

LAW OF THE REPUBLIC OF INDONESIA
NUMBER 16 OF 2011
ON
LEGAL AID

BY THE BLESSINGS OF ALMIGHTY GOD

PRESIDENT OF THE REPUBLIC OF INDONESIA,

- Considering : a. that the state guarantees the constitutional right of every person to obtain recognition, guarantees, protection, and certainty of fair law and equal treatment before the law as a means of protecting human rights;
- b. that the state is responsible for legal aid provision to the poor as a manifestation of access to justice;
- c. that regulations concerning legal aid administered by the state must be oriented towards the realization of equitable social change;
- d. that based on the considerations as referred to in point a, point b, and point c, it is necessary to establish a Law on Legal Aid;
- Considering : Article 20, Article 21, Article 27 section (1), Article 28D section (1), Article 28H section (2), Article 28I section (4) and section (5), and Article 34 section (2) and section (4) of the 1945 Constitution of the Republic of Indonesia;

With the Joint Approval of
THE HOUSE OF REPRESENTATIVES
and
THE PRESIDENT OF THE REPUBLIC OF INDONESIA

HAS DECIDED:
To enact : LAW ON LEGAL AID.

CHAPTER I
GENERAL PROVISIONS

Article 1

In this Law:

1. Legal Aid means legal services provided free of charge by Legal Aid Providers to Legal Aid Recipients.

2. Legal Aid Recipient means any individual or group of individuals who are poor.
3. Legal Aid Providers means legal aid institutions or community organizations that provide Legal Aid services based on this Law.
4. Minister means the minister administering government affairs in the field of law and human rights.
5. Legal Aid Standard means a guideline for Legal Aid provision established by the Minister.
6. Code of Ethics for Advocates means a code of ethics established by the professional organization of advocates that applies to Advocates.

Article 2

Legal Aid is implemented based on the principles of:

- a. justice;
- b. equality before the law;
- c. transparency;
- d. efficiency;
- e. effectiveness; and
- f. accountability.

Article 3

The Legal Aid administration aims to:

- a. guarantee and fulfill the rights of Legal Aid Recipients to obtain access to justice;
- b. realize the constitutional rights of all citizens in accordance with the principle of equality before the law;
- c. guarantee the certainty that Legal Aid administration is implemented evenly throughout the territory of the Republic of Indonesia; and
- d. realize effective, efficient, and accountable justice.

CHAPTER II SCOPE

Article 4

- (1) Legal Aid is provided to Legal Aid Recipients who are facing legal issues.
- (2) The Legal Aid as referred to in section (1) covers civil, criminal, and administrative law issues, both litigation and non-litigation.
- (3) The Legal Aid as referred to in section (1) includes exercising power of attorney, accompanying, representing, defending, and/or performing other legal actions for the legal interests of Legal Aid Recipients.

Article 5

- (1) The Legal Aid Recipients as referred to in Article 4 section (1) includes any individual or group of individuals who are poor who are unable to fulfill their basic rights in a proper and independent manner.
- (2) The basic rights as referred to in section (1) include the right to food, clothing, health services, education services, employment and business, and/or housing.

CHAPTER III LEGAL AID ADMINISTRATION

Article 6

- (1) Legal Aid is administered to assist in resolving legal issues faced by Legal Aid Recipients.
- (2) The Legal Aid provision to Legal Aid Recipients is administered by the Minister and implemented by Legal Aid Providers under this Law.
- (3) The Minister as referred to in section (2) has duties of:
 - a. formulating and establishing the policy for the Legal Aid administration;
 - b. formulating and establishing Legal Aid Standards based on the principles of Legal Aid provision;
 - c. preparing a Legal Aid budget plan;
 - d. managing the Legal Aid budget effectively, efficiently, transparently, and accountably; and
 - e. formulating and submitting a report on the Legal Aid administration to the House of Representatives at the end of each budget year.

Article 7

- (1) To carry out the duties as referred to in Article 6 section (3), the Minister has the authority to:
 - a. supervise and ensure that the Legal Aid administration and Legal Aid provision are carried out in accordance with the principles and objectives set forth in this Law; and
 - b. verify and accredit legal aid institutions or community organizations to meet the eligibility requirements as Legal Aid Providers under this Law.
- (2) To carry out the verification and accreditation as referred to in section (1) point b, the Minister forms a committee consisting of:
 - a. the ministry administering government affairs in the field of law and human rights;
 - b. academics;
 - c. community leaders; and
 - d. institutions or organizations that provide Legal Aid services.
- (3) The verification and accreditation as referred to in section (1) point b are carried out every 3 (three) years.
- (4) Further provisions regarding the procedures for verification and accreditation as referred to in section (1) point b are regulated by a Ministerial Regulation.

CHAPTER IV LEGAL AID PROVIDERS

Article 8

- (1) Legal Aid is provided by Legal Aid Providers who meet the requirements under this Law.
- (2) The requirements for Legal Aid Providers as referred to in section (1) include:
 - a. being a legal entity;
 - b. accredited under this Law;

- c. having a permanent office or secretariat;
- d. has administrators; and
- e. has a Legal Aid program.

Article 9

Legal Aid Providers have the right to:

- a. conduct recruitment of advocates, paralegals, lecturers, and law faculty students;
- b. provide Legal Aid services;
- c. organize legal counseling, public legal education, and other programs related to the Legal Aid administration;
- d. receive state funding to implement Legal under this Law;
- e. issue opinions or statements in defending cases under their responsibility in court proceedings in accordance with applicable legislation;
- f. obtain information and other data from the government or other agencies for the purpose of defending cases; and
- g. obtain guarantees of legal protection, security, and safety while providing Legal Aid.

Article 10

Legal Aid Providers are obligated to:

- a. report to the Minister on the Legal Aid program;
- b. report any use of state funds used for the Legal Aid provision under this Law;
- c. conducting Legal Aid education and training for advocates, paralegals, lecturers, and law faculty students recruited as referred to in Article 9 point a;
- d. maintaining the confidentiality of data, information, and/or statements obtained from Legal Aid Recipients in relation to cases being handled, unless otherwise specified by law; and
- e. providing Legal Aid to Legal Aid Recipients based on the terms and procedures specified in this Law until the case is completed, unless there are legally valid reasons.

Article 11

Legal Aid Providers cannot be sued in civil or criminal court for providing Legal Aid that is their responsibility, which is carried out in good faith both inside and outside the courtroom in accordance with Legal Aid Standards based on legislation and/or the Code of Ethics for Advocates.

CHAPTER V

RIGHTS AND OBLIGATION OF LEGAL AID RECIPIENTS

Article 12

Legal Aid Recipients have the right to:

- a. receive Legal Aid until their legal issues are resolved and/or their case has permanent legal force, as long as the Legal Aid recipient does not revoke the power of attorney;
- b. receive Legal Aid in accordance with Legal Aid Standards and/or the Code of Ethics for Advocates; and
- c. receive information and documents related to the Legal Aid provision in accordance with the provisions of legislation.

Article 13

Legal Aid Recipients are obligated to:

- a. provide evidence, information, and/or case details truthfully to the Legal Aid Provider;
- b. assist in the smooth Legal Aid provision.

CHAPTER VI
REQUIREMENTS AND PROCEDURES FOR PROVIDING
LEGAL AID

Article 14

- (1) To obtain Legal Aid, the applicant for Legal Aid must meet the following requirements:
 - a. submitting a written application containing at least the applicant's identity and a brief description of the main issues for which Legal Aid is requested;
 - b. submitting documents related to the case; and
 - c. attaching a letter of poverty from the urban village head, rural village head, or equivalent official in the place of residence of the applicant for Legal Aid.
- (2) In the event that the applicant for Legal Aid is unable to prepare a written application, the application may be submitted orally.

Article 15

- (1) The Legal Aid applicant submits a Legal Aid application to the Legal Aid Provider.
- (2) The Legal Aid Provider, within a maximum period of 3 (three) workdays after the Legal Aid application is declared complete, provides a response accepting or rejecting the Legal Aid application.
- (3) In the event that the Legal Aid application 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 Legal Aid application is rejected, the Legal Aid Provider states the reasons for the rejection.
- (5) Further provisions regarding the requirements and procedures for Legal Aid provision are regulated by Government Regulation.

CHAPTER VII
FUNDING

Article 16

- (1) The funding for Legal Aid required and used for the Legal Aid administration in accordance with this Law is borne by the State Budget.
- (2) In addition to the funding as referred to in section (1), sources of funding for Legal Aid may include:
 - a. grants or donations; and/or
 - b. other legitimate and non-binding sources of funding.

Article 17

- (1) The government is obligated to allocate funds for the Legal Aid administration in the State Budget.

- (2) The funding for the implementation of Legal Aid as referred to in section (1) is allocated in the budget of the ministry administering government affairs in the field of law and human rights.

Article 18

Further provisions regarding the procedures for disbursing Legal Aid funds as referred to in Article 16 section (1) to Legal Aid Providers are regulated by a Government Regulation.

Article 19

- (1) Regions may allocate the budget for the implementation of Legal Aid in the Local Budget.
- (2) Further provisions regarding the Legal Aid administration as referred to in section (1) are regulated by a Regional Regulation.

CHAPTER VIII PROHIBITION

Article 20

Legal Aid Providers are prohibited from accepting or requesting payment from Legal Aid Recipients and/or other parties related to cases being handled by Legal Aid Providers.

CHAPTER IX CRIMINAL PROVISIONS

Article 21

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 20 are sentenced with imprisonment for a maximum of 1 (one) year or a fine of up to Rp50,000,000.00 (fifty million rupiah).

CHAPTER X TRANSITIONAL PROVISIONS

Article 22

The administration and budget of Legal Aid administered by and under the Supreme Court of the Republic of Indonesia, the Indonesian National Police, the Attorney General's Office of the Republic of Indonesia, and other agencies at the time this Law comes into force remain to be implemented until the end of the relevant budget year.

Article 23

- (1) Legal Aid provision that is being processed before this Law comes into force remains to be provided until the end of the relevant budget year.
- (2) In the event that the Legal Aid provision has not been completed by the end of the relevant budget year as referred to in section (1), the provision of Legal Aid is subsequently be carried out in accordance with this Law.

CHAPTER XI
CLOSING PROVISIONS

Article 24

At the time this Law come into force, all legislation regarding Legal Aid remains effective to the extent not contrary to the provisions of this Law.

Article 25

This Law comes into force on the date of its promulgation.

In order that every person may know hereof, it is ordered to promulgate this Law by its placement in the State Gazette of the Republic of Indonesia.

Issued in Jakarta
on 31 October 2011

PRESIDENT OF THE REPUBLIC OF
INDONESIA,

signed

DR. H. SUSILO BAMBANG YUDHOYONO

Promulgated in Jakarta
on 2 November 2011
MINISTER OF LAW AND HUMAN RIGHTS
OF THE REPUBLIC OF INDONESIA,

signed

AMIR SYAMSUDIN

STATE GAZETTE OF THE REPUBLIC OF INDONESIA OF 2011 NUMBER 104

Jakarta, 25 September 2025
Has been translated as an Official Translation
on behalf of Minister of Law
of the Republic of Indonesia
DIRECTOR GENERAL OF LEGISLATION,



Dr. DHAHANA PUTRA

ELUCIDATION
OF
LAW OF THE REPUBLIC OF INDONESIA
NUMBER 16 OF 2011
ON
LEGAL AID

I. GENERAL

The right to Legal Aid has been universally accepted and guaranteed in the International Covenant on Civil and Political Rights (ICCPR). Articles 16 and 26 of the ICCPR guarantee that every person has the right to legal protection and must be protected from all forms of discrimination. Meanwhile, Article 14 section (3) of the ICCPR stipulates the conditions for Legal Aid, namely: 1) the interests of justice, and 2) inability to pay for Advocates.

Although Legal Aid is not explicitly stated as the responsibility of the state, Article 1 section (3) of the 1945 Constitution of the Republic of Indonesia affirms that "Indonesia is a state based on the rule of law." In a state based on the rule of law, the state recognizes and protects the human rights of every individual, including the right to Legal Aid. The administration of Legal Aid provision to citizens is an effort to fulfill and implement the rule of law, which recognizes, protects, and guarantees the human rights of citizens to access to justice and equality before the law. The guarantee of these constitutional rights has not received adequate attention, so the formation of this Law on Legal Aid becomes the basis for the state to guarantee citizens, especially any individual or group of individuals who are poor, access to justice and equality before the law. Therefore, the state's responsibility must be implemented through the formation of this Law on Legal Aid.

Until now, the Legal Aid provision has not reached many individual or group of individuals who are poor, making it difficult for them to access justice due to their inability to exercise their constitutional rights. The provisions regarding the provision of Legal Aid in this Law guarantee the constitutional rights of poor individuals or groups.

Some of the main points regulated in this Law include: the definition of Legal Aid, Legal Aid Recipients, Legal Aid Providers, the rights and obligations of Legal Aid Recipients, the requirements and procedures for applying for Legal Aid, funding, prohibitions, and criminal provisions.

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 proportionate, appropriate, correct, good, and orderly manner.

Point b

The term "principle of ""equality before the 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 ""transparency"" means providing the public with access to complete, accurate, honest, and impartial information in order to guarantee justice based on constitutional rights.

Point d

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

Point e

The term "principle of effectiveness"" means determining the achievement of objectives of Legal Aid provision in an appropriate manner.

Point f

The term "principle of accountability" means that every activity and the final results of Legal Aid administration activities must be accountable to the public.

Article 3

Sufficiently clear.

Article 4

Sufficiently clear.

Article 5

Sufficiently clear.

Article 6

Section (1)

Sufficiently clear.

Section (2)

This provision does not diminish the obligation of the Advocates to provide Legal Aid in accordance with the Law on Advocates.

Section (3)

Sufficiently clear.

Article 7

Section (1)

Point a

Sufficiently clear

Point b

Verification and accreditation are intended to assess and determine the eligibility of legal aid institutions or community organizations as Legal Aid Providers.

Section (2)

Sufficiently clear.

Section (3)

Sufficiently clear.

Section (4)
Sufficiently clear.

Article 8
Sufficiently clear.

Article 9
Point a
The term ""law faculty students"" also includes students from the sharia faculty, military colleges, and police colleges.
Point b
Sufficiently clear.
Point c
The term "other programs related to the Legal Aid administration" means programs such as case investigation, legal documentation, legal research, mediation, negotiation, and community empowerment.
Point d
Sufficiently clear.
Point e
Sufficiently clear.
Point f
Sufficiently clear.
Point g
Sufficiently clear.

Article 10
Sufficiently clear.

Article 11
Sufficiently clear.

Article 12
Sufficiently clear.

Article 13
Sufficiently clear.

Article 14
Section (1)
Point a
The term "identity" means, among other things, full name, gender, place and date of birth, full address, and occupation as evidenced by a Resident Identity Card and/or other documents issued by the competent authority.
Point b
Sufficiently clear.
Point c
Sufficiently clear.
Section (2)
Sufficiently clear.

Article 15
Sufficiently clear.

Article 16
Sufficiently clear.

Article 17
Sufficiently clear.

Article 18
Sufficiently clear.

Article 19
Sufficiently clear.

Article 20
Sufficiently clear.

Article 21
Sufficiently clear.

Article 22
Sufficiently clear.

Article 23
Sufficiently clear.

Article 24
Sufficiently clear.

Article 25
Sufficiently clear.

SUPPLEMENT TO THE STATE GAZETTE OF THE REPUBLIC OF INDONESIA
NUMBER 5248