in the context of advocating for victims of civil and political rights violations, but also as a method of promoting and defending economic, social and cultural rights

(Adnan Buyung Nasution, 2017). This is because obtaining legal aid is a form of access to justice for those who have or are dealing with legal issues. Obtaining legal assistance is also a manifestation of equality before the law. The principle of equality before the law has been contained in article 28D paragraph (1) of the 1945 Constitution, namely that everyone has the right to recognition, guarantees, protection and fair legal certainty and equal treatment before the law. This is a consequence of the State of Indonesia as a constitutional state. There are three principles of a rule of law (rechtsstaat), namely the rule of law (supremacy of law), equality before the law (equality before the law), and law enforcement in ways that are not against the law (due process of law).

General provisions for obtaining legal assistance are contained in Act No. 48 of 2009 concerning Judicial Power (hereinafter referred to as the Judicial Power Law). Article 56UU Judicial Power stipulates: "Everyone who is involved in a case has the right to obtain legal assistance."

Legal aid in Indonesia is a legal institution that was previously unknown in traditional law, legal aid has only been known in Indonesia since the introduction or enactment of the western system in Indonesia. The development of legal aid in Indonesia began to enter a new phase in the 1970s. This new chapter began when the Jakarta Legal Aid Institute was founded by Adnan Buyung Nasution et al. Apart from bringing up a new concept in the implementation of legal aid programs in Indonesia, the Jakarta Legal Aid Institute is also considered the forerunner of institutionalized legal aid which was said to be the most successful at that time so that this legal aid institution then encouraged the growth of various forms of legal aid organizations and institutions in Indonesia. Indonesia.[4]

Data from the National Legal Development Agency (BPHN) explains that the total number of legal aid applications that came in 2016 reached 5,592 cases and

Non-Litigation 1,103 cases bringing the total to 6695 cases. Of that number, 3,335 cases were accepted and 797 cases were rejected, meaning that the cases responded totaled to 4,132 cases. Based on this, it means that there are around 2,563 cases that are missing or even ignored, moreover this is data that is inputted nationally to the center, meaning that it is not impossible that there are some cases that are not inputted or there is no awareness for the poor to ask for legal assistance even though

[4]Daniel S. Lev, Law and Politics in Indonesia or Continuity and Change, translated by Nirwono and AE Priono (Jakarta: LP3ES, 1990). p. 495.

they are in trouble with the law. Public awareness of legal aid or access to law and justice tends to be lacking. Based on research data stating that knowledge of law in Indonesia is still low, quantitative research has been carried out nationally showing that 56% of people cannot provide an example of the rights they have. This figure increased dramatically for women (66%) and for respondents who had no formal education (97%).[5]

Semarang City is one of the districts with low legal aid users. Semarang City is a city that has a fairly high poverty rate, which is around 33%. The people of Semarang who have an education equivalent only to SDSMP reach 49%. This data illustrates the low level of competence of the people of Semarang City, the low level of knowledge and mastery of public information which causes equal access to justice for all underdeveloped communities. In 2018, the number of users of legal aid services through the Legal Aid Post (Posbakum) at the Semarang District Court only reached 10% of the total cases that were submitted in 2018.

The low number of users of legal aid services through the Semarang District Court Posbakum when compared to the number of cases submitted to the Semarang District Court shows that the implementation of Posbakum is not optimal as an effort to improve Access to Justice for the poor in Semarang City. One of the objectives of law is justice and the state as an entity that forms law aims to uphold justice by providing protection for the community so that their rights are fulfilled. Forms of legal protection can be in the form of defense during proceedings in court or outside court in various ways such as consultation, counseling, legal education and training even up to the mediation and arbitration stages.

2. Research Methods

Research Methodology is the science of the methods that will be used in conducting a research.[6] Legal research is basically divided into two (2) types, namely Normative Research and Empirical Research. Normative research is research using secondary data so it is also called library research, while what is meant by empirical research is direct research in the community through questionnaires or direct interviews.[7]

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[5]Suyogi Imam Fauzi and Inge Puspita Ningtyas, Optimizing the Provision of Legal Aid for the Realization of Access to Law and Justice for Poor People.Op.cit. 53

[6]Abdurrahmat Sathoni, 2005. Research Methods and Thesis Compilation Techniques, Rineka Cipta, Jakarta, p. 98.

[7]Soerjono Soekanto and Sri Mamudji, 1985. Normative Legal Research A Brief Overview, CV. Rajawali, Jakarta, p. 1

3. Results and Discussion

3.1. The role of the Legal Aid Post (Posbakum) as part of the Access to Justice efforts for the Community at the Semarang District Court

The implementation of legal aid through Posbakum at the Semarang District Court still faces various problems, both regarding non-judicial and judicial problems. Problems that did not get a serious resolution eventually led to the implementation of the Posbakum being ineffective. These problems include;

a. Facilities for Posbakum service providers and access for the community groups are unable to meet, visit or obtain legal aid information.

b. Inefficient Posbakum service hours.

c. Minimal socialization from both the Government and the Semarang District Court regarding the existence of legal aid services through the Semarang District Court Posbakum.

d. The poor category has multiple interpretations, making it difficult for giving officials Posbakum services to provide legal aid services on target.

In addition to the factors above, social and personal factors have a major influence on the level of effectiveness of Posbakum services at the Semarang District Court, the existence of court administrators and mafia originating from village officials where these poor people live, these irresponsible parties obscure information legal aid for personal gain, while public knowledge of law and the judicial process is very low, this is due to low legal literacy and socialization in society. So it can be concluded that the implementation of Posbakum services in

The Semarang District Court is still not fully efficient although the Semarang District Court and related Legal Aid Organizations have made efforts to support this effort.

Access to Justice language comes from two words, namely "Access" which means access or steps to get something, while "Justice" means justice. If translated freely Access to justice can be interpreted as all efforts and steps that can be taken to obtain justice. Quoting from the United Nations Development Program, Access to law and justice is vital and the most important mandate to reduce poverty and strengthen democratic governance. " is defined as the ability of the community to seek and obtain drugs through formal or informal institutions of justice for complaints in accordance with human rights standards.

"Access to Justice" in the Indonesian context refers to conditions and processes in which the state guarantees the fulfillment of basic rights based on the 1945 Constitution and universal principles of human rights, and guarantees access for every citizen (claim holder) so that they have the ability to know, understand, realize and exercise these basic rights through formal and informal institutions, supported by the existence of a public complaint mechanism that is easily accessible to the community and responsive, so that they can obtain optimal benefits to improve their own quality of life.

Legal protection and legal aid are a form of granting and guaranteeing human rights and protection given to the public so that they can enjoy all the rights granted by law. Law is needed for those who are weak and unable socially, economically or politically to get justice.

Roderick A Macdonald in his article describes five phases in the development of thinking about access to justice which began in 1960 to 2005 which developed in Canada and various other countries. The concept of "Phase" "Access to justice" was first introduced by Cappelletti and Garth in 1978 in his book "Access to Justice: A World Survey" which explains the relationship between individuals and groups as a consideration in understanding the concept of substantive justice, procedural justice and access equal to the judiciary and law. Roderick A Macdonald briefly describes the development of "Access To Justice" in five phases as follows:

a. First Phase (1960-1970) Access to Advocates and Justice

During the early development of "Access To Justice" around the early 1960s, advocates had a full role in the early efforts to provide legal aid for the poor which enabled the poor to get free advocate services for criminal cases, social and welfare cases, cases property and

employment. However, the provision of legal aid is still based on the awareness and generosity of the individual advocate, so that problems of financing, delays and complexity in the legal system have not been able to properly support legal aid efforts.

b. Second Phase (1970-1980) Institutional Redesign

During this period, major reforms were carried out on the systematics of providing legal aid as well as the legal basis for providing assistance itself, most of the reforms focused on improving systems and processes in civil justice with the aim of accelerating the process of lawsuits, reducing costs and increasing the availability of compensation as legal sanctions. . these reforms include the establishment of expedited justice, rules for the provision of legal aid and minimizing the cost of justice. Several countries, such as Canada, have also developed the concept of "mass adjudication" by providing opportunities for non-judicial institutions outside the courts to handle certain types of claims.

c. Third Phase (1980-1990) Demystification of Law

After the concept of legal aid became widely known in various countries, various basic agreements and charters emerged which provided a broad understanding that "Access To Justice" is a matter of human rights and equality in every judicial process, a more substantive meaning of "equality" includes equality for obtaining appropriate results and decisions, not just equality of opportunity and equality to file demands. Courts, especially civil courts, have begun to implement case management procedures into short cases and ordinary cases. This step was taken to increase access and speed up the decision-making process in order to ensure certainty of justice by referring to the idea of "Restorative Justice".

d. Fourth Phase (1990-2000) Law as Prevention Measures

At this time, "Access To Justice" began to be understood as all efforts to obtain justice using various stages and instruments that were not only limited to the litigation process in court. So that "Access to Justice" requires prevention efforts in the form of Alternative Disbute Resolution (ADR) to help provide settlement facilities for the community by avoiding the litigation process before the conflict turns into a legal dispute in court. During this period, democracy and

community involvement in the decision-making process regarding law-making institutions also increased.

e. Fifth Phase (2000-Present) Proactive Efforts towards Access to Justice

Efforts to educate the public about "Access to Justice" are a new strategy in increasing the legal aid index, "Access to Justice" requires a very broad interpretation due to various aspects and considerations between individuals and groups as a basis for consideration of substantive justice, procedural justice and guarantees of equal access to legal institutions. "Access to Justice" is not the full responsibility of the government or legal practitioners, but rather a general right for the entire community to participate in overcoming the gaps in knowledge, ability and neglect that often occur in society, in the future this effort will expand into efforts to provide access legal education, improvement of public services,

"Access to Justice" is a very fundamental effective right and has a very close relationship with the existing rule of law. Every citizen must be guaranteed the right to obtain equality in filing lawsuits, undergo a fair process and in accordance with statutory procedures and get the opportunity to defend himself or obtain a legal defense against other people's claims/demands. This is due to the conception of a rule of law state which guarantees the principle of "Equality before the law" for every citizen. 36 One of the government's efforts to achieve "Access to Justice" is by implementing an affirmative action policy. Affirmative action is a way that is generally applied by various countries that adhere to the rule of law system as an answer to discriminatory social conditions.

Elizabeth S. Anderson, defines affirmative action as all policies that have a purpose. First, efforts to eliminate or at least minimize all causes of obstacles in the system of norms that can cause injustice and inequality in society, second, seek to increase understanding in an inclusive society as a prerequisite for democracy, integration and pluralism, third, strive for equality and justice on the basis of identity classification (race, gender, ethnicity, sexual orientation, etc.). Deborah L Rhode, explained some of the weaknesses regarding the concept of "Access to Justice" which is currently developing in various countries widely.

First, there is disagreement among makers and law enforcers about what and how “Access to Justice” actually means. Some parties interpret "Access to Justice" as a procedural right (for example, access to legal aid and the process of assistance in resolving legal disputes or providing legal assistance in the middle of a trial quickly), while others interpret "Access to Justice" substantively (eg access to justice). Towards the settlement of legal disputes and other social problems fairly and equally). Unfortunately the definition of "Access to Justice" is often influenced by the intentions and goals of those who give opinions,

*Second, i*n general, legal aid service providers only focus on requests for legal assistance for unmet needs (help in filing lawsuits or case assistance). Meanwhile efforts to map unmet needs are often incomplete and do not take into account problems except those that have been stated in the formal legal system. Further examples are the indifference of lawmakers and law enforcement and legal aid service providers to the effects of obstacles that arise due to reasons outside the formal rules, for example due to disability, language differences, geographical isolation, lack of education about legal aid and lack of public trust in efforts legal assistance.

In short, citing the results of the Town Hall Meetings on Access to Justice held in Manitoba in 2011, "Access to Justice" at least includes rights and equality for all people to obtain;

a. Access to Information and Education on legal aid (Access to Information and *Education About Legal Aid)*

b. Access to Advocacy Organizations and Legal Support Services (LBH) *(Access to Community based advocacy and legal support services)*

c. Access to Advocates (Access to Lawyers)

d. Access to Legal Aid (Access to Legal Aid)

e. Access to Courts

f. Access to the Public Legal System (Access to Public Justice System)

g. Access to the Private Justice System (Access to Private Justice System)

Access to justice must be felt by the community towards all matters. Cases can be divided into 2 types, namely:

a. Cases that contain disputes (Jurusdictio Contenciosa), are cases that contain disputes, differences in interests or rights demanded by one party against another party. In cases that contain disputes, the judge only pays attention to and adjudicates what has been determined by the parties to the dispute.

b. A case that does not contain a dispute (Jurisdictio Voluntaria) is a case where there is no dispute, meaning that the person concerned requests a determination from the judge regarding the status of a matter. In this case the judge is not adjudicative, but administrative in nature to determine the status of a matter being applied for.

Every case must be handled so that there is law enforcement. Case handling can be interpreted as all processes, methods and efforts to resolve cases, both within the scope of justice and non-trial. Referring to the provisions of Article 1 Paragraph (4) of the Minister of Social Affairs Regulation Number 15 of 2018 concerning

The Integrated Service and Referral System for Handling the Poor and Disadvantaged People explains that the Poor are people who do not have a source of livelihood at all in a synergistic and integrated manner between community groups within the existing community in the implementation of social welfare. Meanwhile, poor people are people who have a source of livelihood, salary or wages that are only

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able to meet decent basic needs but are unable to meet contributions for themselves and their families. An underprivileged society is one result of differences in social stratification in society due to socio-cultural differences in the development of the individual potential of a group.

The poor as defined in Permensos Number 15 of 2008 being the majority of the population in an area, can cause structural poverty. Structural poverty is a condition of poverty that affects a community broadly caused by certain factors based on humans, these factors appear caused and conditioned by human actions so as to cause harm to the lives of individuals and communities.

3.2. The effectiveness of the Legal Aid Post (Posbakum) service and its influence on the handling of cases for the poor.

3.2.1 Theory of Legal Effectiveness

Effectiveness is a vocabulary in Indonesian that comes from the English word "effective" which means lucky, obeyed and obeyed. Sarwoto defines effectiveness as "effective", namely the condition in which good service is fully achieved according to the needs and targets of an organization.[8]Meanwhile, Permata Wesha argues that effectiveness is the condition or ability to achieve a performance carried out by humans to provide the expected benefits.

According to Soerjono Soekanto, the effectiveness of law is the condition for the operation of the law as the purpose of the law was created. Whether or not a law is effective is determined by 5 main factors, namely:

a. The legal factor itself (laws and other legal products)

b. Law enforcement factors, namely the parties forming and implementing the law

c. Facility factors and facilities that support law enforcement

[8]Sarwoto, "Fundamentals of Organization and Management", (Jakarta: Ghala Indonesia, 1990). 126.

d. Community factors, namely the conditions and environment in the community where the law applies and is applied

e. Cultural factors, namely habits as a result of work, creativity and taste based on human initiative in everyday life.

Romli Atmasasmita is of the opinion that the factors hindering the effectiveness of the law enforcement process do not only lie in the mental condition and attitude of law enforcement officials, but also in the factor of legal socialization which is often ignored. This is in line with the theory put forward by Soerjono Soekanto regarding the 5 factors that influence the effectiveness of law, a law or regulation can be said to be effective if people behave according to what is desired by these laws and regulations in order to achieve the desired goals, it can be stated that legal effectiveness has been reached.[9]

3.2.2 Index of Implementation of Legal Aid Post Services (Posbakum)

Description of the level of implementation of Posbakum services at the Semarang District Court, can be seen based on the recapitulation of Incoming Cases, Disconnected Cases and Total Cases from the Semarang District Court's Case Tracking Information Site (SIPP) and Recapitulation of Semarang District Court Posbakum Service Users for the period April 2020 to February 2021, as shown in the table below:

Table 4.1

Recapitulation of Semarang District Court Cases April 2020 – February 2021

No	Month	Lawsuit Case	Case Application	Total
1	April 2020	202	17	219

[9]Romli Atmasasmita, "Legal Reform, Human Rights and Law Enforcement", (Bandung: Mandar Maju, 2001). 55.

2	May 2020	100	15	115
3	June 2020	325	46	371
4	July 2020	259	65	324
5	August 2020	255	29	284
6	September 2020	303	54	357
7	October 2020	246	41	287
8	November 2020	279	44	323
9	December 2020	117	13	130
10	January 2021	330	54	384
11	February 2021	147	28	177
Amount		2,563	406	2,969

The table above shows the number and types of cases included in the Registry Semarang District Court Case April 2020 to month February 2021. This data was collected through the Semarang District Court's Case Registration Information Site (SIPP) as an open information medium for the public and the general public regarding case information. Table 4.2

Recapitulation of Posbakum Service Users at the Semarang District Court April 2020 – February 2021

No	Month	User Service
1	April 2020	68 Users
2	May 2020	40 Users
3	June 2020	127 Users
4	July 2020	89 Users
5	August 2020	81 Users
6	September 2020	105 Users
7	October 2020	95 Users
8	November 2020	48 Users
9	December 2020	56 Users
10	January 2021	119 Users
11	February 2021	115 Users
	Amount	943 Users

The table above shows the number of users of the District Court Posbakum services Semarang Period April 2020 to February 2021, get

It can be seen that the number of service users is very small when compared to the number of cases that go to the Semarang District Court. Referring to the two recapitulations above, an index of Posbakum Service Users is obtained at the Semarang District Court by comparing the number of cases entered with the number of Posbakum service users as follows; Total Cases Entered ÷ Total Posbakum Service Users = 2,969 Cases ÷ 943 Service Users X 100% = 31.4 %

3.2.3 Analysis of the Effectiveness of the Legal Aid Post Service (POSBAKUM)

Effectiveness is a vocabulary in Indonesian that comes from the English word "effective" which means lucky, obeyed and obeyed. Sarwoto defines effectiveness as "effective", namely the condition in which good service is fully achieved according to the needs and targets of an organization.[10]Meanwhile, Permata Wesha argues that effectiveness is the condition or ability to achieve a performance carried out by humans to provide the expected benefits. Generally, four kinds of considerations are used to assess work effectiveness, namely: economic, physiological, psychological and sociological considerations.[11]

According to Soerjono Soekanto, the effectiveness of law is the condition for the operation of the law as the purpose of the law was created. Whether or not a law is effective is determined by 5 main factors, namely:

f. The legal factor itself (laws and other legal products)

g. Law enforcement factors, namely the parties forming and implementing the law

h. Facility factors and facilities that support law enforcement

i. Community factors, namely the conditions and environment in the community where the law applies and is applied

j. Cultural factors, namely habits as a result of work, creativity and taste based on human initiative in everyday life.

[10]Sarwoto, "Fundamentals of Organization and Management", (Jakarta: Ghala Indonesia, 1990). 126

[11]Widjaya Amin Tunggal, "Management: An Introduction", (Jakarta: Rineka Cipta Jaya, 1993). 32.

Romli Atmasasmita is of the opinion that the factors hindering the effectiveness of the law enforcement process do not only lie in the mental condition and attitude of law enforcement officials, but also in the factor of legal socialization which is often ignored.[12]This is in line with the theory put forward by Soerjono Soekanto regarding the 5 factors that influence the effectiveness of law, a law or regulation can be said to be effective if people behave according to what is desired by these laws and regulations in order to achieve the desired goals, it can be stated that legal effectiveness has been reached.

The word Effective comes from the English absorption, namely effective, which means successful or something that is done works perfectly. According to Pasolong, effectiveness basically comes from the root word "effect" and is a causal conjunction, effectiveness is also defined as the accuracy of use, effectiveness or supporting goals.[13]According to Kurniwan, effectiveness is the ability to carry out tasks, functions or performance of an organization and or the like in the absence of pressure or tension between implementers.[14]Kurniawan's opinion was slightly different from Effendy, where Effendy explained that effectiveness is a communication process in order to achieve the planned goals in accordance with the budget and plans set.[15]

In short, based on some of the opinions above, it can be concluded that effectiveness is an effort in the form of communication or certain processes to achieve predetermined goals or objectives, these achievements must meet or at least approach predetermined targets, budgets, deadlines and plans. as a starting point for starting the process. So that one of the easiest ways to measure the effectiveness of the performance of an institution or work plan, is to directly compare the initial idea or plan with the results of the process to realize the plan, or in law we know the term Das Sain versus Das Sollen.

[12]Romli Atmasasmita, "Legal Reform, Human Rights and Law Enforcement", (Bandung: Mandar Maju, 2001). 55.

[13]Pasolong, Human Resource Management, Bandung: Alfabeta. (2007). 32.

[14]Kurniawan, E-Government Effectiveness Theory, Surabaya: Mekar. (2008). 14.

[15]Effendy, Communication Theory and Philosophy, "Legal and Social Phenomena", Bandung: PT Citra Aditya Bakti, (2003) 73.

Siagian formulates 7 indicators in assessing whether an effort can be said to be effective or not, these indicators include:[16]

1) Clarity of goals to be achieved, this is necessary so that the implementation or process of realizing these goals is directed and has clear goals;

2) Clarity of strategy to achieve these goals;

3) Logical and structured policy analysis process;

4) Careful planning step by step;

5) Availability of supporting work facilities and infrastructure;

6) Implementation of plans effectively and efficiently;

7) Constructive and supportive monitoring and control system;

Furthermore, Siagian's ideas were re-formulated into various different disciplines by adjusting various additional variables to measure the level of effectiveness of an effort in these disciplines. The author uses Siagian's idea to be a measuring tool for the level of effectiveness of service performance

Semarang District Court Posbakum resulting in the following conclusions;

1) Clarity of Purpose

The Posbakum of the Semarang District Court was formed as an effort to realize and support efforts to guarantee human rights, in this case the right to get access to justice, especially access to justice. This is the mandate of the 1945 Constitution of the Republic of Indonesia and Act No. 16 of 2011 concerning legal aid. Furthermore, the purpose of establishing Posbakum is to:

[16]Siagian, Performance Effectiveness Analysis Study, Yogyakarta: Liberty, (1978) 332.

a. Guarantee and fulfill the rights of legal aid recipients to access justice.

b. Realizing the constitutional rights of all citizens in accordance with the principle of equality before the law.

c. Guarantee the certainty of the implementation of Legal Aid evenly throughout the territory of the Unitary State of the Republic of Indonesia.

d. Realize Justice Which effective, efficient And can be accounted for.

Article 22 Paragraph (1) Supreme Court Regulation Number 1 of 2014 concerning

Guidelines for Provision of Legal Aid for Poor People in Court, Recipients of Posbakum services are "any person or group of people who are economically incapable and/or do not have access to information and legal consultation who require services in the form of providing information, consultation, legal advice, or assistance in making the required legal documents, can receive services at the Court Posbakum".

Thus it can be concluded that the Posbakum Service has clear objectives and legal basis, this objective is in the form of efforts to provide guarantees and fulfill the rights of legal aid recipients to gain access to justice, especially access to justice.

2)Clarity of Strategy to Achieve Goals

Posbakum is a new idea that did not exist in the Pre-Independence Indonesian legal system in 1945 so that the formation and provision of Posbakum services requires qualified considerations and formulation of strategies.

Confirmed in the Decision of the Constitutional Court (MK) No. 88/PUU-X/2012, that the requirements for a legal aid provider to be a legal entity, be accredited, have a permanent office or secretariat,

have a board and have a Legal Aid program are common to determine the eligibility of an institution legally entitled to provide legal assistance. In determining eligibility, the Government needs to carry out verification, selection and evaluation, as well as provide accreditation for legal aid institutions that meet or do not meet the requirements as legal aid providers.

So it can be concluded that efforts to realize Posbakum services have been arranged in such a way by considering various possibilities in order to achieve a legal development strategy, especially legal assistance in an appropriate manner. 3) Logical and Structured Policy Analysis Process

The policy of procuring Legal Aid, especially Posbakum, is a step forward in the process of guaranteeing human rights and Indonesia's political development which adheres to Pancasila Democracy. Guarantees for obtaining legal aid in Indonesia are regulated in Articles 17, 18, 19 and 34 of the Human Rights Law. Further in Article 16 and Article 26

The International Covenant on Civil and Political Rights (International Covenant on Civil and Political Rights) has a guarantee that everyone has equality before the law (equality before the law). The principle of equality before the law is contained in Article 28D Paragraph (1) The 1945 Constitution, namely "that everyone has the right to recognition, guarantees, protection, and fair legal certainty and equal treatment before the law".

The principle of equality before the law is not only interpreted as equality before the law, but according to Rhode is interpreted as equality in access to the legal system and justice. Based on this, a concept and goal was created called access to law and justice as follows;

a. Act No. 48 of 2009 Concerning Judicial Powers

b. Act No. 50 of 2009 Concerning Religious Courts

c. Act No. 16 of 2011 Concerning Legal Aid

d. Supreme Court Circular Letter (SEMA) Number 10 of 2010

Concerning

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Guidelines for Provision of Legal Aid

e. Government Regulation Number 42 of 2013 Regarding Terms and Procedures

Methods of Providing Legal Aid and Distribution of Legal Aid

f. Supreme Court Regulation Number 1 of 2014 Guidelines for Provision of Legal Services for Poor People in Court

Thus, efforts to realize Legal Aid in Indonesia are initiated through clear, logical and structured legal substance so that it is possible to implement it in a sustainable manner.

4) Careful planning step by step;

The establishment of the Court Posbakum is carried out in stages, the Court provides and manages rooms and facilities/infrastructure for the Court Posbakum according to capabilities with regard to access for persons with disabilities, women, children and the elderly. For courts that do not yet have a budget to finance institutional cooperation in the framework of organizing Posbakum, the Court is still obliged to provide a room for the Posbakum Court, if necessary, the Posbakum Court can be carried out in an integrated manner with the implementation of hearings outside the Court building.

This is based on the consideration that the Legal Aid Post (POSBAKUM) in the provisions of Act No. 48 of 2009 concerning Judicial Power, Act No. 49 of 2009 concerning General Courts and Supreme Court Regulation number 1 of 2014 concerning Guidelines for Providing Legal Aid to the public are not capable in court is defined as:

"Services established by and existing at courts of first instance to provide legal aid services in the form of information, consultation and legal advice, as well as preparation of required legal documents in accordance with laws and regulations governing Judicial Powers, General Courts, Religious Courts and Courts State Administration."

The Semarang District Court Posbakum was held in several stages as follows;

a) Auction announcement;

b) Collection of auction files;

c) Posbakum personnel feasibility test;

d) Cooperation agreement (SPK) for the provision of Posbakum services;

Thus, the Semarang District Court Posbakum was formed in stages by upholding the principles of openness and conjunctiveness in each stage of its procurement.

5) Availability of supporting work facilities and infrastructure;

The Semarang District Court Posbakum occupies a room with an area of 2 m x 1.5 m in front of the mediation room of the Semarang District Court, this room is adjacent to the entrance to the bathroom and pantry of the Semarang District Court. This has resulted in the implementation of legal aid not being conducive, both at the interview stage and in the process of preparing the required legal documents. On the other hand, according to Alvin Cizentyo, 23 service users generally come with an introduction from local village officials and local community leaders, this introduction is generally tasked with helping litigants to obtain information as appropriate. However, according to Samijo24, a user of the Semarang District Court Posbakum service, the existence of an introduction often biases information for their personal gain.

So it can be concluded that the existence of the facilities and infrastructure of the Semarang District Court Posbakum is still not optimal and less efficient considering the condition of the service room and the span of service time. Users of the Posbakum service can apply for legal assistance by visiting the Posbakum Service office at the Semarang District Court Office. Furthermore, the Court Posbakum service provider will compile the case files for recipients of the Court Posbakum services as Court documentation consisting of:

a) application form;

b) Unable to obtain required documents;

c) Legal documents that have been made at the Court Posbakum;

d) A statement that the service has been provided signed by the Court Posbakum Officer and the Recipient of the Court Posbakum Service;

Service user applicants who are declared eligible as service users will then be given legal assistance in the form of:

a) Assistance in filling out legal aid forms and case documents:

b) Assistance in making case documents in the form of an application or lawsuit;

c) Advice, consultation and legal advice in related cases;

d) Recommendations to the Chairperson of the Court in the context of waiving case fees in accordance with predetermined terms and conditions; e) Provision of information and recommendations on a list of Legal Aid Organizations as referred to in Act No. 16 of 2011 concerning Legal Aid or other legal aid organizations or advocates that can provide legal aid free of charge;

Thus, the implementation of the Kendal Religion Posbakum services can be categorized as effective and efficient because they fulfill the stages and prerequisites as stipulated in the SOP and SPK for Posbakum procurement. In the case of providing legal aid services, Posbakum service providers are not justified in collecting or receiving fees/rewards/additional fees of any kind from applicants

for legal aid and are prohibited from acting on behalf of themselves as part of Semarang District Court or employees and the Defendant / Respondent) are Applicants for Legal Aid Services, it is not justified for Posbakum officers to provide legal assistance to both of them in the same case simultaneously.

In terms of monitoring and reporting, Posbakum Officers are required to report the results of their performance to the Legal Aid Institute providing Posbakum services as well as to the Registrar's Office of the Semarang District Court for further inspection and regular evaluation. Thus, the Semarang District Court Posbakum is carried out with full responsibility and upholds the principle of professionalism through the dualism of supervision of the performance of the Posbakum.

Next, refer to the results of the recapitulation of Posbakum service users

The Semarang District Court for the period April 2020 to February 2021 obtained the following results Total Incoming Cases ÷ Total Posbakum Service Users = User Index 2,969 Cases ÷ 943 Service Users X 100% = 31.4 %

The Semarang District Court Posbakum Service User Index for the period April 2020 to February 2021 is 31.4%, this makes the Semarang District Court Posbakum service categorized as a less effective service when compared to the total number of incoming cases. This is due to various conditions and constraints such as the existence of the Posbakum service room which is not visible from the court waiting room and the lack of socialization and public knowledge regarding the existence of Posbakum services at the Semarang District Court.

This is inversely proportional if the level of effectiveness of Posbakum is compared with the performance achievement target as agreed in the Work Agreement (SPK) for the provision of Semarang District Court Posbakum services, because in 2020 the Performance Targets for the Semarang District Court Posbakum in the Work Agreement (SPK) for the procurement of Posbakum Court services Semarang State has a total of 600 services, in fact the total service users in 2020 are as many as 709 service users. so that it can be concluded that the Semarang District Court Posbakum services meet the criteria as agreed in the Work Agreement (SPK) for the provision of Semarang District Court Posbakum services.

3.2.4 Analysis of the Influence of the Effectiveness of Posbakum Services on Case Handling for Poor Communities

Sarwoto defines effectiveness as "effective", namely the condition in which good service is fully achieved according to the needs and targets of an organization. Meanwhile, Permata Wesha argues that effectiveness is the condition or ability to achieve a performance carried out by humans to provide the expected benefits. Generally, four kinds of considerations are used to assess work effectiveness, namely: economic, physiological, psychological and sociological considerations.

Meanwhile, according to Soerjono Soekanto, is the condition of the running of the law as the purpose of the law was created. Whether or not a law is effective is determined by 5 main factors, namely:

a. The legal factor itself (laws and other legal products)

b. Law enforcement factors, namely the parties forming and implementing the law

c. Facility factors and facilities that support law enforcement

d. Community factors, namely the conditions and environment in the community where the law applies and is applied

e. Cultural factors, namely habits as a result of work, creativity and taste based on human initiative in everyday life.

Romli Atmasasmita is of the opinion that the factors hindering the effectiveness of the law enforcement process do not only lie in the mental condition and attitude of law enforcement officials, but also in the factor of legal socialization which is often ignored. This is in line with the theory put forward by Soerjono Soekanto regarding the 5 factors that influence the effectiveness of law, a law or regulation can be said to be effective if people behave according to what is desired by these laws and regulations in order to achieve the desired goals, it can be stated that legal effectiveness has been reached.

In addition to the above aspects, William Chamblis and Robert B. Seidman in their book "Law, Order, and Power" explain that the operation of law in society is strongly influenced by social forces, law-making institutions and law-implementing institutions. This theory is used to analyze legal performance by focusing on the performance of law-making institutions, law enforcers, as well as social forces that influence it, such as political conditions, community culture and citizen participation. These social forces then cause dynamics in law enforcement.

Based on this theory, the researcher tried to analyze how the effectiveness of the Posbakum services of the Religious Courts had on the case service index for the underprivileged in the Semarang District Court with the following results:

a. The legal factor itself

According to Frans Hendra Winarta, legal aid is a legal service specifically provided to the poor who need free defense, both outside and in court, in criminal, civil and state administration, from someone who understands the ins and outs of defense. law, legal principles and rules, as well as human rights. 51 Meanwhile, according to Adnan Buyung Nasution, legal aid is specifically legal assistance for groups of people who have low incomes or in popular language poor, the measure of poverty is still a difficult problem. solved, not only for developing countries but even for developed countries it is still a problem

Providing services and guaranteeing legal aid from the state is one of the most effective ways provided by the constitution to realize access to justice for the poor and disadvantaged communities. Even though several regulations regarding legal aid have been issued by the state through the existence of laws and related regulations that have been issued by the Supreme Court and the Constitutional Court through Supreme Court Regulations and Constitutional Court Decisions, in practice the implementation of legal aid in the community is still not effective so that the purpose of fulfilling access to justice is biased.

Even though there has been much progress in the development of the provision of legal aid in Indonesia, for example in the development of information systems and legal aid databases, as well as the involvement and support of the Regional Government, it is

undeniable that there are still various obstacles both fundamental and technical in nature. An example is the fundamental question "To what extent is the implementation of the legal aid program contributing to the fulfillment of access to justice for the community?" Substantially there is a question "is this legal aid an obligation or only becomes mandatory when several elements have been fulfilled?"

b. Law enforcement factor

In providing legal aid, Legal Aid organizations as stated in the Legal Aid Act play a very important role. Since the enactment of Act No. 16 of 2011 concerning Legal Aid, the provision of legal assistance has been carried out by Aid Organizations

Laws (OBH) which have been declared to have passed verification by the Ministry of Law and Human Rights are running in all parts of Indonesia. In 2018, there are at least

524 verified OBH spread across 215 Regencies/Cities. The main substance of Act No. 16 of 2011 concerning Legal Aid requires law enforcers, especially advocates as legal aid service providers, to provide free legal assistance to the poor in Indonesia, this is a normative obligation given by Act No. 16 of 2011 concerning Legal Aid.

As support for this spirit, Act No. 18 of 2003 concerning Advocates provides a moral responsibility to advocates as officium nobile (Noble Profession) to provide defense and assistance to everyone who is in or has legal problems but is not in a condition capable of fighting for their rights. -their rights, this legal aid must be carried out regardless of individual background, race, ethnicity, gender or other subjective matters.

To ensure that the Legal Aid Institute is an institution that is clear and has a good track record, Article 18 Paragraphs (1) and (2) of the Law on Legal Aid stipulates that the implementation of legal aid is carried out by legal aid providers who meet the requirements under the Law. - invite Legal Aid at the Semarang District Court, the Legal Aid Organization that has secured cooperation to provide legal aid services is the Islamic Legal Counseling, Consultation and Aid Institute (LPKBHI) Walisongo State Islamic University Semarang with Accreditation A and has an excellent track record in terms of legal

aid, both financially and professionally litigation or non-litigation. So it can be concluded that the main components in the implementation of legal aid,

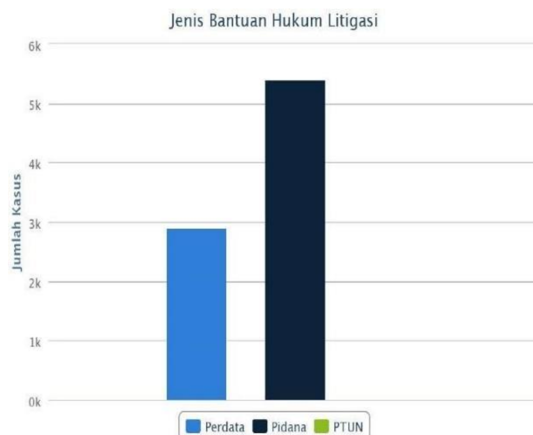
The factor of law enforcement is very important considering that law enforcement must also pay attention to aspects of expediency and justice in order to create public order (Legal Order).

c. Facility factors and facilities that support law enforcement

In 2021, the Ministry of Law and Human Rights of the Republic of Indonesia through the Agency coaching Law National (BPNM) allocate budget as big IDR 53,679,900,000 (Fifty Three Trillion Six Hundred Seventy Nine Million Nine Hundred Thousand Rupiah) for legal aid efforts. 58 As of 26 May 2021, 40% of the budget has been used with the allocation of legal aid in the form of litigation legal assistance as follows;

Table 4.2

Types of Absorption Litigation Legal Assistance Indonesian Ministry of Law and Human Rights Legal Aid Budget for Fiscal Year 2021



Source: Sidbankum.bpnm Kemenkumham RI 2021, accessed on 26 May 2021.

In the table it can be seen that the absorption of the Legal Aid Budget Fund from the Ministry of Law and Human Rights of the Republic of Indonesia for 2021 is mostly allocated for handling criminal cases, both minor crimes and serious crimes. Absorption of the budget is carried out in the form of case assistance for poor people.

Meanwhile, the absorption of the budget is in the form of non-litigation legal assistance as follows;

Table 4.2

Types of Non-Litigation Legal Aid Absorption of the Indonesian Ministry of Law and Human Rights Legal Aid Budget for Fiscal Year 2021

Source: Sidbankum.bpnm Kemenkumham RI 2021, accessed on 26 May 2022.

It can be seen in the table above that the use of legal aid budgets is not limited to assisting or preparing case files, but also efforts to educate the public so that they have knowledge and information related to various legal issues that develop in society. Legal counseling plays an important role in efforts to provide non-litigation legal assistance in the midst of disadvantaged communities so that they understand the flow and access to a fair and efficient judicial process.

In addition to the allocation of legal aid funds through the Ministry of Law and Human Rights, there is also a statutes for the provision of Posbakum services originating from the DIPA of the Religious Courts where the Posbakum services are carried out. For example, the implementation of the Semarang District Court Posbakum originating from the DIPA of the Semarang District Court for the 2020 Fiscal Year. So it can be concluded that the Government through the Ministry of Law and Human Rights and the Religious Courts have tried to provide facilities in the form of budget allocations which can then be used as supplies for efforts to provide legal aid and handling cases for poor people.

d. Community Factors

Applicants for legal aid are seekers of justice consisting of individuals or groups of people who are economically unable to pay Advocate fees or pay case fees as stipulated in Act No. 16 of 2011 concerning legal aid. In short, people who can access Posbakum services are only those who are declared financially unable to either pay for the services of advocates or pay down payment for cases. However, in practice, according to Alvin Cizentyo, SH, Posbakum officers have difficulty implementing this because people who are actually able to pay for the services of advocates such as those who have a fixed income, civil servants,

Referring to the provisions of Article 1 Paragraph (4) of the Minister of Social Affairs Regulation Number 15 of 2018 concerning the Integrated Service and Referral System for Handling the Poor and Disadvantaged People explained that the Poor are people who do not have a source of livelihood at all in a synergistic and integrated manner between community groups in the existing community in the implementation of social welfare. 60 While people do not Affluent is a person who has a source of livelihood, salary or wages that is only able to meet decent basic needs but is unable to meet contributions for himself and his family.

In practice, the existence of disadvantaged groups of people, classification, indicators and verification of this status is very difficult given the limited time and synergy between institutions that can label society with this label. This then becomes one of the obstacles in providing legal aid so that the provision of legal aid becomes biased and not on target.

e. Cultural Factors

According to Samijo, one of the users of legal aid services at the Semarang District Court Posbakum. The existence of the Posbakum of the Religious Courts is very helpful in providing information and assistance to underprivileged communities both financially and legally illiterate. However, the majority of the community stated that they did not know about the existence of Posbakum services even though they had been delivered by local village officials. Eventually, as time went on, the public began to know about the existence of the Posbakum service through information provided by the Semarang District Court Service Ambassador as well as word of mouth between service users.

According to Muh Kholis, the former chairman of the Semarang District Court has tried to maximize socialization of the existence of Posbakum services through installation

Banners around the Semarang District Court, information through service ambassadors and socialization when carrying out circuit courts. 64 This phenomenon is part of the habits of the people who tend to be legally illiterate and do not want to feel bothered by the litigation process, this thought then creates dependence on local village government officials who often take unilateral advantage of the affairs of the community. The need to increase efforts to socialize, educate and properly disseminate legal information is very important in order to support efforts to develop transparent and effective national law.

The aspects that the researchers have described above provide an overview of the implementation of Posbakum services at the Semarang District Court and the level of effectiveness of these services. Then the Semarang District Court Posbakum services which are still ineffective will certainly affect the performance and handling of cases for the poor in the Semarang District Court. Romli Atmasasmita is of the opinion that the factors hindering the effectiveness of the law enforcement process do not only lie in the mental condition and attitude of law enforcement officials, but also in the socialization of law which is often ignored.

The low effectiveness of the Posbakum service will result in inadequate handling of cases for the underprivileged in court, this makes the main goal of legal aid, namely Access to Justice, not fulfilled so that efforts to develop a national legal culture that guarantees all the rights of its citizens without exception become constrained. It should be acknowledged that the existence of Posbakum services is really beneficial in improving the quality of services for the Poor, this is because Posbakum provides the right information, provides advice, helps prepare documents needed in cases and accompaniment if needed, free of charge whatever.

However, if the Posbakum service at the Semarang District Court only reached a percentage of 31.4% of the total cases that were submitted to the Semarang District Court, this shows that the Posbakum's role in providing legal assistance is not optimal, especially providing information and preparing case documents. The 31.4% figure shows that 68.6% of the people in Semarang City still

depend on for-profit legal services (advocates and law offices) by spending a certain amount of money to get these services. Ideally, legal aid services at least get a percentage of more than 60% in order to dominate the total number of cases, so that it can be said that the majority of people get legal aid as a form of guaranteeing access to justice, especially access to fair, speedy and low-cost trials.

In short, the Posbakum services of the Semarang District Court have made a positive contribution to efforts to improve case handling for the poor. However, various obstacles that cause the ineffectiveness of the Posbakum service have resulted in not optimal handling of cases for the poor. This is the responsibility of the government and related institutions to continue to improve legal education and socialization for the community so that the community knows and understands that legal aid services are available to them.

4. Conclusion

The practice of Legal Aid Services at the Semarang District Court has an important role in carrying out the objectives of legal aid for the poor. However, various constraints both juridical, mechanical and socialist conditions in the community have made the implementation of Posbakum services at the Semarang District Court not yet effective and only fulfill a percentage of 31.4% of service users when compared to the total case registers entered for the period April 2020 - February 2021 at the Semarang District

5. References

Act No. 16 of 2011 Concerning Legal Aid

Act No. 48 of 2009 Concerning Judicial Powers

Ahmad Ulil Aedi and FX Adji Samekto, Reconstruction of the Principles of Equality Before the Law, Journal of Law Reform..Volume. 8 No. 2 (2013), Semarang: UNDIP Masters Program.

Asfinawati, and Santosa, Mas Achmad. 2007. Legal Aid for Marginalized People's Access to Justice Historical Review, Concept, Policy, Application and Comparison in Various Countries, Jakarta: LBH Jakarta.

Ashmi Amran, Thesis: The Existence of Legal Aid Posts (Posbakum) in the Religious Courts

Atmasasmita, Romli, 2001. Legal Reform, Human Rights and Law Enforcement. Bandung: Mandar Maju.

Bachtiar, The Urgency of Providing Legal Aid for the Poor by the Regional Government, Social and Cultural Journal of Syar-i. Volume 3 No. 2 (2016). ISSN: 2356-1459. E-ISSN: 2654-9050.

Bandung: PT Alumni.

Chamblis, William J., 1971. Law, Order and Power, Wesly: Mess Addison.

Compilation of Islamic Law (KHI)

Constitutional Court Decision Number 88/PUU-II/2012. Constitutional Court Decision Number 006/PUU-II/2004

Daniel S. Lev, Law and Politics in Indonesia or Continuity and Change, translated by Nirwono and AE Priono (Jakarta: LP3ES, 1990).

Didi Kusnadi, Principles of Legal Aid and the Role of Hakam in Law Enforcement: A Critical Study of Tafsir Al-Qur'an Surah An-Nisa' Verse 35, Asy-Syari'ah Journal Volume 17, Number 3, December 2015.

Diecy, AV 2007. Introduction to the Study of Constitutional Law, translation of Introduction to the

Elizabeth S. Anderson, “Integration, Affirmative Action, and Strict Scrutiny”, New York:

Fauzi, Suyogi Imam and Ningtyas, Inge Puspita. "Optimizing the Provision of Legal Aid for the Realization of Access to Law and Justice for the Poor". Journal of the Constitution, Volume 15 Number 1, March (2018).

Fort, Raymond. 1975. The Skeptical Anthropologist? Social Anthropology and Marxist Views on Society, London: Malaby.

Government Regulation Number 42 of 2013 concerning Terms and Procedures for Granting Legal Aid and Distribution of Legal Aid

Group. Muhammad, Abdulkadir. 2004. Law and Legal Research, Bandung: Citra Aditya Bakti.

Gultom, Maidin, 2008. Legal Protection of Children in the Juvenile Criminal Justice System in Indonesia, Bandung: PT Refika Aditama.

Hendri Yasuti.“The essenceAffirmative action in Law Indonesia (Effort marginalized empowerment)”, Tower Volume Journal. 12 No. 1, January – June (2013).

Herdiansyah, Haris. 2010. Qualitative Research Methods for Social Sciences, Jakarta:

Ima Khozanah, Thesis: Free Legal Assistance by Posbakum at the Semarang Religious Court, (Semarang: Undergraduate Study Program in Islamic Law, Faculty of Syari'ah and Islamic Economics, Walisongo State Islamic Institute, 2013).

*Islamic Court Events.*Yogyakarta, Student Library.

Jauziyyah, Ibn Al Qayyim. 2007. At Thuruq al Hukmiyyah al Siyasah al Shari'iyyah,

Kadafi, Binziad. 2011. Indonesian Advocates Seeking Legitimacy for Studies on the Responsibilities of the Legal Profession in Indonesia, Jakarta: Center for Indonesian Law and Policy Studies & Asia Foundation.

Kaligis, OC 2006, Legal Protection of the Human Rights of Suspects, Defendants and Convicts,

Khadduri, Majid. 1999. Islamic Perspective Theology of Justice. Surabaya: Gusti's Minutes.

Khallaf, Abdul Wahhab, Al Sultat al Tsalats fi al Islam.

Khoirin, Nur, 2015. Advocacy and Legal Aid Institutions in Indonesia, Semarang: Basscom Multimedia Graphics.

Linton, Ralph, 1936. The Study of Man, New York: D. Appeleton-Century Comp.

Luthvi Febryka Nola, Legal Issues in Apartment Pre-Project Selling Practices, “Jurnal: Brief Information on the Legal Research Center for the Expertise Agency of the DPR RI” Vol. IX, No.18/II/Puslit/Septemer/2017 ISSN 20188-2351.

M. Shaiful Umam, Thesis: Legal Aid for the Poor in family law cases at the Yogyakarta Religious Court in 2011-2012, (Yogyakarta: Undergraduate Study Program in Islamic Law, Faculty of Syari'ah and Law, Sunan Kalijaga State Islamic University, 2013).

Macdonals, Roderick A. 2003. "Access To Justice" in Access To Justice For a New Century: The Way *forward*, Toronto: Law Society of Upper Canada.

Marzuki, Peter Mahmud. 2010. Legal Research, Jakarta: Kencana Prenada Media

Musahadi, et al. 2011. Evaluative Study of the Implementation of Posbakum in the Religious Courts at *Central Java,* Semarang, IAIN Walisongo.

Nasution, Adnan Buyung. 2007. Legal Aid in Indonesia, Legal Aid and Development Politics, Jakarta: LP3ES.

Newyork University Law Review, Volume 77:1195, November, (2002).

Number 50 of 2009 concerning Religious Courts

Oktavia Wulandari, Ali Imron, Briliyan Ernawati, Nazar Nurdin, Presumption of Innocence Against Criminal Offenders in the Police: A Critical Study. Journal of Walisongo Law Review (Walrev) Volume 2 Number 1, 2020.

Priharjo, Robert. 1995. Basic Concepts and Law of Public Service. Jakarta: EGC.

Retno Indarti, Novita Dewi Masyithoh, Tri Nurhayati, Legal Protection for Disability Workers in Semarang: Case Study at PT. Samwon Indonesian Clothing. Journal of Walisongo Law Review (Walrev) Volume 2 Number 1, 2020.

Rhode, Debora L. 2004. Access to Justice: An Agenda for Legal Education and Research, New York: Oxford University Press.

Salemba Humanika Publisher.

Salim. HSdkk. 2013. Application of Legal Theory in Theses and Dissertations, First Edition. Jakarta: Rajawali Press.

Study of The Law of the Constitution, translator Nurhadi, Bandung: MA Nusamedia.

Sungguminasa,(Makassar: Islamic Law Undergraduate Study Program, Faculty of Syari'ah and Law of Alauddin State Islamic University Makassar, 2016).

Supreme Court Circular Letter (SEMA) Number 10 of 2010 Concerning Guidelines Provision of Legal Aid

Supreme Court Regulation Number 1 of 2014 Guidelines for Provision of Legal Services for Poor People in Court

Suyogi Imam Fauzi and Inge Puspita Ningtyas, Optimizing the Provision of Legal Aid for the Realization of Access to Law and Justice for the Poor, Journal of the Constitution, Volume 15, Number 1, March 2018.

The 1945 Constitution of the Republic of Indonesia

The Civil Code (KUH-Perdata)

Translate: Law

Widjaya, Amin Tunggal, 1993. Management: An Introduction, Jakarta: Rineka Cipta Jaya.

Winartha, Frans Hendra. 2009. Pro Bono Publico, Constitutional Rights of the Poor to Obtain Legal Aid, Jakarta: Gramedia.

YLBHI. 2014. Guide to Legal Aid in Indonesia, Jakarta: Indonesian Torch Foundation.

Yogi Arief Susanto et al, Legal Aid for the Poor in the Religious Courts Cimahi Year 2016, "Journal: Asy-Syari,ah" Vol.20 No.20 , Bandung: Postgraduate Faculty of Sharia and Law, Sunan Gunung Djati State Islamic University, December 2018.

Zen, A Patra M, and Hutagalung, Daniel, 2006. Guide to Legal Aid in Indonesia, Jakarta: YLBHI and PSHK.