

Institutional Fragmentation and Legal Aid Inequality: A Socio-Legal Analysis of University-Based Legal Aid in Sumatera, Indonesia

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Abstract: State University Legal Aid Institutes (LBH) are considered independent and removed from political influence and conflicts of interest in providing legal assistance to criminal offenders. Consequently, the realization of equal rights and standing before the law, as mandated by the 1945 Constitution, can be achieved. However, the number of State University Legal Aid Institutes in Indonesia that provide legal accompaniment for criminal suspects or defendants remains minimal. Most of these LBHs only provide criminal law consultation services, stopping short of legal accompaniment during trial proceedings. This research attempts to discuss the Government's efforts in providing legal aid for criminal defendants in Sumatera, the development of legal aid for criminal defendants initiated by State Universities in Sumatera, and the extent of the implementation by State Universities in providing legal aid in criminal cases. The method used is empirical juridical research with a sociology of law and statutory approach. The results show that while the government has provided a regulatory framework through Law No. 16 of 2011, budget distribution and accreditation remain concentrated and bureaucratic. There is a sharp dichotomy in the development models of Campus LBHs: Andalas University (Unand) has successfully developed an "entrepreneurial independence" model that integrates professional training (PKPA) to subsidize pro bono legal aid, whereas religious-based state universities (UIN) tend to be trapped in a "bureaucratic dependency" model relying on rigid Budget Implementation Lists (DIPA), causing operational stagnation as seen at UIN Ar-Raniry and UIN Padang Sidempuan. The implementation of criminal legal aid runs effectively in institutions with strong external partnerships (such as Court Legal Aid Posts/Posbakum) but suffers paralysis in institutions that have lost internal infrastructure support. This study concludes that the success of University LBHs is not determined solely by regulatory mandates, but by the political will of university leadership, funding innovation, and substantial clinical curriculum integration. These findings recommend a restructuring of the funding model for State University LBHs and a revitalization of the clinical role to fill the void of legal services in regions with legal pluralism, such as Aceh.

Keywords: Legal Aid Institution; University-Based Legal Aid; Criminal Defendants; Access to Justice; Legal Pluralism

Introduction

Legal aid is not merely a procedural formality in the criminal justice system; it is a fundamental expression of the rule of law and the protection of human rights (Raharjo, 2016). In Indonesia, this right is constitutionally guaranteed under Article 28D paragraph (1) of the 1945 Constitution, which affirms equality before the law, and is further elaborated in Articles 54 and 56 of the Criminal Procedure Code (KUHP), which oblige investigators to provide legal counsel to suspects facing serious charges, either upon request or, in certain conditions, without it (Fadhil & Ghiffary, 2019). These provisions emphasize that every suspect, defendant, and convict have the right to be accompanied by legal counsel as part of a

fair trial guarantee (Prasnada et al., 2023). In practice, legal aid represents more than the presence of a lawyer – it embodies the principle that no individual should face the complexities of the legal system alone or be subjected to discriminatory treatment during judicial proceedings (Adebayo & Ugowe, 2019). Indeed, the absence of legal counsel, particularly in serious criminal cases, may lead to procedural defects that undermine the legitimacy of the entire legal process, as reflected in cases where defendants were examined in court without the assistance of legal counsel (Fadhil & Ghiffary, 2019).

However, the reality on the ground reveals a troubling gap between legal ideals and their implementation. Although the law clearly mandates legal assistance—especially for individuals facing severe penalties or those who are economically disadvantaged—many defendants continue to undergo investigation and trial without legal representation, a pattern confirmed by empirical studies showing that the enforcement of legal aid service standards across the police, prosecutorial, and court sectors remains inconsistent (Tri Utami et al., 2024). This weakness is compounded by structural obstacles such as budget constraints, uneven distribution of legal aid providers, and limited public legal awareness among the poor (Suhariyanto & Mustafa, 2022). Empirical evidence from several Sharia Courts in Aceh illustrates this concern. Between 2021 and 2022, at least 48 cases across the Jantho, Sigli, and Langsa Sharia Courts involved defendants who were not accompanied by legal counsel. This situation raises serious questions about the protection of defendants' rights and the validity of judicial decisions. Similar patterns can also be found in general courts across Indonesia, indicating that this issue is systemic rather than incidental (Suhariyanto & Mustafa, 2022; Ilyas, 2021).

Scholarly discussions on legal aid in Indonesia have generally focused on its normative foundations, procedural frameworks, and its relationship with principles such as justice, efficiency, and affordability (Adawiyah & Rozah, 2020; Ariefulloh et al., 2023). While these studies provide important insights, they often overlook a crucial dimension: the role of alternative legal aid providers beyond state mechanisms and private legal practice (Denvir et al., 2023). In particular, the potential of State University Legal Aid Institutions (*Lembaga Bantuan Hukum Perguruan Tinggi Negeri*) has not been sufficiently explored. This is a significant omission, given that these institutions are uniquely positioned to operate independently, free from direct political influence, while also serving broader social justice objectives through clinical legal education models that combine legal knowledge, professional skills, and social responsibility (Arifin, 2019; Rodiyah, 2019). This study addresses that gap by examining how State University Legal Aid Institutions can contribute to expanding access to justice, particularly for criminal defendants. It focuses on three main objectives: first, to analyze the efforts made by the government in providing legal aid in Sumatra; second, to explore the development and institutional role of legal aid initiatives within State Universities (Firmansyah et al., 2022); and third, to evaluate how these institutions implement legal assistance in actual criminal proceedings. By situating the analysis in Sumatra, including Aceh with its distinctive legal system, this study seeks to provide a more grounded and context-sensitive understanding of legal aid practices in Indonesia.

This article argues that State University Legal Aid Institutions hold significant, yet underutilized, potential in addressing the shortcomings of existing legal aid systems. Government-provided legal aid is often perceived as lacking neutrality due to institutional and political influences (Raharjo, 2016), while private legal services remain inaccessible for many due to financial constraints (Adebayo & Ugowe, 2019; Denvir et al., 2023). In contrast, university-based legal aid institutions offer a more balanced and independent alternative, a pattern also observed in comparative legal-aid governance models where independence from state funding structures strengthens service neutrality (Halvorsen Rønning & Hammerslev, 2018). Nevertheless, their current contribution is still limited, as many focus primarily on legal consultation rather than direct legal representation in court (Irianto, 2021). Strengthening their role—both institutionally and functionally—is therefore essential for ensuring that the constitutional promise of equality before the law is not merely symbolic, but genuinely realized in practice (Jiang, 2019).

Literature Review

Legal aid has been widely recognized as a cornerstone of access to justice and a fundamental mechanism for safeguarding human rights within modern legal systems (Okoro, 2022). Contemporary scholarship emphasizes that legal aid is not merely a procedural entitlement but a substantive instrument that enables individuals—particularly those from marginalized backgrounds—to effectively navigate complex legal systems. Studies by Denvir et al. (2023) underline that the evolution of legal aid is closely linked to broader transformations in justice systems, where access to justice is increasingly viewed as a measurable and policy-driven objective (Wilding, 2024). Similarly, Chaara, Falisse, and Moriceau (2022) demonstrate that legal aid significantly improves access to justice in fragile and developing contexts, particularly by enhancing legal awareness and procedural participation among vulnerable populations. These findings resonate with Sandefur's (2008) argument that inequality in legal capability remains one of the most critical barriers to achieving substantive justice, even in systems where legal aid is formally guaranteed.

Beyond its normative importance, legal aid has also been analyzed through the lens of structural inequality and socio-economic disparity. Research by Huarcaya and Quispe (2024) shows that access to legal services is deeply shaped by economic stratification, where individuals with limited financial resources are systematically excluded from effective legal representation. This is further reinforced by global policy frameworks such as the OECD (2023) report on equal access to justice and the UNDP (2025) framework on people-centered justice, both of which highlight that legal aid systems must move beyond formal provision toward inclusive and responsive service delivery. In this regard, legal aid is increasingly understood as part of a broader legal empowerment agenda, where the goal is not only to provide lawyers but also to strengthen individuals' capacity to claim and exercise their rights. However, as noted by Pleasence and Balmer (2018), many legal aid systems continue to struggle with translating these ideals into practice due to institutional fragmentation and resource limitations.

In the Indonesian context, the implementation of legal aid reflects a similar tension between normative guarantees and practical realities. Studies by Suhariyanto and Mustafa (2022) and Budijanto and Rahmanto (2022) reveal that while Indonesia has developed a relatively comprehensive legal framework for legal aid, significant disparities persist in its delivery across regions. These disparities are often linked to uneven institutional capacity, limited funding, and the concentration of legal aid providers in urban centers. Empirical findings by Chau, Clarke, and Sugiharto (2024) further indicate that the effectiveness of legal aid in ensuring fair trials is frequently undermined by late intervention, insufficient legal representation, and procedural inefficiencies. As a result, the mere presence of legal aid does not automatically guarantee substantive justice, particularly when it is not supported by adequate quality and accessibility.

From a policy perspective, critiques of legal aid systems have increasingly focused on the limitations of state-centered models. Smith (2022) argues that legal aid reforms often fail to address deeper structural issues, such as bureaucratic control and political influence, which can compromise the neutrality of legal assistance. Hadfield (2017) similarly highlights that legal systems are shaped by institutional rules that may inadvertently reproduce inequality, particularly when access to legal resources is unevenly distributed. In developing countries, including Indonesia, these challenges are further exacerbated by governance issues and the limited integration of legal aid into broader justice sector reforms. Reports from the Asian Development Bank (2023) and the World Bank (2022) emphasize the need for more adaptive and decentralized legal aid systems that can respond to local contexts and community needs.

An emerging body of literature points to the potential of alternative models of legal aid provision, particularly those rooted in academic institutions and clinical legal education. Bloch (2011), Giddings (2016), and Wizner (2010) argue that university-based legal aid institutions play a crucial role in bridging the gap between legal education and social justice by combining professional training with community service. These institutions not only provide legal assistance but also contribute to the development of socially responsible legal professionals. In this context, clinical legal education is increasingly seen as a

strategic tool for expanding access to justice, especially in areas where formal legal aid services are limited. However, despite their potential, the role of university-based legal aid institutions remains underexplored in many jurisdictions, including Indonesia.

Recent developments in technology have also begun to reshape the landscape of legal aid and access to justice. Studies on artificial intelligence-based legal tools, such as JusticeBot (Westermann & Benyekhlef, 2023), Mina (Wasi et al., 2025), and LegalWebAgent (Tan & Benyekhlef, 2025), suggest that digital innovations can significantly enhance access to legal information and services. These technologies have the potential to reduce costs, increase efficiency, and reach underserved populations. Nevertheless, scholars caution that technological solutions cannot fully replace the role of human legal assistance, particularly in complex criminal cases where legal representation and advocacy remain essential.

Despite the growing body of literature on legal aid, a critical gap remains in understanding the role of State University Legal Aid Institutions as independent actors within the legal aid ecosystem. Existing studies tend to focus on state-funded legal aid or private legal practitioners, while overlooking the unique position of university-based institutions that operate at the intersection of academia, professional practice, and community engagement. This gap is particularly significant in the Indonesian context, where concerns about the neutrality and accessibility of legal aid persist. As noted by Bedner (2022) and Butt (2023), the Indonesian legal system is characterized by legal pluralism and institutional complexity, which require more innovative and context-sensitive approaches to legal aid provision.

Building on these gaps, this study positions State University Legal Aid Institutions as a strategic and underutilized actor in strengthening access to justice. Unlike state-funded legal aid, which may be influenced by political and bureaucratic interests, and private legal services, which are often financially inaccessible, university-based legal aid institutions offer a more neutral and socially oriented alternative. However, their current role remains limited, as many focus primarily on legal consultation rather than full legal representation. Therefore, this study contributes to the literature by examining how these institutions can be strengthened to play a more active role in criminal proceedings, thereby advancing the realization of equality before the law in Indonesia.

Method

This research employs empirical juridical research, which understands law as actual behavior by observing the unwritten social dynamics reflected in people's conduct in social life, focusing on the "Initiation and Implementation of Legal Aid for Criminal Defendants by LKBH of State Universities in Sumatra." It adopts an event/case-study approach concerned with the status of research subjects at a specific stage of formation, operationalized as a qualitative comparative case study grounded in a socio-legal approach. Four State Universities in Sumatra were purposively selected as research sites, UIN Ar-Raniry Banda Aceh, UIN Sjech M. Djamil Djambek Bukittinggi, UIN Syekh Ali Hasan Addary Padangsidempuan and Andalas University, Padang, to capture variation in institutional status (general versus Islamic university) and jurisdictional context, including regions with legal pluralism such as Aceh. Data were collected through semi-structured in-depth interviews with four key informants (Deans of Law/Sharia Faculties, Directors of Campus LBHs, and court officials) and documentation, then triangulated with institutional documents, court rulings, and legal aid budgets; analysis combined descriptive analysis—linking legal theory with applicable laws and regulations on the implementation of positive law—with thematic analysis to abstract conceptual patterns of institutional governance and funding models. A limitation of this study is its geographical focus on Sumatra, although the resulting theoretical abstractions remain applicable to broader contexts. Data validity and reliability were established through internal and external validity together with consistency and stability of findings. Measuring instruments must be standardized and appropriately calibrated to the phenomena under study, since an invalid measurement scale fails to capture what it is intended to measure (Creswell, 2013); data were considered valid when the reported findings matched the data actually obtained by the researcher. Reliability was pursued through procedures such as involving additional researchers, as well

as by extending the observation and interview process until data saturation—the point at which information obtained no longer changes.

Results and Discussion

Government Efforts in Providing Legal Aid for Criminal Defendants in Sumatera

Legal counsels or advocates with the status of law enforcers are one of the legal instruments in the judicial process; their position is equal to other law enforcers in upholding law and justice. Juridically, Article 1 number 1 of Law Number 18 of 2003 concerning Advocates states that "An Advocate is a person whose profession is to provide legal services, both inside and outside the court, who meets the requirements under this law." (Sari et al., 2023) Article 1 number 2 of Law Number 18 concerning Advocates asserts that "Legal services are services provided by advocates in the form of legal consultation, legal aid, and performing other legal actions for the legal interests of the client."

Normatively, it can be seen in Article 3 letters a, b, c, and d of Law Number 16 of 2011 concerning Legal Aid, stating that the implementation of legal aid aims to:

1. Guarantee and fulfill the right of legal aid recipients to access justice.
2. Realize the constitutional rights of every citizen in accordance with the principle of equality before the law.
3. Ensure the certainty of legal aid implementation is carried out evenly throughout Indonesia, and
4. Realize an effective, efficient, and accountable judiciary. (Bambang, 2010)

Regarding the obligation to use Legal Aid Institutes as a control for legal implementation, it is indicated in the Constitution Article 24 paragraph (3): "Other bodies whose functions relate to judicial power are regulated by law." In the administration of these bodies, there are certainly authorities, rights, positions, working mechanisms, and funding to organize these bodies so they can work maximally to uphold the law and equality before the law, which must be regulated again in regulations. The intent of these bodies includes University LBHs (LBH PT). Looking at Law No. 16 of 2011 concerning Legal Aid Article 3 letter b, namely "realizing the constitutional rights of all citizens in accordance with the principle of equality before the law." The phrase "realizing" means it is mandatory for legal aid organizers—in this case, legal aid institutes including LBH PT. This means there is an obligation for LBH PT to be formed for everyone. An unrealistic aspect is then seen in the substance of another Article, namely Article 6 (1) "assisting the resolution of legal problems faced by Legal Aid Recipients," where the definition of legal aid itself in Article 1 Letter (2) is "intended for the poor," added with the substance of the KUHAP in Article 56 (1) where the obligation to provide legal aid is only for the category of suspects or defendants threatened with the death penalty or life imprisonment and those threatened with five years imprisonment who come from the incapable group (Irawati & da Silva, 2025). Whereas in the constitution, the right to obtain legal protection is explicitly revealed in Articles 28 D (1) and 28 I (2) as intended for everyone; this implies that everyone without exception regardless of tribe, race, culture, religion, or type of offense and criminal threat against them is entitled to it.

Thus, between the Constitution, KUHAP, and the Law on Judicial Power, there is synchronization, namely the existence of an obligation for LBH PT to provide consultation services and legal aid consultation to everyone as a form of control over the administration of justice and law enforcement. However, the Legal Aid Law contains inconsistencies because it is directed only at law enforcement for the poor, while on the other hand, it is intended for all citizens.

The authority of LBH PT is listed in Article 4 of Law No. 16 of 2011 concerning Legal Aid, namely that legal aid includes exercising power of attorney, accompanying, representing, defending, and/or performing other legal actions for the legal interests of legal aid recipients. So, according to the author, regarding this authority issue, there is synchronization with the note that the target is not only for the poor but for everyone. In this way, LBH PT will be free to realize justice before the law for every community member and citizen based on the regulations governing it, in accordance with the rule of law policy.

The Indonesian Government, through the Ministry of Law and Human Rights (Kemenkumham), has initiated a legal aid program for criminal defendants. In Sumatera, this effort is realized through

cooperation with Legal Aid Institutes (LBH) and community organizations certified to provide legal aid. This program aims to ensure that underprivileged defendants receive adequate legal accompaniment during the judicial process. Additionally, the government provides a special budget for legal aid through the National Budget (APBN) allocation distributed to regions, including Sumatra.

In Padang Sidempuan, the District Court provides a DIPA budget of around Rp 70,000,000 per year for Legal Aid Post (Posbakum) services. This fund should be accessible to competent LBHs through a transparent selection mechanism. However, investigations indicate deviant practices. LBHs that get cooperation contracts are often those with personal closeness to court officials, not based on meritocracy or litigation track records. More concerning, there are reports regarding practices of "cuts" or the obligation to give a certain percentage ("gratitude money") back to court individuals from the disbursed funds. This corrupt ecosystem disincentivizes idealistic and rule-abiding campus LBHs (like LKBH UIN Padang Sidempuan) from getting involved, encouraging them to choose an independent path but without funding support, which ultimately limits the reach of their services (AP, personal communication, 2024).

The Aceh Regional Government and the Sharia Court (Mahkamah Syar'iyah) have a special mandate based on the Jinayah Procedural Qanun. Article 62 of Qanun No. 7 of 2013 mandates the appointment of legal counsel in serious cases (Sakhawi, 2022). However, implementation faces obstacles regarding the perception of the apparatus. Law enforcement officials (Wilayatul Hisbah Police, Prosecutors, Judges) often interpret legal aid as a "suspect's right" which is optional, not a "state obligation" which is imperative. Consequently, many suspects are persuaded or allowed to sign a refusal letter for legal counsel accompaniment to speed up the examination process. Many jarimah cases are decided without the presence of a lawyer, which substantially violates the principle of a fair trial.

Data from religious-based state Islamic universities (UIN) highlight a prevailing pattern of "Bureaucratic Dependency." Institutions like LKBH UIN Padang Sidempuan and UIN Ar-Raniry operate under rigid state university financial management systems. Their operational budgets are tied to inflexible Budget Implementation Lists (DIPA). This institutional rigidity directly causes operational stagnation. For instance, while UIN Bukittinggi successfully established external partnerships (MoU) with various Religious Courts, their scope of service remains trapped in low-cost civil consultation. Criminal defense requires tactical, fast-liquidating funds for sudden transportation, administration, and prolonged trial attendances elements incompatible with the bureaucratic DIPA process. Furthermore, a lack of institutional prioritization leads to decaying infrastructure and a deficit of human resources, as seen in the paralysis of the UIN Ar-Raniry law clinic after 2021.

Development of Legal Aid for Criminal Defendants Initiated by State Universities in Sumatra

Several State Universities (PTN) in Sumatra, such as the State Islamic University of Bukittinggi and Andalas University (Unand), have developed legal aid programs involving alumni and students of the Faculty of Law. This program is known as the Legal Consultation and Legal Aid of Unand (Khairul Fahmi, personal communication, 2024) and LKKBH UIN Bukittinggi, where students under the guidance of lecturers and legal practitioners provide free consultation and legal aid to the community in both civil and criminal cases. However, LKKBH UIN Bukittinggi currently only provides legal aid in civil cases through POSBAKUM (Nofiardi, personal communication, 2024). This initiative aims not only to help the community in need but also to provide practical experience to students in handling real cases. However, the Law Clinic of FSH UIN Ar-Raniry, LKBH UIN Ar-Raniry, UIN Syahada Padangsidimpuan, and LKBHH UIN Imam Bonjol Padang have not yet reached the stage of providing legal aid in either civil or criminal matters.

LKBH UIN Syekh Ali Hasan Addary Padangsidimpuan already exists and has a Decree (SK) for its management structure. Before transitioning to a university, the Legal Consultation and Legal Aid of the Faculty of Sharia and Law of IAIN Padangsidimpuan had obtained an establishment permit based on Number: AHU-0012717.AH.01.07.YEAR 2020 by the Ministry of Law and Human Rights of the Republic of Indonesia signed by the Director General of General Legal Administration, Cahyo Rahadian Muzhar, S.H., LL.M. on January 3, 2021. A copy of the Decree of the Minister of Law and Human Rights was immediately received by the Head and Secretary of LKBH, namely Adi Syahputra Sirait, M.H.I and

Khoiruddin Manahan Siregar at the Faculty of Sharia and Law of IAIN Padangsidempuan. (LKBH UIN Syahada Padang Sidempuan, 2020). However, until now, the LKBH has not taken action in providing legal aid to criminal offenders.

The Legal Consultation and Legal Aid (LKBH) of the Faculty of Law, Andalas University, has carried out several implementations in providing legal aid in criminal cases (Khairul Fahmi, personal communication, 2024). The following are some examples of implementations carried out by the LKBH of the Faculty of Law, Andalas University:

First, providing legal aid to a criminal defendant suspected of committing the crime of abusing Group 1 narcotics (marijuana). Brother "Y" asked LKBH Unand to provide legal accompaniment and/or defense and provide legal aid to the "grantor of power of attorney" to handle the legal problems of the "grantor of power of attorney" as a defendant at the Lubuk Basung District Court, based on registration Number: 80/PidSus/2023/PN LBB. The defendant was suspected of committing the Crime of Narcotics Abuse Group 1 Type Marijuana, as referred to in Article 114 paragraph (1) Juncto 112 paragraph (1) of RI Law No. 35 of 2009 concerning Narcotics, by way of without right and against the law occurring on Friday, March 31, 2023, around 00.10 WIB, located in Kubu Tengah, Jorong Labuah, Nagari Sungai Batang, Tanjung Raya District, Agam Regency, Indonesia.

LKBH of the Faculty of Law, Andalas University accompanied/defended and provided Legal Aid to the Power of Attorney Grantor to appear before officials in the National Police at all levels, Prisons at all levels of Correctional Institutions, Public Prosecutors at all levels of the Prosecutor's Office, Judges at all levels of the Court, and officials in all Civil, Military, or other private Government agencies. Accompanying/defending and appearing before the Head of the Class II B Lubuk Basung District Court, specifically to the Chief Judge in the courtroom and Member Judge I and Member Judge II appointed/determined by the Head of the Class II B Lubuk Basung District Court to examine and try criminal case registration Number: 80/Pid.Sus/2023/PNLBB, at the general session of the Class II B Lubuk Basung District Court. Defendant Y in facing this case was accompanied by Legal Counsel Mahyu Hendra S.H., et al. as lawyers for the Legal Consultation and Legal Aid (LKBH) of the Faculty of Law, Andalas University.

Second, providing legal aid and accompanying brother "N" in giving Testimony as a Witness at the Investigation level in a case of suspected collective assault reported by Br. IFAN ZANETRA which occurred on Monday, May 22, 2023, around 14.12 WIB, in Tarantang RT 001/ RW 002, Tarantang Village, Lubuk Kilangan District, Padang City, West Sumatra Province. In accordance with Police Report Number: LP/B/16/V/2023/SPKT POLSEK LUKI/ POLRESTA PADANG/ POLDA SUMBAR, dated May 22, 2023, as referred to in Article 170 Jo 351 of the Criminal Code.

From the case above, brother "N" gave power of attorney to Muthya Manda Yenny, S.H., M.H. as Advocate/Legal Counsel and Legal Companion at the Legal Consultation and Legal Aid (LKBH) of the Faculty of Law, Andalas University. In this case, the Power of Attorney Recipient has the right to appear and accompany the Power of Attorney Grantor to appear in the Police Ranks, Attorney General's Office, specifically the Padang District Prosecutor's Office, Supreme Court Ranks specifically the Padang Class IA District Court, and the Padang High Court, and any agency whether private or government. Therefore, the Power of Attorney Recipient has the right to make and sign letters, speak and provide information, appear to accompany the grantor of power of attorney in all examinations or other legal actions by investigators or public prosecutors, submit and deny evidence, make and sign letters, and perform any legal actions in the a-quo case in the broadest sense as long as it is justified by law and does not conflict with applicable laws and regulations in defending the interests and rights of the Power of Attorney Grantor.

Third, providing legal aid in an ITE Law violation case to brother "NAV". In connection with reference number B37I/III/RES.2.5/2024/Ditreskrimsus, it is hereby notified that Subdit V Cyber of the Special Criminal Investigation Directorate of the West Sumatra Regional Police is currently investigating a case of alleged criminal acts of any person intentionally and without right distributing and/or transmitting and/or making accessible Electronic Information and/or Electronic Documents that have contents

violating Decency as referred to in Article 27 paragraph (1) Jo Article 45 paragraph (1) of Law Number 19 of 2016 concerning Amendments to Law Number 11 of 2008 concerning Electronic Information and Transactions. Therefore, the LKBH of the Faculty of Law, Andalas University was asked to accompany in this case.

Fourth, the LKBH of the Faculty of Law, Andalas University also provided legal aid to a defendant in a criminal act of theft or embezzlement of palm oil for brother "AMAMJ". He acted as a defendant at the Lubuk Basung District Court, based on registration Number: 1/Pid.B/2024/PN LBB, suspected of committing the Crime of Misuse of Theft or Embezzlement, as referred to in Article 363 paragraph (1) 4th of the Criminal Code or Article 374 of the Criminal Code Jo Article 55 of the Criminal Code paragraph (1) 1st of the Criminal Code or Article 372 Jo Article 55 of the Criminal Code (1) 1st of the Criminal Code, by way of without right and against the law occurring on Wednesday, October 19, 2023, around 20.00 WIB located at PT Mutiara Agam, Jorong Muaro Putuih, Nagari Tiku V Jorong, Tanjung Mutiara District, Agam Regency, West Sumatra, Indonesia.

On this basis, brother "AMAMJ" asked the LKBH of the Faculty of Law, Andalas University as the recipient of the power of attorney, in this case represented by Mahyu Hendra, S.H. and Muthya Manda Yenny, S.H., M.H. as lawyers to draft letters and sign them, attend trials in criminal case registration Number: 1/Pid.B/2024/PN LBB at the Lubuk Basung District Court, submit and accept all evidence in the form of letters and other evidence from the opposing party. Representing/accompanying the Power of Attorney Grantor to receive and listen to the Public Prosecutor's Indictment, receive summons and notifications, attend trials in criminal case registration Number: 1/Pid.B/2024/PN LBB, make and compile answer letters/exceptions/rebuttals and sign them, submit them, make and compile Defense Notes (*Pledoi*) and sign them, make and compile Rejoinders (*Duplik*) and sign them, make, compile and submit Conclusion letters. Furthermore, representing/appearing, accompanying the Power of Attorney Grantor to request written copies of letters to the Public Prosecutor: 1. Examination Report Letter at the Police level to the Public Prosecutor if not yet given by the Investigator, 2. Complete Indictment Letter, 3. Complete Demand Letter, 4. Complete Reply Letter if presented, 5. Conclusion Letter and others.

There are still many other criminal cases accompanied by legal counsels or lawyers from the LKBH of the Faculty of Law, Andalas University. With these various implementations, the LKBH of the Faculty of Law, Andalas University plays an important role in providing fair legal access for the community, especially for those who lack understanding or are in conflict with the law.

In stark contrast, the LKBH of Andalas University (Unand) exemplifies the "Entrepreneurial Autonomy" model. Rather than relying solely on state handouts, Unand adopted a hybrid governance approach by organizing paid Advocate Profession Special Education (PKPA). This generates Non-Tax State Revenue (PNBP) that can be managed flexibly to cross-subsidize pro bono criminal defense. Because of this financial agility, Unand's LKBH has built a diversified litigation portfolio. Instead of merely offering consultations, their advocates actively represent criminal defendants in severe cases, ranging from narcotics offenses (marijuana) at the Lubuk Basung District Court to complex cases involving violations of the ITE Law and corporate embezzlement. This demonstrates that entrepreneurial innovation within the campus ecosystem is a prerequisite for fulfilling the legal aid mandate.

Implementation of Criminal Legal Aid Services by Universities in Sumatera

The implementation of the Legal Study, Consultation, and Aid Institute (LKKBH) at the State Islamic University (UIN) Sjech M. Djamil Djambek Bukittinggi includes several important aspects in providing legal services to the community, especially for the indigent. LKBH UIN Bukittinggi acts as a legal aid post offering information, consultation, and legal document drafting. One significant step in the implementation of LKKBH UIN Bukittinggi is the signing of a memorandum of understanding (MoU) between LKKBH and the Bukittinggi Religious Court, (Mahkamah Agung, 2014) Padang Panjang Religious Court, (Pengadilan Agama Padang Panjang, 2024) Payakumbuh Religious Court, (Pengadilan Agama Payakumbuh, 2024) Tanjung Pati Religious Court, (Pengadilan Agama Tanjung Pati, 2021) and Lubuk Sikaping Religious Court. This MoU aims to increase legal awareness in the community and provide space for Islamic law students to be involved in legal aid activities. This cooperation is also in line

with Supreme Court Regulation Number 1 of 2014, which regulates legal services for the indigent. The provision of legal aid through Posbakum at the Lubuk Sikaping Religious Court is currently not running. This is due to the considerable distance and Human Resources willing to be assigned to the area (Nofiardi, personal communication, 2024).

LKKBH UIN Bukittinggi once conducted legal aid in criminal cases in collaboration with lawyer Yon Efri, S.H., M.H. However, to date, LKKBH UIN Bukittinggi has never again provided legal aid in criminal cases. LKKBH UIN Bukittinggi once tried to engage successful alumni lawyers, but the alumni preferred to pursue their own careers in advocacy. This is also due to the lack of funds owned by LKKBH UIN Bukittinggi in efforts to provide legal aid to the community. Thus, LKKBH UIN Bukittinggi only focuses on civil cases which are still supported by several Religious Courts in terms of material and immaterial support. (Nofiardi, personal communication, 2024)

Meanwhile, LKBH UIN Ar-Raniry has not yet taken action in providing legal aid (Saifuddin, personal communication, 2024) In this regard, LKBH UIN Ar-Raniry lags far behind the LKBH of the Faculty of Law, Andalas University, and LKKBH UIN Bukittinggi, which have implemented their legal aid. However, the law clinic of the Faculty of Sharia UIN Ar-Raniry once took part in providing legal aid. This implementation was marked by a cooperation contract between the law clinic institution of the Faculty of Sharia, State Islamic University Ar-Raniry, and the legal aid post conducted by the Banda Aceh Sharia Court. The budget provided by the Supreme Court for legal aid posts in Religious Courts applies to all of Indonesia. In other provinces, there is no settlement of jinayat cases; therefore, the design of budget use in legal aid posts is indeed appointed for cases under the authority of religious courts. In the context of Aceh, the legal aid post can also be utilized for handling jinayat cases at the Banda Aceh Sharia Court, but unfortunately, its implementation has not been optimal. (Qausar & Ali, 2020)

The operation of this law clinic was due to the extraordinary contribution of lecturers, students, and alumni in their dedication to providing legal aid. In 2021, the law clinic of the Faculty of Sharia UIN Ar-Raniry no longer contributed to providing legal aid at the Banda Aceh Sharia Court. The cooperation stopped because the law clinic of the Faculty of Sharia UIN Ar-Raniry was constrained by a lack of Human Resources, room space that was no longer suitable for occupancy, lack of attention from faculty leadership in supporting the law clinic, and the budget that was no longer provided by the campus for this law clinic. So until now, the law clinic is no longer active (Badri, personal communication, 2024). The researcher hopes that the leadership of UIN Ar-Raniry will focus more on fixing these obstacles to activate and improve the LKBH and Law Clinic again to have an impact on independent legal aid for the community. Then, establish cooperation with LKBH FH UNAND, which has been successful and even accredited in providing legal aid to the community.

The findings of this study confirm that the funding model is the main determinant of the sustainability of campus LBHs (AP, personal communication, 2024). State Universities, especially those with Public Service Agency (BLU) status, face rigid financial management rules. The use of the DIPA budget is often incompatible with the dynamics of litigation that require tactical and fast funds (sudden transportation costs, administrative costs, etc.) (Saifuddin, personal communication, 2024).

LKBH Unand succeeded in solving this problem by adopting a social entrepreneurship model. By organizing paid Advocate Profession Special Education (PKPA), they generate Non-Tax State Revenue (PNBP), part of which can be managed flexibly or used to cross-subsidize pro bono cases. (Beni Kharisma Arrasuli, 2024) Conversely, UIN Ar-Raniry and UIN Padang Sidempuan are trapped in a purely bureaucratic model, where every rupiah must go through a long DIPA submission process and is often not approved for "legal aid" posts which are considered not a purely academic priority.

The theoretical implication is that campus LBHs in developing countries cannot rely solely on "good intentions" or the "moral mandate" of community service. They must be designed as units that have independent fundraising capacity or be supported by earmarked endowment funds from the university to survive annual budget policy fluctuations. The institutional paralysis seen in the Bureaucratic Dependency model has severe implications in regions characterized by legal pluralism. In Aceh, the *Qanun Jinayat* mandates legal counsel for severe offenses. However, law enforcement apparatus often

misinterprets this state obligation as a mere "suspect's optional right," allowing defendants to sign refusal letters to expedite trials. The absence of an active, agile university legal aid clinic in this region leaves a massive void, resulting in *jarimah* cases being decided without defense counsel, fundamentally violating the principles of a fair trial.

Conclusion

From the research discussion and the author's analysis regarding the Initiation and Implementation of Legal Aid for Criminal Defendants by State Universities in Sumatra, the author draws three conclusions: First, the Indonesian Government's efforts, through the Ministry of Law and Human Rights (Kemenkumham), have initiated a legal aid program for underprivileged criminal defendants in Sumatra. This effort involves cooperation with Legal Aid Institutes (LBH) and certified community organizations. Additionally, the government provides a special budget from the APBN allocated to regions, including Sumatra, to ensure defendants receive adequate legal accompaniment during the judicial process. However, this assistance has not been well allocated to LBHs managed by State Universities in Sumatra.

Second, several State Universities in Sumatra, such as Andalas University (UNAND) and State Islamic University Sjech M. Djamil Djambek Bukittinggi, have developed legal aid programs involving Faculty of Law students through the Unand Legal Consultation and Legal Aid and LKKBH UIN Bukittinggi via POSBAKUM. LKKBH UIN Bukittinggi is constrained in providing legal aid in criminal cases by Human Resources in the form of lawyers/advocates who handle that field of law. This program aims not only to help the community in need but also to provide practical experience to students. However, several other State Universities such as UIN Ar-Raniry, UIN Imam Bonjol Padang, and UIN Syekh Ali Hasan Addary Padangsidempuan have not been able to provide legal aid due to funding and regulatory constraints.

Third, the implementation of legal aid by State Universities in West Sumatra has run well, although facing challenges of limited resources and uneven service coverage. State Universities work with local LBHs, courts, and Kemenkumham in handling criminal cases, providing consultation services, drafting legal documents, and providing accompaniment in court. These efforts support social justice and strengthen the judicial system in Indonesia.

This study concludes that the crisis of university-based legal aid in Indonesia is not a normative legal problem, but a structural and institutional one. This research contributes theoretically by introducing two distinct typologies of campus legal aid governance: the *Bureaucratic Dependency Model* and the *Entrepreneurial Autonomy Model*. The findings demonstrate that universities reliant on rigid state budgets fail to provide substantive criminal defense, whereas those employing hybrid, entrepreneurial funding models successfully bridge the access to justice gap.

The policy implications of this study are urgent. The government and university leadership must fundamentally restructure the funding mechanisms for Campus LBHs, allowing for decentralized, tactical endowment funds specifically earmarked for pro bono litigation. Without such funding reform, the constitutional mandate for equal access to justice remains an illusion. Future research should investigate the long-term impact of these campus-led legal interventions on the jurisprudence of local courts, particularly within legally pluralistic societies.

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Conflict of Interest

There is no conflict of interest associated with this article.

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