
Improving Access to Justice for the Community in Reaching the Pekanbaru State Administrative Court Building Based on Regulation of the Supreme Court of the Republic of Indonesia Number 1 of 2014

Silm Oktapani, Robert Libra[✉], Zulkarnaen Noerdin

University of Lancang Kuning, Pekanbaru, Indonesia

University of Lancang Kuning, Pekanbaru, Indonesia

University of Lancang Kuning, Pekanbaru, Indonesia

ABSTRACT

The purpose of this study is to determine the improvement in access to justice for people who have difficulty reaching the Pekanbaru State Administrative Court building based on the Regulation of the Supreme Court of the Republic of Indonesia Number 1 of 2014 concerning Guidelines for the Provision of Legal Services for the Underprivileged in the Court. This research will look at the implementation of the regulation and provide input for improving legal aid services at the Pekanbaru PTUN in particular. Geographical and economic constraints, Many people in the Regency and rural areas have difficulty reaching the Pekanbaru PTUN building due to distance, transportation costs, or financial limitations. Role of Perma No. 1 of 2014 This regulation is designed to provide more inclusive legal services to the underprivileged, including in the state administrative court. Purpose of Perma No. 1 of 2014 Ensure that every individual, without exception, has equal access to justice. The limitation of this research is that this research is only conducted in the scope of Riau Province in accordance with the jurisdiction of Riau PTUN. Thus, the research will only have implications for Riau Province, especially for the people of Riau Province who need legal assistance. The results of this study indicate that there is a need to improve access to the Riau PTUN building for underprivileged people using legal aid instruments. In addition, there is also a need to increase the use of e-court if it is not possible at all for people living in remote areas to access the PTUN building directly. Amendments to the Regulation of the Supreme Court of the Republic of Indonesia Number 1 of 2014 concerning Guidelines for the Provision of Legal Services for the Underprivileged in Court need to be made for this matter.

 OPEN ACCESS

ARTICLE HISTORY

Received: 21 - 12 -2024

Accepted: 25- 01 -2025

KEYWORDS

Justice, Legal Aid Services, Access to Justice, Improvement, Pekanbaru State Administrative Court

Introduction

Article 3 of Perma Number 1 of 2014 states that the Purpose of Legal Services for the underprivileged in the Court is to Alleviate the burden of costs that must be borne by the economically disadvantaged in the Court (Siradj & others, nd) ; Increase access to justice for people who have difficulty or are unable to reach the court building due to cost, physical or geographical limitations; Provide opportunities for people who are unable to access legal consultations to obtain information, consultation, advice, and document preparation in undergoing legal processes in the Court (Ramdan, 2014) ; Increase public awareness and knowledge of the law through appreciation, fulfillment and protection of their rights and obligations; and Provide excellent service to people seeking justice (Lutfi & Putri, 2020) . Based on the provisions above, the results of the author's initial observations at the Pekanbaru State Administrative Court, access to justice for people who have difficulty or are unable to reach the Court building due to cost, physical or geographical limitations because the State Administrative Court is only located in the provincial capital, so access to people in dispute at the PTUN is very limited (Anggoro, 2016) . Not to mention there are still many people who do not know the authority of the PTUN itself. Based on this, the author is interested in taking the title : Implementation of Increasing Access to Justice for People Who Have Difficulty Reaching the Pekanbaru State Administrative Court Building Based on the Regulation of the Supreme Court of the Republic of Indonesia Number 1 of 2014 Concerning Guidelines for Providing Legal Services for the Underprivileged in Court . To analyze what problems occur in the gap between dass sain and dass sollen above.

Methods

Sociological Law research , conducted using an empirical approach by examining the formulation of the problem to be studied while providing an overview and analysis of the Implementation of Increasing Access to Justice for People Who Have Difficulty Reaching the Pekanbaru State Administrative Court Building Based on the Regulation of the Supreme Court of the Republic of Indonesia Number 1 of 2014 Concerning Guidelines for Providing Legal Services for the Underprivileged in Court (Soekanto, 2003) .

Results

Geographical and economic constraints, Many people in rural or remote areas have difficulty reaching the Pekanbaru PTUN building due to distance, transportation costs, or financial limitations. Role of Perma No. 1 of 2014 (Handayani, 2015) : This regulation is designed to provide more inclusive legal services to the underprivileged, including in the state administrative court. Purpose of Perma No. 1 of 2014 Ensure that every individual, without exception, has equal access to justice (Yanto et al., 2020) . Provide guidance to the courts to provide legal services such as: Legal Aid Posts (Posbakum). Hearings outside the courthouse (mobile courts) (Sigalingging, 2021) . Exemption from court fees for the underprivileged. Posbakum: This facility provides free legal consultations, preparation of legal documents, and information related to cases. Mobile courts: Implemented to bring court services closer to people who live far from the PTUN building. Exemption of court fees: Carried out through strict verification to ensure assistance is provided to those who truly need it. Implementation Challenges Limited resources: Personnel, budget, and infrastructure for circuit courts are often inadequate. Lack of public awareness: Many people do not know about their rights to receive this service. Administrative barriers: The

procedure for applying for a waiver of fees or legal services is sometimes too complicated (Katimin et al., 2020).

Obstacles to access the State Administrative Court (PTUN) in Pekanbaru include various obstacles that prevent people from getting justice, especially for those who come from disadvantaged backgrounds. One of the main obstacles is the long geographical distance, because many people live in remote areas outside the city center of Pekanbaru, making it difficult to reach the courthouse. High transportation costs are an additional burden, especially for low-income people. (Ramdan, 2014) . In addition, the lack of legal literacy among the community causes them to not understand their legal rights or the steps that must be taken to file a case. The complicated administrative procedures at the PTUN are also often felt to be confusing and tiring by the general public. Although legal aid services such as posbakum are available, their number and coverage are limited, so that not all residents can receive optimal services. Technologies such as e-courts that should facilitate legal access have not been utilized optimally, due to limited internet access and technological devices in the community. Inequality in services, especially for vulnerable groups such as women, children, and the disabled, still often occurs due to lack of attention to their special needs. Socialization regarding legal rights and PTUN procedures is still minimal, so that the community does not have adequate information. Supporting infrastructure such as public transportation or disability-friendly facilities are also not fully available in Pekanbaru (Lutfi & Putri, 2020) .

To overcome these obstacles, comprehensive efforts are needed from various parties to ensure equal access for all levels of society. The government must provide adequate infrastructure, including affordable public transportation to reach the courts in Pekanbaru. The courts also need to simplify administrative procedures so that the public does not have difficulty in filing cases. Intensive socialization and legal counseling must be carried out to increase public awareness of their rights in the justice system. Legal aid services such as posbakum must be expanded and improved, both in terms of coverage and quality, so that they can serve more people (Siradj & others, nd) . Technologies such as e-courts must be socialized more widely and accompanied by training for people who are not yet familiar with online systems. In addition, the courts must ensure inclusive and non-discriminatory services for all groups in society, including vulnerable groups (Nggilu & Fence M. Wantu, 2020) . Cooperation between the courts, civil society organizations, and local governments is needed to jointly address this challenge. Transparency in the process of exempting court fees must also be maintained to prevent discrimination or abuse. With these steps, it is hoped that access to justice at the Pekanbaru PTUN can become more inclusive and equitable for all citizens (Libra & Fauzan, 2023) .

Discussion

The concept of legal aid in the Legal Aid Law Number 16 of 2011 is financial assistance from the State for poor people who are in conflict with the law (Ramdan, 2014). Previously, the state did not fulfill the right to legal aid for the community. In fact, this role began and continues to be carried out independently and independently by civil society pioneered by, for example, YLBHI-LBH (legal aid foundation) Office which then continued to grow along with the birth of civil society organizations engaged in legal aid such as the Indonesian Legal Aid and Human Rights Association (PBHI), LBH Masyarakat, LBH Apik, LBH Pers, LBH Mawar Saron, LKBH Kampus, elsam, kontra, Walhi, etc. The birth of the Legal Aid Law has been advocated since 1998 by legal aid activists. In 2004 the draft of the Legal Aid Law was made. In 2009 this Law entered the National Legislation Program. It was only on November 2, 2011 that Law Number 16 of 2011 concerning Legal Aid was enacted (Lutfi & Putri, 2020).

In Law Number 16 of 2011 concerning Legal Aid, it is stated that legal aid providers are legal aid institutions or community organizations that provide legal aid services.¹⁶ Legal services provided to legal aid recipients are free of charge, meaning that they do not receive wages from the party being assisted, but the government will provide assistance funds for each case handled, the amount of which is adjusted to the type of case. The assistance funds will not be given to all OBHs, but only to OBHs who have met the requirements in accordance with the Legal Aid Law (Siradj & others, nd).

A country that implements the concept of a Welfare State must have a public policy that contains assistance, protection, services, or prevention of social problems, including in the field of legal aid (Busemeyer et al., 2022; Dirkarehza & Sihombing, 2021; Jauhani et al., 2023; Rokhim, 2013; Roth, 2023). This system demands real responsibility from the State in improving the welfare of citizens through full intervention from public service providers covering all developments in areas that lead to the realization of maximum community welfare. This is done by sending the state with its authority to participate in all affairs and activities of society in connection with the principle of its legality (Hardianto & others, 2022).

As a country of law that also adheres to the concept of Welfare State, it can be concluded through the explanation in the 1945 Constitution, that Indonesia uses a minimal model as a description of the Welfare concept. In applying the Welfare State Concept to public services in the field of legal aid intended to improve the welfare of its people, it can be found in Article 23 paragraph (1) which states that the management of the government's budget and finances must be prioritized for the welfare of the people. This means that developments in the economic, education, health and industrial sectors must improve the welfare of its citizens (Roth, 2023). In this case, the budget in the field of legal aid must also be prioritized. Furthermore, the provisions in Article 31 firmly state that the state regulates the people's rights to education and the state's obligation to provide the highest possible education. discussing the readiness of the Indonesian government in fulfilling public welfare, there is still negligence in its implementation. It can be seen that the mandate of Article 34 in the 1945 Constitution paragraphs (3) and (4) is not implemented in its entirety but separately.¹⁸

The Supreme Court Regulation of the Republic of Indonesia Number 1 of 2014 aims to ensure access to justice for the underprivileged, especially in resolving disputes in court. One of its main focuses is to provide comprehensive and non-discriminatory legal services. In the context of the Pekanbaru PTUN Building, this regulation is very relevant considering that many people live in remote areas and have difficulty reaching court facilities. Legal

services include providing free legal aid, reducing court costs, and providing supporting facilities such as transportation for the underprivileged. (PTUN Jakarta, 2020) . This regulation provides technical guidelines for courts to detect, record, and serve people who meet the criteria for being underprivileged. In addition, the courts are required to provide clear information regarding the procedures for applying for legal aid. With this regulation, structural barriers such as costs and distance are expected to be minimized. This is in line with the principle of a state of law that emphasizes equality before the law. Thus, vulnerable people are expected to receive equal treatment in the justice system (Prasetyo & Herawati, 2022).

One important step in improving access to justice is the provision of legal aid post (posbakum) services in every court, including the Pekanbaru PTUN. Posbakum is tasked with providing legal information, consultation, and assistance in preparing the necessary legal documents. For the underprivileged, this service is provided free of charge. The existence of posbakum is also a solution for people who do not understand legal procedures, so that they can resolve legal problems more easily. Courts are also required to prioritize services to the underprivileged, including through reducing or eliminating court fees. This service not only covers administrative cases but also appeals and cassation processes. This regulation emphasizes the importance of professionalism and empathy from posbakum officers in providing services to the community. With this support, it is hoped that the community will not feel burdened by complicated legal procedures. This also encourages the courts to be more inclusive and responsive to the needs of the community. The implementation of posbakum services at the Pekanbaru PTUN is one real form of the implementation of this regulation.

In addition to the posbakum, the Supreme Court also regulates the mechanism for exempting court fees for the poor. This fee exemption is given to those who can prove their financial inability through a certificate of poverty (SKTM) from the sub-district or other supporting documents. In the context of the Pekanbaru PTUN, this is very important because many people face economic obstacles in accessing court services. The process of applying for exemption from court fees is made as simple as possible to avoid complicated bureaucracy (Indriyani, 2018) . The courts are also encouraged to conduct socialization regarding this policy so that the wider community is aware of it. In addition, the courts are instructed to ensure transparency in this process so that there is no abuse or discrimination (Fajar, 2023) . This policy aims to reduce the financial burden on the community so that they can focus on resolving their legal problems. The exemption from court fees is a real manifestation of the state's support for the common people. With this mechanism, it is hoped that no one will feel hindered from seeking justice.

Supreme Court Regulation of the Republic of Indonesia Number 1 of 2014 also encourages the use of technology to improve access to justice, including for people in remote areas. The Pekanbaru PTUN, for example, can utilize electronic services such as e-court to facilitate online case registration. This service allows people to file cases without having to come directly to the court, thus saving time and money. In addition, this online service also provides features such as virtual legal consultations and online payment of court fees. This technology is very helpful for people who live far from the court building or have limited mobility. This regulation also encourages the court to hold training programs for the community so that they can make maximum use of this technology service. This effort shows that this regulation does not only focus on direct legal assistance but also on modernizing the court system. Thus, the use of technology is expected to

accelerate the dispute resolution process. The implementation of this technology also reflects the court's commitment to keeping up with the times in providing the best service.

The role of pro bono advocates is also regulated in these regulations as part of efforts to provide free legal services to the underprivileged. (Hafidzi, 2015) . The courts work with advocate organizations to ensure the availability of quality legal aid. At the Pekanbaru PTUN, pro bono advocates can assist the public in drafting lawsuits, providing legal assistance, and representing them in court. This regulation requires the courts to facilitate cooperation with legal aid institutions so that the public can access advocate services at no cost. The presence of pro bono advocates is very important to bridge the gap in legal knowledge between the general public and the justice system (Ghozali & Fahrazi, 2020) . With the help of advocates, the public can feel more confident in facing the legal process. The courts are also required to ensure that pro bono advocates work professionally and do not charge additional fees (Lorenza et al., nd) . This program aims to create an inclusive and fair legal ecosystem. This collaboration is expected to increase public trust in the justice system.

Legal aid instruments need to be expanded to include assistance with physical access to the PTUN building in Riau, especially for people living in remote areas and with limited mobility. This expansion can be realized through the provision of affordable public transportation or special shuttle facilities for the underprivileged. In addition, the government and courts can work together to build supporting facilities, such as temporary shelters for people who have to travel long distances. Amendments to the Regulation of the Supreme Court of the Republic of Indonesia Number 1 of 2014 at the Pekanbaru PTUN must also include technical guidelines on the provision of this physical access service. Socialization regarding access services to physical buildings must be increased so that the public knows and can use it optimally. With this assistance, structural barriers such as distance and transportation costs can be minimized, so that justice seekers do not feel hindered from filing cases. The implementation of this service must also be transparent and non-discriminatory, ensuring that every community gets the same rights. This responsive regulatory change will strengthen the state's commitment to realizing equitable and inclusive justice for all citizens.

In closing, the implementation of the Supreme Court Regulation of the Republic of Indonesia Number 1 of 2014 at the Pekanbaru PTUN shows the state's commitment to guaranteeing access to justice for the underprivileged. This regulation covers various aspects ranging from the provision of legal services, exemption from court fees, to the use of technology to bring the court closer to the community. However, the success of its implementation is highly dependent on cooperation between the court, local government, and the community itself. The court also needs to continue to evaluate the effectiveness of this program in order to better meet the needs of the community. In addition, support from civil society organizations and the media is very important to increase public awareness of their rights to gain access to justice. With joint efforts, it is hoped that no more people will feel neglected in the justice system. This regulation is a step forward in realizing the principle of equal justice for all levels of society. Consistent implementation will make the Pekanbaru PTUN an example of a court that is responsive to the needs of the community.

Conclusion

The conclusion of the text is that the state through various regulations, such as Law Number 16 of 2011 on Legal Aid and Supreme Court Regulation Number 1 of 2014, is committed to improving access to justice for the underprivileged. Free legal aid from the state provides opportunities for the underprivileged to obtain legal assistance through legal aid institutions and pro bono advocates. In addition, legal aid posts (posbakum) and exemption from court fees are important solutions to overcome economic and bureaucratic barriers. The use of technology such as e-court also plays a strategic role in reaching people in remote areas. This regulation not only aims to help the community but also reflects the state's responsibility in realizing the principle of a welfare state. However, the success of its implementation is highly dependent on the synergy between the courts, local governments, and civil society. Education and socialization about the legal rights of the community are also important keys to the sustainability of this program. With consistent implementation, this regulation can be a milestone in creating an inclusive, responsive, and fair justice system. In addition, there is a need to improve access to justice in accessing the Pekanbaru PTUN building by changing the provisions of Perma No. 1 of 2014 so that legal services can reach underprivileged communities.

References

Anggoro, FN (2016). Testing of Elements of Abuse of Authority Against Decisions and/or Actions of Government Officials by PTUN. *Fiat Justitia: Journal of Legal Studies* , 10 (4), 647–670.

Busemeyer, M.R., Kemmerling, A., Van Kersbergen, K., & Marx, P. (2022). *Digitalization and the welfare state* . Oxford University Press.

Dirkareshza, R., & Sihombing, EN (2021). Acceleration of Village Welfare through Bumdes: Disorientation of Implementation of Bumdes Regulations and Policies. *De Jure Legal Research Journal* , 21 (4), 419–434.

Fajar, MB (2023). EQUALITY ACCORDING TO VARIOUS RELIGIONS: Perspectives of Islam, Christianity, and Hinduism. *ACADEMIC: Journal of Humanist Students* , 3 (3), 141–150.

Ghozali, I., & Fahrazi, M. (2020). Transformation of Indonesian Advocates Organization From Single Bar to Multi Bar (Implications of Constitutional Court Decision No. 101/PPU-VII/2009 and Letter of the Chief Justice of the Supreme Court No. 73/KMA/HK. 01/IX/2015). *Mizan: Journal of Legal Studies* , 7 (1), 72–82.

Hafidzi, A. (2015). The Existence of Advocates as an Honorable Profession (Officium Nobile) in the Legal State System in Indonesia. *Khazanah: Journal of Islamic Studies and Humanities* , 13 (1).

Handayani, TA (2015). Legal aid for the underprivileged in the perspective of the theory of dignified justice. *Legal Reflection: Journal of Legal Studies* , 9 (1), 15–24.

Hardianto, H., & others. (2022). Transformation of Indonesian Population Administration Services in Realizing the Welfare State Concept. *ADJUDIKASI: Journal of Legal Studies* , 6 (2), 197–210.

Indriyani, D. (2018). Just Law Enforcement as a Manifestation of Indonesian Democracy. *IS: Bulletin of Law and Justice* , 2 , 55–56.

Jauhani, MA, Pratiwi, YW, & others. (2023). Forensic Autopsy as an Effort to Achieve Legal Certainty in Unnatural Death Cases. *WELFARE STATE Journal of Law* , 2 (1), 71–88.

Katimin, H., Mulyanti, D., Idaningsih, IY, & Saleh, AH (2020). Urgency of Ratification of Mutual Legal Assistance Agreement in Criminal Matters Through Presidential Decree Regarding the Return of Assets Proceeding from Corruption Crimes Between the Republic of Indonesia and the Swiss Confederation: Array. *Case Law* , 1 (1), 55–80.

Libra, R., & Fauzan, M. (2023). Application of the Welfare State Concept in Prioritizing Legal Aid Services for the Poor in Riau. *Jurnal Esensi Hukum* , 5 (1), 39–49.

Lorenza, A., Maharani, AS, & Rioneldi, R. (nd). Implementation and Impact for Advocates in the Implementation of Virtual Case Registration. *Dih: Journal of Legal Studies* , 17 (1), 373650.

Lutfi, KR, & Putri, RA (2020). Optimizing the role of mutual legal assistance in the return of assets resulting from corruption. *Undang: Jurnal Hukum* , 3 (1), 33–57.

Nggilu, N., & Fence M. Wantu. (2020). Treading the Constitutional Path Towards Zaken Cabinet : Efforts to Realize a Constitutional Quality Government. *Samudra Keadilan Law Journal* , 15 (1), 126–140. <https://doi.org/10.33059/jhsk.v15i1.1653>

Prasetyo, D., & Herawati, R. (2022). Review of the Criminal Justice System in the Context of Law Enforcement and Protection of Human Rights for Suspects in Indonesia. *Journal of Indonesian Legal Development* , 4 (3), 402–417.

PTUN Jakarta. (2020). *Decision of PTUN Jakarta Number 21/G/2020/PTUN-JKT*. Supreme Court of the Republic of Indonesia.

Ramdan, A. (2014). Legal Aid as a State Obligation to Fulfill the Constitutional Rights of the Poor. *Constitutional Journal* , 11 (2), 233–255.

Rokhim, A. (2013). Government Authority in the Context of the Welfare State. *Journal of Legal Dynamics* , 19 (36), 136.

Roth, B. (2023). The welfare state between juridification and commodification: how the Frankfurt School gave up on economic democracy. *European Law Open* , 2 (2), 386–404.

Sigalingging, B. (2021). Mutual Legal Assistance in the Confiscation of Corrupt Assets Across National Borders. *Iuris Studia: Journal of Legal Studies* , 2 (3), 387–398.

Siradj, M., & others. (nd). *The Role of Legal Aid Posts and Legal Aid Organizations for the Poor in Fulfilling the Rights of Children and Ex-Wives Comparative Study of the South Jakarta Religious Court and the Bogor City Religious Court* . Faculty of Sharia and Law UIN Jakarta.

Soekanto, S. and SM (2003). *Normative Legal Research, A Brief Objective* . Raja Grafindo Persada.

Yanto, O., Susanto, S., Darusman, YM, Wiyono, B., & Gueci, RS (2020). Socialization and E-Litigation Training at the South Tangerang Superior Legal Aid Institute to Improve Professionalism in the Framework of Assisting Justice Seekers Through Computer Applications. *Journal of Abdimas Tri Dharma Management* , 1 (2), 1–9.

The 1945 Constitution of the Republic of Indonesia

Law Number 5 of 1986

Regulation Number 1 of 2014