



JOURNAL OF LAW, POLITIC AND HUMANITIES
(JLPH)

E-ISSN: 2962-2816 | P-ISSN: 2747-1985

<https://dinastires.org/JLPH> dinasti.info@gmail.com +62 811 7404 455

DOI: <https://doi.org/10.38035/jlph.v4i3>

Received: 25 January 2024, Revised: 27 February 2024, Publish: 24 March 2024

<https://creativecommons.org/licenses/by/4.0/>

Implementation of Legal Aid for the Poor Communities of DKI Jakarta Based on Law No.16 of 2011 (Case Study: Handling Domestic Violence for Women & Children by LKBH FH UPNVJ)

Aulia Annisa Rahmat^{1*}, Fatkhuri²

¹Universitas Pembangunan Nasional Veteran Jakarta, Jakarta, Indonesia, 2010413032@mahasiswa.upnvj.ac.id

²Universitas Pembangunan Nasional Veteran Jakarta, Jakarta, Indonesia, fatkhuri@upnvj.ac.id

*Corresponding Author: 2010413032@mahasiswa.upnvj.ac.id

Abstract : The main objective of this research is to discuss how to implement legal aid policies, namely Law no. 16 of 2011, for poor communities, especially for victims of domestic violence in DKI Jakarta. Focuses on interactions and strategies between the National Legal Development Agency, the DKI Jakarta Regional Office of the Ministry of Law & Human Rights, and the FH UPNVJ Legal Assistance and Consultation Institute, as well as identifying problems that arise in providing legal assistance in the field. This research uses the Policy Capacity theory by Xun Wu, M. Ramesh, and M. Howlett. Providing legal assistance by government and non-government actors is faced with many complex challenges, especially handling domestic violence cases in DKI Jakarta, so innovation is needed from actors to overcome these challenges.

Keywords: Implementation of Legal Aid Policy, Poor Communities, Domestic Violence, Interest Actors

INTRODUCTION

Every country has a responsibility to protect the rights of its citizens. In Indonesia, the Ministry of Law and Human Rights provides free legal aid services to poor people with the help of the National Legal Development Agency (BPHN) and Legal Aid Organizations or Institutions. This collaboration is regulated by Law No. 16 of 2011 concerning Legal Aid and aims to provide free legal services that are more effective and equitable to those in need. Where OBH and LBH act as defenders of the rights of suspects or defendants, as well as critics of judges' decisions and the actions of other legal practitioners, they also play a balancing role in seeking legal truth among other law enforcers (Sutiyoso, 2022). On the other hand, BPHN provides funds to accredited and verified OBH, as well as starting the creation of legal aid service standards (Akbar, 2019). With synergy between the Ministry of Law and Human Rights, BPHN, OBH, and LBH, it is hoped that free and fair legal aid services will be created.

The existence of OBH and LBH is very important in providing free, fair and equitable legal aid services. Legal Consultation and Assistance Institutions (LKBH) in universities, such as LKBH FH UPNVJ, also have an important role in providing community service and increasing legal understanding among the community. LKBH FH UPNVJ, founded in 2008,

provides legal assistance to poor communities, especially in cases of violence against children and women (Gunadi, 2023). As an OBH/LBH accredited and verified by BPHN, LKBH FH UPNVJ will receive official funding from the government to handle each case by providing fair and equitable legal assistance (BPHN, 2024). Thus, LKBH FH UPNVJ is one of the OBH/LBH that provides free legal aid services to poor people, both directly and indirectly.

The use of free legal aid services for poor communities is classified into several categories, which are dominated by children and housewives who experience cases of Domestic Violence (KDRT). This is proven by the significant increase in cases of domestic violence occurring in 2022 compared to previous years. This is also supported by the Head of the DKI Jakarta Center for Integrated Services for the Empowerment of Women and Children (P2TP2A), where in January-October 2022, violence against women and children increased compared to previous years, where in January-October 2022 cases of violence against women and children reached 1,278 (KumparanNews, 2022). This phenomenon highlights the important role of implementing Law no. 16 of 2011 in providing legal protection for those in need.

The need for intensive treatment of domestic violence cases is very important because many victims consist of children and women, who experience not only emotional trauma but also physical injuries. According to the National Commission on Violence Against Women's Annual Records (2020), 75.4% of cases of violence were domestic violence, with 59% affecting wives and 13% affecting children (Komnas Perempuan, 2020). However, according to the Commission for Missing Persons and Victims of Violence (KontraS) (Chrisbiantoro et al., 2014), many victims of domestic violence are still afraid to report the violence they have experienced because threats, both direct and indirect, are the main obstacle for them to seek help. or report the case. Therefore, the role of OBH and LBH is very important to create equal protection and justice for the entire community.

Efforts to handle domestic violence cases are still not optimal, especially in providing legal aid services to children and women who are caught up in these cases. Even though Law No. 16 of 2011 gives poor people the right to receive free legal aid, there are still many OBH and LBH in Indonesia who have not fully carried out their obligations. Of the many discriminatory problems and the tendency to side with those in power that often occur in LBH practices in Indonesia, this could reflect a lack of awareness by law enforcement officials of their duties and obligations, which in turn affects the effectiveness of Legal Aid Organizations (OBH) or Legal Aid Institutions. (LBH) (Azila, 2020).

Another factor that causes the low effectiveness of case handling by OBH or LBH includes the lack of *political will*. *The political will* possessed by each OBH or LBH will influence the increase in the provision of free legal assistance by advocates under each OBH or LBH. There are several OBH that actively provide free legal aid services, but their success in handling these cases is sometimes hampered by low levels of *political will* (Suhayati, 2012). Legal actors, in this case advocates under the auspices of OBH and LBH, are often unable to demonstrate seriousness and political determination to fight for their clients' rights to the fullest.

Apart from problems from the advocate side within OBH or LBH, there are significant budget problems. Budget limitations are often the main obstacle in providing optimal legal services. The Regional Law and Human Rights Office (Kanwilhukam) and the National Legal Development Agency (BPHN) are only able to verify known OBH or LBH due to budget limitations (Saefudin, 2015:70). This gives rise to indications of unfairness in the verification process, where OBH or LBH who should meet the requirements and receive objective verification may be missed due to limited financial resources.

Limited financial resources mean that the number of cases that can be handled by OBH or LBH is minimal. The budget provided by BPHN to OBH or LBH is not sufficient to handle

all cases, because apart from case fees, it must also cover operational costs. Funding for cases of IDR 5,000,000.00 (five million rupiah) is insufficient, especially in criminal cases that require registration fees to be borne by OBH or LBH (Saefudin, 2015:71). Therefore, funding is an important aspect in providing legal aid, and needs serious attention from the government to show its commitment to providing free legal aid services to poor people who need it.

Apart from that, sectoral egos in related institutions are another factor that hinders optimal free legal aid services. Many poor people are not fully accompanied during trials, and violations often occur during the trial process. Many OBH or LBH do not accompany cases until they are completed, which results in irregularities in the police investigation process, including emphasizing the suspect's confession and sometimes violence during the investigation (Saefudin, 2015: 73). This clearly violates the principle of equality in legal aid services from the government which should be provided to every individual.

In providing legal aid services, contributions and proactive efforts from various parties are needed. The DKI Jakarta Regional Office of Law and Human Rights (Kanwilhukum), the National Legal Development Agency (BPHN), as well as the Legal Aid Organization (OBH) or Legal Aid Institute (LBH) are responsible as field implementers to ensure the provision of legal aid evenly and fairly to the poor. in DKI Jakarta. This research will highlight the interactions and strategies between relevant actors in providing legal aid services to poor communities, especially children and women who experience domestic violence. In addition, this research aims to identify the challenges faced in implementing Law No. 16 of 2011 concerning legal aid.

Several previous studies have highlighted the implementation of Law No. 16 of 2011 in providing free legal aid services, with a focus on the performance of related actors. For example, research entitled "*The Effectiveness of Minister of Law and Human Rights Regulation Number 1 of 2018 concerning Paralegals in Providing Legal Aid at LBH-APIK Bali*" discusses limited access to legal aid services which causes inequality in the distribution of services, especially in handling domestic violence cases (Noni et al ., 2021). This is also supported by the findings of Somar et al. (2023) and Samanha et al., (2021) identified the low provision of legal aid services in DKI Jakarta and Yogyakarta due to the unprofessionalism of law enforcement officials, causing unequal access to justice for the poor and a lack of needed assistance. In addition, research by Yunus et al. (2008) found the minimal role of LBH Gorontalo in law enforcement for the poor, with many cases not involving LBH or advocates.

Likewise, previous research has highlighted the importance of transparency and accountability in legal aid services and their impact on public trust. For example, the research "*Enforcement of Miranda principles through Legal Assistance Assistance during the Covid-19 Pandemic*" shows that the transparency system for the poor community database in enforcing Miranda principles is still not optimal, which affects public trust (Fauzia et al., 2021). This is supported by findings where transparency and accountability in post-disaster legal assistance in Haiti also have an impact on systemic change, community empowerment, and increased public participation (Jagganath et al., 2011). Evidenced by the LAC findings in New Delhi show that a lack of accountability weakens the quality of legal services, reduces public trust, and makes people feel they do not need these services (Mann, 2022).

Finally, previous research also highlights the lack of budget allocation for legal aid services, which presents challenges in implementing services for people in need. The research entitled "*Optimizing Legal Aid Services for the Poor*" emphasizes that budget allocations that are not in line with field needs have caused a lack of funds at the Regional Office of the Ministry of Law and Human Rights (Kanwil Hukum) in North Sumatra Province. This is reflected in the exhaustion of the legal aid budget in the current year, while people who need services have not been met (Gayo, 2022). The lack of budget allocation also influences the lack of assistance, such as in the Correctional Institution in Bekasi City, where the lack of assistance is caused by

the lack of budget allocation for legal aid provided by the Bekasi City Government (Fajriando et al., 2021). Apart from that, legal aid services that are less transparent and unsupervised occur, for example in the Jember Regency Regional Government, where only non-litigation assistance services (consultations) are available, which basically do not consume the allocated budget (Syahara, 2021).

This research is important because there has been no research that has analyzed in depth the factors that cause the lack of integration and collaboration between relevant actors in the effectiveness of legal aid services, especially highlighting the government performance behind it. The focus of the research is to analyze interactions, strategies, and policy capacity issues between the DKI Jakarta Regional Legal and Security Office, BPHN, and LKBH FH UPNVJ in providing legal aid services for poor communities in DKI Jakarta, especially in handling domestic violence cases against women and children. This research will identify various challenges in implementing legal aid service policies, especially by LKBH FH UPNVJ, after qualitative data processing is carried out by researchers. Even though LKBH FH UPNVJ is accredited and mandated by the Ministry of Law & Human Rights and BPHN, deficiencies are still found in service delivery, especially related to imbalances in budgets and the lack of seriousness of some OBH in providing comprehensive legal assistance. This can hinder progress in providing equitable and fair legal aid services, as well as affect public trust in the legal system.

METHOD

This research is descriptive research with a qualitative approach that evaluates the suitability of legal aid policies, as regulated in Law no. 16 of 2011, with services provided by the government through the DKI Jakarta Regional Office of Kumham and BPHN through OBH or LBH, in this case LKBH FH UPNVJ, for poor communities in DKI Jakarta, especially women and children who experience cases of domestic violence. This research will collect, analyze and interpret the implementation of legal aid by LKBH FH UPNVJ as one of the OBH or LBH accredited and verified by BPHN, as well as its relationship with the DKI Jakarta Kumham Regional Office and BPHN.

Secondary data in this research was obtained through literature studies which include books, scientific journals, articles and other sources relevant to the problem raised, namely the implementation of legal aid service policies. According to Cahyana (2018:24), data from literature studies is considered relevant because it was found by experts who have competence in their field, so the information is in accordance with the discussion being studied. Apart from that, researchers also use other secondary data sources, namely through documentation methods. Documentation involves collecting documents in various forms such as writings, images, or individual works of art. According to Sugiono, documents record events that have occurred and can be in various formats such as writing, drawings, or individual monumental works (Cahyana, 2018:24).

RESULTS AND DISCUSSION

Policy Capacity in Providing Legal Assistance for Poor Victims of Domestic Violence in DKI Jakarta

Policy capacity refers to the skills, resources, competencies and capabilities required to carry out policy functions. Wu, Ramesh, and Howlett explain that from a government perspective, policy capacity is the ability to make intelligent choices or decisions, evaluate policy alternatives, and use appropriate knowledge in policy making (Wu et al., 2015:165-166).

In Policy Capacity, skills or competencies can be divided into analytical capacity, operational capacity and political capacity. These three types of competencies involve capabilities or resources that are divided into individual systemic organizations Wu et al.

(2015) presents an analysis table that includes nine points: individual analytical capacity, organizational analytical capacity, systemic analytical capacity, individual operational capacity, organizational operational capacity, systemic operational capacity, individual political capacity, organizational political capacity, and systemic political capacity.

Table 1.1 Policy Capacity Theory by Wu, Ramesh & Howlett (2015)

Level of Resources & Capabilities Skills & Competencies	Analytical	Operational	Political
Individual	Individual Analytical Capacity	Individual Operational Capacity	Individual Political Capacity
Organization	Organizational Analytical Capacity	Organizational Operational Capacity	Organizational Political Capacity
Systemic	Systemic Analytical Capacity	Systemic Operational Capacity	Systemic Political Capacity

Source: Policy Capacity Theory (Wu et al., 2015)

In the context of legal aid services provided by LKBH FH UPNVJ to the poor communities of DKI Jakarta, especially in handling domestic violence cases experienced by women and children, researchers used six indicators. Three indicators fall into the resource category (Individual, Organizational, and Systemic), while the other three fall into the capability category (Analytical, Operational, and Political). All of these indicators help assess the ability of the DKI Jakarta Regional Office of Law and Human Rights, BPHN, and LKBH FH UPNVJ in providing legal aid services to the poor communities of DKI Jakarta, especially in handling domestic violence cases.

Individual Analytical Capacity

Individual Analytical Capacity, is the first component in the policy capacity theory introduced by Wu, Ramesh, and Howlett in 2015, this section discusses the ability to diagnose and understand policy problems and find appropriate solutions (Wu et al., 2015). In the context of implementing the legal aid policy of Law no. 16 of 2011 for poor communities, especially victims of domestic violence in DKI Jakarta, resulted in findings from the first informant who was a representative of the National Legal Development Agency (BPHN) Legal Aid Sector, Legal Aid & Counseling Center:

"BPHN staff and I, especially in the field of Legal Aid at the Legal Counseling & Assistance Center, have adequate skills in implementing Law no. 16 of 2011, especially in helping poor communities handle domestic violence cases in DKI Jakarta. We often coordinate across sectors and have the ability to diagnose problems, such as cases of poor people who are victims of domestic violence who are not residents of DKI Jakarta. We direct them to the Regional Office of the Ministry of Law and Human Rights (Kanwil Kumham) or the local Legal Aid Organization. We also make it easier for people to submit documents, such as by receiving a Certificate of Inadequacy (SKTM) if they don't have a level 3 BPJS Health card."

Next, the researcher conducted an interview with the second informant, who was a representative from the Regional Office of the Ministry of Law and Human Rights DKI Jakarta (Kanwil Kumham DKI Jakarta) Sub-sector of Legal Counseling, Legal Aid, and Legal Information Documentation Network. The informant stated that the staff had good skills in

providing services to poor communities, especially victims of domestic violence in DKI Jakarta. They have the ability to diagnose problems and root causes through providing free legal aid to the poor, assisting Legal Aid Organizations (OBH) in handling cases. This is caused by an imbalance between the number of poor people in DKI Jakarta and the number of OBH available, which is only 41 in the entire DKI Jakarta area. The DKI Jakarta Kumham Regional Office plays a role not only as a supervisor, but also as a provider of legal assistance. This is reinforced by the results of the Community Satisfaction Index (IKM) survey in February 2024, which showed that the DKI Jakarta Regional Office of the Ministry of Law and Human Rights (Kanwil Kumham DKI Jakarta) obtained an IKM score of 17.12 with a very good predicate (Kanwilkumhamdki, 2024).

Finally, the researcher conducted an interview with the third informant, namely the Director of the FH UPNVJ Legal Aid and Consultation Institute (LKBH FH UPNVJ), who responded to the same thing as informants one and two, where the third informant said that:

"The LKBH FH UPNVJ staff is dominated by law lecturers and advocates who have skills in providing legal counseling to poor communities. The member recruitment procedure involves an interview and screening stage regarding their experience in the legal field. After being accepted, LKBH FH UPNVJ members undergo paralegal training to handle cases, especially domestic violence cases which this institution will often face in 2022-2023. In this way, it is hoped that advocates can handle cases, especially domestic violence cases, with the experience they have after paralegal training."

This is also supported by data on the handling of domestic violence cases at LKBH FH UPNVJ, that throughout 2018-2023 LKBH FH UPNVJ has handled 17 domestic violence cases. Where the highest number of cases handled will be in 2023, namely 8 domestic violence cases, dominated by cases of violence against children, both sexual and physical violence. It is considered that LKBH FH UPNVJ actively helps victims of domestic violence in assisting cases of domestic violence experienced by women and children.

So, it can be interpreted that the results of interviews conducted by researchers regarding individual analytical capacity in implementing the legal aid policy Law no. 16 of 2011 show that individuals/staff from government and non-government parties have good individual analytical skills, this is proven by the existence of individual expertise. / staff involved in diagnosing problems and also how to overcome existing problems, such as being able to formulate relevant plans to overcome problems faced in implementing legal aid policies in accordance with the theory introduced by Wu, Ramesh & Howlett (2015).

Organizational Analytical Capacity

Organizational Analytical Capacity introduced by Wu, Ramesh and Howlett in 2015 aims to collect and analyze data, as well as organizational commitment to policies based on scientific evidence, so that they will become more effective. This highlight of organizational analytical capacity focuses on the capabilities needed by governments to build and improve their evaluation capabilities to achieve the analytical capacity of their organizations (Wu et al., 2015: 168).

In discussing the organizational capacity analysis, the researcher conducted an interview with the first informant as a representative of the National Legal Development Agency (BPHN), where the first informant said that:

"The National Legal Development Agency (BPHN) as the main unit is responsible for providing legal aid in Indonesia, especially DKI Jakarta as the capital of Indonesia, providing optimal services, however, in recruiting Legal Aid Organizations (OBH) that are accredited

and verified by BPHN there are still many problems. obstacles, one of which is that many OBH admit that they have difficulty in accompanying supporting documents and also in the re-registration process. However, we will help guide you regarding the procedures."

This is also proven by the Ombudsman's findings, that there was a lack of disclosure of information about the reasons for not passing or decreasing accreditation by BPHN so that the Regional Office of the Ministry of Law and Human Rights had difficulty explaining to OBH. Apart from that, it was also found that the factual verification process, which is one of the verification procedures, was still not carried out evenly, especially for OBH that had previously been accredited (Ombudsman, 2019). From the results of the interview with the first informant and the findings of the Ombudsman, this indicates that there is an imbalance in the accreditation and factual verification process for OBH in DKI Jakarta. The lack of transparency in providing information about the reasons for not passing or decreasing accreditation by BPHN creates confusion among the parties involved, especially the regional offices of the Ministry of Law and Human Rights and OBH who are affected. In addition, unevenness in the implementation of the factual verification process creates uncertainty in the understanding of the standards and criteria used in assessing the feasibility of OBH.

Next, the researcher conducted research with a second informant who was a representative from the Regional Office of the Ministry of Law and Human Rights as the agency responsible for providing legal aid in DKI Jakarta, the difficulties faced by Legal Aid Organizations (OBH) in the process of re-registering as a verified OBH and accredited by BPHN. This process is quite complicated, especially in uploading the required documents into the application provided. Where in several findings it was found that many OBH experienced administrative difficulties related to documents that had to be uploaded, such as difficulty uploading original documents because they only had copies, not original documents. This condition causes many OBHs to fail in the registration process as verified and accredited OBHs due to administrative problems (ILRC, 2019:93).

Finally, the researcher also conducted an interview with a third informant who was the Director of LKBH FH UPNVJ. Where from the results of the interviews conducted, the third informant said something similar to the previous informant. BPHN does not accept documents in copy form, so LKBH needs to communicate intensively with BPHN regarding the accredited and verified OBH re-registration process every three years to extend the existing status.

So, it can be interpreted that from the results of interviews with informants and also the results of literature studies it was found that the government, especially BPHN and Kanwilhukam DKI Jakarta, lack innovation or alternative approaches to assist OBH in completing data for registration as a verified and accredited OBH. This shortage has the potential to reduce the number of OBH in DKI Jakarta, especially because many have withdrawn due to the complicated administrative process.

Systemic Analytical Capacity

Systemic Analytical Capacity is a component of policy capacity theory which aims to determine the coordination of government and non-government efforts in dealing with common problems, with a focus on leadership, vision, mission and overall development (Chamid, 2020:220). The actors involved in providing legal assistance in accordance with Law no. 16 of 2011 shows quite good analytical capacity. The first informant from BPHN explained that there were regular coordination and evaluation meetings every three months with the Regional Office of Law and Human Rights, the Attorney General's Office, and the Legal Aid Organization, showing structured efforts to overcome this problem. The following is the statement from the first informant:

"We routinely hold evaluations and meetings with other divisions, both scheduled and unscheduled. Scheduled meetings are attended by many parties once every three months to evaluate and plan programs. We also involve other related actors such as the Regional Office of Law and Human Rights, the Attorney General's Office, OBH, and the Women and Children Protection Commission in handling domestic violence cases. Collaboration is also established with NGOs involved in handling violence against women and children."

The second informant, who is a representative of the DKI Jakarta Regional Law and Human Rights Office, stated that his party often attends meetings held by BPHN, and conversely, representatives from BPHN also often attend coordination meetings of the DKI Jakarta Regional Law and Human Rights Office, especially regarding the provision of legal aid for the poor in DKI Jakarta. Every activity carried out is documented on social media @bphn_kemenkumham, such as the preparation meeting for the evaluation of the Sadar Hukum Subdistrict held by the Regional Office of the Ministry of Law and Human Rights, DKI Jakarta Province.



Source: Instagram @bphn_kemenkumham, 2024

Figure 1.1 2024 Legal Awareness Village Monitoring & Evaluation Meeting by BPHN together with the DKI Jakarta Kumham Regional Office

However, the statement from the third informant was quite different from the first and second informants. Where the third informant as Director of LKBH FH UPNVJ stated that:

"As Director of LKBH FH UPNVJ, I often coordinate with the government, especially the Regional Office of Kumham DKI Jakarta and BPHN, both through digital communication and direct visits to convey the problems we face in providing legal assistance to poor people. Even though we were not invited to the meeting, we proactively initiated the meeting to express our views. We are also collaborating with the DKI Jakarta Regional Office of Kumham and BPHN through the SID BANKUM application, although we still need to learn more about it."

The SID BANKUM application itself is an application designed to fulfill activities in the provision of legal assistance. SID BANKUM or Legal Aid Database Information System is SID BANKUM is an application created by BPHN in 2015 to facilitate the process of providing online legal aid, especially for BPHN, Kanwil Kumham, and OBH which have been certified by BPHN (BPHN, 2023) . So from the statements presented by the informants above it can be interpreted that the Systemic Analytical Capacity of BPHN and the DKI Jakarta Kumham Regional Office is quite good, but needs to be improved by involving OBH in coordination meetings to overcome challenges in the field. Optimization of the SID BANKUM application also needs to be done so that it is easy for OBH to understand. Apart from that, the efforts of LKBH FH UPNVJ as a non-government actor who is actively involved in providing legal assistance should also be appreciated.

Individual Operational Capabilities

Individual Operational Capacity refers to a person's ability to effectively and efficiently carry out their duties and responsibilities, especially in the context of planning, budgeting, directing and coordinating (Wu et al., 2015). In relation to the implementation of the legal aid policy Law no. 16 of 2011 for poor communities in DKI Jakarta, especially in handling domestic violence cases, each actor involved has a different answer, be it BPHN, DKI Jakarta Kumham Regional Office or LKBH FH UPNVJ.

Interviews conducted by researchers with the first informant as a representative of the National Legal Development Agency (BPHN), explained that there were obstacles in providing budget allocations to OBH, where the problems included that the money that had been given by BPHN to OBH had expired before its term, this was because The budget that has been designed is not in accordance with the real needs in the field, so the BPHN staff also admits that they need an opinion from the OBH for the purpose of reviewing the budget costs issued by BPHN to the OBH. This is also supported by the Ombudsman's statement which emphasizes the need to expand aid funds for victims and monitor the quality of services (Ombudsman, 2019). Then in the planning sector, BPHN staff admitted that they were developing an application to make it easier to provide legal assistance to the poor, considering that the SID BANKUM application could only be operated by BPHN, the local Kumham Regional Office, and OBH.

Furthermore, the interview conducted by the researcher with the second informant as a representative of the DKI Jakarta Regional Office of Law and Human Rights, stated that:

"The DKI Jakarta Kumham Regional Office sets a budget of 5 million per case for each OBH, depending on the level of accreditation. They rely on the SID BANKUM application for direction and coordination. If OBH funds run out, people can look for other OBH. Staff usually recommend or direct them. Even so, the provision of legal assistance remains limited."

From the second informant's statement, it is known that each OBH receives a budget of 5 million/case, but this is considered to be insufficient and requires grant funds from the local government. However, the DKI Jakarta government does not yet have a regional regulation that regulates the provision of legal aid, so the government pays little attention to providing grant funds to assist with legal aid services. The presence of a regional regulation that regulates this is very important because the budget provided is not sufficient for the needs of each OBH in handling cases. This is also supported by the statement of the second informant as Director of LKBH FH UPNVJ, where the second informant stated:

"There are problems in providing legal assistance to poor people regarding handling domestic violence cases. Coordination between various parties such as the police and the attorney general's office is needed. The budget provided by BPHN of 5 million per case does not cover administrative costs, autopsy, drafting and transportation of advocates. It is necessary to review the budget so that it meets field needs. Limited staff capacity in the reimbursement process also affects the provision of legal assistance. Nevertheless, the best service continues to be provided to the community by providing assistance."

From the results of interviews conducted by informants, it can be interpreted that individual operational capacity needs to be improved to ensure the effectiveness of providing legal assistance to victims of domestic violence in DKI Jakarta. Obstacles such as budget allocations that are not in line with real needs, lack of grant funds from the local government, and lack of coordination in budget management are the main focus. Innovation and review of budget allocations as well as expansion of the aid funding segment need to be initiated to improve the system. Better coordination between BPHN, DKI Jakarta Regional Office of the

Ministry of Law and Human Rights, and OBH is needed to ensure the efficiency and quality of legal aid services to victims of domestic violence.

Organizational Operational Capacity

Organizational Operational Capacity is an important indicator in policy capacity theory, which measures an organization's ability to mobilize and direct resources to implement policies (Wu et al., 2015). This covers various aspects, including funding and communication between institutions, especially in the context of implementing the legal aid policy of Law no. 16 of 2011 for poor people who are victims of domestic violence. This was stated by the first informant through interviews conducted by researchers, that:

"We at BPHN are still evaluating the budget provided by BPHN to OBH, there are several points that need to be evaluated, one of which is the need to differentiate between legal services and logistical needs where the costs budgeted by BPHN only cover legal services, not operational needs such as stamp duty, transportation, post-mortem, autopsy, photocopying and so on that we have to consider again."

In this case, the first informant from BPHN revealed that evaluation of the budget allocation given to OBH was still being carried out. This shows that in implementing legal aid policies, there is awareness of the importance of more effective and efficient budget management. The need for adjustments in budget allocations to meet the organization's operational needs is one step that is considered important in improving operational capabilities in providing legal assistance to poor people who are victims of domestic violence.

Then, the results of interviews conducted by researchers with the second informant as a representative of the DKI Jakarta Kumham Regional Office found that budget management for legal aid in DKI Jakarta had limitations. The operational budget is still bound by rigid provisions, such as the requirement to upload proof of budget usage with a wet stamp from the shop. Another problem arises related to the coverage of OBH services which are not limited only to the DKI Jakarta area, but also cover the Banten area. This becomes an obstacle in the reimbursement process because of regulations that require services only in DKI Jakarta. From these findings, it appears that budget management for domestic violence legal aid in DKI Jakarta still has challenges that must be overcome, especially regarding flexibility in budget use and adjustments to the broad service area.

Finally, the results of interviews conducted by researchers together with the third informant as Director of LKBH FH UPNVJ, stated that there were difficulties in managing resources, especially human resources. The majority of LKBH FH UPNVJ members, most of whom are law lecturers and advocates, have busy lives outside of LKBH activities. This results in a lack of attention to assistance for users of legal aid services. To overcome this problem, LKBH FH UPNVJ is trying to monitor and schedule assistance more regularly. From the results of interviews conducted with informants, it can be interpreted that the Operational Capacity of Organizations, both government and non-government agencies, needs to be improved in budget management, resource direction and HR management. This is important to ensure effectiveness and efficiency in providing legal assistance to poor communities, especially victims of domestic violence in DKI Jakarta. Handling domestic violence cases requires more resources, including budgets, coordination with the police, prosecutors and experts such as post-mortem and autopsy.

Systemic Operational Capacity

Systemic Operational Capacity is an indicator in policy capacity theory that assesses the system's ability to manage, supervise, and interact with public institutions and build

effective relationships with community partners (Wu et al., 2015). In relation to the policy of providing legal aid, Law no. 16 of 2011 for poor people, especially victims of domestic violence in DKI Jakarta, researchers have conducted interviews with the first informant as a representative from BPHN, and it was found that BPHN is actively involved in providing legal assistance to poor people, especially victims of domestic violence in DKI Jakarta. They conducted legal education in Kampung Melayu with the collaboration of the local RT to increase awareness of reporting acts of domestic violence. Apart from that, BPHN collaborates with Wahana Visi Indonesia to socialize child protection and prevent domestic violence. They also coordinate with the DKI Jakarta Regional Office of Law and Human Rights to supervise the implementation of legal aid.

Furthermore, the interview conducted by the researcher with the second informant as a representative of the DKI Jakarta Regional Office of Law and Human Rights, stated that:

"The DKI Jakarta Kumham Regional Office routinely monitors the implementation of legal assistance by OBH which has been accredited and verified by BPHN. They enforce the rules strictly against violations, such as not providing assistance to clients, with the threat of reducing accreditation or revoking permits. Apart from that, they are active in communicating with OBH to understand field problems and challenges, as well as carrying out legal outreach in the community, such as at SDN 04 Pondok Bambu, together with BPHN."

The second informant's statement, similar to the statement of the third informant as Director of LKBH FH UPNVJ, stated that LKBH FH UPNVJ was actively communicating with BPHN and the DKI Jakarta Kumham Regional Office regarding the provision of legal assistance. They receive full support from both parties, which is proven through paralegal training in 2021 (FH UPNVJ, 2021) and increasing student competency through Penthalix-based paralegal education and training in 2023 (FH UPNVJ, 2023), which is supported by BPHN.

From the results of interviews conducted by researchers with informants, it can be interpreted that the Systemic Operational Capacity of government and non-government, such as BPHN, Kanwil Kumham DKI Jakarta, and LKBH FH UPNVJ, is proven to be good in implementing the policy of providing legal aid. They actively interact with the community, carry out supervision, and collaborate between institutions. However, some victims of domestic violence experience difficulties in online legal consultations due to limited equipment and technological understanding. In fact, when they access legal aid directly, they also have difficulty paying for transportation.

Individual Political Capacity

Individual Political Capacity refers to a person's ability to interact in a political context, carry out their duties effectively, have sharpness in policy analysis, and understand the practical implications of policy actions (Wu et al., 2015). In relation to the implementation of the legal aid policy Law no. 16 of 2011 for poor communities, especially the handling of domestic violence cases in DKI Jakarta, interviews were conducted with the first informant as a representative from BPHN, and the second informant as a representative from the DKI Jakarta Regional Office of Kumham and Human Rights, showing that the individuals involved had strong political power in implementing aid policies. Law no. 16 of 2011 in DKI Jakarta. This political capacity is reflected in the background and position of leaders and administrators at BPHN and the DKI Jakarta Kumham Regional Office. BPHN Leader, Prof. Dr. Widodo Ekatjahjana, SH, M.Hum, has extensive experience in the fields of government and law. Before serving as Head of BPHN, Widodo Ekatjahjana was an Expert Staff for the House of

Representatives (2006-2008) and Director General of Legislation (2016-2021). Likewise, other management staff also have good experience and legal educational backgrounds.

The leadership and staff at the DKI Jakarta Kumham Regional Office have a legal educational background and have experience in their fields. For example, Drs. Ibnu Chuldun, Bc.IP, SH, M.Sc., Head of the DKI Jakarta Regional Office of the Ministry of Law and Human Rights, has experience in correctional and legal sciences. Ibnu Chuldun has also led the Regional Office of Law and Human Rights in several provinces before serving in DKI Jakarta such as Bangka Belitung, North Sumatra, Central Java, West Java, Riau, and currently in DKI Jakarta (Kemenkumham, 2024). On the other hand, the staff also have good legal education and sufficient experience in providing legal assistance to poor communities in DKI Jakarta.

LKBH FH UPNVJ has staff with legal educational backgrounds, many of whom are advocates. For example, Dr. Heru Sugiyono, SH., MH., as Director of LKBH FH UPNVJ, has had a career as an Advocate and Legal Consultant since 2000 (UPNVJ, 2024). Likewise, the staff have similar experience and are certain to have the skills to handle cases and provide consultations to clients, especially the poor. They undergo a screening process and paralegal training to prepare themselves to face legal cases. However, neither the Director nor his staff have much authority in determining policy direction.

Thus, from the results of the research conducted by researchers, it can be interpreted that the political capacity of individuals at BPHN and the DKI Jakarta Kumham Regional Office plays an important role in influencing the implementation of legal aid policies for the poor in accordance with Law no. 16 of 2011 in DKI Jakarta. Without strong political capacity, the BPHN management and the DKI Jakarta Kumham Regional Office cannot intervene in the policy of providing legal aid.

Organizational Political Capacity

Organizational political capacity is an indicator in policy capacity theory that measures an organization's ability to mobilize and direct resources to implement policies, this involves aspects such as funding and communication between institutions (Wu et al., 2015). If it is related to the implementation of the legal aid policy Law no. 16 of 2011 for the poor, especially victims of domestic violence in DKI Jakarta, from the results of the researcher's interviews with the first and second informants, it was found that all institutions, both from the government, namely BPHN and Kanwil Kumham DKI Jakarta have political capacity. This organization is because its members have political power so they can put political pressure on OBH to provide services to the community, especially the poor in DKI Jakarta. This is supported by findings where the DKI Jakarta Regional Office of Law and Human Rights, OBH including LKBH FH UPNVJ have signed an MOU to increase efficiency and target accuracy in providing legal assistance to the poor, especially in DKI Jakarta (Kemenkumham, 2021). Apart from that, BPHN provides full support for activities at each OBH, including paralegal training carried out with LKBH FH UPNVJ in 2021 (UPNVJ, 2021) and BPHN provides full support for the signing of IA Pentahelix FH UPNVJ with AIOLA Law Firm & Sindo News in 2021. 2023 (UPNVJ, 2023).

Hierarchically, in providing legal aid in DKI Jakarta, full responsibility lies with the DKI Jakarta Regional Office of Law and Human Rights for the Jabodetabek & Banten area, but overall, BPHN holds the main responsibility. BPHN has greater authority in field implementation, including budget allocation, OBH verification and accreditation, as well as drafting legal aid policies. So, from the results of the researchers' findings, it can be interpreted that the political capacity of the DKI Jakarta Kumham Regional Office and BPHN Organizational Politics is good. However, LKBH FH UPNVJ, as a non-governmental institution, has limitations in influencing government policy due to its limited authority.

Systemic Political Capacity

Systemic Political Capacity refers to an organization's ability to mobilize and direct resources to implement policies. This involves a number of aspects, including funding and communication between institutions (Wu et al., 2015). In an effort to implement the legal aid policy of Law no. 16 of 2011 for the poor in DKI Jakarta, it was found from the research results that BPHN and the DKI Jakarta Kumham Regional Office have the political capacity to communicate with the community to facilitate monitoring, dialogue and influence on related policies. by providing legal assistance to poor people in DKI Jakarta in accordance with Law no. 16 of 2011. This is supported by the results of interviews with the third informant, who said that:

"LKBH FH UPNVJ has heard input from clients to improve legal aid services. However, for budget problems that clients complain about that are beyond our control, we hope that the DKI Jakarta Regional Office of Kumham and BPHN will conduct an evaluation of the OBH facility and operational budget."

It can be seen that the public relies on OBH such as LKBH FH UPNVJ to express their opinions. However, public opinion rarely reaches BPHN and the DKI Jakarta Kumham Regional Office, which are the main providers of legal aid. BPHN and the DKI Jakarta Kumham Regional Office need to involve more direct participation from the community so that their opinions and criticisms can be accommodated properly. Apart from that, other findings show that the visit from the DKI Jakarta Kumham Regional Office was only a formality without significant monitoring and evaluation activities. The opinion of one of the OBHs was never followed up, and the evaluation results were never provided as feedback. (LBHApik, 2023).

So, from the results of the researcher's findings and interviews with informant 3 as Director of LKBH FH UPNVJ, it can be interpreted that the Systemic Political Capacity of BPHN and the DKI Jakarta Kumham Regional Office is not yet optimal because it has not been integrated with the community effectively. From interviews with poor people receiving legal aid, especially victims of domestic violence, it was revealed that they have not been fully involved by government agencies in providing legal aid services. The public also experiences difficulty in conveying their opinions and criticism to BPHN and the DKI Jakarta Regional Office of Human Rights.

CONCLUSION

The results of research on the Implementation of Legal Aid for the Poor in DKI Jakarta based on Law No. 16 of 2011 show that even though actors such as BPHN, DKI Jakarta Regional Office of Law and Human Rights, and LKBH FH UPNVJ are involved, the implementation still has several shortcomings. Complicated implementation mechanisms, minimal budget allocations, and lack of coordination between institutions are challenges. To increase its effectiveness, innovation, better coordination, evaluation of budget allocations, optimization of operational capacity, and increased political capacity, as well as more effective community involvement, are needed. By implementing these recommendations, it is hoped that legal aid services can be more effective and equitable for poor communities, especially victims of domestic violence in DKI Jakarta.

REFERENCE

Akbar, N. (2019, February 18). *BPHN Susun Standar Layanan bantuan hukum bagi Masyarakat Tak Mampu*. InfoPublik. <https://www.infopublik.id/kategori/sorot-politik-hukum/431767/bphn-susun-standar-layanan-bantuan-hukum-bagi-masyarakat-tak-mampu?show=>

- Azalia, S. N. (2020). Peran dan Efektivitas Lembaga Bantuan Hukum Asosiasi Perempuan Indonesia untuk Keadilan dalam Pendampingan Kasus Kekerasan Terhadap Perempuan. *The Digest: Journal of Jurisprudence and Legisprudence*, 1(2), 79-104.
- BPHN. (2023, November 1). BPHN Setujui Terobosan Pemprov Jatim Untuk Bangun Aplikasi “Bankum Maskin.” Badan Pembinaan Hukum Nasional - Kemenkumham RI. <https://bphn.go.id/publikasi/berita/2023110109332669/bphn-setujui-terobosan-pemprov-jatim-untuk-bangun-aplikasi-bankum->
- BPHN. (2024). Daftar Organisasi Bantuan Hukum Terdekat . Daftar OBH Terdekat. <https://www.bphn.go.id/layanan/bantuan-hukum/obh>
- BPHN. (2024). Profil Pejabat Widodo Ekatjahjana. Profil Pejabat BPHN. <https://bphn.go.id/profil/pejabat/lihat/1/kepala-badan-pembinaan-hukum-nasional>
- Cahyana, D. (2018). Tinjauan Pembelian Atas Prosedur Peralatan Kantor Pada Pt Deltra Wijaya Konsultan. *E-Library UNIKOM*, 20–26.
- Chrisbiantoro, Sholikin, M. N., & Wirataru, S. (2014). *Bantuan Hukum Masih Sulit Diakses: Hasil Pemantauan di Lima Provinsi Terkait Pelaksanaan Undang-undang No.16 Tahun 2011 tentang Bantuan Hukum*. Komisi untuk Orang Hilang dan Tindak Kekerasan .
- DKI Jakarta, K. K. (2024, March 1). *Kanwil Kemenkumham DKI Jakarta on Instagram*. Instagram. https://www.instagram.com/p/C39DT_eBXf3/?img_index=1
- Fajriando, H., & Sujatmiko, S. (2021). Improving Access to Legal Assistance Services for Prisoners. *Advances in Social Science, Education and Humanities Research*, 592. Proceedings of the 2nd International Conference on Law and Human Rights 2021 (ICLHR 2021)
- Fauzia, A., & Hamdani, F. (2021). Penegakan miranda principles Melalui Pemberian Bantuan Hukum Pendampingan di Masa Pandemi covid-19: Enforcement of the miranda principles through providing legal assistance during the COVID-19 pandemic. Seminar Nasional Hukum Universitas Negeri Semarang.
- FH UPNVJ. (2023, October 12). Penandatanganan ia pentahelix FH UPNVJ Dengan BPHN, Lembaga Bantuan Hukum Jakarta, Aiola Law Firm & Sindo News. Fakultas Hukum UPN “Veteran” Jakarta. <https://hukum.upnvj.ac.id/penandatanganan-ia-pentahelix-fh-upnvj-dengan-bphn-lembaga-bantuan-hukum-jakarta-aiola-law-firm-sindo-news/>
- FH UPNVJ. (2023b, October 24). Dr. Heru Sugiyono, S.H., M.H.: Dosen. Fakultas Hukum UPN “Veteran” Jakarta. <https://hukum.upnvj.ac.id/team/dr-heru-sugiyono-s-h-m-h/>
- Gayo, A. A. (2020). OPTIMALISASI PELAYANAN BANTUAN HUKUM BAGI MASYARAKAT MISKIN. *Jurnal Penelitian Hukum De Jure*, 20(3).
- Gunadi, A. (2023, June 19). Pentingnya eksistensi Lembaga Konsultasi Dan Bantuan Hukum di Lingkungan perguruan tinggi. Kompasiana.com. <https://www.kompasiana.com/andinigunadi1691/649059c808a8b5537c0693d2/pentingnya-eksistensi-lembaga-konsultasi-dan-bantuan-hukum-di-lingkungan-perguruan-tinggi>
- ILRC. (2019, October). Laporan Penelitian Verifikasi Dan Akreditasi Organisasi Bantuan Hukum 2019.
- Jagganath, M., Philips, N., & Shah, J. (2011). *A right-based approach to lawyering: Legal empowerment as an ...*Northwestern Journal of International Human Rights.
- Kanwil Kumham DKI Jakarta. (2021, January 22). Penandatanganan Mou Obh Dan Kanwil Kemenkumham DKI Jakarta. Berita Terkini Kanwil. <https://jakarta.kemenkumham.go.id/berita-kanwil-terkini-2/penandatanganan-mou-obh-dan-kanwil-kemenkumham-dki-jakarta>

- Kanwil Kumham DKI Jakarta. (2024, January 23). Profil pejabat - Kanwil Kementerian Hukum Dan Hak Asasi Manusia . Profil Pejabat Kanwil Kumham DKI Jakarta. <https://jakarta.kemenkumham.go.id/profil/profil-pejabat>
- Komnas Perempuan. (2020). Instrumen Modul & Referensi pemantauan. Komnas Perempuan (Komisi Nasional Anti Kekerasan Terhadap Perempuan)
- LBH Apik. (2023). Kebutuhan Anggaran Bantuan Hukum yang Berperspektif Kelompok Rentan. Hasil Kajian Awal Anggaran Bantuan Hukum Juli 2023.
- LKBH FH UPNVJ. (2021, October 21). Lembaga Konsultasi Dan Bantuan Hukum (LKBH) Fakultas Hukum UPN veteran Jakarta Dan Bphn kemenkumham ri mengadakan pelatihan paralegal Dengan Tema pelatihan paralegal “Mahasiswa Unggul penegak Keadilan Masyarakat Indonesia.” Fakultas Hukum UPN “Veteran” Jakarta. <https://hukum.upnvj.ac.id/agendaterbaru/lembaga-konsultasi-dan-bantuan-hukum-lkbh-fakultas-hukum-upn-veteran-jakarta-dan-bphn-kemenkumham-ri-mengadakan-pelatihan-paralegal-dengan-tema-pelatihan-paralegal-mahasiswa-unggul/>
- Mann, J. S. (2022). IMPACT OF COMPETENCY AND COMMITMENT OF THE LEGAL AID COUNSELS ON THE LEGAL AID SYSTEM IN THE CITY OF DELHI. *Journal of the Indian Law Institute*, 60(2).
- Ombudsman. (2019, December 4). Ini Masukan Ombudsman Soal Layanan Bantuan Hukum. Pengumuman. <https://ombudsman.go.id/pengumuman/r/ini-masukan-ombudsman-soal-layanan-bantuan-hukum>
- Romadoni, A. (2022, November 20). Kekerasan Pada Perempuan Dan Anak di Dki Meningkatkan jadi 1.278 kasus Tahun Ini. *Kumparan*. <https://kumparan.com/kumparannews/kekerasan-pada-perempuan-dan-anak-di-dki-meningkat-jadi-1-278-kasus-tahun-ini-1zHiUKLDsHi/2>
- Samanha, R. A., & Syafi'ie, M. (2021). Pendampingan Buruh oleh Lembaga Bantuan Hukum dalam Pemenuhan Hak atas Pesangon pada Kasus PHK di Yogyakarta berdasarkan Perspektif Hak Asasi Manusia. *Prosiding Seminar Nasional Hukum Perdata (Industri Financial Technology Peer to Peer Lending Di Indonesia: Kini Dan Nanti)*.
- Saefudin, Y. (2015). Implementasi Pemberian Bantuan Hukum bagi Rakyat Miskin di Jawa Tengah berdasarkan Undang-undang No.16 Tahun 2011 tentang Bantuan Hukum. *Jurnal Idea Hukum*.
- Sugiantiri, A. A. P. W., Suharyanti, N. P. N., & Nistra, I. M. (2021). Efektivitas Peraturan Menteri Hukum dan HAM Nomor 1 Tahun 2018 tentang Paralegal dalam Pemberian Bantuan Hukum di LBH-APIK Bali. *Jurnal Analisis Hukum*, 4.
- Somar, F. F., Barthos, M., & Wardhani, I. K. (2023). Efektivitas Pelaksanaan Bantuan Hukum bagi Masyarakat Kurang Mampu oleh Lembaga Bantuan Hukum Jakarta. *Jurnal Multidisiplin*, 1.
- Suhayati, M. (2012). Pemberian Bantuan Hukum Cuma-Cuma oleh Advokat berdasarkan Undang-Undang No.18 Tahun 2003 tentang Advokat (Free Legal Aid by Advocate Under The Law Number 18 Year 2003 Regarding Advocates). *Jurnal Ilmiah Hukum: Negara Hukum Membangun Hukum Untuk Keadilan Dan Kesejahteraan*, 3. <https://doi.org/10.22212/jnh.v3i2.232>
- Sutiyoso, B., Aji, A. D., & Mahendro, G. (2022). Peran Dan Tanggung Jawab Organisasi Bantuan Hukum Dalam Memberikan Akses Keadilan Secara Prodeo Di Daerah Istimewa Yogyakarta. *Jurnal Hukum Ius Quia Iustum Faculty of Law*, 30(1).
- Syahara, T. P. (2021). IMPLEMENTATION OF LEGAL AID BY THE LOCAL GOVERNMENT (CASE STUDY OF THE LOCAL GOVERNMENT OF JEMBER REGENCY). *The Indonesian Journal of International Clinical Legal Education*.

- Wu, X., Ramesh, M., & Howlett, M. (2015). Policy capacity: A conceptual framework for understanding policy competences and capabilities. *Policy and Society*, 34(3–4), 165–170.
- Yunus, N., & Djafaar, L. (2008). Eksistensi Lembaga Bantuan Hukum (LBH) dalam Memberikan Layanan Hukum kepada Masyarakat di Kabupaten Gorontalo. *Mimbar Hukum*, 20.