



# Assistance for Prisoners to Obtain Free Legal Aid at the Gianyar Detention Center

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**Abstract.** Legal aid for the Indonesian people must be provided equally in accordance with the mandate of the 1945 Constitution of the Republic of Indonesia and the principles of equality before the law and the right to be represented by a lawyer, which are fundamental human rights. This right must be provided fairly, including to those who are less fortunate. For the less fortunate, this right is the responsibility of the state, which provides legal aid free of charge (Prodeo). The issue in society is the lack of awareness about their right to receive free legal aid (Prodeo) from the government. Additionally, the public is also unaware that legal organizations also have the duty to provide legal aid to the community. The legal education program conducted by the Warmadewa University Community Service Team aims to increase legal awareness regarding free legal aid and the procedures for obtaining this right, using methods such as lectures and question-and-answer discussions. This program is expected to enhance public knowledge so that individuals facing legal issues can be assisted by lawyers in resolving the legal problems they encounter.

**Keyword:** counseling; legal aid; prodeo



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## Introduction

A state detention center, abbreviated as Rutan, is a place to hold suspects or defendants during the investigation, prosecution, and trial processes in district courts, high courts, and supreme courts. State detention centers are technical implementation units under the Ministry of Law and Human Rights. Detention centers are established in every county/city capital, and if necessary, additional branches of the detention center may be established. Generally, the functions of a state detention center include ensuring the protection of detainees' human rights to facilitate the investigative, prosecutorial, and judicial processes, and supporting the rehabilitation of detainees. Protecting society from crime, deterring individuals from committing further crimes by rehabilitating and educating detainees, preventing and rehabilitating, and protecting human rights, including those of criminals. (Ni Ketut Citrawati, Lalu Husni, Muh. Risnain, 2020).

Detention Center in Bangli Regency, which has been in operation since 1981, is located at Jalan Merdeka No. 95, Kawan Village, Bangli District, Bangli Regency, and houses 116 suspects and defendants who are currently undergoing trial proceedings. Detention Center in Bangli Regency has five blocks: Blocks A, B, C, D, and W. Blocks A, B, and C are designated for male inmates, while Block W is designated for female inmates. In addition to the blocks for detainees, Detention Center in Bangli Regency has other supporting facilities such as administrative offices, a health clinic, and a spiritual services room for detainees of non-Hindu faiths to perform their religious rituals or receive spiritual guidance. There is also a sewing room for inmates with sewing skills, a room for equipment, and a communication room with three booths provided for inmates to communicate with their families according to a scheduled timetable. Additionally, there is a sports field, as well as land for inmates to grow vegetables and fruits, and to raise chickens or catfish, with the proceeds used for the detention center's needs and for sale.

Even if someone has the status of a suspect or defendant, their rights must not be taken away, one of which is the right to legal assistance. Article 34 of the 1945 Constitution guarantees that the poor are the responsibility of the state. Therefore, equality before the law and the right to be represented by a lawyer are fundamental human rights that must be guaranteed in order to achieve social justice, which is one of the ways to alleviate poverty (Nirmala Many and Ahmad Sofian, 2020). Legal aid should be provided to everyone without discrimination based on social status. The right to legal aid must be accessible to all, regardless of financial capability. The state must protect those who are unable to afford legal aid by providing it free of charge, in accordance with the principles of Pancasila.

In Indonesia, as an implementation of constitutional guarantees, in addition to the state being expected to fulfill the rights of citizens to obtain legal aid, the role of lawyers is also very important in supporting the state in fulfilling these rights. An advocate is required by law to provide free legal aid as stipulated in Law No. 18 of 2003 on Advocates, which in Chapter VI, Article 22 states that:

An advocate is obligated to provide free legal aid to those seeking justice who are unable to afford it.

The provisions regarding the requirements and procedures for providing free legal assistance as referred to in paragraph (1) are further regulated by Government Regulation.

This shows that the state's goal of providing free legal aid to underprivileged communities cannot be achieved without the support of advocates who have the duty and authority to provide legal aid. (Monika Suhayati, 2012)

In practice, the existence of free legal aid is not yet fully understood by the public. Many poor

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people who are involved in legal cases complain about their inability to seek legal assistance, even though under certain conditions they can obtain legal aid at no cost. This lack of understanding prevents individuals from effectively defending themselves, as they may be unaware of the law, which can result in their rights not being fully protected.

Based on the results of the situation analysis and identification of partner issues, the priority issues are the low level of public awareness regarding free legal aid, which is a right enjoyed by every individual, and the lack of public awareness campaigns by the government regarding the provisions and procedures for providing free legal aid to underprivileged members of the community.

## Method

The method used in this community service program is to provide legal education and counseling to inmates at Bangli Detention Center through lectures, dialogues, and open question and answer sessions. The program aims to provide a deeper understanding of the right to receive free legal assistance for underprivileged communities in accordance with the provisions of the law. Additionally, the socialization is conducted to inform the public about the procedures for obtaining free legal assistance, whether provided by the state (in this case, the Ministry of Law) or by legal aid institutions.

## Discussion

Legal protection by the state as stipulated in the constitution for citizens who are unable to afford it is still considered expensive, difficult to access, and far from their place of residence. In addition, the law is now considered to have been commercialized, so that poor people will no longer be able to obtain justice. The presence of legal mafia at nearly every level of the legal system, coupled with the perception that lawyers are expensive with fees that the poor—whose income is barely enough to cover daily necessities—cannot afford (Yetti, 2018). The fundamental problem that arises is the lack of equal access for every citizen to receive equal treatment before the law, despite the doctrine that justice must be accessible to all citizens without exception—justice for all/accessible to all. (Pujiono, 2010).

Community service activities are carried out with the aim of providing education and understanding to people who are facing legal issues related to free legal aid (Prodeo). The target community selected by the outreach team is narrowed down to those who are currently facing legal issues and are currently detained at the State Detention Center while undergoing investigation and trial processes, with the aim of ensuring that the outreach team's efforts directly target the community struggling with legal issues. The education was conducted through lectures, dialogues, and question-and-answer sessions with the inmates of the Bangli State Detention Center.

After understanding the situation of the community, which still lacks knowledge about the state's guarantee to provide free legal aid to the underprivileged, the community service team prepared for the implementation of community service with the following stages:

### Preparation Meeting for the Implementation of Legal Counseling

The preparation meeting was conducted by the Community Service Team, which determined the desired objectives for the implementation of this legal counseling program. The team selected the Bangli State Prison because they wanted to directly provide legal counseling to individuals who are genuinely facing criminal legal issues, as the prison serves as a detention facility for suspects who are still under investigation or awaiting trial. The selection of this location was also due to a direct request from the Prison Director to conduct legal counseling, as many detainees were unaware of the availability of free legal assistance, whether provided by the state through the Ministry of Law or by legal aid institutions

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established by bar associations.



**Figure 1.** First interview with Chief of Rutan Bangli

### **Preparation of Legal Education Activity Proposals**

After discussing with the head of the Bangli Detention Center and identifying the issues and needs, the community service team then drafted a proposal for activities, including a legal aid outreach program. Based on the results of the discussion, the team agreed to collaborate with the Ministry of Law and the Advocates Organization, specifically PERADIN, as this organization operates a Legal Aid Post (POSBAKUM) that actively provides legal consultations and assistance to the community.

### **Field Survey and Preparation of Equipment**

After the proposal was drafted and approved by the Directorate of Research and Community Service, the team returned to the field to ensure that preparations for the legal counseling activities were in place. The team met again with the Head of Detention Center in bangle and his staff to agree on the date and location of the legal counseling. The community service team also informed that the legal counseling would be conducted by a speaker from the Ministry of Law and one representative from the PERADIN organization, which manages the POSBAKUM. The team's plan was well-received by the Bangli Prison authorities, and according to the Prison Director, this was a good step as it involved relevant government agencies and the legal advocacy organization that actually holds the primary authority to provide legal assistance. The team then prepared the necessary equipment to support the legal counseling activities.



**Figure 2.** Survey and preparation of legal counseling activities by the Community Service Team

### **Implementation of Legal Counseling Activities**

The legal counseling activity with the theme of Free Legal Aid (Prodeo) was conducted using a lecture method. The Community Service Team was represented by Mrs. Ni Made Sukaryati Karma,

SH., MH, who provided general information about legal aid and the right to receive free legal aid -Cuma that can be received by the less fortunate in accordance with the mandate of the 1945 Constitution of the Republic of Indonesia, specifically Article 34, which states that the state guarantees the rights of the poor or those who are unable to afford legal assistance, in line with the principle of equality before the law (equality before the law) and supported by the right to be represented by a lawyer, which is a fundamental human right. Based on this principle, all Indonesian citizens, including those who are unable to afford it, should be guaranteed by the state to receive free legal aid. Next, the material was presented by Mr. I Gede Adi Saputra, a Senior Legal Advisor at the Ministry of Law of Bali Province, who discussed the requirements that must be met by the community to obtain free legal aid, the types of legal aid that can be provided free of charge, and who has the authority to provide free legal aid. The final speaker was Dewa Gede Agung Semarabawa, SH., MH, who is the chairman of POSBAKUMADIN Bangli, and he provided information on the procedures and processes for submitting applications. The final speaker was Dewa Gede Agung Semarabawa, SH., MH, who is the chairman of POSBAKUMADIN Bangli. He provided information on the procedures for applying for free legal aid, which can be submitted to the PERADIN organization, and also explained the types and procedures for providing free legal aid. Following the presentation, a question-and-answer session took place, during which participants asked more questions about the procedures for applying for legal aid. In addition to the legal counseling session, the Service Team also distributed banners outlining the procedures and requirements for obtaining free legal aid to be placed at the detention center, aiming to provide information to inmates who are unable to afford legal aid and wish to obtain it free of charge (Prodeo).



**Figure 3.** Implementation of Legal Counseling Activities

The results of this legal education program, which is part of a community service initiative, are expected to increase legal awareness among the public, particularly those who are currently facing legal issues related to their fundamental rights and access to justice, which are their primary rights. Individuals who previously lacked understanding of the law will gain confidence and take legal steps to resolve their issues, ensuring that no one is subjected to unfair treatment due to a lack of knowledge. This initiative also aims to inform the public about institutions that provide free legal assistance to those in need, including government agencies and advocacy organizations with Pos Bantuan Hukum (POSBAKUM).

## Conclusion

The legal counseling session on the theme of providing free legal aid (prodeo) conducted by the Community Service Team from Warmadewa University was held with the aim of increasing public awareness of the community's right to obtain free legal aid for those in need or the underprivileged. In collaboration with the Ministry of Law and POSBAKUM Peradin Bangli, this legal education program also explained the procedures and processes for providing free legal aid (prodeo).

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