

## Information Sheet

### Response of Indonesian Advocates Association (PERADI)

#### I General Information

##### 1 Number of stakeholders

###### 1-1 Population

Answer:

According to the data in July 2007, the number of population in Indonesia was approximately 234.693.997.

###### 1-2 Number of lawyers/attorneys-at-law

Answer:

According to the membership data in PERADI by October 8, 2008, the number of lawyers in Indonesia is 20.410.

###### 1-3 Number of judges

Answer:

According to the Annual Report 2007 of Indonesian Supreme Court, there were approximately 7.000 judges in Indonesia.

###### 1-4 Number of prosecutors

Answer:

We do not have the recent data of prosecutors. But in 2004, there were approximately 6.177 prosecutors in Indonesia.

##### 2 Number of court cases handled by first instance courts

Answer:

According to the Annual Report 2007 of Indonesian Supreme Court, there were approximately 3.514.709 cases handled by the first instance court.

###### 2-1 Number of civil cases

Answer:

According to the Annual Report 2007 of Indonesian Supreme Court, there were approximately 159.157 civil cases.

#### **2-4 Number of family cases**

Answer:

According to the Annual Report 2007 of Indonesian Supreme Court, there were approximately 217,084 family cases.

#### **2-5 Number of criminal cases**

Answer:

According to the Annual Report 2007 of Indonesian Supreme Court, there were approximately 3.134.120 criminal cases.

## **II Legal Aid**

#### **2-1 Please describe briefly the history of legal aid in your country.**

Answer:

Legal aid for the destitute is a fundamental right of which should be provided by the state in order to obtain a proper legal protection towards them. In fact, the state could not afford such fundamental right. One of the reasons is because the government, in the early independence era, had chosen an improper procedural law. They designated HIR (*Herziene Indonesisch Reglement*) as our procedural law despite of Rv (*Reglement op de Rechtsvordering*) or Sv (*Reglement op de Strafvordering*) of which grants better security towards the citizen to obtain legal assistance.

The development of legal aid movement in Indonesia could not be separated from the role of legal aid institute as the organization which works consistently in struggling for the people rights that often becomes the object of oppression by the Authorized party. The existence of legal aid movement is indicated with the establishment of some legal aid institution to provide legal assistance for the member of community who cannot afford to pay for the service of lawyers.

Significant progress of legal aid movement started in 1970 with the establishment of Jakarta Legal Aid Institution (Lembaga Bantuan Hukum Jakarta, abbreviated to LBH Jakarta) by the Indonesian bar association at that time, called "PERADIN (Persatuan Advokat Indonesia)".

The purposes of the establishment of LBH Jakarta are:

- To provide legal assistance towards poor people;
- To develop and increase the legal awareness of the people, especially their right as legal subject;

- To submit legal development in order to fulfill the people needs.

The existence of LBH Jakarta, in fact, stimulates the existence of other legal aid institutions in the following regions: Yogyakarta, Surabaya, Bandung, and Medan.

In 1980, in a national meeting of legal aid institution, it was agreed to unify the vision and mission of legal aid institution. Furthermore, they also agreed to establish the Indonesian Legal Aid Foundation (Yayasan Lembaga Bantuan Hukum Indonesia, abbreviated to YLBHI) as the umbrella organization of those legal aid institutions.

Recently, the activity of legal aid in Indonesia has altered to empower the people. They provide legal education and raise legal awareness of the people so that they can fight for their own right. This activity is also known as a structural legal aid activity.

## **2-2 Please outline the legal aid organization and its programs.**

Answer:

Herewith the brief of YLBHI programs:

Despite a number of political leadership transitions, fundamental problems are still impeding the challenges of establishing YLBHI values. Those problems are the escalating and widening scale of corruption and bribery, expanding violence – both communal and purely political, and the escalating arm conflicts in provinces such as Aceh and Papua. In addition, the multi-parties system and political liberalizations that have been initiated have not produced deliberative and rational political procedure and system of which secures people's authentic participation. This was obviously reflected in the failure and deadlock grass root aspiration in the power structure in the regional level.

YLBHI has come to believe that democracy as a vision should be placed as an empty signifier opened to any kind of both strengthening and weakening establishments and interpretations of democratic security. YLBHI will be in the front line to strengthen the bases of democracy.

As the consequences, YLBHI has to deal with new challenges of the post-authoritarianism politics, such as conflicts and violence in a number of areas, the strengthening primordial aspiration and expanded autonomy, calls for economic justice, the prospects of political institutions' independence, polemic concerning constitutional amendment, etc. In summary, it is how we build peace and reconciles the need of a powerful state (having the capability in preventing conflicts, secure social justice) and protects pluralism.

The programs will carry out; therefore, will comply with the dynamic social alterations. The chance to promote protection and promotion of human rights which would be more open, and

human rights will be the conducting basis of policy. LBH works will remain focused on the protection and promotion of civil and political, economic, social and cultural rights and the rights of women and children, and reviews on attempted promotion of human rights protection which would be treated as the main focus to develop people's political participation of which would appear as a capable political and legal subject in struggling for their rights.

In order to apply the above ideas, YLBHI has outlined five priority programs:

1. Case advocacy (litigation and non litigation);
2. Education on and development of people's legal resources;
3. Policy research/study (legal reform);
4. Network development (national and international);
5. Campaign and publication.

#### **2-2-1 Name of the legal aid organization/head office location**

##### Answer:

There is a prominent legal aid institution in Indonesia known as YLBHI, with the head office located in Jakarta, the address:

Jl. Diponegoro No. 74  
Jakarta Pusat 10320, Indonesia  
Phone: +62 21 392 9840  
Facs: +62 21 319 30140  
Email: info@ylbhi

YLBHI consists of some branches in Indonesia, including LBH Jakarta (address: Jl. Diponegoro No. 74, Jakarta Pusat 10320, Indonesia, email: [jakarta@lbh.or.id](mailto:jakarta@lbh.or.id), website: <http://jakarta.lbh.or.id>). The other branches are as follow:

- LBH Bandung  
Jl. Rengas Dengklok Raya No. 26, Perumahan Antapani, Bandung, Indonesia  
Phone: +62 22 720 6760  
Facs: +62 22 720 6760  
Email: [bandung@lbh.or.id](mailto:bandung@lbh.or.id); [lbh.bandung@lbhbandung.org](mailto:lbh.bandung@lbhbandung.org)  
Web: <http://www.bandung.lbh.or.id>
- LBH Banda Aceh  
Jl. Elang Timur Lampoh Bungong Biang No. 12A, Desa Blangcut, Banda Aceh, Indonesia  
Phone: +62 651 22940  
Facs: +62 651 740 0023, +62 651 22940

Email: [banda-aceh@lbh.or.id](mailto:banda-aceh@lbh.or.id)  
Web: <http://www.banda-aceh.lbh.or.id>

- LBH Medan  
Jalan Hindu No.12 Medan 20111, Indonesia  
Phone: +62 61 451 5340  
Facs: +62 61 456 9749  
Email: [medan@lbh.or.id](mailto:medan@lbh.or.id); [prodeo@indo.net.id](mailto:prodeo@indo.net.id)  
Web: <http://www.medan.lbh.or.id>
- LBH Papua  
Jl. Gerilyawan Nomor 46, Abepura, Jayapura, Papua, Indonesia  
Phone: +62 967 581 710  
Facs: +62 967 582 559  
Email: [papua@lbh.or.id](mailto:papua@lbh.or.id)  
Web: <http://www.papua.lbh.or.id>
- LBH Surabaya  
Jl. Kidal Nomor 6, Surabaya 60131, Indonesia  
Phone: +62 31 502 2273, +62 31 502 4826  
Facs: +62 31 502 4717  
Email: [surabaya@lbh.or.id](mailto:surabaya@lbh.or.id); [lbhsby@telkom.net](mailto:lbhsby@telkom.net)  
Web: <http://www.surabaya.lbh.or.id>
- LBH Bandar Lampung  
Jl. M.H. Thamrin No. 63/3 Kelurahan Gotong Royong, Kecamatan Tanjung Karang  
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Phone: +62 721 747 8795  
Email: [bandar-lampung@lbh.or.id](mailto:bandar-lampung@lbh.or.id); [lbh-bl@indo.net.id](mailto:lbh-bl@indo.net.id)  
Web: <http://www.bandar-lampung.lbh.or.id>
- LBH Makassar  
Jl. Macan No 1, Makassar, Sulawesi Selatan, Indonesia  
Phone: +62 411 871 747  
Facs: +62 411 873 239,  
Email: [ujung-pandang@lbh.or.id](mailto:ujung-pandang@lbh.or.id); [lbhmks@indosat.net.id](mailto:lbhmks@indosat.net.id)  
Web: <http://www.makassar.lbh.or.id>
- LBH Manado

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- LBH Padang

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Phone: +62 751 517 560

Facs: +62 751 517 560

Email: [padang@lbh.or.id](mailto:padang@lbh.or.id)

Web: <http://www.padang.lbh.or.id>

- LBH Palembang

Jl. Sumpah Pemuda Blok K No. 21/1790, Kampus Palembang Rt. 32/09 Kel. Lorok Pakjo, Palembang, Indonesia

Phone: +62 711 353 803

Facs: +62 711 353 803

Email: [palembang@lbh.or.id](mailto:palembang@lbh.or.id)

Web: <http://www.palembang.lbh.or.id>

- LBH Semarang

Jl. Parang Kembang No. 14 Bumi Tlogosari, Semarang, Indonesia

Phone: +62 24 671 0687

Facs: +62 24 671 0495

Email: [semarang@lbh.or.id](mailto:semarang@lbh.or.id)

Web: <http://semarang.lbh.or.id>

- LBH Yogyakarta

Jl. H. Agus Salim No. 36 Yogyakarta 55262, Indonesia

Phone: +62 274 375 321, +62 274 376 316

Facs: +62 274 376 316

Email: [yogyakarta@lbh.or.id](mailto:yogyakarta@lbh.or.id); [lbhyogya@indo.net.id](mailto:lbhyogya@indo.net.id)

Web: <http://www.yogyakarta.lbh.or.id>

- LBH Bali

Jl. Plawa No. 57 Denpasar 80233 Bali, Indonesia

Phone: +62 361 223 010

Facs: +62 361 227 465

Email: [bali@lbh.or.id](mailto:bali@lbh.or.id); [lbhbali@indo.net.id](mailto:lbhbali@indo.net.id)

Web: <http://www.bali.lbh.or.id>

2-2-2 When was the organization established?

Answer:

YLBHI was established in 1980.

**2-2-3 Please describe briefly the organization structure such as branches and other offices.**

Answer:

See the answer of question number 2-2-1.

**2-2-4 Please explain about the organization's service delivery model such as salaried legal professional (staff attorney) and/or private legal professional (judicare).**

Answer:

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**2-2-5 Please explain about the budget for the legal aid system.**

Answer:

According to the Instruction Letter of Ministry of Justice No. M.24 UM.06.02 Year 1985, the government provides certain amount budget (at that time Rp150.000/case) for each case treat as legal aid category. Based on the Instruction Letter, legal aid budget/fund provided by the government c.q. Department of Justice through the State Court.

Member of community can ask for the legal aid pro bono to the Chief of State Court. Chief of State Court will then appoint a lawyer to handle the case of that member of community. The legal aid fund will be given to the lawyer when the process of case starts in the court. The lawyer has to make a report regarding to the progress of the case.

But, nowadays, there is no such data whether this system is still implemented by the Department of Justice (now it is called Department of Law and Human Rights) or the State Court.

Right now, the legal aid institution itself covers the operational cost of legal aid assistance. Many legal aid institutions funded their operational cost by themselves. Most of them got the fund from the following resources:

- Donation from member of community;
- Donation from donor agencies.

**2-2-6 How many recipients have received the legal aid assistance in main legal aid programs in recent years?**

Answer:

We do not have the accurate data concerning the total number of recipients in Indonesia who have received the legal aid assistance. We only have such data of Jakarta.

According to the data in the website of LBH Jakarta in 2007 (<http://www.bantuanhukum.org/index-6.php?title=BERITA&fileid=1&beritaid=376>), there were 1.140 cases handled by them and those cases involved 20837 members of community.

In 2006, there were 10.015 members of community that have received the legal aid assistance provided by LBH Jakarta. The entire recipients were involved in 1.123 cases which could be divided into 5 classifications:

- a. Labor cases;
- b. City and urban community cases;
- c. Civil and political right cases;
- d. Women and children cases;
- e. Specific cases.

Comparison Table Cases  
Handled by LBH Jakarta from 2003 - 2007

Year	Cases Handled by LBH Jakarta	Number of Recipient which Received Legal Assistance for LBH Jakarta
2007	1140	20.837
2006	1123	10.015
2005	1134	21.409
2004	1097	32.370
2003	1026	21.409

**2-2-7 Please explain about the main activities of the legal aid organization, including entitlement to legal aid and reimbursement of the assisted legal aid costs**

Answer:

The main activities of the legal aid organization: see the answer of question no. 2-2

Reimbursement of the assisted legal aid costs: see the answer of question no. 2-2-5

**2-3 What are the future issues or challenges with respect to the legal aid system in your country?**

Answer:

The issue remains how to ensure the fundamental right of people in Indonesia as legal subject can be implemented properly by the state, even though they are located at remote area.

**2-4 Please let me know if the legal aid organization have an English language website.**

Answer:

<http://www.ylbhi.or.id/>

### **III Shortages of Lawyers in Local Areas**

**3-1 Is there any figure of lawyers who work in local areas in your country?**

Answer:

Since Law Number 18 Year 2003 regarding Advocates (“Advocates Law”) had applied on April 5, 2003, the lawyer’s area of work covers the entire territories of The Republic of Indonesia and not only the area in which they are legally domiciled. These lawyers spread across the country, but mostly they work in the capital of province or big city in their provinces.

**3-2 Do you think that there are a sufficient number of qualified lawyers working for citizens in local areas in your country?**

Answer:

Since most lawyers in our country works in the capital of provinces or big cities in their capital or nearby, many of small town particularly with small amount of population have shortage of lawyers.

**3-3 If the answer of Question 3-2 is negative, what have caused such shortage of lawyers?**

Answer:

The promulgation of area development does not cover throughout the territory of the country.

**3-4 Does the legal aid organization or the bar association/law society has any programs in dealing with legal services in local areas in your country?**

Answer:

Yes. The legal aid organization has a program to provide pro bono legal aid assistance for member of community who cannot afford lawyers fee.

Beside, both the bar association and legal aid organization are also trying to maintain the quality of their members or staffs. For instance, the Indonesia Advocates Association (Perhimpunan Advokat Indonesia, abbreviated to PERADI) as the bar association mandated by Law No. 18/2003, are now trying to conduct programs such as continuing legal education in order to maintain the quality of its members in regions.

So does the legal aid organization, LBH Jakarta, a part of YLBHI, continuously conduct legal education program for legal scholar. The program called Karya Latihan Bantuan Hukum (Kalabahu). In Kalabahu, the participant is given many kinds of knowledge, like ideology in relation with the law, the concept of structural legal aid activity, also practical knowledge to handle a case. This program also becomes one of the selection processes to join as public defender of LBH Jakarta.

**3-5 If the answer of Question 3-4 is affirmative, please describe briefly such programs.**

Answer:

See the answer of question 3-4.

**3-6 What are the future issues or challenges with respect to the shortage of legal services in local areas in your country?**

Answer:

- The existence of lawyers which is not evenly distributed in every area in Indonesia;
- Improvement of number of lawyers in Indonesia;
- Maintain the quality of recruitment system of advocate;
- Maintain the quality of advocate;

#### **IV Other Obstacles to Hinder Access to Justice**

**4-1 Are there any obstacles to hinder access to justice other than the problems with the legal aid system and the shortage of lawyers in local areas?**

Answer:

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**4-2 If the answer of Question 4-1 is affirmative, please describe briefly such obstacles.**

Answer:

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**4-3 Please explain briefly the educational system to produce qualified lawyers in**

**your country.**

Answer:

In order to ensure the quality of advocates in Indonesia, the Advocates Law (Law No. 18/2003) regulates that every person who wants to become an advocate must follow a certification process that consist three steps:

- Being successful in the advocate profession training;
- Pass a bar exam successfully;
- Complete apprentice program for two years simultaneously in an advocate office.

Nowadays, according to the Advocates Law, the certification process becomes the authority of PERADI. There is significant change with the implementation of certification process run by PERADI. Nobody, not even the Board of National Governors nor the Bar Exam Committee, able to manipulate the result of bar exam since the examining process is done by the computer. The participant pass the bar exam purely based on their competency to complete the test.

Below, the percentage number of participant pass the bar exam conducted by PERADI:

No.	Date of Bar Exam	Total Participant	Total of Participant Pass the Exam	Number of Participant Fail	Percentage of Participant Pass the Exam (%)
1	4 February 2006	6.457	1.944	4.513	30,11%
2	9 September 2006	3.404	593	2.811	17,42%

In addition, in order to maintain the quality of advocate, PERADI as bar association also conducted a program called continuing legal education (“CLE”) to maintain the quality of its members, especially their legal skill. Several CLE activities already conducted by PERADI for its members, as example: the management law firm training, training of procedural law in the Constitutional Court, etc.

**4-4 Do you think that your country has enough lawyers to substantiate the access to justice?**

Answer:

If we compare the number of existing lawyers with the population in Indonesia, we think Indonesia is still in the lack condition of sufficient lawyers. But increasing the number of lawyers do not solve the problem since the existence of lawyers itself has not been covered throughout the territory of the country. Most lawyers are located in big cities. It makes some regions in the remote area do not have sufficient lawyers.

It means it is important to increase the number of lawyers but also the bar association must find a solution of how to distribute the existence of lawyers itself so that there will be no area which has no lawyers.

**4-5 Do you think that your country produces newly qualified lawyers every year to substantiate the access to justice?**

Answer:

The system, which was established by PERADI, has objective to improve the quality of the Advocates' Profession. We hope that with all steps followed by candidate of advocate (special training, bar exam, and two years apprenticeship program), he/she will have a proper qualification to be admitted as an advocate.

**4-6 If the answer of Question 4-4 or 4-5 is negative, please describe briefly the reason for such shortage and your thoughts on how to solve such problems.**

Answer:

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**V Others**

**5-1 Please fill in any comments or your thoughts to way to achieve the well-organized access to justice in your country.**

Answer:

- First, there has to be clear regulation that guarantees legal right of the people.
- Second, there has to be awareness from legal enforcer to ensure the legal rights of the people, especially in every step of judiciary process.
- Third, the people also have to be aware about their right to have the same treatment in legal process.

**VI Recent Judicial Movement**

**Please describe briefly the recent movements or topics in the legal community, including the bar association/law society.**

Answer:

One of the topics that become a major discussion among the legal community is about the maximum age of retirement of our Supreme Court judges. Right now, the maximum age for retirement of Supreme Court is 67 years old. But today, through the amendment of Supreme Court Law it is being still discussed in the Parliament, the Supreme Court is trying to change the retirement age to become 70 years old. This issue has become a pro and contra.

One side who agree with the Supreme Court come with an argument that is common to extend the retirement age of Supreme Court judges since people with age 70 years old is still productive to handle a case. They also compare it with the judges in the United States Supreme Court.

But the other side who do not agree with the idea think that it is not wise to extend the retirement age of Supreme Court judges at this moment, especially when it is suspected that the idea to extend the retirement age is related to postpone the retirement of the Chief Justice of Supreme Court which is effective by October 6, 2008. Moreover, extending the retirement age will become an obstacle for regeneration of judges in Supreme Court.