

REGULATION OF THE MUNICIPALITY OF TANGERANG  
NUMBER 3 OF 2015  
ON  
LEGAL AID FOR THE POOR

BY THE BLESSINGS OF ALMIGHTY GOD

MAYOR OF TANGERANG,

- Considering :
- a. that everyone has the right to protection and equal treatment before the law;
  - b. that free legal aid for the poor has been mandated in Article 19 section (2) of Law Number 16 of 2011 on Legal Aid;
  - c. that based on the considerations referred to in point a and point b it is necessary to establish Regional Regulation on Legal Aid for the Poor;
- Observing :
1. Article 18 section (6) of the 1945 Constitution of the Republic of Indonesia;
  2. Law Number 2 of 1993 on Establishment of Level II Region Municipalities of Tangerang (State Gazette of the Republic of Indonesia of 1993 Number 18, Supplement to the State Gazette of the Republic of Indonesia Number 3518);
  3. Law Number 17 of 2003 on State Finance (State Gazette of the Republic of Indonesia of 2003 Number 47, Supplement to the State Gazette of the Republic of Indonesia Number 4286);
  4. Law Number 1 of 2004 on State Treasury (State Gazette of the Republic of Indonesia of 2004 Number 5, Supplement to the State Gazette of the Republic of Indonesia Number 4355);
  5. Law Number 16 of 2011 on Legal Aid (State Gazette of the Republic of Indonesia of 2011 Number 104, Supplement to the State Gazette of the Republic of Indonesia Number 5248);
  6. Law Number 23 of 2014 on Local Governments (State Gazette of the Republic of Indonesia of 2014 Number 244, Supplement to the State Gazette of the Republic of Indonesia Number 5587), as last amended several times by Law Number 9 of 2015 on Second Amendment to Law Number 23 of 2014 on Local Governments (State Gazette of the Republic of Indonesia of 2015 Number 58, Supplement to the State Gazette of the Republic of Indonesia Number 5679);

7. Government Regulation Number 83 of 2008 on Requirements and Procedures for Providing Free Legal Aid (State Gazette of the Republic of Indonesia of 2008 Number 214, Supplement to the State Gazette of the Republic of Indonesia Number 4955);
8. Government Regulation Number 42 of 2013 on Requirements and Procedures for Providing Legal Aid and Distributing Legal Aid Funds (State Gazette of the Republic of Indonesia of 2013 Number 98, Supplement to the State Gazette of the Republic of Indonesia Number 5431);
9. Regulation of the Minister of Law and Human Rights Number 22 of 2013 on Implementing Regulation of Government Regulation Number 42 of 2013 on Requirements and Procedures for Providing Legal Aid and Distributing Legal Aid Funds;

With the Joint Approval of  
THE REGIONAL HOUSE OF REPRESENTATIVES  
OF THE MUNICIPALITY OF TANGERANG  
and  
MAYOR OF TANGERANG

HAS DECIDED:

To issue: REGIONAL REGULATION ON LEGAL AID FOR THE POOR.

CHAPTER I  
GENERAL PROVISIONS

Article 1

In this Regional Regulation:

1. Region means the Municipality of Tangerang.
2. Local Government means the Regional Head as the administering element of the Local Government who leads the implementation of government affairs which are the authority of the autonomous region.
3. Mayor means the Mayor of Tangerang.
4. Regional House of Representatives, hereinafter abbreviated as DPRD, means a regional people's representative institution that is domiciled as an element of Regional Government administration.
5. Community means individuals or group of people who have a legal residence identity in the Municipality of Tangerang.
6. The Poor mean individuals or groups of people whose economic conditions are categorized as poor as evidenced by one of the following documents: Public Health Insurance Card, Direct Cash Assistance, Subsidized Rice Card, or Indigence Certificate from Lurah (Head of Urban Village).
7. Recipients of legal aid mean individuals or groups of people who are facing legal problems and socio-economically unable to bear the operational costs of the event.
8. Legal aid provider means a legal aid organization that provides legal aid services and has been accredited by the Ministry of Law and Human Rights.
9. Legal Aid means legal services provided by Legal Aid Providers for free to Legal Aid Recipients.

10. Litigation means an attempt to resolve legal problems through the judicial process.
11. Non-litigation means a way of resolving legal issues outside the judicial process.
12. Accreditation means recognition of legal aid providers granted by the Ministry in charge of legal affairs and human rights after it is judged that the legal aid provider is fit to provide legal aid.
13. Legal aid funds mean fees provided annually by Local Government in the Local Budget, hereinafter abbreviated as APBD, to finance the implementation of legal aid to the poor.

## CHAPTER II PRINCIPLES AND PRINCIPLES

### Article 2

The implementation of Legal Aid for the Poor is based on Pancasila and based on the 1945 Constitution of the Republic of Indonesia.

### Article 3

The implementation of Legal Aid for the Poor in the Regions is carried out with basic principles, including:

- a. Principle of justice;
- b. Principle of equality of standing in law;
- c. Principle of protection of human rights;
- d. Principle of openness;
- e. Principle of efficiency;
- f. Principle of effectiveness, and
- g. Principle of accountability.

## CHAPTER III SCOPE AND PURPOSE

### Article 4

The scope of this regulation only regulates Legal Aid funded from the Local Budget, including:

- a. Provision of Legal Aid;
- b. Provision of Litigation and Non-Litigation Legal Aid;
- c. Rights and Obligations;
- d. Procedures for Requesting Legal Aid;
- e. Payment of Legal Aid Funds;
- f. Prohibition;
- g. Criminal Provisions.

### Article 5

The implementation of Legal Aid for the Poor in the Region aims to:

- a. guarantee the constitutional rights of citizens in accordance with the principle of equality in law.
- b. ensure the protection of human rights
- c. ensure the fulfillment of the rights of legal aid recipients to obtain justice.

CHAPTER IV  
IMPLEMENTATION OF LEGAL AID

Article 6

- (1) Legal Aid is provided to Legal Aid Recipients who are facing legal problems;
- (2) Legal Aid as referred to in section (1) includes civil, criminal and administrative law problems consisting of:
  - a. Litigation; and
  - b. Non-litigation.
- (3) Litigation legal aid as referred to in section (2) point a includes accepting and exercising power, accompanying, representing, defending, and/or carrying out other legal actions for the legal interests of the recipient of legal aid.
- (4) The provision of Legal Aid as referred to in section (1) is provided until the legal problem is resolved and/or the case has permanent legal force, as long as the recipient of the legal aid does not revoke the Special Power of Attorney.

Article 7

- (1) Every poor person domiciled in the Region is entitled to be a recipient of Legal Aid.
- (2) The recipient of Legal Aid as referred to in section (1) is obligated to be proven by one of the following documents: Public Health Insurance Card, Direct Cash Assistance, Subsidized Rice Card, or Indigence Certificate from lurah.
- (3) The Certificate of Incapacity as referred to in section (2) is issued specifically for applications for legal aid for the poor.

Article 8

The implementation of Legal Aid as referred to in Article 6 is carried out by Legal Aid Providers who have met the following requirements of:

- a. being incorporated;
- b. being accredited by the Ministry of Law and Human Rights;
- c. having a permanent office or secretariat and domiciled in the administrative area of the Municipality of Tangerang;
- d. having a manager; and
- e. having a Legal Aid program.

Article 9

- (1) The Mayor can encourage the establishment of a Legal Aid Institute that meets the provisions of the law in conducting litigation legal aid in the Region.
- (2) In order to expand legal aid to the community, especially in non-litigation, the Mayor may establish cooperation with the Higher Education.

CHAPTER V  
PROVISION OF LITIGATION AND  
NON-LITIGATION LEGAL AID

Part One  
Provision of Litigation Legal Aid

Article 10

- (1) The provision of Legal Aid by Litigation is carried out by an Advocate who has the status of a management of the Legal Aid Provider and/or an Advocate recruited by the Legal Aid Provider.
- (2) In the event that the number of Advocates gathered in the Legal Aid Provider forum is inadequate with the large number of Legal Aid Recipients, the Legal Aid Provider may recruit paralegals, and lecturers.
- (3) In providing legal aid, paralegals and lecturers as referred to in section (2) must attach written evidence of assistance from advocates as referred to in section (1).
- (4) The provision of Legal Aid by an Advocate as referred to in section (1), does not eliminate the obligation of the Advocate to provide free legal aid in accordance with the provisions of legislation.
- (5) The provision of Legal Aid by Litigation is carried out by:
  - a. assistance and/or exercise of power of attorney starting from the level of investigation and prosecution;
  - b. assistance and/or exercise of power of attorney in the examination process at the trial; or
  - c. assistance and/or exercise of power of attorney to Legal Aid Recipients in Court.

Part Two  
Provision of Non-Litigation Legal Aid

Article 11

- (1) The provision of non-litigation Legal Aid can be carried out by advocates, paralegals and lecturers within the scope of accredited Legal Aid Providers.
- (2) The provision of non-litigation Legal Aid as referred to in section (1) includes:
  - a. legal counseling;
  - b. legal consultation;
  - c. investigation of cases, both electronically and non-electronically;
  - d. legal research;
  - e. mediation;
  - f. negotiation;
  - g. community empowerment;
  - h. out-of-court assistance; and/or
  - i. drafting of legal documents.

CHAPTER VI  
RIGHTS AND OBLIGATIONS

Article 12

Recipients of legal aid are entitled to:

- a. obtain legal aid until the problem is resolved or there has permanent legal force to the case;
- b. obtain free legal aid;
- c. obtain information and documents related to the implementation of the provision of legal aid; and
- d. obtain services in accordance with the principles of public service.

Article 13

To obtain legal aid, recipients of legal aid are obligated to:

- a. submit an application to a Legal aid provider;
- b. submit true information and valid evidence about the legal problem at hand; and
- c. assist in the smooth provision of legal aid.

Article 14

Legal aid providers have the right to:

- a. obtain financial assistance in carrying out their duties.
- b. freely issue statements and/or express opinions in the implementation of their duties, while still being guided by the Code of Ethics and legislation.
- c. seek and obtain information, data, and other documents both from government agencies and other parties related to their duties.
- d. get protection against:
  1. possibility of inspection and/or confiscation of documents obtained and/or in possession of him in connection with his duty to provide legal aid to the recipient of legal aid.
  2. confidentiality of its relationship with the recipient of legal aid.
  3. personal and/or family safety due to providing legal aid.

Article 15

Legal aid providers cannot be prosecuted civilly or criminally in carrying out their duties to provide legal aid to legal aid recipients, unless legal aid providers have violated the code of ethics that should be obeyed in accordance with legislation.

Article 16

Legal aid providers are obligated to:

- a. keep confidential all information, information, and data obtained from recipients of legal aid, unless otherwise stipulated by legislation.
- b. serve recipients of legal aid in accordance with the principles of public service.
- c. report the implementation of their duties to the Mayor every 3 (three) months.
- d. the legal aid providers are obligated to provide legal aid to

the recipient of legal aid until the problem is resolved or there has been a decision with permanent legal force on the case.

## CHAPTER VII PROHIBITIONS

### Article 17

- (1) Legal Aid providers are prohibited from:
  - a. receiving or requesting payment from the Legal Aid Recipient and/or other parties related to the case being handled by the Legal Aid Provider; and/or
  - b. fabricating the application of the Legal Aid Beneficiary.
- (2) In the event that the Legal Aid Provider violates the provisions as referred to in section (1), the Local Government may provide administrative sanctions in the form of:
  - a. canceling the provision of legal aid funds;
  - b. stopping providing legal aid funds;
  - c. not providing legal aid funds in the next financial year; and/or
  - d. being reported to the Ministry that administers affairs in the field of Law and Human Rights to be sanctioned in accordance with the provisions of legislation.

## CHAPTER VIII PROCEDURES FOR APPLYING FOR LEGAL AID

### Article 18

- (1) The Legal Aid Applicant submits a written request for Legal Aid to the Legal Aid Provider with the following conditions:
  - a. the identity of the Legal Aid Applicant;
  - b. a brief description of the subject matter requested for Legal Aid;
  - c. submission of copies or copies of documents relating to the case; and
  - d. attachment to one of the following documents: Public Health Insurance Card, Direct Cash Assistance, Subsidized Rice Card, or Indigence Certificate from Lurah.
- (2) In the event that a Legal Aid Applicant is unable to draft an application in writing as referred to in section (1), the applicant can submit an oral application.
- (3) The oral application as referred to in section (2) must be made in writing by the Legal Aid Provider.
- (4) The identity of the Applicant as referred to in section (1) point a is proven by an identity card and/or other documents issued by the competent authority.

### Article 19

- (1) The Legal Aid Provider is obligated to check the completeness of the requirements within a maximum of 1 (one) workday after receiving the Legal Aid application file.
- (2) In the event that the application for Legal Aid has met the requirements, the Legal Aid Provider is obligated to submit

a willingness or rejection in writing of the application as referred to in section (1) within a maximum of 3 (three) working days since the application is declared complete.

- (3) In the event that the Legal Aid Provider expresses willingness as referred to in section (2), the Legal Aid Provider provides Legal Aid based on a Special Power of Attorney from the Legal Aid Recipient.
- (4) In the event that the application for Legal Aid is rejected, the Legal Aid Provider is obligated to provide the reasons for rejection in writing within a maximum of 3 (three) workdays since the application is declared complete.

## CHAPTER IX LEGAL AID BUDGETING

### Article 20

- (1) In the context of providing Legal Aid in the Region, the Local Government provides litigation and non-litigation Legal Aid funds to Legal Aid Providers.
- (2) The Legal Aid Fund as referred to in section (1) is budgeted in the Local Budget.

## CHAPTER X PROCEDURES FOR APPLYING FOR LEGAL AID FUNDS FROM APBD

### Article 21

- (1) The legal aid provider applies for legal aid funds to the Mayor through the Regional Secretary.
- (2) Application as referred to in section (1) is attached by:
  - a. a letter of application for legal aid funds signed by the head of the Legal Aid Institute;
  - b. a copy of the Decree of the Minister of Law and Human Rights as an accredited Legal Aid institution;
  - c. management of the Legal Aid Institute;
  - d. Annual Legal Aid program;
  - e. a copy of the identity of the Legal Aid Beneficiary;
  - f. attachment to one of the following documents: Public Health Insurance Card, Direct Cash Assistance, Subsidized Rice Card, or Indigence Certificate from lurah.
  - g. a brief description of the subject matter requested by the Legal Aid Recipient;
  - h. progress in handling cases; and
  - i. a statement letter not receiving Legal Aid funds originating from the State Budget and Local Budget of Banten Province and Local Budget of other Regency/Municipal Local Government.
- (3) The procedure for applying for legal aid funds as referred to in section (1) is further regulated in a Mayor Regulation.

### Article 22

- (1) The distribution of Litigation and Non-litigation Legal Aid funds is provided in accordance with the Legal Aid Implementation Fee Standards.

- (2) The standard cost of implementing legal aid as referred to in section (1) is determined by the Mayor.

## CHAPTER XII SUPERVISION

### Article 23

- (1) Every provision of Legal Aid funds provided by the Local Government is supervised.
- (2) Supervision as referred to in section (1) is carried out by the Mayor through the Inspectorate in accordance with applicable legislation.

## CHAPTER XIII PROVISIONS OF INVESTIGATION

### Article 24

- (1) Certain Civil Service Officials within the Local Government are given special authority as Investigators to conduct criminal investigations in the field of legal aid, as referred to in the Code of Criminal Procedure.
- (2) The authority of the Investigator as referred to in section (1) is:
  - a. receiving, searching, collecting, and researching information or reports regarding criminal acts in the field of legal aid so that the information or report becomes complete and clear;
  - b. researching, searching, and collecting information about individuals or entities about the truth of acts committed in connection with criminal acts in the field of legal aid;
  - c. requesting information and evidence from individuals or entities in connection with criminal acts in the field of legal aid;
  - d. examining books, records, and other documents relating to criminal acts in the field of legal aid;
  - e. conducting searches to obtain evidence of books, records, and other documents, and confiscate such evidence;
  - f. requesting the assistance of experts in the context of carrying out the task of investigating criminal acts in the field of legal aid;
  - g. ordering to stop and/or prohibit a person from leaving the room or premises while the inspection is in progress and check the identity of the person and/or documents brought;
  - h. photographing a person related to a criminal offence in the field of legal aid;
  - i. summoning persons to be heard and examined as suspects or witnesses;
  - j. stopping the investigation;
  - k. taking other actions necessary for the smooth investigation of criminal acts in the field of legal aid in accordance with applicable legislation.
- (3) Investigator as referred to in section (1) notifies the

commencement of investigations and submit the results of the investigation to the Public Prosecutor through the Investigator of the State Police Officer of the Republic of Indonesia, in accordance with the provisions stipulated in the Code of Criminal Procedure.

#### CHAPTER XIV CRIMINAL PROVISIONS

##### Article 25

Legal Aid Providers receiving legal aid funds from the Local Budget who are proven to receive or request payment from Legal Aid Recipients and/or other parties related to the case being handled as referred to in Article 14, are sentenced with imprisonment for a maximum of 3 (three) months or a fine up to Rp.50,000,000.00 (fifty million rupiah)

#### CHAPTER XV CLOSING PROVISIONS

##### Article 26

The Implementing Regulation of this Regional Regulation is determined not later than 6 (six) months from the promulgation of this Regional Regulation.

##### Article 27

This Regional Regulation comes into force on its promulgation.

In order that every person knows hereof, it is ordered to promulgate this Regional Regulation by its placement in the Regional Gazette of the Municipality of Tangerang.

Issued in Tangerang  
on 27 August 2015

MAYOR OF TANGERANG,

signed

H. ARIEF R WISMANSYAH

Promulgated in Tangerang  
on 27 August 2015

REGIONAL SECRETARY  
OF TANGERANG CITY,

signed

DADI BUDAERI

REGIONAL GAZETTE OF THE MUNICIPALITY OF TANGERANG OF 2015  
NUMBER 3

Jakarta, 25 September 2024

Has been translated as an Official Translation  
on behalf of Minister of Law and Human Rights  
of the Republic of Indonesia

DIRECTOR GENERAL OF LEGISLATION AD INTERIM,

  
ASEP N. MULYANA

ELUCIDATION  
OF  
REGULATION OF THE MUNICIPALITY OF TANGERANG  
NUMBER 3 OF 2015  
ON  
LEGAL AID FOR THE POOR

I. GENERAL ELUCIDATION

Article 1 section (3) of the 1945 Constitution of the Republic of Indonesia affirmed that "the State of Indonesia is a state of law". In the rule of law, the state recognizes and protects the human rights of every individual including the right to Legal Aid. Maintenance The provision of Legal Aid to citizens, especially the poor, is an effort to fulfill and at the same time as the implementation of the rule of law that recognizes and protects and guarantees the human rights of citizens to the needs of access to justice and equality before the law.

Until now, in the Municipality of Tangerang there has been no Regional Regulation that specifically guarantees the implementation of the constitutional rights of citizens, so the establishment of this Regional Regulation on Legal Aid for the Poor will be the basis for the Regional Government to implement the constitutional rights of citizens in the field of Legal Aid, especially for poor people or groups of people.

All this time, the provision of Legal Aid has not touched many people or groups of poor people, so they find it difficult to access justice because they are hampered by their inability to realize their constitutional rights. The regulation regarding the provision of Legal Aid for the Poor in this Regional Regulation is a guarantee of the constitutional rights of poor people or groups of people in the Tangerang City Area.

The main provisions regulated in this Regional Regulation includes: definitions, principles and objectives, scope, implementation of legal aid, rights and obligations, conditions, procedures for submitting applications, work procedures, prohibitions, funding, sanctions, transitional provisions and closing provisions.

II. ARTICLE BY ARTICLE

Article 1 : Sufficiently Clear

Article 2 : Sufficiently Clear

Article 3 : Section a :  
The term "principle of justice" means to place everyone's rights and obligations proportionally, properly, properly, well, and orderly.

Section b :  
The term "principle of equality in law" means that everyone has equal rights and treatment before the law and the obligation to uphold the law.

Section c :  
The term "principle of openness" means to provide access to the public to obtain complete, true, honest, and impartial information in obtaining guarantees of justice on the basis of constitutional rights.

Section d:  
The term "principle of efficiency" means to maximize the provision of Legal Aid through the use of existing budget resources.

Section e:  
The term "principle of effectiveness" means to determine the achievement of the objectives of providing Legal Aid appropriately.

Section f:  
The term "principle of accountability" means that every activity and the end result of the activities of providing Legal Aid must be accountable to the community.

Article 4 : Sufficiently Clear

Article 5 : Sufficiently Clear

Article 6 : Sufficiently Clear

Article 7 : Sufficiently Clear

Article 8 : Sufficiently Clear

Article 9 : Sufficiently Clear

Article 10 : Sufficiently Clear

Article 11 : Such funding assistance only comes from APBD of the Tangerang Municipal Government

Article 12 : Sufficiently clear

Article 13 : Sections a and b are Sufficiently clear

Section c  
So that the Mayor and DPRD can monitor the duties of

providing legal aid at any time.

- Article 14 : Sufficiently clear
- Article 15 : Sufficiently clear
- Article 16 : Sufficiently clear
- Article 17 : Sufficiently clear
- Article 18 : Sufficiently clear
- Article 19 : Sufficiently clear
- Article 20 : Sufficiently clear
- Article 21 : Sufficiently clear
- Article 22 : Sufficiently clear
- Article 23 : Sufficiently clear
- Article 24 : Sufficiently clear
- Article 25 : Sufficiently clear
- Article 26 : Sufficiently clear
- Article 27 : Sufficiently clear

SUPPLEMENT TO THE REGIONAL GAZETTE OF THE MUNICIPALITY OF  
TANGERANG NUMBER 3