

REGULATION OF THE MUNICIPALITY OF TANGERANG
NUMBER 4 OF 2022
ON
AMENDMENT TO REGIONAL REGULATION NUMBER 3 OF 2015 ON LEGAL
AIDS FOR THE POOR

BY THE BLESSINGS OF ALMIGHTY GOD

MAYOR OF TANGERANG,

- Considering :
- a. that Legal Aids for the poor people is a form of manifestation of the fulfillment of human rights in the form of justice and equality before the law;
 - b. that the implementation of legal aid to the poor in the regions is still not optimal, because there are still many poor people who have not been able to feel the benefits of legal aid;
 - c. that as an effort to improve the quality of Legal Aid services for the poor, Regulation of the Municipality of Tangerang Number 3 of 2015 on Legal Aids for the Poor needs to be amended;
 - d. that based on the considerations as referred to in point a, point b and point c, it is necessary to issue a Regulation of the Municipality of Tangerang on Amendment to Regional Regulation Number 3 of 2015 on Legal Aids for the Poor;
- Observing :
1. Article 18 section (6) of the 1945 Constitution of the Republic of Indonesia;
 2. Law Number 2 of 1993 on Establishment of the Level II Region Municipality of Tangerang (State Gazette of the Republic of Indonesia of 1993 Number 18, Supplement to the State Gazette of the Republic of Indonesia Number 3518)
 3. Law Number 16 of 2011 on Legal Aids (State Gazette of the Republic of Indonesia of 2011 Number 104, Supplement to the State Gazette of the Republic of Indonesia Number 5248);
 4. Law Number 23 of 2014 on Local 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 9 of 2015 on Second Amendment to Law Number 23 of 2014 on Local Governments (State Gazette of the Republic of Indonesia of 2015 Number 58, Supplement

to the State Gazette of the Republic of Indonesia Number 5679);

5. Government Regulation Number 42 of 2013 on Terms and Procedures for Providing Legal Aids and Distributing Legal Aid Funds (State Gazette of the Republic of Indonesia of 2013 Number 98, Supplement to the State Gazette of the Republic of Indonesia Number 5421);
6. Regulation of the Minister of Law and Human Rights Number 10 of 2015 on Implementing Regulation of Government Regulation Number 42 of 2013 on Terms and Procedures for Providing Legal Aids and Distributing Legal Aid funds as amended by Regulation of the Minister of Law and Human Rights Number 63 of 2016 on Amendment to the Regulation of the Minister of Law and Human Rights Number 10 of 2015 on Implementing Regulation of Government Regulation Number 42 of 2013 on Terms and Procedures for Providing Legal Aids and Distributing Legal Aid funds;
7. Regional Regulation Number 3 of 2015 on Legal Aids for the Poor (Regional Gazette of the Municipality of Tangerang of 2015 Number 3, Supplement to the Regional Gazette of the Municipality of Tangerang Number 3);

With the Joint Approval
REGIONAL HOUSE OF REPRESENTATIVES
OF THE MUNICIPALITY OF TANGERANG
and
MAYOR OF TANGERANG

HAS DECIDED:

To issue: REGIONAL REGULATION ON AMENDMENT TO REGIONAL REGULATION NUMBER 3 OF 2015 ON LEGAL AID FOR THE POOR.

Article I

Some provisions in Regional Regulation Number 3 of 2015 on Legal Aid for the Poor (Regional Gazette of the Municipality of Tangerang of 2015 Number 3, Supplement to the Regional Gazette of the Municipality of Tangerang Number 3) are amended as follows:

1. The provisions of Article 1 point 2 and point 6 are amended to read as follows:
 1. Region means the Municipality of Tangerang.
 2. Local Government means the Mayor as the administering element of the Local Government who leads the implementation of government affairs which are the authority of the autonomous region.
 3. Mayor means the Mayor of Tangerang.
 4. Regional House of Representatives, hereinafter abbreviated as DPRD, means a regional people's representative institution that is hierarchical as an

element of Local Government administration.

5. Community means an individual or group of people whose socioeconomic conditions are poor categorization as evidenced by one of the following documents: Community Health Insurance Card, Direct Cash Assistance Card, Subsidized Rice Card, Prosperous Family Card, Smart Indonesia Card, Healthy Indonesia Card, Social Protection Card, or Certificate of Incapacity from a Head of Urban Village (Lurah).
 6. The Poor mean any individual or group of persons whose socioeconomic conditions are poor categorization evidenced by one of the following documents: Public Health Insurance Card, Cash Direct Transfer Card, Subsidized Rice Card, Welfare Family Card, Smart Indonesia Card, Healthy Indonesia Card, Social Protection Card, or Certificate of Indigence from the Urban Village Head.
 7. Beneficiary of legal aids means an individual or group of people who are facing legal problems and socioeconomically unable to bear the operational costs of litigation and non-litigation legal assistance.
 8. Legal aid provider means a legal aid organization that provides legal aid services and has been accredited by the Ministry of Law and Human Rights.
 9. Legal Aid means a legal service provided by Legal Aid Provider free of charge to a Legal Aid Recipient.
 10. Litigation means an attempt to resolve legal problems through the judicial process.
 11. Non-litigation means a way of resolving legal issues outside the judicial process.
 12. Accreditation means the recognition of legal aid provider granted by the Ministry in charge of legal affairs and human rights after it is judged that the legal aid provider is fit to provide legal assistance.
 13. Legal aid fund means a fee provided annually by local governments in the Local Budget, hereinafter abbreviated as APBD, to finance the implementation of legal aids to the poor.
2. The provisions of Article 7 are amended, so as to read as follows:

Article 7

- (1) Every poor person with the identity of a resident of the region is entitled to receive Legal Aid.
- (2) The identity of the residents of the Region as referred to in section (1), is evidenced by:
 - a. Resident Identity Card; or
 - b. Family Card.
- (3) The recipient of Legal Aid as referred to in section (1) is obligated be proven by one of the following documents:

- a. Community Health Insurance Card,
 - b. Direct Cash Assistance Card,
 - c. Subsidized Rice Card,
 - d. Welfare Family Card,
 - e. Smart Indonesia Card,
 - f. Healthy Indonesia Card,
 - g. Social Protection Card, or
 - h. Certificate of Indigence from the urban village head.
- (4) Certificate of Indigence as referred to in section (3) point h is issued specifically for applications for legal assistance for the poor.
3. The provisions of Article 8 point c are amended to read as follows:

Article 8

The implementation of Legal Aid as referred to in Article 6 is carried out by the Legal Aid Provider who has met the following requirements:

- a. Incorporated;
 - b. accredited by the Ministry of Law and Human Rights;
 - c. having a permanent office or secretariat;
 - d. having a management; and
 - e. having a Legal Aid program.
4. The provisions of Article 18 section (1) point d are amended and 1 (one) section is inserted between section (3) and section (4) namely section (3a), so that it reads as follows:

Article 18

- (1) The Legal Aid Applicant submits a written request for Legal Aid to the Legal Aid Provider with the following conditions:
- a. Identity of Legal Aid Applicant;
 - b. Brief description of the subject matter requested for Legal Aid;
 - c. submitting copies or copies of documents relating to the case; and
 - d. attaching one of the following documents:
 - 1. Community Health Insurance Card,
 - 2. Direct Cash Assistance Card,
 - 3. Subsidized Rice Card,
 - 4. Welfare Family Card,
 - 5. Smart Indonesia Card,
 - 6. Healthy Indonesia Card,
 - 7. Social Protection Card, or
 - 8. Certificate of Indigence from the urban village head.
- (2) In the event that a Legal Aid Applicant is unable to draft an application in writing as referred to in section (1), the applicant may submit an oral application.
- (3) The oral application as referred to in section (2) must be made in writing by the Legal Aid Provider.

- (3a) The Legal Aid Application Letter as referred to in section (1) is signed or affixed with the applicant's thumbprint.
- (4) The identity of the Applicant as referred to in section (1) point a is proven by an identity card and/or other documents issued by the competent authority.
- 5. The provisions of section (2) and section (3) of Article 21 are amended to read as follows:

Article 21

- (1) The legal aid provider applies for a legal aid fund to the Mayor through the Regional Secretary.
- (2) Application as referred to in section (1) attaches:
 - a. Letter of application for legal aid funds signed by the head of the Legal Aid Institute;
 - b. a copy of the Decision of the Minister of Law and Human Rights as an accredited Legal Aid institute;
 - c. management of the Legal Aid Institute;
 - d. Annual Legal Aid program;
 - e. a letter requesting legal assistance from the recipient of legal aid;
 - f. a copy of the identity of the Legal Aid Beneficiary;
 - g. attach one of the following documents:
 - 1. Community Health Insurance Card,
 - 2. Direct Cash Assistance Card,
 - 3. Rice for the Poor Card,
 - 4. Welfare Family Card,
 - 5. Smart Indonesia Card,
 - 6. Healthy Indonesia Card,
 - 7. Social Protection Card or
 - 8. Certificate of Indigence from the urban village head.
 - h. Brief description of the subject matter requested by the Legal Aid Beneficiary;
 - i. Progress in case handling; and
 - j. The statement letter does not receive Legal Aid funds originating from the State Budget and the Local Budget of the Province of Banten and the Local Budget of other Regency/Municipal Governments.
- (3) Further provisions regarding the procedure for applying for legal aid funds as referred to in section (1) are further regulated by a Mayor Regulation.

Article II

This Regional Regulation comes into force on the date of its promulgation.

In order that every person may know hereof, it is ordered to promulgate this Regional Regulation by its placement in the Regional Gazette of the Municipality of Tangerang.

Issued in Tangerang
on 21 January 2022

MAYOR OF TANGERANG,

signed

ARIEF R. WISMANSYAH

Promulgated in Tangerang
on 21 January 2022

REGIONAL SECRETARY
OF THE MUNICIPALITY OF TANGERANG,

signed

HERMAN SUWARMAN

REGIONAL GAZETTE OF THE MUNICIPALITY OF TANGERANG OF 2022
NUMBER 4

Jakarta, 17 March 2025
Has been translated as an Official Translation
on behalf of Minister of Law
of the Republic of Indonesia
DIRECTOR GENERAL OF LEGISLATION,



DHAHANA PUTRA

ELUCIDATION
OF
REGULATION OF THE MUNICIPALITY OF TANGERANG
NUMBER 4 OF 2022
ON
AMENDMENT TO REGIONAL REGULATION NUMBER 3 OF 2015 ON LEGAL
AID FOR THE POOR

I. GENERAL

The preamble to the 1945 Constitution of the Republic of Indonesia mandates that the national goal is to protect the entire nation and all Indonesian bloodshed, promote general welfare, educate the nation's life, and participate in implementing world order based on independence, lasting peace, and social justice. To achieve the mandate of the 1945 Constitution of the Republic of Indonesia requires joint efforts of the entire Indonesian nation. The joint effort is manifested in the roles, functions, and duties of each component of the nation and is carried out seriously. Legal Aid is one form of effort to eliminate or at least reduce obstacles in achieving national goals. Legal Aid is one form of protection and responsibility of the State in fulfilling the right to Legal Aid.

Those in need are those who cannot fulfill basic rights properly and independently. Article 5 section (2) of Law No. 16 of 2011 states that basic rights consist of the right to clothing, food, health services, education services, work and business, and/or housing. Legal Aid arrangements for the poor in the Regions have previously been regulated through Regional Regulation Number 3 of 2015 on Legal Aid for the Poor which is formed on the basis of delegation or orders of higher laws and regulations, in this case the provisions of Article 19 Section (2) of Law Number 16 of 2011 on Legal Aid. Regional Regulation on Amendment to Regional Regulation Number 3 of 2015 on Legal Aid for the Poor In more depth and look at local conditions that occur in the Regions.

This Regional Regulation tries to describe the needs of the community based on the fulfillment of these basic rights. This Regional Regulation also outlines broader administrative requirements as stipulated in the Regulation of the Minister of Law and Human Rights Number 43 of 2016. Therefore, the administrative requirements are not as strict as they have been carried out so far. Thus, it is hoped that this Regional Regulation will provide more convenience and benefit for people in underprivileged areas who need this Legal Aid Arrangement based on the principle of justice, the principle of equality before the law, the principle of openness, the principle of efficiency, the principle of effectiveness and the principle of accountability. Some of the subject matter of changes regulated in the Regional Regulation regarding this change include in

the event that there is no certificate of indigence, the community can use the community health insurance card, direct cash assistance card, welfare family card, Subsidized Rice Card, smart Indonesia card, healthy Indonesia card, social protection card, other government welfare program membership documents; or other documents in change of certificate of indigence. In addition, this Regional Regulation stipulates that in the event that the Legal Aid Provider handles litigation legal assistance to obtain a Court Stipulation in the form of the Appointment of a Judge to accompany the Legal Aid Recipient, the Legal Aid Recipient does not need to make a request for Legal Aid and a Certificate of Indigence.

II. ARTICLE BY ARTICLE

Article I

Point 1

Article 1

Sufficiently clear.

Point 2

Article 7

Sufficiently clear.

Point 3

Article 8

Sufficiently clear.

Point 4

Article 18

Sufficiently clear.

Point 5

Article 21

Sufficiently clear.

Article II

Sufficiently clear.

SUPPLEMENT TO THE REGIONAL GAZETTE OF THE MUNICIPALITY OF
TANGERANG NUMBER 4