



The Urgency of Legal Assistance for Victims from Vulnerable Groups in Indonesia from A Human Rights Perspective

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Abstract

The issue of justice and respect for human rights applies not only to perpetrators of crimes, but also to victims of crime. Various data and research results show that the fulfillment of victims' rights has not been optimal, including their right to legal assistance, especially when victims come from vulnerable groups. The research method used is the normative juridical method with literature study. The result of this study is that the right to legal assistance for the poor who face the law is regulated to ensure the fulfillment of guarantees of fair legal certainty protection and equality before the law. Arrangements that reflect legal assistance in relation to human rights are seen in Article 3 paragraph (2) of Law No. 39 of 1999 concerning Human Rights. However, the Legal Aid Law is more perpetrator-oriented. In addition, the Legal Aid Law also only accommodates legal aid for the poor so that vulnerable groups have difficulty in obtaining legal aid.

Keywords: *Legal Aid; Human Rights; Victim*

A. Introduction

Indonesia is a country that respects and upholds human rights. We can know this in the 1945 Constitution. It contains many rules regarding human rights that must be respected and protected and implemented by the state. One of them is compliance with the law. As a state of law in accordance with the contents of Article 1 paragraph (3) of the Constitution of the Republic of Indonesia Year 1945 which reads "The State of Indonesia is a state of law". When viewed from this expression, it is clear that Indonesia places the law as the highest rule so that all Indonesian people have the obligation to obey the laws in their country. All Indonesians have equal rights when dealing with the law. They have equal standing and should not be discriminated against based on different backgrounds. There is no difference between one tribe and another, elite and poor. But often we see that in reality economically disadvantaged people find it difficult to get equal legal standing (Faza, 2021).

Every crime that occurs in society will give rise to perpetrators and victims. A person suspected of committing a crime should be presumed innocent before being proven guilty of the allegations he is accused of in court. To obtain a fair trial, suspects/defendants are entitled to legal advice and to be represented by one or more lawyers. And if it cannot afford the services of a lawyer, then it becomes the obligation of the state to provide it. On the other hand, criminal acts will also cause casualties. Theoretically, the victim can be a criminal perpetrator, or a victim arising from a criminal act committed by someone else. The victim of crime is basically the party who suffers the most in a criminal act. Ironically, victims often do not receive protection as much as is given by law to the perpetrators of crimes. When the perpetrator of a crime has been sentenced to criminal sanctions by the court, the condition of the victim of crime often gets less attention. In fact, the issue of justice and respect for human rights does not only apply to perpetrators of crimes, but also victims of crime (Uyun, 2023).

Various data and previous research results show that the fulfillment of victims' rights has not been optimal, including their right to legal assistance, especially when victims come from vulnerable groups. One of them is research conducted by Wiwik. In the results of her research, it is known that the problem of women, children and groups vulnerable to legal assistance is the lack of access to information about various violence and conditions experienced, in addition to information about legal steps that can be taken. Furthermore, access to legal aid is a major problem because they lack legality, recognition of the poor, mobility costs and resilience during the legal process and after being given legal aid. This religious problem can be solved, among others, by not recognizing poverty, by being given a poor statement by legal aid organizations that are willing to provide pro bono legal assistance (funded by the State) (Afifah, 2020).

What causes the rights of victims of crime not to be fulfilled is the victim's incomprehension of their rights. As with trafficking victims, many trafficking victims are accused of crimes such as prostitution, theft, assault, or drug possession. These individuals need legal representation in court to counter these charges, particularly for crimes committed forcibly by traffickers. Some require criminal records to be expunged. For victims who are undocumented immigrants, language and cultural barriers add to their lack of knowledge of the law. They often rely on traffickers to interact with communities on their behalf (Duncan & DeHart, 2019).

The incomprehension of the people can be said to give birth to an injustice because the state itself guarantees equality before the law. To eliminate injustice that tarnishes the principle of equality before the law, the role of legal aid institutions is needed and has even been regulated in regulations in Indonesia, namely Law Number 16 of 2011 concerning Legal Aid (Legal Aid Law) where in the Legal Aid Law here also makes legal aid institutions an *access to justice* for people who cannot afford it even for people who are legally illiterate.

Rawls in Sunaryo gives a concept of social justice, where social justice is seen as the first institution, the standard from which the distributive aspects of a basic structure of society are assessed. A conception of Rawls establishes the manner in which the rights and obligations of the basic institutions of society are placed, as well as the manner in which they are assigned appropriate distribution to the various favors and burdens of social cooperation. Furthermore, Rawls conceived that all primary pleasures of freedom and opportunity, income and wealth and the foundations of self-respect, should be shared equally. The main elements of social justice according to Rawls include (1) the main principle of social justice is equality or equality; namely: (2) similarity in distribution; over (3) primary goods; But (4) inequalities can be tolerated insofar as they benefit all parties. Therefore, it is evident that Rawls' conception of justice theory essentially includes aspects of equality and inequality. Based on Rawls' conception of social justice, this can result in inequality being tolerated if it benefits all parties, especially the disadvantaged (Sunaryo, 2022).

Therefore, it is important to have legal assistance to realize justice. Literally the meaning of legal aid comes from the words "Help" in English "Aid" and "Law" in English "Legal". When examined further, assistance is a gift from certain parties to other parties or the provision of something useful from individuals to other individuals in the hope of having benefits and benefits for the recipient of assistance. While "Law" when taken meaning and conclusion is a set of norms or rules that have sanctions with the aim of curbing people's daily behavior. Legal aid in a broad sense can be interpreted as an effort to help the indigent in the legal field. (Agustina et al., 2021)

With legal assistance, everyone gets equal rights before the law which is a form of human rights. According to Law Number 39 of 1999 concerning Human Rights (Human Rights Law) it is explained that Human Rights (HAM) is a set of rights inherent in the essence and existence of humans as creatures of God Almighty and is His gift that must be respected, protected by the State, law, government and everyone for the sake of honor and protection and human dignity. Meanwhile, according to the Teaching Human Rights published by the United Nations that human rights are inherent rights of every human being without whom it is impossible for humans to live as human beings.¹ From the two understandings above about human rights, it can be understood that the rights contained in humans are essentially gifts or gifts from God, in the sense that these rights are not gifts from someone or gifts from the government, Therefore, every individual, let alone the state, is obliged to respect and provide protection for the inherent rights of human beings.

The main points of thought in the Preamble to the 1945 Constitution (UUD 1945) are that the state protects the entire Indonesian nation and all Indonesian bloodshed based on unity by realizing social justice for all Indonesian people. The protection referred to here is to provide legal protection of human natural rights guaranteed by positive law, where natural rights are currently called universal Human Rights (HAM).

Research on legal aid has been carried out by several researchers, including Zainuddin in 2021 with the title "Protecting Fishermen from Legal Problems through Legal Aid Institutions". The result is that fishermen's limited knowledge of the existence of legal assistance for themselves in the legal process still exists. Many advocates are in the middle of the city and the office of the legal aid provider is also in the middle of the city, so that in providing legal aid in litigation there are personnel problems who are late in providing legal assistance. In addition, to attend lectures or discuss the law is very difficult, because lectures or discussions cannot provide direct economic benefits (Zainuddin & Riza, 2021). The difference with this study is that the study discusses fishermen's legal assistance while this study discusses the legal assistance of victims from vulnerable groups, not just fishermen. In addition, research on legal aid has also been conducted by Bhatia in 2020 with the title "Restricting Access To Asylum Through Restricting Legal Aid? An infrastructural analysis of the role of legal aid in asylum processes in Finland". The result of this study is that legal aid is seen to have a preparative, conciliatory, and supportive role in the asylum process. Access to diligent and experienced legal assistance can facilitate the success of the asylum process. However, the inability to access legal aid has a devastating impact on the rights of asylum seekers. As the asylum process becomes much more complicated, some asylum seekers face a greater risk of experiencing various forms of violence, for example violations of the principle of non-refoulement or subjecting asylum seekers to unofficial status when returning to their home countries. it's impossible. With these developments, restrictions related to legal aid appear to have affected the possibility of obtaining asylum in Finland (Bhatia, 2020). The difference with this study is that the study discusses the relationship between legal aid and asylum while this study discusses legal aid and human rights. Then there is a study from Zainurohmah et al., in 2023 entitled "Provisions of Legal Aid as a Form of Protection for Child Victims of Rape". The results of this study show that the state has accommodated the needs of legal aid as stipulated in Law Number 16 of 2011 concerning Legal Aid. But those who need legal assistance are not only the poor, but also children who are victims of rape. The provision of legal

assistance to child victims of rape is a manifestation of the state's responsibility in providing legal protection to children so that the rights that should be obtained by children as stated in the Child Protection Law can really be realized, not limited to those stated in the law (Zainurohmah et al., 2023). The difference with this study is that the study discusses legal assistance for child victims while this study discusses legal assistance not only for child victims, but also for other vulnerable groups.

Based on this, the formulation of the problem of this article is how important is legal assistance for victims from vulnerable groups in Indonesia in a human rights perspective? and how urgent is the revision of Law Number 16 of 2011 concerning Legal Aid to protect the human rights of victims from vulnerable groups? The purpose of this article is to find out the importance of legal assistance for victims from vulnerable groups in Indonesia in the perspective of Human Rights and the urgency of revising Law Number 16 of 2011 concerning Legal Aid to protect the human rights of victims of vulnerable groups.

B. Problem Statement

1. The Importance of Legal Aid for Victims of Vulnerable Groups in Indonesia in a Human Rights Perspective
2. The urgency of revising Law Number 16 of 2011 concerning Legal Aid to Protect the Human Rights of Crime Victims

C. Research Methods

The research method used is to use normative juridical methods with literature studies. The literature study examines secondary data in the form of primary legal material and secondary legal material. This study analyzes laws and regulations related to legal aid and human rights, namely Law No. 16 of 2011 concerning Legal Aid and Law No. 39 of 1999 concerning Human Rights. The method used to analyze the data collected in this study is the qualitative analysis method.

D. Results and Discussion

1. The Importance of Legal Aid for Victims of Vulnerable Groups in Indonesia in a Human Rights Perspective

One of the fundamental human rights for a person regardless of age, caste, color, citizenship or any other status, is access to justice. All other rights will lose their purpose without access to justice. Although spoken as a simple statement, the word 'justice' itself is a multifaceted term and needs to be understood from various points of view. One of the fundamental requirements for having access to justice and getting justice in times of need is that citizens must be aware of the law. Moreover, 'access to justice' means that one must have access to the means to defend justice. First of all, individuals need to know and fully understand their rights and obligations. In addition, they must also be able to present themselves before the authorities if these rights are violated. For those who lack the resources to access justice, the State must provide the means to achieve it. Therefore, the concept of free legal aid has evolved over the years. The United Nations has also repeatedly stressed the obligation of states to sensitize their citizens legally and provide free legal services to vulnerable groups (Trivedi et al., 2022).

Legal assistance for victims from vulnerable groups in the criminal justice process plays an important role as part of efforts to ensure the rights of victims from vulnerable groups are fulfilled. In

order to ensure the fulfillment of victims' rights, legal aid can take a guardian role to protect the fulfillment of victims' rights in the criminal justice process. Through effective and quality legal assistance, other victims' rights such as the right to redress, compensation, or restitution can be fulfilled. In other cases, legal aid will also protect victims from discrimination, re-victimization (both due to criminal acts and due to inappropriate responses of institutions and individuals to victims (Eddyono et al., 2016), as well as intimidation, (such as intimidation to retract a report, or intimidation that endangers the safety of the victim) (Sari & Hendriana, 2019).

The role of legal aid in the flow of the criminal justice process cannot be separated from ensuring the upholding of legal justice sought by victims from vulnerable groups. Legal aid assistance by advocates aims to avoid injury to the sense of justice for victims and ensure the fulfillment of victims' rights, as well as to protect the principle of justice for all regardless of race, color, religion, culture, socio-economic, rich/poor, creed, politics, gender, and ideology.

In developing countries such as Indonesia, the existence of legal aid institutions is important, namely to help vulnerable groups in facing legal problems because these legal aid organizations can reduce the possibility of vulnerable groups not getting legal assistance to defend their legal interests both inside and outside the court. Legal aid organizations can help vulnerable groups gain knowledge about law, human rights, civil and political rights, social rights, cultural rights, and economic rights. In addition, in carrying out the provision of legal assistance, it can include advocates, paralegals, lecturers and students of the law faculty who have met the requirements. Then the advocate himself is a person who works to provide legal assistance both inside and outside the court based on the Law on Advocates, this is intended for underprivileged clients (Wibowo & Wake, 2021).

The International Covenant on Civil and Political Rights (ICCPR) was ratified by Indonesia by Law Number 12 of 2005 and the International Covenant on Economic, Social and Cultural Rights (ICESCR) was ratified by Law Number 1 of 2005 to strengthen the government/state's obligation to assist the rights of the poor in the political, social and economic fields, as well as legal aid. The right to legal assistance for the poor facing the law is regulated to ensure the fulfillment of guarantees of protection of fair legal certainty (fair trial) and equality before the law (equality before the law). This principle is contained in the International Covenant on Civil and Political Rights (ICCPR) which has been accommodated in the constitution and has been ratified through Law Number 12 of 2005. Articles 16 and 26 of the ICCPR guarantee everyone's right to legal protection and prohibit all forms of discrimination (Raharusun, 2019). The ICCPR can be classified into three categories, namely the Basic Principles of Fair Trial, Minimum Procedure Guarantee, and Other Provisions which are then adopted in several legal provisions such as Law Number 8 of 1981 concerning the Code of Criminal Procedure (KUHAP), Law Number 9 of 1999 concerning Human Rights, Law Number 3 of 1997 concerning Juvenile Court and Law Number 23 of 2003 concerning Child Protection, Law Number 13 of 2006 Protection of Witnesses and Victims, Law Number 48 of 2009 concerning Judicial Power (Chaniago et al., 2023).

Legal assistance for someone involved in a legal process has been accommodated in the 1945 Amendment Constitution, as the highest rule / legislation and as the basic law of the Indonesian state. Where in Article 1 paragraph (1) of Law No. 39 of 1999 concerning Human Rights (Human Rights Law) specifies that: "Human Rights are a set of rights inherent in the essence and existence of man as a creature of God Almighty and is His grace that must be respected, upheld and protected by the state, law, Government and everyone for the honor and protection of human dignity and dignity" Then this right to legal assistance is also seen in Article 35 of the Law No. 14 of 1970 concerning the Principles of Judicial Power in Article 35 specifies that everyone involved in a case "has the right" to legal assistance.

Furthermore, arrangements that reflect legal assistance in relation to human rights are seen in Article 3 paragraph (2) of the Human Rights Law which specifies that: "Everyone has the right to recognition, guarantee, protection and fair legal treatment and to legal certainty and equal treatment before the law". This provision is reaffirmed in Article 5 paragraph (2) which stipulates: "Everyone has the right to legal assistance and fair protection from an objective and impartial court".

Basically, there are 2 (two) basic rights in humans, namely: (a) human rights are rights inherent in humans and fundamentally exist since humans are born, are permanent and primary, inalienable, independent of the presence or absence of other people around them, (b) legal rights are rights given by law specifically to the human person, So that the regulation must be clearly stated in the laws and regulations. So by seeing that every human being has the right / right to legal assistance when involved in a legal process, then that right includes both things (Saraswati, 2019).

2. The urgency of revising Law Number 16 of 2011 concerning Legal Aid to Protect the Human Rights of Crime Victims

Given the importance of legal aid in protecting human rights, it is unfortunate when the provisions of Law Number 16 of 2011 concerning Legal Aid (Law on Legal Aid), which should strengthen the rights of victims/witnesses, have not fully adopted guarantees for the right to legal assistance for witnesses/victims. The Legal Aid Law does not expressly state the right to litigation legal aid including the right to legal assistance for victims in any judicial process.

This can be seen, among others, from the financing system set by the government for legal aid providers. The financing is regulated in the Decree of the Minister of Law and Human Rights Number M.HH-01. HN.03.03 Year 2015 concerning the Amount of Litigation and Non-Litigation Legal Aid Fees. Based on the Ministerial Decree, the maximum litigation fee for criminal and civil cases is Rp. 5,000,000 (five million rupiah), while for non-litigation activities such as legal counseling, legal consultation, mediation, negotiation, and others, the cost varies from Rp. 140,000 (one hundred forty thousand rupiah), to Rp. 3,740,000 (three million seven hundred forty thousand rupiah). From non-litigation funds for victim legal assistance, only Rp. 140,000 for one consultation per victim, and out-of-court assistance only Rp. 100,000. The problem of the lack of legal aid budget from the State Budget (APBN) and unable to meet the operational costs of providing legal aid. In criminal litigation, the majority of legal aid institutions provide legal assistance for victims, but only suspects have access to criminal litigation funds. The investigation, and other legal assistance processes necessary for the victim, are not accommodated by bank funds. Non-litigation budgets, such as consultation or small out-of-court assistance are not able to meet the needs of victims such as the cost of making visum et repertum and visum et psychiatrium or psychologist certificates, assistance needs or costs incurred during the victim recovery process. Thus, the budget provided by the central government is currently still very minimal, especially for victims who are only able to access a non-litigation budget that is even smaller than the litigation budget. There needs to be improvements in every sector such as simplifying access for advocates / LBH to access legal aid funds that have been budgeted by the government so that legal aid and also the provision of legal aid can be carried out in a real and unhindered manner. all real obstacles experienced by both the giver and recipient of legal aid in the future (Amen, 2021). Funding in legal aid is a form of responsibility and enthusiasm given by the state to advocates or Legal Aid Institutions because it is obliged to provide legal assistance to the poor. The Legal Aid Act provides funding for lawyers or Legal Aid Societies with complex requirements and procedures. The conditions given are more likely to be met by the Legal Aid Institute alone, even then there must be a selection process commonly referred to as accreditation as legitimacy to absorb legal aid funds, this tends to be discriminatory. It is known that the process of accreditation and absorption of funds is convoluted and tends to be discriminatory which can result in ineffective

absorption of legal aid funds nationally. This tends to cause many advocates or Legal Aid Institutions to charge other fees in providing legal aid (Hapsari, 2021).

Although it is not explicitly stated that legal aid is only for suspects/defendants, the difference in the amount of budget and accreditation between litigation and non-litigation legal aid shows the numbering of legal aid rights for witnesses/victims. The difference in the guarantee of legal assistance rights between suspects/defendants and victims shows that the position of suspects/defendants is prioritized, while the rights to victim assistance are subordinated to their fulfillment. Legal assistance in the implementation of legal assistance to people who are victims of criminal acts is still considered unbalanced when compared to legal assistance to perpetrators of criminal acts.

The implementation of legal aid currently prioritizes litigation assistance and a greater allocation of financing for assistance for perpetrators. In fact, when viewed from the victim's point of view, the victim actually also needs the existence of an advocate to be able to maintain the balance of his position so that the victim's position can look balanced in parallel with the perpetrator. Due to the difference in the guarantee of legal assistance rights between the suspect / accused and the victim, the victim as the party who suffers the most in a criminal act does not obtain as many rights as provided by law to the suspect / defendant. The victim is not given the right to be actively involved in the investigation process until the trial, so she loses the opportunity to fight for her rights and restore her condition as a result of the criminal act she suffered. Legal aid that is not victim-oriented (especially litigation), causes victims to be hampered in their rights to access justice.

Therefore, the ideal assistance mechanism is in the form of litigation and non-litigation provided not only for perpetrators but also for victims, where victims are also entitled to be accompanied not only during the trial but also pre and post trial, for example when *visum et repertum* is carried out. Thus, the explanation of Article 4 Paragraph (1) of the Legal Aid Law which reads: "... self-explanatory." ... Should be changed to: "... What is meant by Legal Aid Recipients who face legal problems is as plaintiffs and defendants, perpetrators (examined, suspects, defendants, and convicts) as well as witnesses and victims..."

The financing provisions stipulated by the government for legal aid providers are regulated in the Decree of the Minister of Law and Human Rights No. M.HH-01. HN.03.03 of 2015 concerning the Amount of Litigation and Non-Litigation Legal Aid Fees also needs to be adjusted so as not to cause inequality between the rights of perpetrators and the rights of witnesses / victims to get legal assistance, for example by increasing the amount of non-litigation costs of out-of-court assistance from 500 thousand to 1 million rupiah and adding elements of litigation financing for witness / victim assistance in court trials with adjusted costs.

With the aim of promoting access to justice for citizens, the Legal Aid Law, must contain existing provisions for legal aid rights, namely Law Number 23 of 2004 concerning the Elimination of Domestic Violence, Law Number 23 of 2002 concerning Child Protection, Law Number 11 of 2012 concerning the Juvenile Criminal Justice System, Law Number 8 of 2016 concerning Persons with Disabilities, Law Number 13 of 2006 concerning the Protection of Witnesses and Victims, and Perma Number 3 of 2017 concerning Guidelines for Prosecuting Women Facing the Law. So that the recipients of legal aid are not only for the economically poor, but include vulnerable groups.

Then, the Legal Aid Law only accommodates the needs of the poor. All people have the right to be treated equally before the law (equality before the law). Those who cannot afford it are clearly protected by the principle of "The poor and abandoned children are cared for by the State as referred to in Article 34 of the 1945 Constitution. Thus the fulfillment of the right to legal aid, which is a very

fundamental human right, is essentially the responsibility of the state. According to the Legal Aid Law, legal aid is only provided to the poor, namely "Any person or group of poor people who cannot fulfill basic rights adequately and independently, tends to be interpreted as the right to food, clothing and health services. With this definition, to obtain legal aid services through the Legal Aid Law scheme, legal aid applicants must present documents that validate their poor status, such as a Certificate of Incapacity (SKTM) or other documents such as a Public Health Insurance Card (JKM), Direct Cash Transfer (BLT), Poor Rice Card, or other documents in lieu of a poor certificate.

Although poverty is recognized as a vulnerability, it must be realized that the poor are not the only vulnerable group in Indonesia. There are groups such as: women, children, minorities, persons with disabilities, or indigenous peoples who due to social structures experience discrimination, and marginalization. By limiting the right to legal aid to only the economically poor, national legal aid policies close access for vulnerable groups to justice. Those who are classified as vulnerable and marginalized groups are actually also entitled to legal assistance. Therefore, there is a need for expansion in the Legal Aid Law to include vulnerable and marginalized groups.

Furthermore, determine priorities in providing legal services to legal aid recipients by looking at the urgency of legal aid recipients as well as how much impact they get as a result of the treatment they get. The need to expand this understanding so that implementers in the field have firm regulatory guidance in determining the recipients of legal aid to be handled.

Ideally, the provision of legal aid should also be expanded to include vulnerable groups as recipients of legal aid. However, currently the expansion of legal aid to cover vulnerable groups is still hampered by the definition and criteria of vulnerable groups which are currently unclear. The definition of the concept of "vulnerable group" does not seem to have been formulated explicitly in various laws and regulations in Indonesia. Referring to the Big Dictionary Indonesian 35, susceptible has definitions as: (1) susceptible to disease and (2) sensitive, easy to feel. This weak group is usually unable to help themselves, so they need the help of others. In addition, vulnerable groups are also defined as groups that are easily influenced.

Article 5 paragraph (3) of the Human Rights Law states that everyone belonging to vulnerable community groups has the right to receive more treatment and protection with respect to its specificity. The definition of vulnerable groups based on the law includes children and women victims of violence, the elderly and pregnant women. We must also understand that those who belong to marginalized groups are usually also classified as those who are poor. However, marginalized and poor are not necessarily the same. Poor people are usually included in marginalized groups, but marginalized people cannot always be called poor.

According to the Big Dictionary, marginal Indonesian that is, something related to the edge while marginalization is marginalized, that is, marginalizing or cornering. Marginalized people are people who are marginalized or marginalized from social life in a society. The marginalized groups, among others, are people with disabilities, Commercial Sex Workers (PKS) who find discrimination, children and women who get discrimination and exploitation and people with HIV (PLHIV) and children with HIV (ADHA).

Moreover, conditions on the ground also show that vulnerable groups are often faced with difficulties in obtaining a Certificate of Incapacity (SKTM) which is a condition for obtaining legal assistance. The restriction on the provision of legal assistance based on the SKTM also has an impact on OBH which prioritizes cases with dimensions of human rights violations or specific cases such as women victims of violence, children, people with disabilities, consumer rights, and rights to natural resources.

Such OBH is often unable to access the Legal Aid Law financing scheme in cases of human rights violations against individuals or groups that do not meet the criteria for obtaining SKTM.

The Supreme Court has actually issued Perma Number 3 of 2017 concerning Guidelines for Adjudicating Women's Cases Facing the Law, providing a definition of women facing the law as "women who are in conflict with the law, women as victims, women as witnesses or women as parties." This means that, in the criminal justice system, women who face the law are those who become: (1) Suspects/Defendants; (2) Victims and (3) Witnesses. As for civil courts or State Administration (TUN), women who face the law are those who become: (1) Plaintiffs; (2) Defendants; (3) Witnesses; or (4) Intervention party (third). This understanding can be used to discuss the right to legal assistance for women who face the law, both in the realm of criminal, civil or state administrative law.

Thus, the provisions of Article 1 Paragraph (2) of the Legal Aid Law which reads: "... The recipient of Legal Aid is a poor person or group of people..." Should be changed to: "... The recipient of Legal Aid is a person who cannot afford the services of legal counsel...". Meanwhile, the provisions of Article 5 of the Legal Aid Law which reads: ".. Recipients of Legal Aid as referred to in Article 4 paragraph (1) include any person or group of poor people who cannot fulfill basic rights properly and independently. (2) The basic rights referred to in paragraph (1) include the rights to food, clothing, health services, education services, work and business, and/or housing..." changed to: "... Recipients of Legal Aid as referred to in Article 4 paragraph (1) include any person who is unable to pay for legal counsel services and fulfills basic rights properly and independently. (2) Basic rights as referred to in paragraph (1) include the rights to food, clothing, health services, education services, work and business, and/or housing. (3) Recipients of Legal Aid as referred to in paragraph (1) shall also include but are not limited to minority and vulnerable groups such as women, children, persons with disabilities, indigenous peoples, and the elderly..."

Conclusion

The right to legal assistance for the poor facing the law is regulated to ensure the fulfillment of guarantees of fair *trial* and *equality before the law*. arrangements that reflect legal assistance in relation to human rights are seen in Article 3 paragraph (2) of Law No. 39 of 1999 concerning Human Rights.

Given the importance of legal aid in protecting human rights, it is unfortunate when the provisions of Law Number 16 of 2011 concerning Legal Aid (Law on Legal Aid), which should strengthen the rights of victims/witnesses, have not fully adopted guarantees for the right to legal assistance for witnesses/victims. The Legal Aid Law is more perpetrator-oriented and seems to subordinate the victim. In addition, the Legal Aid Law also only accommodates legal assistance for the poor so that vulnerable groups who are also in dire need of legal assistance have difficulty in obtaining legal assistance.

Suggestions that can be given to the government (executive and legislative) as the maker of laws and regulations are the need to revise Law Number 16 of 2011 concerning Legal Aid, including through synchronization with the provisions of legal aid rights that already exist in other laws and regulations, the need to expand the understanding of legal aid recipients by defining vulnerable and marginal groups as recipients of legal aid in the Legal Aid Law, and need to strengthen the guarantee of protection of victims/witnesses, by stating that victims have the right to legal assistance at every stage of the examination, the same as the rights of suspects/defendants.

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