

## The Effectiveness of Providing Legal Aid to the Poor in West Kalimantan Province During the Covid-19 Pandemic

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### Abstract

The implementation of policies issued by the Government to overcome the Covid-19 Pandemic has an impact on the provision of Legal Aid services by Legal Aid Providers to Legal Aid Recipients in West Kalimantan, the effectiveness of providing legal aid to the community. This research is juridical-normative. Sources of legal materials consist of primary data and secondary data which include primary and secondary legal materials. The technique of data collection is by collecting primary data through interviews with resources and data from the Legal Aid Administration System of the National Law Development Agency, secondary data collection through literature and document study methods. The results of the research that focus on the provision of legal aid by Legal Aid Providers in West Kalimantan are the policies taken by the Government in tackling the Covid-19 Pandemic, whether in the form of limiting community crowds or hearings and online visits for correctional inmates, which have quite an impact on the provision of legal aid. However, it does not reduce the effectiveness of the implementation of the provision of legal aid to fulfil the right to access to law and justice for the community, especially the poor in West Kalimantan during the Covid-19 Pandemic.

**Keywords:** legal aid recipient; obstacle in providing legal aid; providing legal aid.

### Abstrak

Penerapan kebijakan yang dikeluarkan Pemerintah untuk menanggulangi Pandemi Covid-19 berdampak pada pemberian layanan Bantuan Hukum oleh Pemberi Bantuan Hukum kepada Penerima Bantuan Hukum di Provinsi Kalimantan Barat, yakni terhadap efektivitas pemberian bantuan hukum kepada masyarakat. Penelitian ini merupakan penelitian dengan metode gabungan antara normative dan socio-legal. Sumber bahan hukum terdiri atas data primer dan data sekunder yang meliputi bahan hukum primer, sekunder. Teknik pengumpulan data yang dipergunakan adalah pengumpulan data primer melalui metode wawancara terhadap narasumber dan data dari Sistem Administrasi Bantuan Hukum Badan Pembinaan Hukum Nasional. Hasil dari penelitian yang berfokus terhadap pemberian bantuan hukum oleh Pemberi Bantuan Hukum di Kalimantan Barat adalah kebijakan yang diambil oleh Pemerintah dalam menanggulangi Pandemi Covid-19 baik itu berupa pembatasan kerumunan masyarakat ataupun sidang dan kunjungan online bagi warga binaan pemasyarakatan cukup berdampak dalam pemberian bantuan hukum, akan tetapi tidak menurunkan efektivitas pelaksanaan pemberian bantuan hukum untuk memenuhi hak terhadap akses akan hukum dan keadilan bagi masyarakat khususnya masyarakat miskin di Kalimantan Barat selama Pandemi Covid-19.

**Kata kunci:** kendala pemberian bantuan hukum; penerima bantuan hukum; pemberian bantuan hukum.

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## Introduction

Human Rights as stated in Law Number 39 of 1999 are a set of rights inherent in the nature and existence of man as a creature of God Almighty and is His grace that must be respected, upheld and protected by the state, law, government and everyone for the sake of honor and protection of human dignity. Law Number 39 of 1999 also states that one of the rights possessed by every human being is the right to obtain justice, that everyone without discrimination, the right to obtain justice by filing applications, complaints, and lawsuits both in criminal, civil and administrative cases and tried through a free and impartial judicial process, in accordance with the procedural law that guarantees an objective examination by an honest and fair judge to obtain a fair verdict. Indonesia as a country of law has an obligation to protect and recognize the human rights of every citizen. This is expressly stated in Article 27 paragraph (1) of the 1945 Constitution of the Republic of Indonesia (hereinafter referred to as the 1945 Constitution) which states "all citizens have concurrent positions in law and government and are obliged to uphold the law and government with no exception" this principle is known as the principle of "equality before the law" (Diecy, 2007). The consequence of this is that the government guarantees the rights of all citizens who face the law, regardless of ethnicity, religion, race, gender, including for people and groups of poor people who face the law. Article 28D paragraph (1) of the 1945 Constitution also reaffirms the fulfillment of the right for every Indonesian citizen who is facing the law that "everyone has the right to recognition, guarantees, protection and fair legal certainty and equal treatment before the law." As stated in Article 34 paragraph (1) of the 1945 Constitution that the poor and abandoned children are taken care of by the state, this can be interpreted to mean that the fulfillment of rights for the poor is a state responsibility that must be carried out as a form of fulfilling the responsibility between the state and its citizens, that the state is responsible for providing the need for legal access, protection and equality of position and access in law and justice.

The Indonesian government itself has ratified the International Covenant on Civil and Political Rights (International Covenant on Civil and Political Rights) on October 28, 2005 through the Law of the Republic of Indonesia Number 12 of 2005 concerning Ratification of the International Covenant on Civil and Political Rights (ICCPR). As a consequence of the ratification of the ICCPR by the Government of Indonesia, the Indonesian government should provide legal protection for all people without any form of discrimination and if a person facing the law does not have the cost of being accompanied by an advocate, then the state should be able to accommodate these needs by providing advocates who can provide free legal assistance to justice seekers who do not have the cost to may be accompanied by an Advocate. This is as stated in Article 14 paragraph 3 letter (d) of the ICCPR as well as Article 16 and Article 26 of the ICCPR.

As a consequence of the ratification of the ICCPR, the Government of Indonesia issued Law Number 16 of 2011 concerning Legal Aid (hereinafter referred to as the Legal Aid Law) which stipulates that the state guarantees the constitutional right of everyone to

obtain recognition, guarantees, protection and fair legal certainty as well as equal legal treatment before the law as a means of protection of human rights. The responsibility of the state in providing legal assistance to the poor as a manifestation of access to justice is then embodied in the form of providing legal assistance provided by Legal Aid Providers free of charge to Legal Aid Recipients. That later in its implementation, the provision of legal assistance is provided by the Legal Aid Provider in this case it is a legal aid institution or community organization that provides Legal Aid services under the Legal Aid Law. And the recipients of legal aid are groups of poor people.

Prior to the issuance of the Legal Aid Law, the Government of Indonesia had first transformed the translation of norms in the ICCPR in Law Number 18 of 2003 concerning Advocates (hereinafter referred to as the Advocate Law). It also contained provisions stipulating that Advocates were mandated to be able to provide free legal assistance to justice seekers who were incapacitated. The obligations that must be carried out by the Advocate are contained in Article 22 paragraph (1) of the Advocate Law, which expressly states that every advocate is obliged to provide free legal assistance to seekers of justice who are incapacitated. However, in its implementation, the provision of free legal assistance required by the Law is not carried out optimally by advocates, nor advocates who are members of Legal Aid Organizations/Institutions that have been designated as Legal Aid Providers.

The enactment of the right to universal legal aid as stipulated in the ICCPR which has been ratified by the Government of Indonesia into national law is an effort by the government to transform the translation of the norms regulated in the ICCPR. Hence, it can be valid and applied in society. In addition to the interpretation of the norms regulated in the ICCPR into National Law, the challenge faced by the Government of Indonesia after the ratification of the ICCPR is to provide law enforcement officials with an understanding of the laws and regulations which are a form of the results of the ICCPR ratification. It can be used as a guide in carrying out their obligations as law enforcement officers. Furthermore, it is to ensure that the provisions of the ICCPR that have been transformed in the laws and regulations can apply uniformly throughout Indonesia (Juwana, 2005). This is in line with what was conveyed by Juwana in that there are various challenges faced by the Government of Indonesia in realizing the implementation of free legal assistance which is a universal right owned by every individual that has been regulated in the ICCPR and has been ratified by the Government of Indonesia.

The legislation which is a transformation of national law for the ratification of the ICCPR is a form of implementation of the principle of "equality before the law". The implementation of the legal principle is as an implementation of the concept of the state of law which is the concept of the state of law from the Government of Indonesia, as stated in Article 1 paragraph (3) of the 1945 Constitution. Where one of the three characteristics of the state of law as conveyed by Albert Venn Dicey in his book entitled "Introduction to The Study of the Law of The Constitution" is "equality before the law", in addition to the rule of law (supremacy of law) and the protection of human rights through the

constitution and court decisions (constitution based on individual rights and enforced by the courts) (Dicey, 2007).

Laws and regulations that were later passed down after the issuance of the Legal Aid Law include Government Regulation Number 42 of 2013 concerning Terms and Procedures for Providing Legal Aid and Distributing Legal Aid Funds (hereinafter referred to as PP 42/2013), Regulation of the Minister of Law and Human Rights of the Republic of Indonesia Number 3 of 2013 concerning Procedures for Verification and Accreditation of Legal Aid Institutions or Community Organizations (hereinafter referred to as the Regulation of the Minister of Law and Human Rights 3/2013), Regulation of the Minister of Law and Human Rights of the Republic of Indonesia Number 4 of 2021 concerning Legal Aid Service Standards (hereinafter referred to as the Regulation of the Minister of Law and Human Rights 4/2021) and Decree of the Minister of Law and Human Rights of the Republic of Indonesia Number M.HH-01. HN.03.03 of 2021 concerning the Amount of Litigation and Non-Litigation Legal Aid Costs in 2021 (hereinafter referred to as *Kepemenkumham Bankum*). There are 3 (three) main components in the implementation of legal aid, namely (1) Legal Aid Organizations as Legal Aid Providers who must provide Legal Aid services to the community in the form of litigation and non-litigation, (2) people/groups of poor people as recipients of legal aid and (3) the Ministry of Law and Human Rights as legal aid providers. The three components have duties and responsibilities in implementing Law Number 16 of 2011 concerning Legal Aid.

The provision of Legal Aid to citizens is a tangible manifestation of the implementation of the Government of Indonesia as a country of law, where as a country of law, the state recognizes and protects and guarantees the rights of its citizens to the need for the widest possible access to justice and equality before the law, through the Legal Aid program which is a National Priority Program for the past few years. The implementation of the Legal Aid program from the Government is carried out using the State Budget and Expenditure Revenue (APBN). The National Legal Development Agency (or in Indonesia it is know as BPHN) as one of the Echelon I Units located in the Ministry of Law and Human Rights of the Republic of Indonesia has the task of carrying out national legal guidance in accordance with the provisions of laws and regulations. In carrying out this task, National Legal Development Agency organizes functions in terms of technical policies, programs and budgets for providing legal assistance at the Legal Counseling and Legal Aid Center.

In addition to coming from the state budget, several regions in Indonesia, have also sought the provision of free legal assistance through funds sourced from the Regional Revenue and Expenditure Budget (or in Indonesian known as APBD). Its implementation is based on Regional Regulations and then stated in derivative products in the form of Regent Regulations or Mayor Regulations in terms of guidelines for the implementation of the provision of free legal assistance.

As a form of implementation of the Legal Aid Law of the Regional Office of the Ministry of Law and Human Rights of West Kalimantan since 2013 has implemented the

Provision of Legal Aid for the poor by involving Legal Aid Organizations that have Passed Verification from the Ministry of Law and Human Rights of the Republic of Indonesia. Then, it is implemented based on the agreement on the Implementation of the provision of Legal Aid for people or groups of poor people between the Regional Office of the Ministry of Law and Human Rights and an Accredited Legal Aid Organization/Institution (or in Indonesian known as OBH).

In the implementation of the provision of legal assistance until 2021, there are several obstacles faced in the implementation of Legal Aid in West Kalimantan Province. One of the obstacles is the lack of reach in providing Legal Aid considering that West Kalimantan Province is one of the provinces with the largest area in Indonesia with an area of 147,307.00 Km<sup>2</sup> consisting of 14 (fourteen) Regencies/Cities with details of 12 Regencies and 2 Cities, has a population of 5.41 million people in 2020 with the percentage of poor people as of September 2020 of 7.24 percent. Meanwhile, data from the Central Statistics Agency of West Kalimantan Province stated that in September 2020, the number of poor people (people with per capita expenditure per month below the poverty line) in West Kalimantan reached 370.71 thousand people (an increase of 7.24 percent when compared to March 2020). Crimes were reported in 2020 in West Kalimantan as many as 4,140 (four thousand one hundred and forty) cases. The highest risk of criminal acts is in Pontianak City, which is 17 people per 100 thousand residents. The most reported type of crime in 2020 was theft (982 cases) followed by cases of theft (324 cases).

Meanwhile, legal aid organizations/institutions that have passed accreditation verification at the Ministry of Law and Human Rights for the West Kalimantan region only number 5 (five) Legal Aid organizations/institutions. And the existence of the 5 (five) Legal Aid organizations/institutions is not spread and is located throughout the Regencies/Cities in West Kalimantan Province, but only in 2 (two) Regencies and 2 (two) Cities, namely in Mempawah Regency and Ketapang Regency, as well as Pontianak City and Singkawang City. And in its implementation until the end of 2021, of the 5 (five) Legal Aid organizations/institutions that have passed the verification for the 2019-2021 period are only 4 (four) Legal Aid Organizations/Institutions provide legal assistance while the existence of Legal Aid organizations/institutions (OBH/LBH) is not evenly distributed throughout the Regencies/Cities in West Kalimantan Province. The four Legal Aid Organizations/Institutions include: 1) the Association of Legal Aid Institutions of the United Community Movement (LBH Gema Bersatu) in Ketapang, (2) the Institute for Study, Consultation and Legal Aid of the Faculty of Law, Universitas Panca Bhakti (LKKBH FH UPB), (3) Consultation and Legal Aid Institute for Women and Families of West Kalimantan (LKBH PEKA) and (4) the Galaherang Mempawah Legal Aid Institute.

There are several previous studies that examine the Provision of Legal Aid, in 2019. There has been research conducted by Rini Setiawati, S.H., M.H. who examined the Problem of Access to Justice through the Provision of Legal Aid in West Kalimantan Province. However, the research conducted by Rini Setiawati was not focused on providing legal assistance during the Covid-19 pandemic. In addition, there is also a study that

examines the provision of legal assistance in West Kalimantan Province, especially in Sambas Regency conducted by Yenny AS and Rini Setiawati with the title *Accessibility to Obtain Legal Aid for the Poor in Sambas Regency*. The research conducted by the two authors is more specifically on the implementation of providing legal assistance to reach all poor people in Sambas Regency.

In 2021, research on the Impact of the Covid-19 Pandemic on the implementation of Legal Aid has also been carried out by Wisnu Indaryanto, but the research more specifically discusses the impact of the Covid-19 Pandemic in its urgency for the establishment of regional regulations on legal aid. That the Regional Government needs to form regulations regarding legal assistance in accordance with the conditions that exist in the community, one of which is when the Covid-19 Pandemic hit Indonesia which had an impact on protection and legal certainty for citizens without exception.

Further research on the implementation of legal aid, especially in West Kalimantan Province, when the Covid-19 Pandemic hit West Kalimantan Province has never been carried out. Therefore, the author feels that research on the implementation of legal assistance during the Covid-19 Pandemic hits and it is important to do. Because during the Covid-19 Pandemic hit Indonesia in 2020 to 2022, there are several policies that intersect with the implementation of the provision of legal assistance, one of which is the policy of Enforcing Restrictions on Community Activities (PPKM), the policy of implementing Online Sessions through Teleconferences and Online Visits for Correctional Assisted Persons (*Warga Binaan Permasalahannya/WBP*). This is intended to get an idea of whether the Covid-19 Pandemic that has hit Indonesia, especially in West Kalimantan Province, has a positive impact or a negative impact on the implementation of providing legal assistance to the poor, especially in West Kalimantan Province.

## **Research Problems**

Based on data related to West Kalimantan Province as described above, as well as obstacles and problems that arise in the implementation of Legal Aid in West Kalimantan Province, the author is interested in raising a legal problem related to the implementation of Legal Aid in West Kalimantan Province by researching and analyzing more specifically regarding the optimization of legal aid provision that has been carried out by Legal Aid Organizations/Institutions in West Kalimantan Province during the during the Covid-19 pandemic. This is the reason why the author raised the research with the title "*The Effectiveness of Providing Legal Aid for the Poor in West Kalimantan Province During the Covid-19 Pandemic*" with the formulation of the problems raised in this study is First, namely obstacles in the implementation of providing Legal Aid for the Poor in West Kalimantan Province during the Covid-19 Pandemic. The second is how effective the provision of legal assistance is for the poor during the Covid-19 pandemic in West Kalimantan Province.

The results obtained from this research are expected to bring benefits. First, theoretical benefits, this research is expected to be a contribution to thinking in the

development of science, especially legal science, regarding the implementation of providing legal assistance to the poor. Hence, justice can be realized for all citizens and expand access to justice and law for the poor. Second, benefits for the Government and Legal Aid Providers as a consideration in order to evaluate the implementation of legal assistance to the poor in West Kalimantan Province during the Covid-19 pandemic.

## Research Methods

This research is a type of juridical-normative legal research using a socio-legal approach. In the socio-legal method, the law studied is not only seen as a prescriptive and applied discipline, but also empirical or legal reality (Sonata, 2014). Qualitative and normative approach in a study narrated through the results of in-depth interviews (in-depth interviews) with research informants related to the implementation of providing legal assistance to the poor in West Kalimantan Province during the Covid-19 pandemic. The research was conducted at the Regional Office of the Ministry of Law and Human Rights of West Kalimantan which was strengthened by research on legal documents, available literature. The facts found are then processed into data, for analysis to identify the problem so that it can be useful for solving the problem.

The research carried out is descriptive, with the data sources obtained, that are primary sources and secondary data sources. Primary data sources were obtained from data on the implementation of legal assistance for the poor in West Kalimantan Province during the 2019-2021 period on the SidBankum BPHN Application (Legal Aid Administration System of the National Legal Development Agency) as well as an interview with the Head of Legal Affairs of the Regional Office of the Ministry of Law and Human Rights of West Kalimantan.

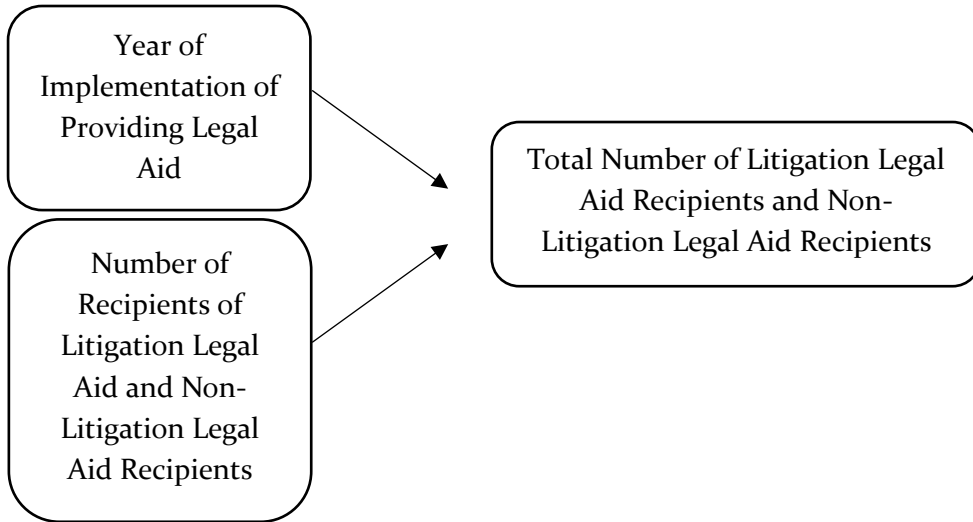
For the data on the implementation of the provision of legal assistance to the poor in West Kalimantan Province during the period from 2019 to 2021 through the SidBankum Application, a Secondary Data Analysis was carried out. Secondary Data Analysis or existing statistics is data obtained from certain agencies or institutions (Martono, 2011). The thing that distinguishes Secondary Data Analysis from content analysis is that in content analysis, data in the form of symbols from certain media or text must be processed by the author himself so that the meaning of the data can be found. Whereas in the Secondary Data Analysis, the data processed comes from data obtained from certain agencies or institutions.

In this study, the author used data on the number of legal aid recipients in West Kalimantan Province during the period 2019 to 2019. Year 2021 through the SidBankum Application. The data on legal aid recipients, which are divided into litigation legal aid and non-litigation legal assistance, are used to determine the factors that affect the effectiveness of the implementation of legal assistance in West Kalimantan Province during the Covid-19 Pandemic.

Based on the data from the SidBankum application, the factors that can be identified are the Year of Implementation of Legal Aid Provision (as variable  $x_1$ ), the Number of

Litigation Legal Aid Recipients and Non-Litigation Legal Aid Recipients (as variable  $x_2$ ) and the Total Number of Litigation Legal Aid Recipients and Non-Litigation Legal Aid Recipients (as variable  $x_3$ ).

The relationship of such variables is described as follows:



The year of implementation of the provision of legal aid to the poor in West Kalimantan Province is an important variable used in this study. For the reason that this study was conducted with the aim of describing the effectiveness of providing legal assistance during the Covid-19 Pandemic. This is also because the Covid-19 Pandemic began to hit Indonesia in early March 2020, until 2021. Hence, the year of implementation of the provision of legal aid has a significant impact on the implementation of the provision of legal aid to see how effective the implementation of the provision of legal aid was at the beginning of the Covid-19 Pandemic and during the Covid-19 Pandemic took place in Indonesia, especially in West Kalimantan Province.

The secondary data was obtained in the form of primary legal materials and secondary legal materials related to the implementation of the provision of Legal Aid in West Kalimantan Province. Primary legal materials are obtained through the relevant laws and regulations, that are Law Number 16 of 2011 concerning Legal Aid (hereinafter referred to as the Legal Aid Law), Government Regulation Number 43 of 2013 concerning Terms and Procedures for Providing Legal Aid and Distribution of Legal Aid Funds (hereinafter referred to as PP 42/2013), Regulation of the Minister of Law and Human Rights of the Republic of Indonesia Number 3 of 2013 concerning Procedures for Verification and Accreditation of Legal Aid Institutions or Community Organizations (hereinafter referred to as the Regulation of the Minister of Law and Human Rights 3/2013), Regulation of the Minister of Law and Human Rights of the Republic of Indonesia Number 4 of 2021 concerning Standards for Legal Aid Services (hereinafter referred to as the Regulation of the Minister of Law and Human Rights 4/2021) and Decree of the Minister of Law and Human Rights of the Republic of Indonesia Number M.HH-01.HN.03.03 of 2021 concerning the Amount of Litigation and Non-Litigation Legal Aid Fees in 2021 (hereinafter referred to as Ministry of Law and Human Rights regarding Legal Aid).



Secondary legal materials are including all legal publications related to Legal Aid, that are textbooks, legal opinions from experts, journals, theses, and theses as well as publications from the internet/websites.

## Discussion

### **Obstacles in the Implementation of Providing Legal Aid for the Poor in West Kalimantan Province during the Covid-19 Pandemic**

The 1945 Constitution explicitly states that the Indonesian state is a state of law. As a state of law which one of its characteristics is the existence of the principle of "equality before the law". The Indonesian government must provide access to law and justice for all citizens, regardless of gender, ethnicity, religion, or race, and for all Indonesian citizens, including the poor. A population is categorized as poor if it has an average monthly per capita expenditure below the poverty line.

The principle of equality before the law also applies to access to law and justice. The United Nations Development Program (UNDP) makes access to law and justice a vital thing and an important mandate to do, especially to reduce poverty. and strengthen democratic governance (UNDP, 2013). Access to law and justice is not only increasing access to courts and guaranteeing one's legal representation but access to justice is defined as the ability of the community to seek and obtain the right to justice through institutional formats or informally according to human rights standards (UNDP, 2005).

The concept of access to law and justice is bridged through reform of legal institutions with public access to these institutions by increasing awareness and trust in law enforcement agencies (Fauzi, 2018). The concept of access to law and justice includes five important components, that are (1) a normative legal framework; (2) Legal Awareness; (3) Access to Institutions; (4) Effective Legal Administration and (5) Monitoring and supervision leading to access to law and justice.

West Kalimantan Province has a population of 5.41 million people in 2020 with an area consisting of 14 (fourteen) regencies/cities with details of 12 regencies and 2 cities. As of September 2020, the number of poor people in West Kalimantan Province is 370.71 thousand people. With a very large area and a large population, of course, it creates obstacles to fulfilling the rights of legal aid recipients to access justice in the context of implementing the principle of equality in law for all citizens. This is aimed at the implementation of legal aid that is evenly distributed in all regions in Indonesia, in order to realize an effective, efficient, and accountable judiciary as mandated in Article 3 of the Legal Aid Law. In the implementation of the provision of legal aid, it is carried out by the Legal Aid Provider (hereinafter referred to as Legal Aid Organization/Institution) that has passed the verification and accreditation process from the Ministry of Law and Human Rights of the Republic of Indonesia carrying out its duties and obligations in providing legal aid to the poor during the period 3 (three) years.

During the 2019-2021 period, the number of Legal Aid Providers who have passed verification and accreditation from the Ministry of Law and Human Rights of the Republic of Indonesia amounted to 5 (five) Legal Aid Organizations/Institutions located in only 2 (two) Regencies and 2 (two) Cities, that are in Mempawah Regency and Ketapang Regency, as well as Pontianak City and Singkawang City. The lack of legal aid organizations/institutions that pass verification and accreditation from the Ministry of Law and Human Rights of the Republic of Indonesia to be able to provide legal aid services has an impact on the lack of legal aid that can be accessed by poor communities scattered throughout the province of West Kalimantan.

To be able to pass the verification and accreditation as a Legal Aid Provider by the Ministry of Law and Human Rights of the Republic of Indonesia, Legal Aid Organizations/Institutions must follow the verification and accreditation process of Legal Aid Organizations/Institutions which is carried out every 3 (three) years. Legal Aid Organizations/Institutions that can provide legal aid services, must meet the requirements as stated in Article 8 paragraph (2) of the Legal Aid Law, which includes being a legal entity, accredited under the Legal Aid Law, having a permanent office or secretariat, a board and a Legal Assistance program.

In the 2019-2021 period, there are 5 (five) Legal Aid Organizations/Institutions that have passed the verification and accreditation process as Legal Aid Providers. These organizations are 1) the Association of United Community Movement Legal Aid Institutions (LBH Gema Bersatu) in Ketapang, (2) Institute for Legal Studies, Consultations, and Legal Aid at the Faculty of Law, Universitas Panca Bhakti (LKKBH FH UPB), (3) Consultation and Legal Aid Institute for Women and Families of West Kalimantan (LKBH PEKA), (4) Galaherang Mempawah Legal Aid Institute and (5) Legal Aid Consultation Center, Faculty of Law, Universitas Tanjungpura. However, as the process of providing legal aid services by the Legal Aid Center, there are only 4 (four) Legal Aid Organizations/Institutions that carry out the provision of legal aid until the end of 2021, are 1) Association of United Community Movement Legal Aid Institutions (LBH Gema Bersatu) in Ketapang, (2) Institute for Legal Studies, Consultations, and Aid, Faculty of Law, Universitas Panca Bhakti (LKKBH FH UPB), (3) Consultation and Legal Aid Institute for Women and Families of West Kalimantan (LKBH PEKA), (4) Galaherang Mempawah Legal Aid Institute.

In the implementation of legal aid services, each Legal Aid Organization/Institution provides Litigation Legal Aid and Non-Litigation Legal Aid. Litigation Legal Aid conducted Criminal, Civil, and State Administrative Legal Aid. Criminal Litigation Legal Aid is provided starting from the Investigation Stage, the Trial Stage at the Level I Court, the Trial Stage at the Court of Appeal, the Trial Stage at the Court of Cassation, and the Review Stage. For Civil Litigation Legal Aid is given starting from the Lawsuit Stage, Stage I Court Decision, Stage Court Decision Appeal, Court Decision Stage Cassation Level, and Stage Review. And for State Administrative Litigation Legal Aid is given starting from the

Preliminary Examination Stage, Stage I Court Decision, Stage Court Decision Appeal, Court Decision Stage Cassation Level, and Stage Review.

Meanwhile, Non-Litigation Legal Aid is provided for Activities: (1) Legal Counseling, (2) Legal Consultation, (3) Case Investigation, (4) Legal Research, (5) Mediation, (6) Negotiation, (7) Community Empowerment, (8) Assistance Outside the Court and (9) Drafting of Legal Documents. For each of these non-litigation activities, a budget with a different nominal is given.

**Table 1** Data on the Provision of Litigation Legal Aid Services and Non-Litigation Legal Aid Organizations/Accredited Legal Aid Agencies in West Kalimantan Province for the Period of 2019 to 2021

No.	Legal Aid Organizations/Institutions	Year	Litigation	Non-Litigation	Total
1.	Legal Aid Consultation Center, Faculty of Law, Universitas Tanjungpura	2019	23	6	29
		2020	4	2	6
		2021	-	-	-
2.	Institute for Legal Studies, Consultation and Aid of the Faculty of Law, Universitas Panca Bhakti (LKKBH FH UPB)	2019	18	-	18
		2020	23	6	29
		2021	39	5	44
3.	Galاهرang Mempawah Legal Aid Institute	2019	29	-	29
		2020	30	-	30
		2021	37	1	38
4.	The Association of United Community Movement Legal Aid Institutions (LBH Gema)	2019	16	1	17
		2020	14	-	14
		2021	9	3	12
5.	Consultation and Legal Aid Institute for Women and Families of West Kalimantan (LKBH PEKA)	2019	38	26	64
		2020	32	22	54
		2021	45	12	57

*Source:* Legal Aid Administration System Regional Office of the Ministry of Law and Human Rights West Kalimantan Legal Aid Organizations/Institutions, 2019-2021

The data in Table 1 shows a significant decrease in the provision of Litigation Legal Aid and Non-Litigation Legal Aid services from several Legal Aid Organizations/Institutions during the 2019-2021 period. Meanwhile, there are 2 (two) Legal Aid Organizations/Institutions that experienced a significant increase in performance, they are the Institute for Study, Consultation and Legal Aid, Faculty of Law, Universitas Panca Bhakti (LKKBH FH UPB) and Galاهرang Mempawah Legal Aid Institute.

The Institute for Legal Studies, Consultation, and Aid of the Faculty of Law, Universitas Panca Bhakti (LKKBH FH UPB) experienced an increase in performance in providing Litigation Legal Aid by 28% from 2019 to 2020 and an increase of 70% in 2020 to 2021. Galاهرang Mempawah Legal Aid Institutions also experienced an increase in performance in the implementation of Litigation Legal Aid by 3% from 2019 to 2020, while from 2020 to 2021, there was a 23% increase in performance in the implementation of Litigation Legal Aid. Meanwhile, in the provision of Non-Litigation Legal Aid, the majority of Legal Aid Organizations/Institutions experienced a decline in performance in providing

Non-Litigation Assistance legal services. Nevertheless, Consultation and Legal Aid Institute for Women and Families of West Kalimantan (LKBH PEKA) consistently 2019-2021 continued to carry out Non-Litigation Legal Aid, although the number of activities carried out fluctuated from 26 Activities in 2019, then 22 Activities in 2020 and 12 Activities in 2021.

**Table 2** Accumulation of Data on the Provision of Litigation Legal Aid and Non-Litigation Legal Aid Services from 2019 to 2021

No.	Year	Litigation Case	Non-Litigation Case
1.	2019	124	33
2.	2020	103	30
3.	2021	117	20

*Source:* Legal Aid Administration System Regional Office of the Ministry of Law and Human Rights West Kalimantan Legal Aid Organizations/Institutions, 2019-2021

Based on Table 2 above, data is obtained that the provision of Litigation Legal Aid has decreased from 2019 to 2020 by 17% while in 2021, there has been a 14% increase in performance. Meanwhile, the provision of Non-Litigation Legal Aid experienced a significant decrease between 2020 and 2021, by 9% and 33% in 2021. The data used is from the *SidBankum* Application, which is data from the Regional Office of the Ministry of Law and Human Rights in West Kalimantan with a total sample of 427. The data shows that there is a decrease in the number of legal aid recipients from 63 to 20 non-litigation legal aid recipients from 2019 to 2021. Calculation of the value of the margin of error ( $20/63 = 0.31$  or 31%) is using a 95% confidence level, and a critical value of 1.96.

Based on the data on the provision of Litigation Legal Aid Services and Non-Litigation Legal Aid from 2019-2021, it can be seen that the provision of legal assistance services has decreased in performance for two consecutive years. The decline in the provision of Non-Litigation Legal Aid was partly due to the Covid-19 Pandemic that hit Indonesia, since the first case of Covid-19 was announced by President Joko Widodo in March 2020. The Indonesian government then formulated a policy that still allows the fulfillment of the rights of the community to access public services, especially access to law and justice, by making a Cooperation Agreement between the Supreme Court of the Republic of Indonesia, the Attorney General's Office of the Republic of Indonesia and the Ministry of Law and Human Rights of the Republic of Indonesia Number PAS-08.HH.05.05 of 2020 concerning the Implementation of the Session through Teleconference. In addition, the Directorate General of Corrections at the Ministry of Law and Human Rights of the Republic of Indonesia has also made a policy that is in accordance with the need to prevent the spread of the Covid-19 virus while still meeting the needs of the community in accessing public services, as outlined in the Instruction of the Director General of Corrections Number: PAS-08. OT.02.02 of 2020 concerning Prevention, Handling, Control, and Recovery of Corona Virus Disease (Covid-19) at the Correctional Technical Implementation Unit (hereinafter referred to as the Instruction of the Director General of PAS). The Instructions of the Director General of Corrections stipulates that in preventing the spread of the Covid-19 virus in the Correctional environment in all Technical

Implementing Units in Indonesia, visitation services for Correctional Inmates are carried out online through Video Calls. In addition to visits conducted online, coaching activities for Correctional Inmates are also carried out online, such as legal counseling activities for inmates conducted by Legal Aid Organizations/Institutions.

Several obstacles that have caused a decrease in the performance of Legal Aid Organizations/Institutions in providing Litigation Legal Aid and Non-Litigation Legal Aid services during the Covid-19 Pandemic include:

- a) Limitation of face-to-face activities that gather people during the Covid-19 pandemic in 2020 to 2021, causing Legal Aid Organizations/Institutions to have difficulty in carrying out legal assistance, especially Non-Litigation Legal Aid activities. So that the provision of Non-Litigation Legal Aid services experienced a significant decline from 2020 to 2021. Several Detention Centers and Correctional Institutions during the Covid-19 pandemic also minimized mass gathering activities, so Legal Aid Organizations/Institutions also found it difficult to organize coaching activities for Correctional Inmates. In order to deal with the difficulties of organizing Non-Litigation Legal Aid activities, Legal Aid Organizations/Institutions organize other Non-Litigation legal aid activities in addition to Community Empowerment and Legal Counseling, such as Legal Consultation activities, Legal Research Activities, Document Drafting, and Case Investigations as well as outside the Court. Litigation Legal Aid activities can still be carried out even though there are slight changes in the form of legal aid services provided. It was carried out face-to-face with the clients of Correctional Inmates before the Covid-19 pandemic, while during the Covid-19 pandemic, the activities were carried out online during the trial.
- b) The use of information technology such as the internet network or the use of social media has not been maximized by Legal Aid Organizations/Institutions in providing Non-Litigation Legal Aid. The activities of providing Non-Litigation Legal Aid held by each Legal Aid Organization/Institution are still carried out conventionally by maximizing face-to-face. Though, Community Empowerment activities or Legal Assistance activities can be carried out online through the ZOOM Meeting media or using the Youtube Channel media. However, this is also influenced by internet connections and networks that are still unstable in the Regency/City in the area where the Legal Aid Organization/Institution is located. Hence, activities that can be carried out online cannot be carried out optimally so Legal Aid Organizations/Institutions choose to carry out conventional activities through face-to-face.
- c) Lack of intensive socialization by each Legal Aid Organization/Institution as an accredited Legal Aid Provider from the Indonesian Ministry of Law and Human Rights in the West Kalimantan Province which has the authority to be able to provide free legal aid services for the poor, both providing legal aid for litigation as well as providing legal aid for non-litigation. The National Legal Development Agency has the authority in budgeting and implementation to monitor the performance of each Legal Aid Organization/Institution. Thus, it has given an appeal to each Regional Office of the

Ministry of Law and Human Rights to be able to convey that each Legal Aid Organization/Institution can make banners or notice boards containing information that Legal Aid Organizations/Institutions have passed verification and accreditation from the Ministry of Law and Human Rights of the Republic of Indonesia. In addition, it also contains that the institution can provide Litigation Legal Aid and Non-Litigation Legal Aid for free.

- d) The decrease in the number of Accredited Legal Aid Organizations/Institutions from the Ministry of Law and Human Rights of the Republic of Indonesia from 2019 to 2021 to provide Litigation legal aid and Non-Litigation Legal Aid. In the period 2019-2021, Legal Aid Organizations/Institutions that passed accreditation and verification from the Indonesian Ministry of Law and Human Rights in West Kalimantan amounted to 5 (five) Legal Aid Organizations/Institutions. They are 1) Association of United Community Movement Legal Aid Institutions (*LBH Gema Bersatu*) in Ketapang, (2) Institute for Legal Studies, Consultations, and Aid of the Faculty of Law, Universitas Panca Bhakti (*LKKBH FH UPB*), (3) Consultation and Legal Aid Institute for Women and Families of West Kalimantan (*LKBH PEKA*), (4) Galaherang Mempawah Legal Aid Institution and (5) Consultation Center for Legal Aid, Faculty of Law, Universitas Tanjungpura (*PKBH FH Untan*).

However, there was a decline in the performance of one of the Legal Aid Organizations/Institutions in 2020, that is the Legal Aid Consultation Center, Faculty of Law, Universitas Tanjungpura. It was due to internal problems in the *PKBH FH Untan*, resulting in a drastic decline in the provision of legal aid services for Litigation and Assistance. Non-Litigation Law conducted by *PKBH FH Untan*. In addition, in 2021, *PKBH FH Untan* also did not sign a Legal Aid Contract between the Regional Office of the Ministry of Law and Human Rights in West Kalimantan and *PKBH FH Untan*. Hence, the budget that should have been given to *PKBH FH Untan* to provide legal assistance could not be used optimally. Then, the budget is given to other Legal Aid Organizations/Institutions so that the provision of Litigation Legal Aid and Non-Litigation Legal Aid services can still be implemented.

- e) The area of West Kalimantan Province is inversely proportional to the number of Legal Aid Organizations/Institutions that pass Verification and Accreditation.

West Kalimantan Province is one of the provinces with a fairly large area with an area of 147,307.00 km<sup>2</sup>, which consists of 14 (fourteen) regencies/cities with details of 12 regencies and 2 cities. Of the fourteen Regencies/Cities in West Kalimantan Province, there are only 5 (five) Legal Aid Organizations/Institutions that pass as accredited Legal Aid Providers and are verified by the Ministry of Law and Human Rights. Each of these Legal Aid Organizations/Institutions are not located in all Regencies/Cities in West Kalimantan. There are 2 (two) Legal Aid Organizations/Institutions located in Pontianak City: Institute for Legal Studies, Consultations, and Aid of the Faculty of Law, Universitas Panca Bhakti (*LKKBH FH UPB*), and Legal Aid Consultation Center, Faculty of Law, Universitas Tanjungpura. In Singkawang City there is 1 (one) Legal Aid

Organization/Institution: Consultation and Legal Aid Institute for Women and Families of West Kalimantan (*LKBH PEKA*). In Mempawah Regency there is 1 (one) Legal Aid Organization/Institution: Galaherang Mempawah Legal Aid Institute, and in Ketapang Regency there is 1 (one) Legal Aid Organization/Institution: Association of United Community Movement Legal Aid Institutions (*LBH Gema Bersatu*).

The existence of Legal Aid Organizations/Institutions which are located only in 2 Cities and 3 Regencies cannot accommodate the community's need for access to law and justice, especially access to Free Legal Aid. This is because the location of each district/city is far apart and it takes approximately 3 to 4 hours to get to each area. Meanwhile, other Regencies/Cities in West Kalimantan Province that do not have Accredited Legal Aid Organizations/Aids are also located far away from Regencies/Cities that have Accredited Legal Aid Organizations/Institutions. One of the reasons for the absence of Legal Aid Organizations/Institutions in other Regencies/Cities in West Kalimantan Province is that these Legal Aid Organizations/Institutions in other Regencies/Cities did not pass the Verification and Accreditation process for Prospective Legal Aid Providers.

Head of Legal Affairs, Regional Office of the Ministry of Law and Human Rights West Kalimantan, Edy Gunawan, S.H., M.H. stated that one of the challenges faced by the Province of West Kalimantan in maximizing the provision of legal aid services for the poor in West Kalimantan, one of which was caused by the large area of the province of West Kalimantan and the location of districts/cities that were far apart and required a long time to travel from one district to other cities. Hence, the existence of these 5 (five) Legal Aid Organizations/Institutions located only in 2 (two) Cities and 3 (three) Regencies certainly cannot accommodate the needs of the poor for access to law and justice and the fulfillment of their needs for Legal aid for free. In addition, Edy Gunawan also conveyed that the lack of a number of Accredited Legal Aid Organizations/Institutions was also caused by the unpreparedness of Legal Aid Organizations/Institutions located in other Regencies/Cities in the West Kalimantan Region, both administratively and in terms of facilities and infrastructure to become an Accredited Legal Aid Provider from the Ministry of Law and Human Rights of the Republic of Indonesia. This is because in 2021 when the Regional Office of the Ministry of Law and Human Rights in West Kalimantan carries out the Verification and Accreditation process of Prospective New Legal Aid Providers for the 2022-2024 Period, from 10 (ten) Legal Aid Organizations/Institutions that create accounts and register as Legal Aid Center Candidates in the Application of Verification and Accreditation of Prospective Legal Aid Providers *SidBankum BPHN*, there are only 4 (four) Legal Aid Organizations/Institutions that send administrative files and follow the Verification and Accreditation process of Prospective Legal Aid Providers until the final stage of determining the Legal Aid Organizations/Institutions that pass the Verification and Accreditation Accreditation. The six Legal Aid Organizations/Institutions that do not send administrative files to participate in the Verification and Accreditation process of Prospective Legal Aid Providers are because the Legal Aid Organizations/Institutions concerned have not properly administered the legality file documents. And this is because

the administration of case files is still not optimal, so it is difficult to fulfill the document requirements required by National Legal Development Agency as stated in the Regulation of the Minister of Law and Human Rights of the Republic of Indonesia Number 3 of 2013 concerning Procedures for Verification and Accreditation of Legal Aid Institutions (hereinafter referred to as Regulation of the Ministry of Law and Human Rights 3/2013). Before the Verification and Accreditation of Prospective Legal Aid Providers for the New Legal Aid Center Candidate are conducted, the Regional Office of the Ministry of Law and Human Rights in West Kalimantan has carried out a Dissemination Activity for the Networking and Identification of Prospective Legal Aid Providers in 2021 which will be held in February 2021. The dissemination activity aims to disseminate information on Law Number 16 of 2011 concerning Legal Aid to Legal Aid Organizations/Institutions as well as dissemination of information regarding the mechanism, requirements, and procedures for the implementation of Verification and Accreditation of Prospective Legal Aid Providers in accordance with Regulation of the Ministry of Law and Human Rights 3/2013. The Dissemination activity, which presented resource persons from National Legal Development Agency, also informed the participants about the mechanisms and administrative requirements as well as facilities and infrastructure that must be met by each Legal Aid Organization/Institution that is interested in registering to become an Accredited Legal Aid Provider from the Ministry of Law and Human Rights of Indonesia. However, it turns out that the implementation of the Dissemination Activities has not been able to optimally prepare each Legal Aid Organization/Institution to be able to fulfill the requirements to become an Accredited Legal Aid Provider from the Ministry of Law and Human Rights of the Republic of Indonesia.

### **Effectiveness of Providing Legal Aid for the Poor in West Kalimantan Province during the Covid-19 Pandemic**

Looking back at the notion of legal aid from the founding figure of the Legal Aid Institute in Indonesia who played an important role in the milestone in the provision of legal aid in Indonesia, Adnan Buyung Nasution, is known as an advocate, the founder of the Legal Aid Institute (LBH). He defines legal aid as special assistance for low-income groups or poor popular languages, the size of poverty is still a difficult problem to solve, not only for developing countries but even developed countries are still a problem (Nasution, 2007).

Legal Aid according to the Law on Legal Aid defines that Legal Aid is a legal service provided by the Legal Aid Provider free of charge to the Legal Aid Recipient. Legal Aid recipients are poor people or groups of people. Meanwhile, legal aid providers are legal aid institutions or community organizations that provide legal assistances based on the legal aid law. The implementation of legal aid was not only implemented in Indonesia, long before Indonesia adopted the implementation of legal aid for the community, especially the poor. The implementation of legal aid has been implemented in Europe and America.



Historically, there are two models of implementing Legal Aid in Europe and America. They are Adjudicial Right (juridical-individual model) and Welfare Right (welfare model) (Soekanto, 1983). Adjudicial Right emphasizes individualistic nature, which means that everyone will always have the right to obtain legal assistance. In this model, there are still classic characteristics of legal aid, such as the request for legal aid depending on the community members who need it. Where people who need legal assistance meet legal aid providers, legal aid providers will receive compensation for the legal services provided. However, if the community is not able to need legal assistance, it will get legal aid free of charge. Welfare Right is the model used in the United States, in the setting of criminal justice acts and economic opportunity acts. That legal aid is a tool to get justice for the whole community, especially for the poor.

Harahap (2002) in his book "*Pembahasan Permasalahan dan Penerapan KUHAP*" (Discussion of Problems and Application of the Criminal Procedure Code), states that there are characteristics of the terms used in terms of legal aid, where the three terms are different terms and have different characteristics, that are legal aids; legal assistance; and legal services. *Legal Aid* is a national system regulated locally, and the legal assistance provided is intended for citizens who are unable (experiencing financial shortages) and cannot afford legal counsel.

Nasution (2007) stated that legal aid is the provision of services in the legal field to someone who is involved in a case:

- a. The provision of legal aid services is carried out free of charge;
- b. Legal assistance in legal aid is more specifically for those who can't afford it in the group of the poor;
- c. Thus, the main motivation for the concept of legal aid is to enforce the law by defending the rights of the underprivileged people who are economically incapable and lack of legal knowledge.

Legal Assistance is more about the profession of a legal advisor as a legal expert. Hence, as a legal expert, legal assistance means being able to provide legal aid services to anyone without exception. A legal expert is someone with the expertise to provide legal assistance in carrying out his assistance is not limited to the poor but also to citizens who can pay for his services. Legal service was introduced by Clarence J. Diaz, which is freely translated into Indonesian as *pelayanan hukum* (Sunggono, 2009). Legal aid, referred to in legal service, is a form of service by legal professionals to a broad audience, community members, which is intended to ensure that all citizens are not deprived of their rights to obtain the necessary legal services if they do not have sufficient finances to be able to pay for the legal services provided.

In practice in Indonesia, the implementation of the provision of legal aid is not distinguished from the three terms presented by Harahap. There is no difference in terms (legal aid, legal assistance, or legal service). Referring to the definition presented by Nasution and the definition in the Legal Aid Law, the implementation of legal aid provided to the poor free of charge by the Legal Aid Provider is a manifestation of the Government's

obligation to provide equal rights to law and justice to all. Indonesian people, including when the Covid-19 pandemic hit Indonesia.

The Covid-19 pandemic that hit Indonesia in early 2020, precisely in March 2020 when President Joko Widodo announced the first case of Covid-19, caused quite drastic changes in the lives of Indonesian people. The change is in the way of interacting, which is usually done face-to-face, such as a face-to-face learning process or a trial which is attended directly in the courtroom at the District Court, then turns into an online interaction using existing technology. The change in interaction from conventional face-to-face to online interaction aims to reduce the spread of the Covid-19 virus and prevent transmission in the community, which also impacts legal aid services by Legal Aid Providers.

The provision of Litigation Legal Aid services, which is usually carried out face-to-face by conducting directly with the correctional inmates during the trial process, has turned into an online process. This is because the trial process is also carried out online via Teleconference, as stated in the Cooperation Agreement between the Supreme Court of the Republic of Indonesia, the Attorney General's Office of the Republic of Indonesia, and the Ministry of Law and Human Rights of the Republic of Indonesia Number PAS-08.HH.05.05 of 2020 concerning the Implementation of the Session through Teleconference. Although the provision of litigation legal assistance was implemented online during the Covid-19 Pandemic, it did not change the commitment of Legal Aid Providers to carry out their obligations to the maximum for the correctional inmates. However, this results in a decrease in the number of Legal Aid Recipients in 2021 compared to Legal Aid Recipients in 2020. Data from the SidBankum application in 2020 shows that the number of Litigation Legal Aid recipients in Indonesia is 15,566 (fifteen thousand five hundred sixty-six) and 2,487 (two thousand four hundred and eighty-seven) non-litigation legal aid recipients, with a total of 18,053 (eighteen thousand and fifty-three) legal aid recipients throughout Indonesia. Meanwhile, in 2021, the number of Recipients of Litigation Legal Aid in Indonesia are 14,759 (fourteen thousand seven hundred fifty-nine). Non-litigation Legal Aid Recipients are 1,942 (one thousand nine hundred forty-two), with a total number of Recipients of Litigation Legal Aid and Non-litigation throughout Indonesia as many as 16,701 (sixteen thousand seven hundred one). From this data, it can be seen that there is a decrease in the number of Legal Aid Recipients by 1,352 (one thousand three hundred and fifty-two) from 2020 to 2021.

The number of Recipients of Litigation Legal Aid in 2020 in West Kalimantan Province is 103 (one hundred and three). In 2021 there are 117 (one hundred and seventeen), while the number of Recipients of Non-Litigation Legal Aid in 2020 is 30 (thirty), and Recipients of Non-Litigation Legal Aid There were 20 (twenty) non-litigation legal aids in 2021. From this data, information was obtained that the provision of litigation legal aid increased during the Covid-19 pandemic due to increased legal aid recipients in 2021. However, there was a decrease of 33 percent for non-litigation legal aid recipients in 2021 during the Covid-19 pandemic.

The performance of each Legal Aid Organization/Institution Providing Legal Aid during the Covid-19 Pandemic from 2020 to 2021 has increased for legal aid for Litigation. However, there is 1 (one) legal aid institution that does not sign a legal aid contract. Hence, the budget for the Legal Aid Organization/Institution is given to the Legal Aid Organization/Institution that has the best performance in implementing the provision of Legal Aid in Semester I of 2021. Provision of Legal Aid budget to Legal Aid Organizations/Institutions that have good performance in providing Litigation Legal Aid and Non-Litigation Legal Aid is a form of reward or appreciation for the performance of Legal Aid Providers from the National Legal Development Agency. Thus, it can spur each Legal Aid Organization/Institution to improve their respective performance in providing Free Legal Aid to the poor in West Kalimantan.

Referring to PP 42/103, in implementing legal aid for the poor, the Minister supervises the provision of legal aid and the distribution of Legal Aid funds, which in practice is carried out by the Work Unit. The work unit is the Regional Supervisory Committee (hereinafter called *Panwasda/Panitia Pengawas Daerah*). The regional supervisory committee supervises the provision of Legal Aid and distribution of Legal Aid Funds. The Regional Office of the Ministry of Law and Human Rights in West Kalimantan is one of the elements of the regional supervisory committee for implementing legal aid. During the period 2018 to 2021, the West Kalimantan regional supervisory committee has carried out monitoring and evaluation activities on the implementation of the provision of legal aid carried out by West Kalimantan Legal Aid Organizations/Institutions.

During the period 2018 to 2021, the team of the Regional Supervisory Committee for the Regional Office of the Ministry of Law and Human Rights in West Kalimantan has made various efforts as form supervision the provision of legal aid carried out by Accredited Legal Aid Organizations/Institutions. One of the efforts made is the implementation of a meeting between the team of the Regional Supervisory Committee and Legal Aid Organizations/Institutions to discuss obstacles in the implementation of legal aid, as well as monitoring and evaluation of Legal Aid Organizations/Institutions by visiting the Secretariat directly to check administrative order. In addition to monitoring and evaluating activities on the administration of each Legal Aid Organization/Institution, the Regional Supervisory Committee also conducts a Picking Test (*Uji Petik*) on legal aid recipients to find out whether the practice of providing legal aid is following applicable regulations and procedures.

The monitoring and evaluation of the implementation of legal aid carried out by the Regional Supervisory Committee on the provision of legal aid by Legal Aid Organizations/Institutions showed that the 5 Legal Aid Organizations/Institutions in West Kalimantan Province scored "Medium". This value is obtained from several factors that become indicators of the assessment of the provision of legal aid, that are, Information on Legal Aid, Knowledge of Legal Aid, Legal Aid Services, and Legal Aid Integrity. The implementation of the Picking Test to obtain the monitoring and evaluation results is carried out by

conducting interviews with Legal Aid Recipients and asking questions whose format has been determined by the National Legal Development Agency.

Based on the results of an interview with the Head of Legal Affairs, Regional Office of the Ministry of Law and Human Rights in West Kalimantan, who is also a member of the Regional Supervisory Committee, information was obtained that during the Covid-19 pandemic, there were obstacles experienced by recipients of legal aid, especially for correctional inmates. Because during the Covid-19 Pandemic, the trial took place online via Teleconference and visits for correctional inmates from Legal Advisors. In this case, Legal Aid Organizations/Institutions were also conducted online through ZOOM Meetings. The implementation of the trial and online visits caused various obstacles for the correctional inmates that made them feel that they were not optimally accompanied, one of which was due to the limited visitation schedule and the limited infrastructure used for the online visit process. An unstable internet connection during the visit process and the online trial process also impacts the less than optimal assistance that WBP feels from Legal Aid Providers in this case from Legal Aid Organizations/Institutions.

Based on data obtained from the *SidbBankum BPHN* Application during 2020 and 2021, when the Covid-19 Pandemic occurred, there were obstacles experienced by each Legal Aid Organization/Institution providing Legal Aid so that they could not optimally provide legal assistance to the poor in West Kalimantan. However, several Legal Aid Organizations/Institutions have received additional budgets to maximize the provision of free legal aid for the poor in West Kalimantan Province. Some of the things that caused the ineffectiveness of providing legal aid by Legal Aid Organizations/Institutions during the Covid-19 Pandemic, among others, were:

**a. Policy for limiting activities in the community**

The Covid-19 pandemic that has hit Indonesia has forced the Government to adapt to the conditions caused by Covid-19, one of which is the limitation of face-to-face activities that are useful for minimizing the spread of the Covid-19 virus. The adaptation carried out by the Government is a form that a policy issued can adapt to the community's social conditions while still prioritizing maximizing service delivery to the community, one of which is the application of "social/physical distancing". The policy of limiting activities in the community has been regulated in various terms since the Covid-19 Pandemic hit in the early months of 2020, ranging from Large-Scale Social Restrictions (*PSBB*) to Transitional *PSBB*, Micro Lockdown to the Enforcement of Community Activity Restrictions (*PPKM*) and Micro *PPKM*.

The West Kalimantan Provincial Government has also implemented a policy of limiting community activities in the West Kalimantan region, among others regulated in the Decree of the Governor of West Kalimantan Number: 711/Kesra/2021 concerning the Enforcement of Restrictions on Micro-Based Community Activities and Optimizing the Command Post for Corona Virus Disease-2019 at the Village Level and Urban Village to Control the Spread of Corona Virus Disease-2019 in West Kalimantan Province (hereinafter referred to as Governor's Decree 711/2021). The Governor's Decree 711/2021

stipulates that social activities at the RT level that cause crowds and potentially cause Corona Virus Disease-2019 transmission are abolished. The Governor's Decree takes effect from June 21, 2021, until July 31, 2021. The Pontianak City Government issued a Circular Letter from the Mayor of Pontianak Number: 100/30/Setda/2021 in August 2021 concerning the Implementation of Level 3 (Three) Covid-19 Community Activity Restrictions in Pontianak City (hereinafter referred to as the Pontianak Mayor's Circular). The Pontianak Mayor's circular stipulates that meetings, seminars, and face-to-face meetings are temporarily closed; this provision is adequate from 10 August 2021 to 23 August 2021. In 2020, the Singkawang City Government issued Singkawang Mayor Regulation No. 17 of 2020 regarding Social Restrictions on Activities in Public Places and Public Facilities in Prevention of Corona Virus Disease 2019 (Covid-2019) in Singkawang City. The provision stipulates that every person or business entity is prohibited from carrying out crowd activities in the environment around residential areas and other buildings or rooms.

The application of restrictions on community activities, one of which also has an impact on the implementation of activities carried out by Legal Aid Organizations/Institutions. Due to the implementation of providing legal aid for the poor, the activities carried out are assistance in litigation cases and the implementation of non-litigation legal aid. Non-litigation activities by Legal Aid Organizations/Institutions include Community Empowerment and Legal Counseling. It is carried out by gathering people to distribute legal information to the public. However, due to the limitation of community activities, implementing Non-Litigation activities is a bit constrained and cannot take place optimally.

**b. Focus on Providing Legal Aid to the Implementation of Litigation Legal Aid**

The Law on Legal Aid in Article 4 states that the provision of Legal Aid from Legal Aid Providers to Legal Aid Recipients covers Civil, Criminal, and State Administration issues, litigation, and non-litigation. PP 42 of 2013 states that the provision of Non-Litigation Legal Aid includes Legal Counseling, Legal Consultation, Case Investigation, both electronically and non-electronically, Legal Research, Mediation, Negotiation, Community Empowerment, Assistance Outside the Court, and Drafting of Legal Documents.

However, in practice, the provision of Legal Aid carried out by Legal Aid Providers is mainly made for the Provision of Litigation Legal Aid. During the Covid-19 Pandemic that hit Indonesia from 2020 to 2021, the number of Litigation Legal Aid Recipients increased compared to Legal Aid Recipients. Non Litigation. Recipients of Litigation Legal Aid from 2020 to 2021 have increased by 14 percent, while recipients of Non-Litigation Legal Aid decreased by 33 percent in 2021.

The data on the implementation of the provision of non-litigation legal aid from 2020 to 2021 carried out by West Kalimantan Legal Aid Organizations/Institutions are as follows:

- 1) Legal Aid Consultation Center, Faculty of Law, Universitas Tanjungpura (*PKBH Fakultas Hukum Tanjungpura*)  
Legal Counseling : 1  
Community Empowerment : 1  
Legal Consultation; Case Investigation; Legal Research; Mediation; Negotiation; Assistance Outside the Court and Legal Document Drafting: 0
- 2) Consultation and Legal Aid of the Faculty of Law, Universitas Panca Bhakti (*LKKBH Fakultas Hukum Universitas Panca Bhakti*)  
Legal Counseling : 2  
Legal Consultation : 1  
Legal Research : 3  
Community Empowerment : 3  
Legal Document Drafting : 3  
Case Investigation; Mediation; Negotiation; Assistance Outside the Court: 0
- 3) Galaherang Mempawah Legal Aid Institute (*LBH Galaherang Mempawah*)  
Legal Counseling : 1  
Legal Consultation; Case Investigation; Legal Research; Mediation; Negotiation; Community empowerment; Assistance Outside the Court and Legal Document Drafting : 0
- 4) The Association of Legal Aid Institutions of the United Community Movement (*LBH Gema Bersatu*)  
Legal Counseling : 1  
Legal Consultation : 1  
Case Investigation; Legal Research; Mediation; Negotiation; Community empowerment; Assistance Outside the Court and Legal Document Drafting: 0
- 5) Consultation and Legal Aid Institute for Women and Families of West Kalimantan (*LKBH PEKA*)  
Legal Counseling : 7  
Legal Consultation : 2  
Case Investigation : 2  
Legal Research : -  
Mediation : -  
Negotiation : -  
Community Empowerment : 15  
Assistance Outside the Court : 1  
Legal Document Drafting : 7

During the Covid-19 Pandemic that lasted from 2020 to 2021, the provision of Non-Litigation legal aid provided by Legal Aid Providers mainly was carried out for the provision of Non-Litigation Legal Aid in the form of Community Empowerment and Legal Counseling. *LKBH PEKA* (Consultation and Legal Aid Institute for Women and Families

of West Kalimantan) is a legal aid provider that consistently provides non-litigation legal aid to the community compared to other legal aid providers.

In PP 42/2013 it is stated that the provision of Non-Litigation legal aid is not only in the form of Community Empowerment activities and Legal Counseling Activities. Other Non-Litigation Legal Aid activities should be provided to the public, especially when the Covid-19 Pandemic hit Indonesia, which led to the issuance of Activity Restriction policies in society. The application of restrictions on activities in the community certainly has an impact on the implementation of the provision of Non-Litigation Legal Aid which involves a number of people, such as Legal Counseling and Community Empowerment. However, Legal Aid Providers should be able to utilize information technology by conducting online activities. Hence, activities can still be carried out and continue to comply with the policy of limiting activities in the community. It is the provision of legal aid that is not only the provision of legal assistance for litigation but also the provision of non-litigation legal aid whose activities do not only focus on Community Empowerment, Legal Counseling. In addition, there are other Non-Litigation activities such as Legal Consultation, Case Investigation, Legal Research, Mediation, Negotiation, Assistance Outside the Court and Drafting of Legal Documents.

In practice, the implementation of the provision of legal aid so far has focused more on providing Litigation Legal Aid, especially in the criminal justice process. Although in the Legal Aid Law, it is mandated that the implementation of providing legal aid is in the form of Litigation, Legal Aid, and Non-Litigation Legal Aid services (Michael, 2014).

From 2020 to 2021, there was no Mediation and Negotiation activity carried out by each West Kalimantan Legal Aid Organization/Institution. However, these two activities are included in the activities provided in the provision of Non-Litigation Legal Aid. Whereas in society, especially the poor who are dealing with legal problems, sometimes they need help, especially for solving problems with restorative justice. All parties interested in a violation meet to resolve the problem together, one of which can be achieved by mediation. Suppose the Legal Aid Provider can maximize the provision of other Non-Litigation Legal Aid activities and not only focus on providing Non-Litigation Legal Aid activities in the form of Legal Counseling and Community Empowerment. In that case, access to justice for the poor can be achieved more optimally.

## Conclusion

The Covid-19 pandemic that hit Indonesia made the Indonesian Government make several adjustments to the situation, one of which was implementing the Policy for the Implementation of Community Activity Restrictions (*PPKM*). *PPKM* policy is also implemented in the Province of West Kalimantan, which is stated in the Decree of the Governor of West Kalimantan, the Mayor's Circular Letter. This has a significant impact on the implementation of the provision of Legal Aid by Legal Aid Providers to Aid Recipients. This is because some activities to provide Legal Aid, such as the provision of Non-Litigation Legal Aid Activities, have been delayed due to regulations that prohibit the

holding of activities that gather large numbers of people. However, the implementation of the policy in the form of conducting a Teleconference Session as outlined in the Cooperation Agreement between the Ministry of Law and Human Rights of the Republic of Indonesia, the Supreme Court of the Republic of Indonesia, and the Attorney General's Office of the Republic of Indonesia, did not cause a significant decrease in the provision of legal aid for Litigation to Legal Aid Recipients. This can be seen in the increase in legal aid recipients in 2021. The law has been implemented quite well, although there has been a decrease in the number of legal aid recipients, especially for non-litigation legal aid recipients. The provision of legal aid to the poor, especially in Pontianak, has not been carried out optimally, one of which is the lack of massive information dissemination to the public in West Kalimantan regarding the provision of free legal aid provided by the Government in this case, the Ministry of Law and Human Rights through Aid Providers. Legal, namely Legal Aid Organizations/Institutions that have passed verification and accreditation from the Ministry of Law and Human Rights of the Republic of Indonesia.

From the results of research conducted by the author referring to the practice in the field for the implementation of providing legal aid by Legal Aid Providers, namely accredited Legal Aid Organizations/Institutions in West Kalimantan, the Covid-19 Pandemic has had a significant impact on the implementation of providing legal aid to the poor. In particular, the implementation of policies that limit the space for Legal Aid Providers in carrying out their obligations to provide legal assistance, such as conducting trials and online visits. The implementation of this policy has a significant impact on the services provided so that it cannot be maximized. It impacts decreasing the number of legal aid recipients, especially Litigation Legal Aid. However, the decrease in the number does not reduce the efforts of the Aid Providers in providing legal assistance to the community. The *PPKM* policy that causes delays in the implementation of Non-Litigation Legal Aid activities such as Community Empowerment and Legal Counseling is due to the prohibition on the implementation of activities that gather mass does not dampen the intention and enthusiasm of Legal Aid Providers to continue carrying out Non-Litigation activities. However, other non-litigation activities that do not require mass gathering have not been maximally implemented. The government's implementation of policies to overcome and reduce the spread of Covid-19 does not become a significant obstacle in providing legal assistance to the poor, especially in West Kalimantan Province, and fulfilling the need for law and justice for the community is still fulfilled.

## **Suggestion**

Implementing policies issued by the Government to tackle Covid-19 did not cause a drastic decrease in the provision of legal aid by Legal Aid Providers in West Kalimantan Province. This is because the policies are proven to reduce the transmission rate of the Covid-19 virus while still prioritizing meeting needs and providing services to the community, one of which is by holding sessions via teleconference. According to the author, the obstacles that arise in the provision of legal aid by legal aid providers actually



come from the internal problems of each legal aid organization/institution. So the author hopes that the Legal Aid Providers, in this case, Legal Aid Organizations/Institutions that have passed verification and accreditation from the Indonesian Ministry of Law and Human Rights, can work professionally and maximize the budget that the Government has provided, in this case, the Indonesian Ministry of Law and Human Rights to assist. Litigation law and Non-Litigation Legal Aid to the community, one of which is the use of technology, the provision of legal aid that does not only focus on Litigation Legal Aid but also on the provision of Non-Litigation Legal Aid as regulated in the Legal Aid Act and the Government Regulations.

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