

Process Evaluation of the Legal Assistance Program Implementation at OBH Paham Indonesia

Awlia Ghea Kartika, Ety Rahayu²

^{1,2} (Social Welfare Departement, Faculty of Social and Political Science, University of Indonesia, Indonesia)

ABSTRACT : Based on data from the Central Statistics Agency (BPS) as of Semester 2 2022, the number of poor people in Indonesia has reached 26.16 million people, equivalent to 9.22% of the total population of Indonesia. The poor and vulnerable groups are the most difficult to obtain access to justice so that the active role of the government is needed through legal aid policies. The large number of potential poor people who need assistance is still not comparable when compared to the number of legal aid organizations that have been verified and accredited by the government. OBH PAHAM Indonesia is one of the parties undergoing this legal aid program. The process evaluation uses the Pietrzak theory with a qualitative approach through the purposive sampling technique. The logical framework used inputs activities. The result of the evaluation study that the process of the implementing the legal assistance program has been in accordance with several regulations. The findings of this study were that collaboration with the OBH Jakarta's team including director, staff, advocates and paralegals, and the beneficiary of the program itself.

KEYWORDS –Government Policy, Legal Assistance, Program Evaluation, separated by comma

I. INTRODUCTION

As a rule of law state, the Government of Indonesia is obliged to guarantee the embodiment of the principle of equality before the law for every citizen. The concept of a modern rule-of-law state, based on democracy, also elaborates on the principle of equality before the law as a fundamental right of citizens in the constitution of the 1945 Constitution. One of them is in the form of the (constitutional) right to legal aid for everyone who seeking justice and/or dealing with the law known as access to justice.

Infact, the ideal of access to justice based on the right to legal aid in Indonesia is a definition of access to justice based on Francesco Francioni's conception of the right to legal protection and the availability of mechanisms for legal redress, as well as the opinion of Lawrence M. Friedman who emphasizes the attainment of justice itself. In addition, the right to legal aid is also broader than free legal aid which is a moral and ethical obligation of the advocate profession to contribute pro bono, as confirmed by Law no. 18 of 2003 concerning Advocates.

The existence of the Law on Legal Aid has an impact on one of the advocacy mechanisms currently being run by the legal aid organization PAHAM Indonesia. Legal issues currently consist of various kinds of cases, meanwhile within the scope of the Legal Aid Law those who can receive legal aid services free of charge come from the poor and by the process of submitting requests for such legal aid. In this case, it is done so that the poor can still receive legal aid services accompanied by advocates from legal aid institutions.

The previous research indicates focused on implementation on each region [1] [2] [3] [4] [5] [6]. Another research also focuses on existing regulations and analyzes which institutions are involved in the implementation of legal aid [7] [8] [9]. Based on the research search above, there is no research gap in the Legal Aid program, namely research that describes in more detail the activities in the process of implementing Legal Aid in Jakarta involving 2 (two) parties, namely the Legal Aid Organization and the Community. In addition to

this, this research was carried out after the Covid-19 pandemic so that there were several adjustment methods that would be made in the implementation process.

Based on tracing past research, no specific research related to process evaluation has been found. Process evaluation research is needed because it will provide information for those who carry out the program implementation process regarding how to improve or develop ongoing programs. The Legal Aid Program examines the suitability between program planning contained in government regulations and the implementation process in the field.

II. RESEARCH METHOD

The research approach in this study is a qualitative approach. Qualitative research is an attempt to gather information widely from informants in a natural setting [10]. A research method that places more emphasis on the in-depth understanding of a problem rather than looking at the problem for generalization research. Qualitative research explains that knowledge is built through interpretation of multiple perspectives from various inputs from all participants involved in the research, not only from the researcher alone [11]. The definition of qualitative research is a type of research whose findings are not obtained through statistical procedures or other forms of computation. However, the data collected from qualitative research allows for analysis through a calculation [12].

The focus of this research is on OBH PAHAM Indonesia as the party implementing programs related to expanding access to legal aid for the poor. OBH PAHAM Indonesia is a party that is expected to be able to provide information regarding the implementation of the Legal Aid Program from input, process and output. In evaluating this process using a logic model or framework of results (framework) from various levels or chains in the form of graphs, matrices, or summaries that are described in explicit articulations which are the expected results of certain interventions or projects, programs or development strategies. Poverty measurement needs to be done to predict the impact of policies and programs on society and to evaluate the performance of institutions. [13]

This research focuses on the analysis of the advantages and disadvantages of a program. The selection of informants in this study used a purposive method where the sample was deliberately selected by researchers with the functions and positions of policy makers related to legal aid at OBH PAHAM Indonesia. Regarding the implementation of legal aid in the field, an interview is required with the Legal Aid Organization as a representative of the party carrying out legal aid with the community.

III. RESULT AND DISCUSSION

- IV.** In this research, the data will be analyzed based on several evaluation criteria because this research focuses on the implementation of a program process [14]. The data obtained will be analyzed for compliance with Standard Best Practice, namely through the guidelines set out in the Legal Aid Service Standard Guidelines Number PHN-55.HN.04.03 of 2021. The evaluation model used refers to a model consisting of the following five components [15]

<i>INPUT</i>	<i>ACTIVITIES</i>	<i>OUTPUTS</i>	<i>OUTCOMES</i>	<i>IMPACT</i>
1. Fund 2. Best Practice Standard 3. PAHAM Indonesia Officer 4. Legal aid recipients	1. Litigation legal assistance 2. Non-litigation legal assistance 3. Legal consultation	1. The number of activity stages carried out 2. Number of recipients of the legal aid program	Increased public understanding regarding the right to legal aid for the poor	Increasing the number of poor people who get the right to legal aid

This evaluation research determines how well a program or policy works in achieving the goals and objectives in an applied research [16] and focus on the process of collecting information systematically about an activity, characteristics, and results of a program to make an assessment about the program, improve program effectiveness, and inform evaluation results to make decisions about a program in the future. [17]

3.1 The Program Implementation

The implementation is divided into several stages, including:

1. Planning Stage

At the planning stage, this activity began with coordination related to the legal aid program with the collaboration that had been carried out by 3 (three) prisons which were partners with OBH PAHAM Indonesia, namely the Class I State Detention Center in Central Jakarta (RUTAN Salemba), the Class I State Detention Center Cipinang (RUTAN Cipinang), East Jakarta Class II A State Detention Center (RUTAN Pondok Bambu). This coordination is carried out through a letter sent by OBH PAHAM Indonesia to each detention center regarding the availability of the schedule for carrying out activities. In carrying out this coordination, it is necessary to ensure that the detention center can provide clients to participate in counseling about legal aid programs for the poor.

2. Selection of Clients through Legal Counseling

The substance of the material for the counseling activities is related to the rights of detainees to be accompanied by a lawyer/advocate in every trial process. This material was submitted by a senior Advocate OBH PAHAM Indonesia.

3. Client Registration and Identification

With the registration of clients who are willing to become recipients of legal aid. From counseling participants, if participants wish to become recipients of legal aid, they will follow the applicable procedure, namely by signing a power of attorney that has been prepared. The power of attorney contains the client's personal data, the chronology of the cases experienced by the client, contact persons who can be contacted such as family or relatives and advocates who will accompany during the trial

4. Implementation of Litigation Legal Assistance

Make a power of attorney as proof that the power of attorney has been handed over to the OBH PAHAM Indonesia team. Register a power of attorney at the District Court's One Stop Integrated Service (PTSP) and check the client's case number to check the trial schedule. Seek information

regarding the name of the prosecutor, the name of the judge, and the name of the clerk to facilitate coordination regarding the trial process. Collect documents related to the case properly and neatly in the space provided so that they are not scattered. Make a Memorandum of Defense to explain the client's criminal acts. Scan all documents from power of attorney to excerpts of decisions².

5. Implementation of Legal Consultation

The client contacted OBH PAHAM Indonesia. Communicating by telephone is a form of indirect communication between picket officers at the office and clients mediated by an electronic circuit called a telephone. As a means of communication, the telephone is used to convey and receive information quickly. Consultations at OBH PAHAM Indonesia can not only be done via telephone but it would be better if the consultations were carried out in person, so that senior advocates would immediately hear them and immediately receive direction regarding the case being experienced by the client and be able to submit the relevant documents immediately. The client will tell about the chronology of the case that will be consulted with OBH PAHAM Indonesia. The parties who receive are employees, both paralegals and advocates, who are carrying out pickets at the OBH PAHAM Indonesia office. In this submission, the client also attaches other supporting documents such as identity and SKTM. After the client submits the chronology, OBH PAHAM Indonesia team will submit suggestions/follow-up on matters submitted by the client.

3.2 Supporting Factors

Regulations

In its implementation, the legal aid program has several guidelines in carrying out activities including Law Number 16 of 2011 concerning Legal Aid, Regulation of the Minister of Law and Human Rights of the Republic of Indonesia Number 4 of 2021 concerning Legal Aid Service Standards. This guideline becomes a limitation in the implementation of the program.

Fund

OBH Paham Indonesia is one of the LBH recipients of the legal aid program. Every year from the Regional Office of the Ministry of Law and Human Rights DKI Jakarta (Kanwil Kemenkumham DKI Jakarta). In its implementation, this activity uses a reimbursement system. This is also regulated technically in the Regulation of the Minister of Law and Human Rights

Facilities and Infrastructure

To run the program, the facilities and infrastructure used also support program implementation. For litigation legal assistance, motorbikes and cars are provided that can be used when the activity takes place. For legal consultation activities, there is a consultation room.

Professional and Reliable Team

The human resources who run the legal aid program run well, making it easier to implement the program. Each team that carries out case assistance coordinates with many parties, this requires good skills to show good intrapersonal skills as well.

Cooperation with Related Parties

One of the success factors of the program is coordination between stakeholders. Cooperation with the detention center to conduct counseling, as well as coordination with prosecutors, judges and clerks related to the trial that the client will undergo. The coordination is very good so that the program runs smoothly and the settlement of cases can be done on time.

3.3 Obstacle Factors

Limited Funds

Every year, OBH PAHAM Indonesia has a limited number of quotas from the Jakarta Regional Office of the Ministry of Law and Human Rights. Sometimes in its achievements, OBH PAHAM Indonesia exceeds the planned quota. This actually shows good performance from OBH PAHAM Indonesia but cannot use funds originating from the Jakarta Regional Office of the Ministry of Law and Human Rights.

Support from Other Government Programs

Many other government programs are related to public awareness regarding the rights of assistance in the process of litigation with the court. If these government programs can go hand in hand, then the community and related stakeholders can coordinate more for the level of legal awareness of the community.

Lack of Human Resources

The large number of cases handled by Advocates and Paralegals, sometimes causes limited human resources to handle cases. Because the ongoing case could not be determined regarding trial schedules or the completeness of the required files. Each team can handle several cases that take place simultaneously, this can cause burnout in carrying out tasks.

Client Filing

There are several files that must be owned by the client. In this case sometimes the client does not have the data owned. In addition to this, there are several files owned by several parties such as prosecutors, judges and clerks. The uncertain position of the files sometimes makes the trial process longer because it takes time for the completeness of these files.

V. CONCLUSION

Based on research conducted at OBH PAHAM Indonesia, it can be concluded that by having a good legal basis, the implementation of the program can have clear boundaries in its implementation. In addition to this, the existence of good human resources can also make coordination between teams easy and fast. Good communication with the parties is also a factor in the success and timeliness of an activity carried out. Meanwhile, the inhibiting factors are related to the limited quota from the Regional Office of the Ministry of Law and Human Rights, the lack of human resources and the lack of coordination with other government programs.

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