



DOI: <https://doi.org/10.38035/jlph>
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The Urgency of Legal Aid in Online Dispute Resolution in the Modernization Era

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Abstract: Legal aid is one of the protections of constitutional rights for every citizen, which is equally protected under the law. The provision of legal aid in this era of modernization is essential to provide a means of protecting human rights as an implementation of legal protection guarantees. According to the concept of legal aid, which is linked to the aspiration for societal welfare, this is a very important instrument in the implementation of the judicial system, which is crucial for society in Indonesia. Therefore, the urgency of online legal aid established in the modernization era is highly necessary to support public understanding regarding the use of online legal aid to facilitate more practical access to legal assistance. This study uses normative legal research methods with a conceptual and prescriptive approach. Thus, the originality derived from this research is to highlight the urgency of easily accessible online legal aid in the modernization era for the Indonesian public to provide more accessible and flexible legal facilities.

Keyword: Legal Aids, Online, Modernization.

INTRODUCTION

In Law No. 39 of 1999 related to human rights, it has been explained that these rights are inherent rights and in essence the existence of humans as creatures of God Almighty is a gift that must be respected and protected. In this case, the rule of law can provide rules relating to the protection and dignity of humans. In this case, human rights are also rights inherent in humans themselves, where every human being cannot possibly live as an independent individual. In the regulations that have been established regarding human rights, there are still many people who violate the provisions of these rights, but the state also contributes when violations occur, especially regarding human rights. In order to create justice in providing protection for human rights, it is necessary to provide legal assistance to

victims. In this case, legal aid is one of the institutions outside the government that is engaged in law enforcement.

The definition of online legal aid itself is the provision of a certain set of norms or rules from certain parties to others digitally or online or the provision of benefits from individuals to other individuals with the hope of having benefits that are beneficial to the recipient of the assistance, which also has sanctions with the aim of providing legal assistance efforts to a person or group who is unable or lacks knowledge about the law.

The right to legal aid or in other words to obtain legal defense from a lawyer or legal counsel (access to legal counsel) is one of the basic rights for the community and it is one of the elements in obtaining equal justice in the eyes of the law. And in Indonesia itself, which is a state of law, it must equalize every right given by the entire community. The provision of substantive justice is part of the concept of justice enforcement which is the reality of the fulfillment of justice from the values of justice itself. Basically related to basic human rights are also related to the rights inherent in human beings since they were born and related to statutory rights given specifically to human individuals whose regulations are contained in laws and regulations.

Legal aid in the current era of modernization is needed to help provide justice to people who are experiencing legal disasters, which is very important for the creation of a simple, fast and low-cost justice system. This is one of the systems that have been established in the judicial administration system. These procedures are regulated in the laws and regulations in Indonesia, namely Law No. 16/2011 on Legal Aid and Government Regulation No. 42/2013 on the Terms and Procedures for Providing Legal Aid and Distributing Legal Aid Funds, which are outlined as follows: The applicant must meet the requirements, The applicant must include his/her identity and the essence of the legal problem that will be requested to legal aid, Include documents regarding the case and submit to legal aid, Include the existence of a certificate of poverty from the local official of the place of residence who is authorized to provide the letter.

Legal aid in the era of modernization helps provide relief to the litigation system, it is hoped that the legal aid established can provide benefits, namely related to speed (*kecepatan*), consistency (*konsistensi*), precisions (*ketepatan*), and reliability (*keandalan*). The establishment of online legal aid in the current era of modernization is very important because the urgency of the establishment of online legal aid in the era of modernization in the scope of society is very necessary given the lack of access to justice for the people in Indonesia.

The lack of access to justice for people in Indonesia has several causes, including:

1. Inequality in terms of economic, political, and social and cultural structures.
2. Lack of knowledge of the legal system and legal procedures.
3. The level of corruption in the judiciary means that some sections of the community cannot afford to pay “*panjar*” or the administration of the legal process.
4. The “legal aid” service policy is not effectively implemented.
5. Many laws do not favor the community equally.

The establishment of online legal aid during modernization is an effort to be able to realize constitutional rights as an implementation of the rule of law to be able to protect and guarantee the rights of citizens for the needs of access to justice and equality before the law. This online legal aid is also one of the legal services or what is called legal service which has the aim of providing legal protection of constitutional rights for the entire scope of society without exception.

The hope to be achieved is the formation of online legal aid that has been formulated in the era of modernization is to ensure the fulfillment of rights for legal aid recipients more easily, especially in areas that still lack legal aid for access to justice and fulfillment of

constitutional rights in accordance with the principle of equality before the law. And how the urgency of online legal aid in the era of modernization can overcome all the problems of the lack of access to justice that reaches all regions in Indonesia.

METHOD

The research method on the urgency of online legal aid in the era of modernization is to use normative research which examines related legal issues and is seen from the perspective of legal norms where the nature of this research is descriptive. All data obtained and analyzed are associated with data obtained using a statutory approach or what is called a statute approach and a conceptual approach or what is called a conceptual approach.

The legal sources used consist of primary legal materials which have official authority and are associated with existing laws and regulations. In addition, other legal sources used are secondary legal sources which include legal publication data which are official documents that can also be obtained through internet media. The legal analysis used in this research also uses deductive reasoning in analyzing several legal studies to be drawn into conclusions from describing the objectives of the research being studied.

RESULTS AND DISCUSSION

The implementation of law in Indonesia related to legal awareness in society is still determined by law enforcement officials, due to the lack of public knowledge of legal awareness. It can be said that legal aid is a right that can be demanded by legal subjects which has been emphasized in the legislation. So that the urgency in providing legal aid is an obligation for a legal advisor/advocate to provide the fulfillment of constitutional rights for the community, both the implementation of the process of detention, examination, investigation, prosecution, and imposition of punishment, as well as the execution of punishment, whether carried out free of charge / free or with a fee agreed by both parties.

Online legal aid is an easy provision of assistance through online media that can be accessed using the internet, where it uses and applies legal provisions in accordance with existing laws and regulations. As in the 1945 Constitution of the Republic of Indonesia in article 28D Paragraph (1) where everyone has the right to obtain recognition, guarantees, protection, and fair legal certainty, as well as getting equal treatment in the eyes of the law.

From this article, it has been explained that the state provides the same legal certainty for the entire scope of society regardless of ethnicity, religion, race, or the position of the degree of each community's own life so that the legal system that has been formed can be realized properly.

Article 28H Paragraph (2) of the 1945 Constitution of the Republic of Indonesia stipulates that everyone is entitled to ease and special treatment in obtaining equal opportunities and benefits in achieving justice. In addition, Article 34 Paragraph (1) can be seen substantively that legal aid to the poor can be formed to guarantee access to justice.

The concept of access to justice itself also focuses on the basic objectives of the existence of the legal system, which include:

1. A legal system that can be accessed by all Indonesian people.
2. A legal system that can produce provisions and decisions that are considered fair in the eyes of the law.

The scope of social welfare, related to the provision of online legal aid for the community, is an effort to explain and fight for the rights of the community so that the needs of justice can be fulfilled for the surrounding community. Online legal aid established in the era of modernization is used to meet three scopes, including:

1. Social welfare, related to the issue of fulfilling the rights of the community to basic needs such as health, education, water, land, and housing.

2. Community fulfillment in the judicial rights system.
3. The scope of freedom in obtaining information and also public services.

The state's means of fulfilling the constitutional mandate established in the legal aid law is essentially a program that provides changes to the social order in favor of the entire scope of society. In the conceptualization of legal aid whose purpose is to provide equality to resources that restore basic rights related to political economic resources, where technology and information related to legal aid can be accessed easily through internet media. The basic concepts in the formation of online legal aid in the era of modernization include:

1. The concept of legal aid involving legal services provided to the people of the modernization era, this is passive and very formal in its approach in legal terms.
2. The concept of legal aid in a constitutional manner where legal aid is carried out through various efforts and which has broad objectives such as, understanding related to the subject of community rights, in this case development is based on human rights values.
3. The concept of structural assistance which is used to create conditions in the implementation of laws that can change structures, regulations, and also enforcement in the judicial structure that is fairer in equal rights and also ensures the political field that is involved.

Services in online legal aid in the era of modernization include legal aid provided responsively where in the handling of law in human rights and litigation in the representation of legal aid organizations online is expected to solve existing legal problems and is intended to provide legal protection more strongly, precisely, more clearly, and also more correctly. In the reform of judicial decisions in favor of the truth and also in the law-making process adapted to the cultural values prevailing in the scope of society, the concept of legal aid has a function in the implementation of protection in legal aid for those in the era of modernization which is currently all digital, this is combined with the concept of access to justice and restoration to the law to get the expected justice.

On access to justice, which explains the right to legal representation related to the realization of online legal aid which includes representation in court, the absence of legal aid is a threat to sustainable access to justice, especially on equality in the judicial process. The conception of human rights as the fundamental right for all people is to have equal access to the courts and justice is not only a process in the justice system, it also includes one of representation in court. The urgency in the establishment of online legal aid is in principle that all people have the right to be treated equally in the eyes of the law and the principle of urgency must be maintained in accordance with the 1945 Constitution of the Republic of Indonesia.

Thus the fulfillment of all fundamental legal aid rights is basically the responsibility of the state. In this online legal aid facilitates public access to all information related to consultation and information related to legal protection, this does not limit the right to national legal aid by not closing access to legal protection to justice.

In the implementation of online legal aid carried out by legal aid providers, the requirements have been met, but in the implementation there are several shortcomings as follows:

1. Lack of legal aid implementers who are experienced in providing legal aid.
2. Limitations of legal aid implementers.
3. Uneven number of legal aid implementers in Indonesia.

In this deficiency factor, this is what encourages the formation of online legal aid by looking at the situation and conditions in this modernization era, because digital access is currently growing rapidly and because the deficiency factors that have been described are very important in providing assistance to the community regarding access to justice. Online legal assistance to the entire community is encouraged to realize the rule of law in all aspects

of life. In a legal aid institution that is responsive to the upholding of law and justice at the community level, it can provide easy access to online legal aid services, provide ease of administrative management and also provide satisfaction in the fulfillment of justice. The presence of this online legal aid institution can affect one of the smooth processes of case settlement.

In accordance with Government Regulation No. 42 of 2013 related to the legal aid budget provided for litigation and non-litigation, determined by the Minister in accordance with the provisions of laws and regulations regarding the standard costs provided. Based also on the Decree of the Minister of Law and Human Rights of the Republic of Indonesia, the fees or costs of a litigation case to be provided to legal aid providers within the scope of all cases, whether criminal, civil, administrative, or cases that already have binding law. In legal aid provided online, of course, it provides easy access and also costs related to consultation rates and also information regarding access to justice, this is certainly what many people expect regarding access to costs, which of course when using this online legal aid product does not require a large fee.

The provision of online legal aid makes it easier to be appropriate and right on target, which means that people who get legal aid, can provide legal assistance to the community, including:

1. To provide a special understanding related to online legal aid institutions to the community better.
2. Can conduct socialization of the role and function of the existence of online legal aid institutions themselves.
3. Provide access to the public to be able to monitor the performance of this online legal aid without difficulty.
4. Strive for everything regarding law enforcement that reflects the sense of justice itself.

In this case, the online legal aid service is an instrument of the court to provide services to the community related to access to justice online, related to all matters in access to justice such as online registration of consultation requests, online delivery of case documents, more affordable consultation rates and also providing education related to access to justice for the community. The creation of online legal aid is expected to improve services in the function of access to justice online will save time and costs to the community. And this is also to be able to meet the complex needs of society which can change according to the times, one of which is in the current era of modernization, this will certainly be very beneficial for the community and legal aid providers because it can save costs and time in providing legal services.

Legal norms are also one of the norms or rules that exist in the scope of society in this case based on Law No. 16 of 2011 related to legal aid which must be able to guarantee the constitutional rights of every person or citizen to obtain protection and certainty of fair law and equal treatment before the law as a means of protecting human rights. In practice related to the main achievement of the justice system in Indonesia, there are not a few cases related to court decisions that are far from the expectations of the community because they refer to basic rules, whereas legal aid services should be a place to find justice to find victory, and in principle the mechanism in resolving cases through the judiciary is a win lose solution, which means that you can win or lose. The concept of access to justice is not solely limited to access to lawyers or access to the courts but also relates to access to the ombudsman and other institutions of justice.

In Indonesia itself, the concept of access to justice focuses on the objectives related to the legal system that can be accessed by all members of the state or equally with the aim that the legal system should get results or provisions and decisions that are fair to all citizens, both individuals and groups. The lack of public understanding of access to justice is due to the uneven guarantee of equality in the eyes of the law, so it is very necessary to have the

principle of equality in the eyes of the law to provide the concept of social justice where social justice is seen as a standard from the distributive aspect of a basic structure of society that is valued. The conception of giving personal honor must be shared equally. In the theory of justice, the main points include:

1. Justice is central to social institutions where the mindset system must be more efficient in the event of injustice.
2. Everyone has rights that are embedded in the principle that even the general interest should not be violated.
3. A just society must guarantee the rights of the people themselves.
4. Injustice cannot be tolerated only when it is necessary to avoid greater injustice.

The primary function of an independent and dignified legal system is to integrate and coordinate potentially conflicting interests, thereby preventing minor clashes at the earliest stage.

In this regard, online legal entities established in this modern era can provide a utilitarian function by offering more accessible legal aid services through the internet. This not only saves time and reduces costs but also provides easier access through devices such as smartphones, computers, and laptops. Moreover, this access not only provides consultation services but also offers legal education to the public who may have limited understanding of the law. By establishing online legal assistance, the process of handling legal cases is simplified. Consultation services can be accessed more easily without face-to-face meetings, saving clients time, money, and effort. In addition, the educational aspect of online legal aid provides valuable information about the justice process and how the law functions in the modern era. Access to justice through online legal aid is a fundamental principle of the Indonesian legal system, as enshrined in the 1945 Constitution. This right and obligation of citizens is aimed at realizing a just Indonesia, as stipulated in the principle of social justice for all Indonesian people.

The process of resolving a case through the provision of online legal assistance in the current era of modernization is better considered as an alternative in this increasingly digital age. This is because not all regions have access to legal aid services, but digital access in Indonesia is rapidly growing. With online legal aid services, it is hoped that access to justice can be maximized in all areas. Additionally, the establishment of these services is expected to advocate for the public regarding the provision of legal aid, which is one of the last efforts when no resolution has been reached through other means.

Thus, the presence of online legal aid can serve as a platform for addressing access to justice, whether through court sessions (litigation) or outside of court sessions (non-litigation). This online legal assistance can ultimately help the public, especially those with limited knowledge of the law.

CONCLUSION

That online legal aid is an easy provision of assistance through online media that can be accessed using the internet, where it uses and applies legal provisions in accordance with existing laws and regulations. As in the 1945 Constitution of the Republic of Indonesia in Article 28D Paragraph (1) where everyone has the right to obtain recognition, guarantees, protection, and fair legal certainty, as well as getting equal treatment in the eyes of the law. From this article, it has been explained that the state provides the same legal certainty for the entire scope of society regardless of ethnicity, religion, race, or the position of the degree of each community's life itself so that the legal system that has been formed can be realized properly.

In this case, online legal entities formed in this era of modernization can provide the principle of expediency by providing legal aid services more easily through internet media

and of course in addition to saving time and also saving more affordable costs, the access used is also easier through cell phones, computers and laptops. In this access, it is also able to provide not only access to consultation but also provide education to people who still do not understand or have minimal knowledge related to law, through the formation of this online assistance can facilitate the process of handling cases.

With this, the conclusion is that online legal aid services provide a benefit where the existence of online legal aid institutions can act as a forum in handling access to justice where legal aid containers both in trial sessions and sessions outside the trial or what is called online legal aid can ultimately help the community, especially people with minimal knowledge related to law.

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