

REGULATION OF THE PROVINCE OF NORTH SUMATRA
NUMBER 1 OF 2022
ON
PROVISION OF LEGAL AID FOR THE POOR

BY THE BLESSINGS OF ALMIGHTY GOD

GOVERNOR OF NORTH SUMATRA,

Considering : that in order to implement the provisions of Article 19 section (2) of Law Number 16 of 2011 on Procedures for Legal Aid and Distribution of Legal Aid Funds, it is necessary to issue a Regulation of the Province of North Sumatra on Implementation of Legal Aid for the Poor;

Observing : 1. Article 18 section (6) of the 1945 Constitution of the Republic of Indonesia;

2. Law Number 24 of 1956 on Establishment of Autonomous Region of Province of Aceh and Amendment to Regulation of Establishment of Province of North Sumatra (State Gazette of 1956 Number 64, Supplement to the State Gazette Number 1103);

3. Law Number 18 of 2003 on Advocates (State Gazette of the Republic of Indonesia of 2003 Number 49, Supplement to the State Gazette of the Republic of Indonesia Number 4288);

4. Law Number 48 of 2009 on Judicial Power (State Gazette of the Republic of Indonesia of 2009 Number 157, Supplement to the State Gazette of the Republic of Indonesia Number 4844);

5. Law Number 12 of 2011 on Legislation Making (State Gazette of the Republic of Indonesia of 2011 Number 82, Supplement to the State Gazette of the Republic of Indonesia Number 5234);

6. Law Number 16 of 2011 on Legal Aid (State Gazette of the Republic of Indonesia of 2011 Number 104, Supplement to the State Gazette of the Republic of Indonesia Number 5248);

7. Law Number 23 of 2014 on Local Governments (State Gazette of the Republic of Indonesia of 2014 Number 244, Supplement to the State Gazette of the Republic of Indonesia Number 5587) as last amended by Law Number 11 of 2020 on Job Creation (State Gazette of the Republic of Indonesia of 2020 Number 245,

- Supplement to the State Gazette of the Republic of Indonesia Number 6573);
8. Government Regulation Number 42 of 2013 on Conditions and Procedures for Providing Legal Aid 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);
 9. Regulation of the Minister of Law and Human Rights of the Republic of Indonesia Number 10 of 2015 on Implementing Regulation of Government Regulation Number 42 of 2013 on Conditions and Procedures for Providing Legal Aid and Distributing Legal Aid Funds, as amended by Regulation of the Minister of Law and Human Rights Number 10 of 2013 on Implementing Regulation of Government Number 42 of 2013 on Procedures for Providing Legal Aid and Distributing Legal Aid Funds.
 10. Regulation of the Minister of Law and Human Rights of the Republic of Indonesia Number 4 of 2021 on Legal Aid Service Standards (State Gazette of the Republic of Indonesia of 2021 Number 97).

With the Joint Approval of
THE REGIONAL HOUSE OF REPRESENTATIVES
OF THE PROVINCE OF NORTH SUMATRA

and

THE GOVERNOR OF NORTH SUMATRA

HAS DECIDED:

To issue : REGIONAL REGULATION ON PROVISION OF LEGAL AID FOR
THE POOR.

CHAPTER I GENERAL PROVISIONS

Article 1

In this Regional Regulation:

1. Region means the Province of North Sumatra.
2. Local Governments means the administration of government affairs by the local government and regional house of representatives according to the principle of autonomy and assistance duties with the principle of the widest possible autonomy within the system and principles of the Unitary State of the Republic of Indonesia as referred to in the 1945 Constitution of the Republic of Indonesia.
3. Local Government means the Governor as the administering element of Local Governments who leads the implementation of Local Government affairs which fall under the authority of the autonomous region.
4. Regional Head means the Governor of North Sumatra.

5. Local Budget means the Local Budget of the Province of North Sumatra.
6. Legal Aid Facilitation means a service in the field of Legal Aid provided by the Local Government.
7. Legal Aid means the legal Services provided for free by Legal Aid Providers to Legal Aid Recipients.
8. Legal services mean services provided by Legal Aid Providers in the form of providing legal consultations, receiving and exercising power of attorney, representing, assisting, defending and carrying out other legal actions for the client's legal interests.
9. Legal Aid Providers mean Legal Aid institutions or community organizations that provide Legal Aid services.
10. Legal Aid Recipients mean the poor residents in the Province of North Sumatra, both individually and in groups.
11. Advocate Code of Ethics means a code of ethics established by the advocate professional organization that applies to all advocates.
12. Litigation means the process of handling legal Cases that are carried out through the courts to resolve them.
13. Non-Litigation means the process of handling legal Cases outside of court to resolve them.
14. The Poor means individuals or groups of people whose socio-economic conditions are categorized as poor as proven by a Poor Family Card or a Certificate of Poverty from the Village Head.
15. Regional Supervisory Committee means a committee that carries out supervision over the provision of Legal Aid in accordance with the provisions of legislation.
16. Legal Aid Service Standards (*Standar Layanan Bantuan Hukum*), hereinafter referred to as *Starla Bankum* means benchmarks used as guidelines in providing Legal Aid services.

Article 2

Legal Aid is organized based on the principles of:

- a. justice;
- b. equality in law;
- c. protection of human rights;
- d. transparency;
- e. efficiency;
- f. effectiveness; and
- g. accountability.

Article 3

The provision of Legal Aid aims at:

- a. easing the burden of costs that must be borne by the poor in court;
- b. providing equal opportunities for the poor to obtain legal defence and protection when facing legal processes in court;
- c. realizing the constitutional rights of all citizens in accordance with the principle of equality under the law;

- d. ensuring the certainty that the provision of legal aid is carried out evenly throughout the Province of North Sumatra; and
- e. realizing an effective, efficient and accountable Judiciary.

Scope

Article 4

The scope of this Regional Regulation regulates:

- a. provision of legal aid;
- b. conditions, procedures for providing legal aid;
- c. rights and obligations;
- d. funding;
- e. budget use reporting;
- f. prohibition; and
- g. criminal provisions.

CHAPTER II

PROVISION OF LEGAL AID

Article 5

- (1) Legal Aid is organized to help resolve legal problems faced by Legal Aid Recipients.
- (2) Provision of Legal Aid for Legal Aid Recipients is organized by the Governor and carried out by Legal Aid Providers who comply with the provisions of legislation.

Article 6

- (1) In providing Legal Aid, the Governor cooperates with Legal Aid Institutions and Community Organizations that comply with the provisions of legislation.
- (2) The cooperation as referred to in section (1) is valid for a maximum of 1 (one) year.
- (3) If the case is not completed within the one-year period as referred to in section (2), the provision and budgeting of legal aid can be carried out in the following fiscal year, based on real needs in accordance with the provisions regulated in this regional regulation.
- (4) The procedures and technical conditions for cooperation as referred to in section (1) are further regulated in a Governor Regulation.

Article 7

- (1) The Governor provides Legal Aid for the poor in the form of facilitating the Legal Aid budget for Legal Aid Providers.
- (2) Legal Aid budget facilitation is allocated in the Provincial Budget in accordance with the provisions of legislation.
- (3) The facilitation as referred to in section (2) is carried out by Regional Apparatus in charge of law and Human Rights.

Article 8

The guidelines and procedures for providing Legal Aid are further regulated in a Governor Regulation.

CHAPTER III CONDITIONS, PROCEDURES FOR PROVIDING LEGAL AID

Article 9

To obtain Legal Aid, Legal Aid Applicants must meet the following requirements:

- a. submitting a written application containing at least the identity of the Legal Aid Applicant and a brief description of the main issue for which Legal Aid is requested;
- b. submitting the documents relating to the Case;
- c. attaching a certificate of poverty from the Village Head or official at the same level where the Legal Aid Applicant lives;
- d. in the event that the Legal Aid Applicant is unable to prepare a written application, the application can be submitted verbally and the Legal Aid Provider puts it in a written form; and
- e. the application as referred to in point (d) is signed or thumb printed by the Legal Aid Applicant.

Article 10

- (1) Legal Aid Applicant submits a request for Legal Aid to a Legal Aid Provider.
- (2) The Legal Aid Provider, within a maximum period of 3 (three) work days after the Legal Aid application is declared complete, must provide an answer on accepting or rejecting the request for Legal Aid.
- (3) In the event that the request for Legal Aid is accepted, the Legal Aid Provider provides Legal Aid based on a special power of attorney from the Legal Aid Recipient.
- (4) In the event that the application for Legal Aid is rejected, the Legal Aid provider states the reasons for rejection.

Article 11

The Legal Aid is provided by the Legal Aid Provider to the Legal Aid Recipient until the legal problem is resolved and/or the case has permanent legal force, as long as the Legal Aid Recipient does not revoke the special power of attorney.

Article 12

- (1) The provision of Legal Aid by Legal Aid Providers who have met the requirements include:
 - a. is incorporated;
 - b. is accredited;
 - c. has a permanent office or secretariat;
 - d. has administrators; and
 - e. has a Legal Aid program.
- (2) Verification and accreditation as referred to in section (1) are in accordance with the provisions of legislation.
- (3) Further provisions regarding procedures of verification and accreditation as referred to in section (1) are regulated in a Governor Regulation.

Article 13

- (1) Provision of Legal Aid in 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) In the event that the number of advocates in the Legal Aid Provider forum is not sufficient for the large number of Legal Aid Recipients, the Legal Aid Provider can recruit paralegals, lecturers and law faculty students.
- (3) Provision of Legal Aid by an Advocate as referred to in section (1) does not eliminate the Advocate's obligations to provide free Legal Aid in accordance with the provisions of legislation.
- (4) Provision of Legal Aid in Litigation as referred to in section (1) is carried out by:
 - a. assistance and/or exercising power starting from the investigation and prosecution level; and
 - b. assistance and/or exercising power in examination process in court or assistance and/or exercising power over Legal Aid Recipients at the State Administrative Court.

Article 14

- (1) Legal Aid in non-litigation is provided in the form of:
 - a. mediation;
 - b. negotiations; and
 - c. legal consultation.
- (2) Procedures for providing Legal Aid in litigation and non-litigation are guided by Starla Legal Aid which is further regulated in a Governor Regulation.

Article 15

- (1) To obtain Legal Aid from the Local Government, the Legal Aid Provider submits a written request for Legal Aid facilitation to the Governor to be submitted to the Vertical institution in charge of Law and Human Rights.
- (2) The application as referred to in section (1) is stated in the form of a proposal accompanied by a request from the Legal Aid Recipient.

CHAPTER IV RIGHTS AND OBLIGATIONS

Article 16

Legal Aid Recipients and Legal Aid Providers have rights and obligations in provision of Legal Aid.

Article 17

Legal Aid Recipients are entitled to:

- a. obtain Legal Aid until the legal problem is resolved and/or the case has permanent legal force, as long as the concerned Legal Aid Recipient does not revoke the power of attorney;
- b. obtain free Legal Aid;
- c. obtain Legal Aid in accordance with Legal Aid standards and/or the Advocate Code of Ethics; and
- d. obtain information and documents related to the provision of Legal Aid; and

- e. obtain services in accordance with the principles of public service.

Article 18

Legal Aid Recipients are obligated to:

- a. convey correct information and valid evidence about the legal problems they are facing; and
- b. assist in the smooth provision of Legal Aid.

Article 19

Legal Aid Providers are entitled to:

- a. obtain financial assistance in carrying out their duties in accordance with this Regional Regulation;
- b. be free to issue statements and/or express opinions in the implementation of their duties while remaining guided by the code of ethics and legislation; and
- c. search for and obtain information, data and other documents from both government institutions and other parties related to their duties.

Article 20

- (1) Legal Aid Providers are obligated to:
 - a. keep all information, explanation and data obtained from Legal Aid Recipients confidential, unless determined otherwise by the provisions of legislation;
 - b. serve the Legal Aid Recipients in accordance with the principles of public service; and
 - c. report the implementation of their duties to the Governor.
- (2) Provision of Legal Aid is required to provide Legal Aid to Legal Aid Recipients until the problem is resolved or there is a decision with permanent legal force regarding the case.

Article 21

- (1) Violations against the provision as referred to in Article 20 section (1) and section (2) will be subject to sanctions that refer to the provisions of legislation and the Legal Aid Provider must return all financial assistance that has been received.
- (2) Procedures for imposing administrative sanctions as referred to in section (1) are further regulated in a Governor Regulation.

CHAPTER V FUNDING

Article 22

- (1) The Local Government allocates a budget for providing Legal Aid in the Local Budget according to regional financial capabilities.
- (2) In addition to the funding as referred to in section (1), Legal Aid funding sources may derive from:
 - a. grants or donations; and/or

- b. other sources of funding that are legal and non-binding.
- (3) Funding for the provision of Legal Aid as referred to in section (1) is allocated to the budget of the Ministry administering government affairs in the field of law and human rights.
- (4) The Local Government may allocate budget for the provision of Legal Aid in the Local Budget.
- (5) Further provisions regarding budget allocation for the provision of legal aid as referred to in section (4) are in a Governor Regulation.

CHAPTER VI BUDGET USE REPORTING

Article 23

- (1) The Legal Aid Provider submits a report on the use of the Legal Aid program budget to the Governor through the regional apparatus in charge of Law and Human Rights.
- (2) The report on the use of the Legal Aid budget as referred to in section (1) is a form of financial and performance accountability for budget management in the provision of Legal Aid.
- (3) Reports on the use of the Legal Aid budget as referred to in section (2) are further regulated in a Governor Regulation.

Article 24

The Governor reports the provision of Legal Aid to the Minister administering government affairs in the field of law and human rights and the Minister of Home Affairs.

CHAPTER VII PROHIBITION

Article 25

- (1) Legal Aid Providers are prohibited from accepting and/or requesting payments from Legal Aid Recipients and/or other parties related to the case being handled.
- (2) Legal Aid Providers are prohibited from receiving Legal Aid funds from the Local Budget regulated by this Regional Regulation because they have been financed by the State Budget or the previous Regency/Municipal Budget.

CHAPTER VIII CRIMINAL PROVISION

Article 26

Legal Aid Providers who are proven to have received or requested payment from Legal Aid Recipients and/or other parties related to the case being handled as referred to in article 25 are subject to imprisonment for a maximum of 6 (six) months or a fine of a maximum of Rp50,000,000.000 (fifty million rupiah).

CHAPTER IX
MISCELLANEOUS PROVISION

Article 27

The provision of Legal Aid which is currently being processed and has not been completed in the current fiscal year will continue to be provided until the following fiscal year.

CHAPTER X
CLOSING PROVISIONS

Article 28

The instructions for implementing this Regional Regulation are issued for a maximum of 6 (six) months from the promulgation of this Regional Regulation.

Article 29

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 Province of North Sumatra.

Issued in Medan
on 4 April 2022

GOVERNOR OF NORTH SUMATRA,

signed

EDDY RAHMAYADI

Promulgated in Medan
on 19 April 2022

Acting REGIONAL SECRETARY
OF THE PROVINCE OF NORTH SUMATRA,

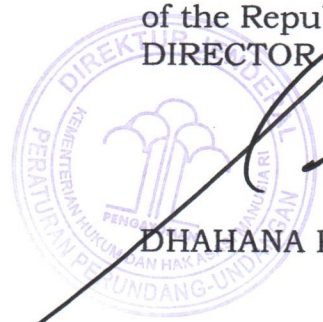
signed

AFIFI LUBIS

REGIONAL GAZETTE OF THE PROVINCE OF NORTH SUMATRA OF 2022
NUMBER 1

Jakarta, 24 December 2024
Has been translated as an Official Translation
on behalf of the Minister of Law
of the Republic of Indonesia
DIRECTOR GENERAL OF LEGISLATION,

DHAHANA PUTRA



ELUCIDATION OF
REGULATION OF THE PROVINCE OF NORTH SUMATRA
NUMBER 1 OF 2022
ON
PROVISION OF LEGAL AID FOR THE POOR

I. GENERAL

The phrase "The State of Indonesia is a state of law" contained in Article 1 section (3) of the 1945 Constitution of the Republic of Indonesia, contains the consequence that the state recognizes and protects the human rights of every individual, including the right to Legal Aid. Organizing the provision of Legal Aid to citizens, especially the poor, is one of the efforts to fulfill and implement the rule of law and guarantee the human rights of citizens regarding the need for access to justice and equality before the law.

The Province of North Sumatra, in accordance with its authority, will provide the Legal Aid to the people of North Sumatra who need it and specifically guarantee the implementation of the constitutional rights of citizens, so that the establishment of a regional regulation on Legal Aid for the poor will become the basis for the local government to help realize the constitutional rights of citizens in the field of Legal Aid, especially for a poor people or groups of poor people.

So far, the provision of Legal Aid has not reached many poor people or groups, so they have difficulty in accessing justice because they are hampered by their social and financial inability to realize these constitutional rights. The regulations regarding the provision of Legal Aid for the poor in this regional regulation are a guarantee of the constitutional rights of poor people or groups of poor people in the Province of North Sumatra.

The main material regulated in this regional regulation is basically more focused on creating a legal protection for the Local Government to allocate the Local Budget to support efforts to fulfill constitutional matters for the poor, especially in the Province of North Sumatra. The formation of this Regional Regulation is also in order to fulfill the hope of jointly and severally financing the state's obligations towards poor groups as mandated in Article 19 of Law Number 16 of 2011 on Legal Aid.

II. ARTICLE BY ARTICLE

Article 1

Sufficiently clear.

Article 2

Point a

The term "principle of justice" means placing the rights and obligations of every person in a proportional, appropriate, right, good and orderly manner.

Point b

The term "principle of equality in law" means that every person has the same rights and treatment before the law and the obligation to uphold the law.

Point c

The term "principle of protection of human rights" means that every person is recognized as an individual human being who has the right to receive equal and impartial assistance and protection in accordance with his or her human dignity before the law.

Point d

The term "principle of transparency" means providing access to the public to obtain the complete, correct, honest and impartial information in order to obtain guarantees of justice on the basis of constitutional rights.

Point e

The term "principle of efficiency" means maximizing the provision of Legal Aid through the use of existing budget resources.

Point f

The term "principle of effectiveness" means determining the appropriate achievement of the objectives of providing Legal Aid.

Point g

The term "principle of accountability" means that every activity and final result of the activity of providing Legal Aid must be accountable to the community.

Article 3

Sufficiently clear.

Article 4

Sufficiently clear.

Article 5

Sufficiently clear.

Article 6

Section (1)

Sufficiently clear.

Section (2)

The period of 1 (one) year is used to evaluate the possibility of extending the collaboration. Renewals can be unlimited but are done annually.

Section (1)

Sufficiently clear.

Article 7

Sufficiently clear.

Article 8
Sufficiently clear

Article 9
Sufficiently clear

Article 10
Sufficiently clear

Article 11
Sufficiently clear

Article 12
Sufficiently clear

Article 13
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Article 14
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Article 15
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Article 26
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Article 27
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Article 28
Sufficiently clear

Article 29
Sufficiently clear

Article 30
Sufficiently clear

SUPPLEMENT TO THE REGIONAL GAZETTE OF THE PROVINCE OF NORTH
SUMATRA NUMBER 58