



DUPLICATE

SUKOHARJO REGENT
PROVINCE OF CENTRAL JAVA
REGULATION OF THE REGENT OF SUKOHARJO
NUMBER 30 YEAR 2021
ABOUT
IMPLEMENTATION OF LEGAL ASSISTANCE FOR THE POOR

BY THE GRACE OF GOD ALMIGHTY
SUKOHARJO REGENT,

- Weigh : a. that in order to provide legal protection to the community and to obtain legal certainty and equal treatment before the law, the Regional Government facilitates the provision of legal aid;
- b. that the existence of the poor in facing legal problems needs to be provided with free legal aid services by legal aid providers and the regional government has a role in allocating the budget for the provision of legal aid;
- c. that based on the provisions of Article 19 paragraph (1) of Government Regulation Number 42 of 2013 concerning Terms and Procedures for Providing Legal Aid and Distribution of Legal Aid Funds, mention that the Region may allocate the Budget for the Implementation of Legal Aid in the Regional Revenue and Expenditure Budget ;
- d. that based on the considerations as referred to in letters a, b, and c, it is necessary to stipulate a Regent Regulation concerning the Implementation of Legal Aid for the Poor;
- Remember : 1. Law Number 13 of 1950 concerning the Establishment of Regency Areas within the Province of Central Java;
2. Law Number 13 of 2011 concerning Handling of the Poor (State Gazette of the Republic of Indonesia of 2011 Number 83, Supplement to the State Gazette of the Republic of Indonesia Number 5235);
3. Law Number 16 of 2011 concerning Legal Aid (State Gazette of the Republic of Indonesia of 2011 Number 105, Supplement to the State Gazette of the Republic of Indonesia Number 5248);
4. Law Number 23 of 2014 concerning Regional Government (State Gazette of the Republic of Indonesia of 2014 Number 244, Supplement to the State Gazette of the Republic of Indonesia Number 5587) as amended several times, most

recently by Law Number 11 of 2020 concerning Job Creation (State Gazette of the Republic of Indonesia Year 2020 Number 245, Supplement to the State Gazette of the Republic of Indonesia Number 6573);

5. Government Regulation Number 42 of 2013 concerning Terms and Procedures for Providing Legal Aid and Distribution of Legal Aid Funds (State Gazette of 2013 Number 98, Supplement to State Gazette Number 5421) ;
6. Government Regulation Number 12 of 2017 concerning Guidance and Supervision of the Implementation of Regional Government (State Gazette of the Republic of Indonesia of 2017 Number 73, Supplement to the State Gazette of the Republic of Indonesia Number 6041);
7. Minister of Law and Human Rights Regulation Number 10 of 2015 concerning Implementing Regulations of Government Regulation Number 42 of 2013 concerning Terms and Procedures for Providing Legal Aid and Distribution of Legal Aid Funds (State Gazette of the Republic of Indonesia Year 2015 Number 816) as amended by Regulation of the Minister of Law and Human Rights Number 63 of 2016 concerning Amendments to Regulation of the Minister of Law and Human Rights Number 10 of 2015 concerning Implementing Regulations of Government Regulation Number 42 of 2013 concerning Terms and Procedures for Providing Legal Aid and Distribution of Legal Aid Funds (State Gazette of the Republic of Indonesia Year 2016 Number 2130) ;
8. Sukoharjo Regency Regulation Number 12 of 2016 concerning Formation and Structure of Regional Apparatus (Sukoharjo Regency Gazette of 2016 Number 12, Supplement to Sukoharjo Regency Regional Gazette Number 236);
9. Sukoharjo Regent Regulation Number 82 Year 2019 about Position, Organizational Structure, Duties and Functions, as well as Work Procedures, Expert Staff of the Regent, Regional Secretariat, Secretariat of the Regional People's Representative Council, Inspectorate and District (Sukoharjo Regency Newsletter Year 2019 Number 83) as amended by Sukoharjo Regent Regulation Number 82 Years 20 20 concerning Amendments to the Regulation of the Regent of Sukoharjo Number 82 of 2019 concerning Position, Organizational Structure, Duties and Functions, and Work Procedures, Expert Staff of the Regent, Regional Secretariat, Secretariat of the Regional People's Representative Council, Inspectorate and Subdistrict (Sukoharjo Regency Gazette of 2020 Number 82) ;

DECIDE :

Set : REGULATION OF THE REGENT REGARDING THE ORGANIZATION OF LEGAL ASSISTANCE FOR THE POOR.

PIG
GENERAL REQUIREMENTS

article 1

In this Regent Regulation, what is meant by:

1. The area is Sukoharjo Regency. Regional Government is the Regent as an element of the Regional Government organizer who leads the implementation of government affairs which are the authority of the autonomous region.
2. The Regent is the Regent of Sukoharjo.
3. The Legal Division is the Legal Division of the Sukoharjo Regency Regional Secretariat.
4. Legal Aid is a legal service provided by Legal Aid Providers free of charge to Legal Aid Recipients.
5. Legal Aid recipients are poor people or groups of people.
6. Legal Aid Provider is a Legal Aid institution or community organization that provides Legal Aid services that have complied with the provisions of laws and regulations.
7. Applicant for Legal Aid is a person, group of poor people or their proxies who are not included in the Legal Aid Provider, or their families who apply for Legal Aid.
8. The case is a legal issue that needs to be resolved.
9. Litigation is the process of handling legal cases that are carried out through the courts to resolve them.
10. Non-litigation is the process of handling legal cases that are carried out outside the court to resolve them.
11. Verification is an examination of the correctness of reports, statements and documents submitted by the Provider Legal Aid.
12. Accreditation is an acknowledgment of Legal Aid Providers given by the verification and accreditation committee after it is assessed that the Legal Aid Provider is eligible to provide Legal Aid.
13. Regional Revenue and Expenditure Budget, hereinafter abbreviated as APBD, is the annual financial plan of the Regional Government which is discussed and approved jointly by the Regional Government and the Regional People's Representative Council, and stipulated by a Regional Regulation.

Section 2

The purpose of the stipulation of this Regent Regulation as a guideline for the Implementation of Legal Aid for the Poor in the Regions.

Article 3

The implementation of Legal Aid aims to:

- a. guarantee and fulfill the rights of the poor to get access to justice
- b. realize the rights of the poor in accordance with the principle of equality in the law;
- c. guarantee certainty that the implementation of Legal Aid is carried out evenly in the Regions; and
- d. realizing an effective, efficient and accountable judiciary.

Article 4

- (1) Legal Aid is given to Legal Aid Recipients facing legal problems .
- (2) The Legal Aid as referred to in paragraph (1) includes civil and criminal law issues consisting of:
 - a. litigation; and
 - b. non-litigation.
- (3) The scope of Legal Aid as referred to in paragraph (1) includes:
 - a. exercise power
 - b. accompany;
 - c. represent;
 - d. defend; and/or
 - e. take other legal actions for the legal interest of the Legal Aid Recipient.
- (4) Legal Aid as referred to in paragraph (1) is exempted in the event that one of the litigants is the Government and/or Regional Government.

Article 5

Implementation of Legal Aid is carried out by Legal Aid Providers who have been accredited by the Ministry that carries out affairs in the field of Law and Human Rights.

CHAPTER II

ORGANIZATION OF LEGAL ASSISTANCE

Part One

Legal Aid Provider

Article 6

- (1) Regional Governments organize Legal Aid to help resolve cases faced by Legal Aid Recipients.

- (2) The implementation of Legal Aid as referred to in paragraph (1) by allocating Legal Aid funds in accordance with the Regional financial capacity.

Article 7

- (1) In administering Legal Aid, the Regent establishes cooperation with legal aid institutions or community organizations that comply with the provisions of laws and regulations.
- (2) The Legal Aid Cooperation as referred to in paragraph (1) is carried out by means of a Cooperation Agreement by the Regional Secretary for and on behalf of the Regional Government and the Regional Legal Aid Provider .
- (3) The implementation of the cooperation agreement as referred to in paragraph (2) is carried out by the Legal Division with the Legal Aid Provider covering civil and criminal law issues, both litigation and non-litigation.
- (4) Legal Aid Providers receive power of attorney and carry out, accompany, represent, defend, and/or take other legal actions for the legal interests of Legal Aid Recipients.
- (5) Legal aid to Legal Aid Recipients is given for legal assistance in the judiciary until the legal problem is resolved and/or the case has permanent legal force.

The second part

Legal Aid Provider

Article 8

- (1) Legal Aid Institutions or community organizations that apply as prospective Legal Aid Providers must meet the following requirements:
 - a. incorporated;
 - b. accredited based on the Laws and Regulations;
 - c. have a permanent office or secretariat;
 - d. have administrators;
 - e. have a Legal Aid program;
 - f. have an advocate registered with the Legal Aid Institute or community organization; and
 - g. have an office in the Region.
- (2) In submitting as a candidate for legal aid provider as referred to in paragraph (1), the prospective legal aid provider must attach:
 - a. Copy of accreditation copy;
 - b. Photocopy of the deed of establishment of the Legal Aid Institute or community organization;
 - c. Photocopy of articles of association and by-laws;
 - d. Photocopy of the deed of management of the Legal Aid Institute or community organization;

- e. Photocopy of the letter of appointment as an advocate at the Legal Aid Institute or community organization;
- f. Photocopy of license to proceed as an advocate at a Legal Aid Institute or community organization;
- g. Photocopy of Taxpayer Identification Number of Legal Aid Institutions or community organizations; and
- h. Photocopy of the Legal Aid program plan.

Chapter 9

For Legal Aid Institutions or community organizations that are within the structure of educational institutions or organizations that already have the status of a legal entity, the Legal Aid Institute or community organization in question has the status of a legal entity in accordance with the status of a Legal Entity of an educational institution or organization.

Article 10

Legal Aid Providers are entitled to:

- a. recruiting advocates, paralegals, lecturers, and law faculty students;
- b. perform Legal Aid services;
- c. receive a budget from the Regional Government to implement Legal Aid;
- d. issue an opinion or statement in defense of a case for which it is responsible in a court session in accordance with the provisions of the legislation;
- e. obtain information and other data from the government or other agencies, for the purpose of case defense; and
- f. organize legal counseling, legal consultation, and other program activities related to the implementation of Legal Aid.

Article 11

(1) Legal Aid Providers are required to:

- a. report to the Regent about the Legal Aid program;
- b. maintain the confidentiality of data, information, and/or information obtained from Legal Aid Recipients in relation to the case being handled, unless otherwise stipulated by law;
- c. provide Legal Aid to Legal Aid Recipients based on the terms and procedures specified in this Regent Regulation until the case is completed, unless there is a legally valid reason; and
- d. provide equal treatment to Legal Aid Recipients, regardless of gender, religion, belief, ethnicity, and occupation as well as the political background of Legal Aid Recipients and to be neutral, not affiliated with political parties.

(2) Legal Aid Providers violating the obligations as referred to in paragraph (1) shall be given administrative sanctions.

- (3) The administrative sanctions as referred to in paragraph (2) are in the form of:
- a. written warning; and/or
 - b. refund of all Legal Aid funds that have been received from the APBD.
- (4) The administrative sanction as referred to in paragraph (3) letter a is imposed if the Legal Aid Provider does not carry out the reporting in a disciplined manner according to the agreed time.
- (5) The administrative sanction as referred to in paragraph (3) letter b is imposed if the Legal Aid Provider stops the handling of the case before it is unilaterally completed.
- (6) In addition to the administrative sanctions as referred to in paragraph (3), the Legal Aid Provider may be subject to civil sanctions in the form of cancellation of the cooperation agreement.
- (7) Civil sanctions in the form of cancellation of the cooperation agreement as referred to in paragraph (6) shall be imposed on the Legal Aid Provider if the Legal Aid Provider discriminated against in providing Legal Aid.

Article 12

Legal Aid Providers cannot be prosecuted civilly or criminally in providing Legal Aid for which they are responsible, which is carried out in good faith inside and outside the court hearing in accordance with Legal Aid Standards based on statutory regulations and/or Advocates' Code of Ethics.

Part Three

Legal Aid Recipients

Article 13

- (1) Recipients of Legal Aid include any poor person or group of people who cannot fulfill their basic rights properly and independently.
- (2) Recipients of Legal Aid include every person or group of poor people, as referred to in paragraph (1), which is listed in the Sukoharjo Regency Social Welfare Integrated Data determined by the Minister of Social Affairs.

Article 14

Recipients of Legal Aid are entitled to:

- a. obtain Legal Aid until the legal problem is resolved and/or the case has permanent legal force, unless the relevant Legal Aid Recipient revokes the power of attorney and/or there are other legally valid reasons;
- b. obtain Legal Aid in accordance with Legal Aid Standards and/or Advocate Code of Ethics; and

- c. obtain information and documents related to the implementation of the provision of Legal Aid in accordance with the provisions of the legislation.

Article 15

Legal Aid Recipients must:

- a. convey evidence, information, and/or information about the case correctly to the Legal Aid Provider; and
- b. assisting the smooth provision of Legal Aid.

Part Four

Legal Aid Requirements and Procedures

Article 16

- (1) To obtain Legal Aid, Legal Aid Applicants must meet the following requirements:
 - a. submit a written application addressed to the Regional Secretary cq. The Head of Legal Division which contains at least consists of:
 - 1. the identity of the Legal Aid Applicant; and
 - 2. a brief description of the subject matter for which Legal Aid is requested.
 - b. submit a photocopy of the identity card of the Legal Aid Applicant;
 - c. submit photocopies or copies of documents relating to the case; and
 - d. attach a certificate listed in the Sukoharjo Regency Social Welfare Integrated Data from the Lurah/Village Head/Head of the Sukoharjo Regency Social Service.
- (2) In the event that the Legal Aid Applicant is unable to compile the written application as referred to in paragraph (1), the applicant may submit the application verbally and it must be stated in written form by the Legal Aid Provider and signed or thumbprinted by the Legal Aid Applicant.

Article 17

- (1) Legal Aid Applicant submits a Legal Aid application to the Legal Aid Provider.
- (2) Legal Aid Providers are required to verify the completeness of the requirements within a maximum of 2 (two) working days after receiving the application for Legal Aid.
- (3) The results of the verification of the completeness of the requirements for the Legal Aid application as referred to in paragraph (2) shall be forwarded to the Legal Aid Provider accompanied by a recommendation from the Legal Aid Provider.

- (4) In the event that the application for Legal Aid has met the requirements, the Legal Aid Provider is required to submit a written willingness or refusal accompanied by the reasons for the rejection of the application as referred to in paragraph (1) within a maximum of 3 (three) working days from the date the application is declared complete to the Legal Aid Provider. .
- (5) In the event that the Legal Aid Provider expresses his willingness or refusal as referred to in paragraph (4), the Legal Aid Provider must notify the Legal Aid Recipient within 3 (three) working days as of the issuance of the statement of willingness or refusal from the Legal Aid Provider.
- (6) In the event that the Legal Aid Provider expresses willingness as referred to in paragraph (5), the Legal Aid Provider issues an Assignment Letter to the Legal Aid Provider within a maximum period of 3 (three) working days as of the issuance of the statement of willingness .
- (7) In the event that the Legal Aid Provider has received a Letter of Assignment from the Legal Aid Provider, as referred to in paragraph (6), the Legal Aid Provider provides Legal Aid based on a special power of attorney from the Legal Aid Recipient.

Article 18

Legal Aid Providers carry out Legal Aid as referred to in Article 8 paragraph (2) based on the provisions of laws and regulations and cooperation agreements between Regional Governments and Legal Aid Providers.

Article 19

Provision of Legal Aid by Legal Aid Providers to Legal Aid Recipients is given until the case is completed and/or has permanent legal force, as long as the Legal Aid Recipient does not revoke a special power of attorney.

Article 20

- (1) The provision of Legal Aid as referred to in Article 19 by litigation is carried out by advocates who have the status of administrators of Legal Aid Providers and/or advocates recruited by Legal Aid Providers.
- (2) The provision of legal aid by an advocate as referred to in paragraph (1) shall eliminate the obligation of the advocate to provide free legal aid in accordance with the provisions of the legislation.

Article 21

The provision of Legal Aid in Litigation as referred to in Article 20 is carried out by:

- a. assisting and/or exercising power of attorney starting from the level of investigation and/or prosecution; and/or
- b. assisting and/or exercising power of attorney in the examination process at trial.

Article 22

- (1) The provision of Legal Aid as referred to in Article 19 on a Non-Litigation basis can be carried out by advocates, lecturers, and/or law faculty students within the scope of Legal Aid Providers who have passed verification and accreditation.
- (2) Provision of Legal Aid in Non-Litigation includes mediation and negotiation activities.

CHAPTER III

FUNDING

Part One

Budgeting

Article 23

- (1) Legal aid budget allocation for litigation and non-litigation activities organized by the Regional Government comes from:
 - a. APBD; or
 - b. Other legal and non-binding sources.
- (2) The legal aid budget allocation as referred to in paragraph (1) letter a is adjusted to the regional financial capacity.
- (3) Provisions regarding the amount of Legal Aid funds are regulated in the Standard Unit Prices set by the Regent.

The second part

Payment Procedures for Legal Aid Services

Article 24

In the context of administering Legal Aid, the Regional Government pays for the services of providing Legal Aid to the Legal Aid Provider.

Article 25

- (1) Payment Service Provision Legal Aid includes the following stages:
 - a. submission of application for Payment of Provision of Services Legal Aid;
 - b. Document verification; and
 - c. Payment Service Provision Legal Aid.

- (2) Submission of application for Payment of Services Legal Aid as referred to in paragraph (1) letter a must be submitted in writing by the Legal Aid Provider to the Regent through the Legal Division accompanied by the required documents.
- (3) The Legal Section verifies the documents as referred to in paragraph (1) letter b submitted by the Provider Legal Aid as referred to in paragraph (2).

- (4) The Legal Department pays for the Provision of Services Legal Aid as referred to in paragraph (1) letter c to Legal Aid Providers within a maximum period of 7 (seven) working days from the date of receipt of the application letter and complete required documents.

Article 26

- (1) The required documents as referred to in Article 25 paragraph (2) for Litigation Legal Aid include:
 - a. evidence of case handling; and
 - b. documentation.
- (2) Payment for Litigation Legal Aid Services is made after the Legal Aid Provider has completed the Case at each stage of the litigation process and submits a report to the Legal Aid provider through the Legal Division accompanied by supporting evidence.
- (3) In the event that the stages of litigation handled by the Legal Aid Provider have not been completed in the current fiscal year, the Legal Aid Provider will still receive a legal aid budget in the following fiscal year until the stage of the case being handled is completed based on the regional financial capacity as long as the Legal Aid Provider is not subject to sanctions for the occurrence irregularities or violations in the provision of legal aid and/or distribution of the legal aid budget.

Article 27

- required documents as referred to in Article 25 paragraph (2) for non-litigation Legal Aid include:
- a. identity of legal aid recipients;
 - b. minutes of handling legal issues; and
 - c. documentation.

CHAPTER IV
LIABILITY

Article 28

- (1) Aid Providers are required to report the realization of receipts and use of the Legal Aid implementation budget sourced from the APBD to the Regent through the Head of the Legal Division on a quarterly, semi-annual and annual basis.
- (2) In the event that the Legal Aid Provider receives funding sources other than the Regional Budget, the Legal Aid Provider reports the realization of the receipt and use of these funds to the Regent.
- (3) The report on the realization of receipts and use of funds other than the APBD as referred to in paragraph (2) is reported separately from the report on the realization of receipts and use of the budget for the implementation of Legal Aid as referred to in paragraph (1).

Article 29

- (1) For Litigation cases, the realization report must attach at least:
 - a. a copy of the decision of the case which has permanent legal force; or
 - b. case development in progress.
- (2) For non-litigation activities, the realization report must attach a report on the activities that have been carried out.

CHAPTER V
SUPERVISION

Article 30

- (1) The Regent supervises the provision of Legal Aid sourced from the APBD.
- (2) The supervision as referred to in paragraph (1) includes:
 - a. monitoring of Legal Aid Providers at the place of litigation;
 - b. verification of the legal process files reported by the Legal Aid Provider; and/or
 - c. clarification of alleged irregularities by Legal Aid Providers reported by the public.
- (3) The supervision as referred to in paragraph (1) is carried out by the Legal Division.

CHAPTER VI

BAN

Article 31

(1) Legal Aid Providers are prohibited from:

- a. receive or request payment from Legal Aid Recipients and/or other parties related to the case being handled by the Legal Aid Provider;
- b. engineer the application for Legal Aid Recipients; and
- c. misuse the provision of Legal Aid funds to Legal Aid Recipients.

(2) In the event that the Legal Aid Provider violates the provisions as referred to in paragraph (1), the Regional Government shall impose administrative sanctions in the form of:

- a. cancellation of the provision of Legal Aid Services for services that have not been paid; and
- b. reported to the Ministry of Law and Human Rights to be given sanctions in accordance with the provisions of the legislation.

CHAPTER VII

CLOSING

Article 32

This Regent Regulation comes into force on the date of promulgation.

In order for everyone to know, ordering the promulgation of this Regent Regulation by placing it in the Sukoharjo Regency Regional Gazette

Set in Sukoharjo
on June 23, 2021

SUKOHARJO REGENT,

signed.
ETIK SURYANI

Promulgated in Sukoharjo
on June 23, 2021

REGIONAL SECRETARY
SUKOHARJO DISTRICT ,

signed.
WIDODO

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